

# Camden Local Planning Panel

**Agenda** 

**16 December 2021** 

2.00pm This Meeting will be held by teleconference





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SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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



SUBJECT: RECORDING OF LOCAL PLANNING PANEL MEETINGS

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

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



SUBJECT: DECLARATION OF INTEREST

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



CLPP01

SUBJECT: DA/2018/257/2 - MODIFICATION OF LANDSCAPING WORKS TO

**EXISTING BP SERVICE STATION - 12 ARGYLE STREET, CAMDEN** 

**TRIM #:** 21/499085

DA Number:	2018/257/2	
Development:	Modification to landscaping of existing BP Service Station	
Site Address(es):	12 Argyle Street, Camden	
Applicant:	ADW Johnson	
Owner(s):	RLEZ Pty Ltd	
Number of Submissions:	16 submissions	
Development Standard Contravention(s):	None arising from modification	
Classification:	Local	
Recommendation:	Approve with modified conditions	
Panel Referral Criteria:	>10 submissions received objecting to the development	
Report Prepared By:	Clare Aslanis, Executive Planner	

#### **PURPOSE OF REPORT**

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a Section 4.55 modification application to modify an approved development application (DA) for demolition of existing concrete slabs and construction of a BP service station comprising four fuel pumps with canopy over, a two storey building, signage and landscaping works at 12 Argyle Street, Camden. Specifically, the modification relates to the landscaping provided as part of the approved development.

The Panel is to exercise Council's consent authority functions for this application as, pursuant to the Minister for Planning's Section 9.1 Direction, more than 10 submissions have been received which object to the proposed modification.

#### **SUMMARY OF RECOMMENDATION**

That the Panel determine modification application DA/2018/257/2 for the modification of the approved landscaping works pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions **attached** to this report.



#### **EXECUTIVE SUMMARY**

Council is in receipt of a modification application to amend the landscaping works provided as part of an approved BP service station at 12 Argyle Street, Camden.

The modification application was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019 (Camden DCP), Schedule 1 of the Environmental Planning and Assessment Act 1979 and Clause 119 of the Environmental Planning and Assessment Regulation 2000. The exhibition period was from 5 January to 27 January 2021 and 16 submissions were received objecting to the development.

The issues raised in the submissions relate to:

- The Camden DCP requires that new development within a heritage conservation area be compatible with and sympathetic to the significant characteristics of the conservation area. This has not been demonstrated and it is submitted that the modification will have a negative impact on the HCA;
- The development is contrary to Camden's Local Strategic Plan that emphasizes the importance of urban tree canopy;
- Existing trees on the site were removed inappropriately and must be replaced by very mature specimens;
- Pot sizes of replacement trees should be 1,000-2,000L at a minimum. The proposed pot sizes are very small;
- The application must commit to ongoing maintenance plans to ensure that landscaping is appropriately established;
- Plant screening should be provided to the rear boundary to mitigate the impacts of the unsympathetic boundary fence;
- The rainwater tank and spill traps should be relocated away from the front setback;
- Insufficient justification has been provided for the non-compliances. All
  justifications for non-compliance provided within the Statement of Environmental
  Effects were based on information that was available at the design phase and
  should have been considered by the architect and landscape architect from the
  outset;
- The modification application should have been lodged prior to construction rather than retrospectively;
- Arboricultural assessments provided to support the tree removal did not address how the health of the removed trees deteriorated so quickly and unexpectedly. Questions are raised as to why the health of the trees deteriorated from the base of the tree rather than the canopy;
- Proposed landscaping modifications are not substantially the same as approved;
- The modifications are not in the public interest;
- The height of trees is misleading as this shows a maximum height that may never be achieved or taken many years to establish;
- The development has not been constructed in accordance with the stamped approved plans;
- The proposed street trees will obstruct sight lines for vehicles entering and exiting the site:
- The signage is not compatible with the heritage conservation area;
- The stark white driveway finishes are not consistent with the perspective drawings provided at DA stage;



- It is unclear if the development has complied with the Camden Local Planning Panel's condition requiring the canopy and supporting columns to be finished in Deluxe Tranquil Retreat;
- The amount of concreting on the site is in direct contrast to the approved design;
- The claim that the proposal has no environmental impact is questioned as there are a number of non-compliances with Council's heritage controls;
- The development provides a poor visual gateway entry into Camden;
- Existing plantings are already showing signs of distress and are not likely to survive long term;
- The development and modifications will have significant impacts on the heritage conservation area;
- Lighting provided for the development and its signage is particularly bright at night and should be lessened.

Amended landscape plans were submitted following the notification period. The amended landscape plans responded to some of the concerns raised by Council staff and the community. As the amended landscape plans did not result in any increased impacts, the modification application did not require re-notification under Camden DCP 2019.

The modification application 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.

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

#### **AERIAL PHOTO**



Figure 1: Aerial image of the site. The subject site is outlined in red.



#### **THE SITE**

The subject site is located at the gateway to the Camden Heritage Conservation Area on the Argyle/Edwards Streets roundabout. The approved development has been substantially completed and is the approved service station is operational (under an Interim Occupation Certificate).

The allotment is irregular in shape with a substantial frontage to Argyle Street. It is adjacent to a mix of uses including a service station and real estate agent.

#### **ZONING PLAN**



Figure 2: The subject site, outlined in red, falls within the B4 Mixed Use zone



#### **HERITAGE CONSERVATION AREA**



Figure 3: The subject site, outlined in red, is located on the eastern edge of the HCA.

## **HISTORY**

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

Date	Development
13 December 2018	The CLPP approved DA/2018/257/1 for the demolition of existing concrete slabs and construction of a BP service station comprising four fuel pumps with canopy over, a two storey building, signage and landscaping works
25 November 2019	Council received an Arborist Report that identified that a number of trees that were to be retained were in poor health. The trees were removed prior to Council receiving the Arborist Report.  Following discussions with Council's Urban Tree and Landscaping Officer, the proponent agreed to plant three replacement trees with a 100L pot size.
27 November 2019	A Construction Certificate was issued for the development by Certified Building Specialists. The stamped construction certificate plans were not consistent with DA approved landscaping plans for the site.
22 October 2020	An inspection by Council officers revealed several departures from the approved landscape design. A Notice of Proposed Order (NOPO) was issued to the company director on 30 October 2020. The NOPO required the landscaping to be provided in accordance with the approved landscaping plan; and for the planting of three additional trees to compensate for the removal of those which had died.
18 December 2020	An interim Occupation Certificate issued for the development by the Principal Certifier.





Figure 4: Extract of the approved landscaping plans. Noting the trees for retention, planting between car parking spaces 2 and 3, planting between driveways, and planting along the western boundary.

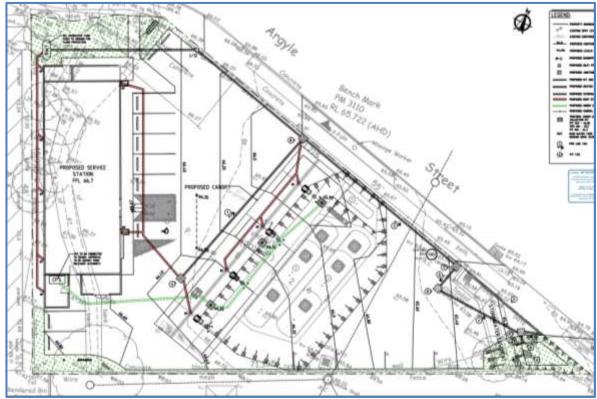


Figure 5: Extract of the approved Construction Certificate plans. Noting the absence of many of the landscaping elements approved as part of the DA.

The proponent has attempted to address the concerns raised by Council officers and matters raised in public submissions by providing alternate landscaping options as part of this modification application.



#### **THE PROPOSAL**

DA/2018/257/2 seeks approval the modify the currently approved landscaping to be provided at the subject BP Service Station.

Specifically, the modification involves:

- Planting of two street trees;
- Planting of an additional tree between car parking spaces;
- Additional plant and tree plantings in the south western corner of the site;
- Planting of two trees in the space at the north western corner of the site;
- Additional climbing plants to cover retaining wall on western side of the site;
- Addition of planter boxes between the two driveways to replace in ground landscaping; and
- Removal of landscaping between the building and the western boundary.

#### **MODIFICATION OF CONSENTS**

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

# (a) it is satisfied that the proposed modification is of minimal environmental impact, and

The proposed modifications relate to hard and soft landscaping on the site. It is considered that the modifications to the landscaping (subject to recommended conditions) result in an acceptable outcome that is comparable with the original approval.

The proposed modifications are assessed to be of minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

As mentioned above, the proposed modifications are limited to hard and soft landscaping on the site. There is no modification to the general built form nor the operations of the business. The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted.

(c) it has notified the application in accordance with the regulations and development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

The modification application was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019 (Camden DCP), Schedule 1 of the Environmental Planning and Assessment Act 1979 and Clause 119 of the Environmental Planning and Assessment Regulation 2000.



(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

Sixteen submissions were received objecting to the development. The matters raised in submissions are addressed below.

#### **ASSESSMENT**

#### Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a modification application, the consent authority is to take into consideration such of the following matters as are of relevance to the modification:

#### (a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy No 55 Remediation of Land.
- State Environmental Planning Policy No 33 Hazardous and Offensive Development.
- State Environmental Planning Policy (Infrastructure) 2007.
- State Environmental Planning Policy No 64 Advertising and Signage.
- Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River.
- Camden Local Environmental Plan 2010.

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

The proposed landscaping modifications do not have any implications on the site's suitability for development having regard to contamination.

#### State Environmental Planning Policy No 33 – Hazardous and Offensive Development

The proposed landscaping modifications do not have any implications on the development's suitability having regard to the provisions contained in SEPP 33.

#### State Environmental Planning Policy (Infrastructure) 2007

The original DA was referred to the Roads and Maritime Service (RMS) who raised no objection to the proposal subject to conditions. The amended landscaping proposed as part of this application does not conflict with the comments or conditions previously provided by the RMS.

#### State Environmental Planning Policy No 64 - Advertising and Signage

No changes to are proposed to the approved signage.



#### Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The development remains consistent with the aim of the SREP (to protect the environment of the Hawkesbury-Nepean River System) and all of its planning controls.

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

Site Zoning

The site is zoned B4 Mixed Use pursuant to Clause 2.2 of the LEP.

#### Land Use/Development Definitions

The development is defined as a "service station" by the LEP. The proposed development includes a first-floor office which the applicant identifies as being ancillary to the service station use.

#### Permissibility

The development remains permitted with consent in the B4 Mixed Use zone pursuant to the land use table of the LEP.

An assessment table in which the modified development is considered against the LEP is provided as an **attachment** to this report.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

#### Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The modification is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

# <u>Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)</u>

The modification is consistent with the Draft Remediation SEPP as the proposed landscaping modifications do not have any implications on the site's suitability for development having regard to contamination.

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

#### Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report. No specific non-compliances with the relevant development controls result from the proposed modifications.

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4



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

# (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions **attached** to this report.

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

The proposed modifications to the development's landscaping will result in a design that is responsive to the site's opportunities and constraints. Landscaping previously approved between the two driveways will be replaced by planter boxes to ensure there is no conflict with the high-pressure gas lines below that location.

The trees that have been removed due to poor health will be supplemented with several street trees, including two between the driveways serving the premises. These trees have been carefully placed to avoid any destruction of the historic milestone marker and overhead powerlines within the road reserve.

Additional trees are also proposed in the south western corner of the site and between the car parking spaces. A recommended condition of consent also requires an advanced jacaranda tree to be planted within the front setback with the existing rainwater tank to be relocated to sit behind the service station building (adjacent to the western boundary).

The combination of new tree planting; Boston Ivy over fencing; and the relocation of the rainwater tank will improve the development's contribution to the Camden Town Centre Heritage Conservation Area. The site's contribution to the locality's tree canopy will also be consistent with the Camden Urban Design Framework and vision for the area.

To ensure the new and compensatory planting is installed in a timely fashion, noting that the service station is already operating, recommended conditions of consent also require that:

- The amended landscape plans / documentation must be submitted to Council within 30 days from the date that the determination is modified; and
- The works identified in the final / updated landscape plans must be completed within 4 months from the date that the determination is modified.

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

As demonstrated by the above assessment, the site is considered to remain suitable for the modified development.

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

The modified application was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019 (Camden DCP), Schedule 1 of the Environmental Planning and Assessment Act 1979 and Clause 119 of the



Environmental Planning and Assessment Regulation 2000. The exhibition period was from 5 January to 27 January 2021 and 16 submissions were received objecting to the proposed modifications.

The following discussion addresses the issues raised in the submissions.

1. The Camden DCP requires that new development within a heritage conservation area be compatible with and sympathetic to the significant characteristics of the conservation area. This has not been demonstrated and it is submitted that the modification will have a negative impact of the HCA.

#### Officer comment:

It is assessed that the modification application (as amended) delivers a landscaping and tree coverage outcome that is similar to that which was originally approved. As Jacaranda trees form a significant part in the streetscape of the Camden Heritage Conservation Area a recommended condition requires one to be planted within the front setback. The inclusion of this tree will ensure that the development's response to the HCA is acceptable in terms of landscaping.

2. The development is contrary to Camden's Local Strategic Plan that emphasizes the importance of urban tree canopy.

#### Officer comment:

The modification application proposes a total of 12 trees between 3m and 13m in height with varying pot sizes. It is considered that the tree cover will contribute to the urban tree canopy within the Camden Town Centre. Council's Senior Urban Tree and Landscape Officer supports the modification application subject to appropriate conditions which have been included in the recommendation.

3. Existing trees on the site were removed inappropriately and must be replaced by very mature specimens.

#### Officer comment:

Subject to the recommended conditions, including the panting of an additional 'statement tree' (Jacaranda) in the north western corner of the site, Council's Senior Urban Tree and Landscape Officer is supportive of the level of planting (including compensatory) proposed as part of this modification application.

4. Pot sizes of replacement trees should be 1,000-2,000L at a minimum. The proposed pot sizes are very small.

#### Officer comment:

Council's Senior Urban Tree and Landscape Officer has indicated that a tree of superior quality and availability can be obtained in a smaller pot size which is a superior outcome for the site.

5. The application must commit to ongoing maintenance plans to ensure that landscaping is appropriately established.

#### Officer comment:

A recommended condition requires a detailed landscape maintenance plan to be submitted to Council's satisfaction.

6. Plant screening should be provided to the rear boundary to mitigate the impacts of the unsympathetic boundary fence.



#### Officer comment:

Whilst the fence that was erected has now been replaced with the approved timber paling fence the proponent has also agreed to the imposition of a condition requiring a climbing plant to the southern boundary fence. This is considered a suitable outcome.

7. The rainwater tank and spill traps should be relocated away from the front setback.

#### Officer comment:

A recommended condition requires the rainwater tank to be relocated behind the building. The proponent has agreed to this recommended condition.

8. Insufficient justification has been provided for the non-compliances. All justifications for non-compliance provided within the Statement of Environmental Effects were based on information that was available at the design phase and should have been considered by the architect and landscape architect from the outset.

#### Officer comment:

A number of the non-compliances with the DA approved plans have now been rectified such as the colour of the canopy structure and the boundary fencing. The Applicant is seeking to address the landscaping non-compliances through the subject modification application.

9. The modification application should have been lodged prior to construction rather than retrospectively.

#### Officer comment:

It is preferable for modification applications to be lodged prior to carrying out of development. Notwithstanding retrospective approval can be obtained via a modification application.

10. Arboricultural assessments provided to support the tree removal did not address how the health of the removed trees deteriorated so quickly and unexpectedly. Questions are raised as to why the health of the trees deteriorated from the base of the tree rather than the canopy.

#### Officer comment:

This matter is not relevant in the assessment of the subject modification application. Council's Senior Urban Tree and Landscape Officer considers suitable compensatory planting is proposed as part of the modification application (subject to recommended conditions).

11. Proposed landscaping modifications are not substantially the same as approved.

#### Officer comment:

As noted above, Council's Senior Urban Tree and Landscape Officer is supportive of the amended landscaping proposal (subject to recommended conditions). The development as proposed is substantially the same as previously approved.



12. The modifications are not in the public interest.

#### Officer comment:

The assessment of the modification application has concluded that the new / amended landscape embellishments are reasonable, and the public interest is maintained with the approval of this application. Appropriate conditions are also recommended to ensure the timely planting of the new and compensatory landscaping.

13. The height of trees is misleading as this shows a maximum height that may never be achieved or taken many years to establish.

#### Officer comment:

Council's Senior Urban Tree and Landscape Officer is supportive of the amended landscaping proposal (subject to recommended conditions) and the information / detail provided on the submitted landscape plans.

14. The development has not been constructed in accordance with the stamped approved plans.

#### Officer comment:

The subject Section 4.55 modification application seeks to address the existing landscape non-compliances.

15. The proposed street trees will obstruct sight lines for vehicles entering and exiting the site.

#### Officer comment:

Given the narrow trunks and tall canopy, the two street trees will not cause impacts on sight lines for vehicles entering or exiting the service station. The entry and exit driveways are separated so that each driveway is single direction and the site's proximity to the Argyle/Edward Streets roundabout means that traffic is slowed at this location.

16. The signage is not compatible with the heritage conservation area.

#### Officer comment:

No changes are proposed to the approved signage.

17. The stark white driveway finishes are not consistent with the perspective drawings provided at DA stage.

#### Officer comment:

This matter is not relevant to the assessment of the subject modification application.

18. It is unclear if the development has complied with the Camden Local Planning Panel's condition requiring the canopy and supporting columns to be finished in Deluxe Tranquil Retreat.

#### Officer comment:

This matter is not relevant to the assessment of the subject modification application and there is no evidence to suggest that the canopy and supporting columns have not been finished in accordance with the original approval.



19. The amount of concreting on the site is in direct contrast to the approved design.

#### Officer comment:

Additional concreting is limited to the area behind the building, which is not visible from the public domain. Additional planting is proposed as part of this modification application that will soften the appearance of the service station.

20. The claim that the proposal has no environmental impact is questioned as there are a number of non-compliances with Council's heritage controls.

#### Officer comment:

Subject to the recommended conditions the proposed landscaping amendments are considered reasonable have regard to the relevant planning controls and the approved development.

21. The development provides a poor visual gateway entry into Camden.

#### Officer comment:

Subject to the recommended conditions the proposed landscaping amendments are considered reasonable have regard to the approved development. Appropriate conditions are also recommended to ensure the timely planting of the new and compensatory landscaping to ensure an improved visual gateway entry into Camden.

22. Existing plantings are already showing signs of distress and are not likely to survive long term.

#### Officer comment:

Observations by Council officers' have indicated that the existing plantings appear to be in reasonable health, however there is visible weed growth on the site. The Landscaping Maintenance Plan (required by the recommended condition) must detail how the landscaping is to be maintained in order to ensuring its ongoing health to allow for the trees and plants to appropriately establish.

23. The development and modifications will have significant impacts on the heritage conservation area.

#### Officer comment:

Subject to the recommended conditions the proposed landscaping amendments are considered reasonable have regard to the relevant planning controls (including heritage) and the approved development.

24. Lighting provided for the development and its signage is particularly bright at night and should be lessened.

#### Officer comment:

No changes to the approved lighting or signage are proposed as part of this modification application.



#### (e) the public interest

The public interest is served through the detailed assessment of this application 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 modified development is consistent with the public interest.

#### **EXTERNAL REFERRALS**

No external referrals were required for this modification application.

#### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

#### **CONCLUSION**

The modification application has been assessed in accordance with Sections 4.55 and 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The modification application is recommended for approval subject to the conditions **attached** to this report.

#### **RECOMMENDED**

That the Panel approve modification application DA/2018/257/2 for the modification to landscaping works for the approved BP Service Station at 12 Argyle Street, Camden subject to the modified conditions attached to this report.

#### **REASONS FOR DETERMINATION**

- 1. The Panel is satisfied that the development as modified is substantially the same development as the development for which the consent was originally granted.
- 2. The modification is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 55 Remediation of Land; State Environmental Planning Policy No 33 Hazardous and Offensive Development; State Environmental Planning Policy (Infrastructure) 2007; Sydney Regional Environmental Plan No 20 Hawkesbury-Nepean River; and Camden Local Environmental Plan 2010.
- 3. The modification is consistent with the objectives of Camden Development Control Plan 2019.
- 4. The development as modified is considered to be of an appropriate form for the site and the character of the locality in the context of the approved development.
- 5. The modification is unlikely to have any unreasonable adverse impacts on the natural or built environment.
- 6. In consideration of the aforementioned reasons, approval of the modification is in the public interest.



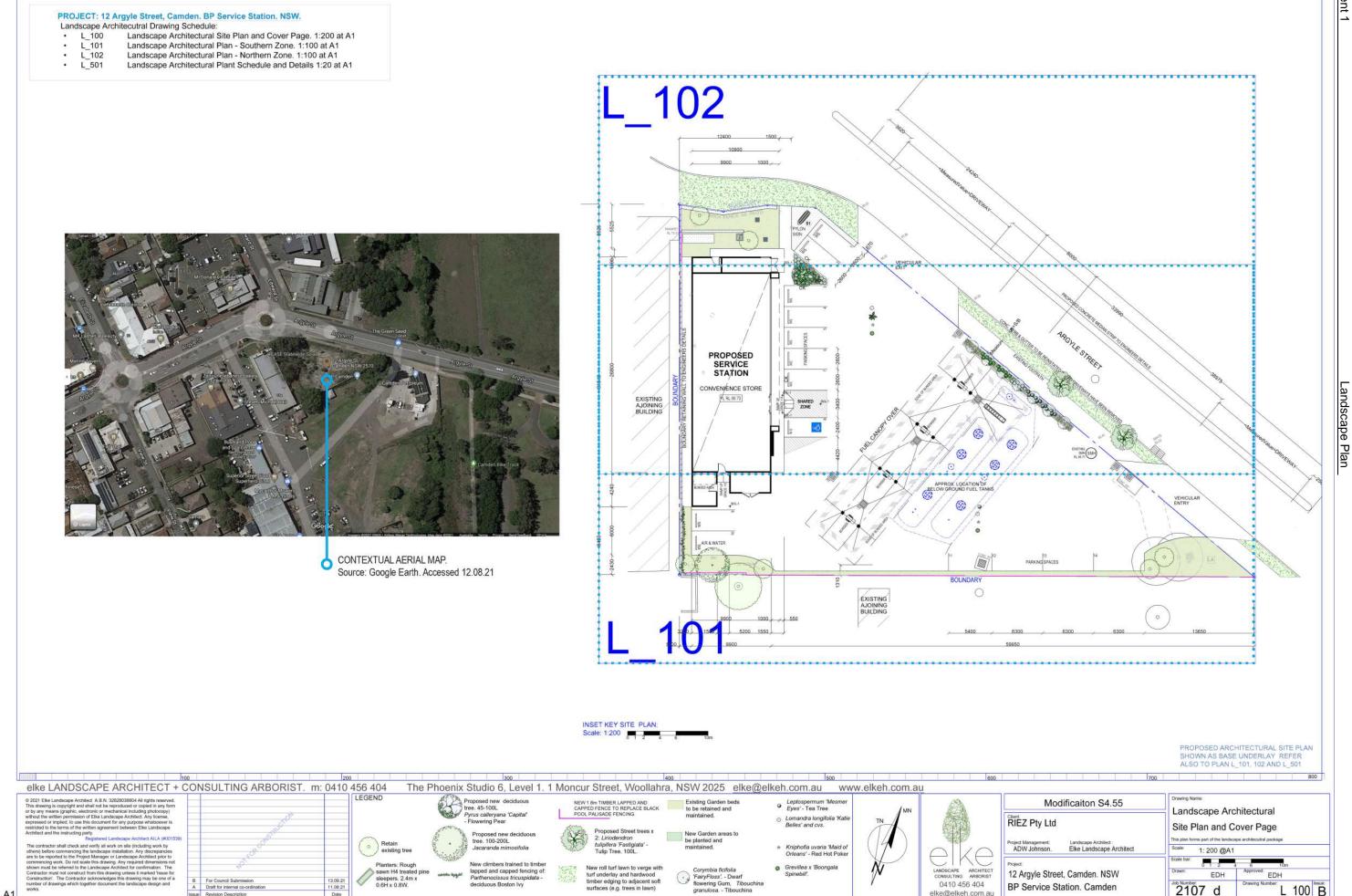
#### **ATTACHMENTS**

- 1. Landscape Plan
- 2. Recommended Conditions
- 3. Development Standards & Controls Assessment Table
- 4. Combined Submissions Supporting Document
- 5. Public Exhibition/Submission Map

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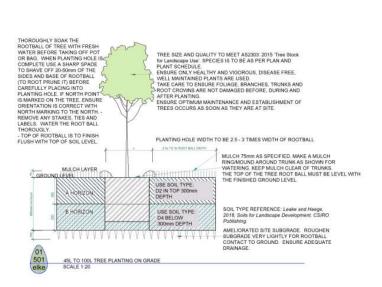
BP Service Station. Camden



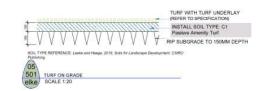
deciduous Boston Ivy

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andscape Plan







PROPOSED ARCHITECTURAL SITE PLAN

	Planting Schedule for:  12 Argyle Stree	t, Camden, NSW - Camden Modification S 4.55	BP Service Station					
	Client: RIEZ Pty Ltd. Project Man Revision: A - Modification s4.55 Project Elke Landscap Elke Haege Thorvald	e Architect	Size in Context 15 - 20 yrs	13th September 2021	Native, Native cv.	Density (Im=linear	Plant form	Quantity
Symbol	Botanic Name	Common Name	(height x width) (m)	Installation Pot Size (min)	Or exotic	metres) or units in m2		
	Planting	70						
Corfic	Corymbia ficifolia 'Fairy Floss'	Dwarf flowering gum	3 x 1.5	25L	Native	as shown	dwarf tree	4
Dorexc	Doryanthes excelsior	Gymea Lilly	to 3 x 1.5	200mm	Native	as shown	accent	1
GreBS	Grevillea x 'Boongala Spinebill'	Grevillea	0.3 x 0.55	140mm	Native cv.	as shown	low shrub	26
Kniova	Kniphofia uvaria 'Maid of Orleans'	Red Hot Poker	0.4 x 0.4	140mm	exotic	as shown	accent	38
LitulF	Liriodendron tulipifera 'Fastigiatum'	Tulip magnolia	13 x 5	100L	exotic	as shown	deciduous tree	2
LepME	Leptospermum 'Mesmer Eyes'	PinkWhite Tea tree	1 x 1	140mm	Native cv.	2.5/m2	shrub	12
LomKB	Lomandra hystrix Katie Belles	Katie Belles	1.5 x 1.8	140mm	Native cv.	1/lm	sedge	24
Nyssyl	Nyssa sylvatica	Tulepo	6 x 2	75-100L	exotic	as shown	deciduous tree	1
Partri	Parthenocissus tricuspidata	Boston Ivy	climber	140mm	exotic	2.5/m2	climber	8
PycallC	Pyrus calleryana 'Capital'	ornamental flowering pear	6 x 4	75-100L	exotic	as shown	deciduous tree	1
Tibgra	Tibouchina granulosa	Tibouchina tree	5 x 3	25L	exotic	as shown	small tree	3
Note:	Plant species have been selected with regar Plant species on rooftop, slab or with reduc Installation of soil as specified by the landsc Contact the landscape architect if species us (Order plants well in advance to optimize a	ed soil volumes or below optimum ma ape architect is to be adhered to. Onl navailability for co-ordination of pot s	intenance will not necessari y install with 'for constructio	ly reach the mature i n' issue landscape ai	chitectural pa			









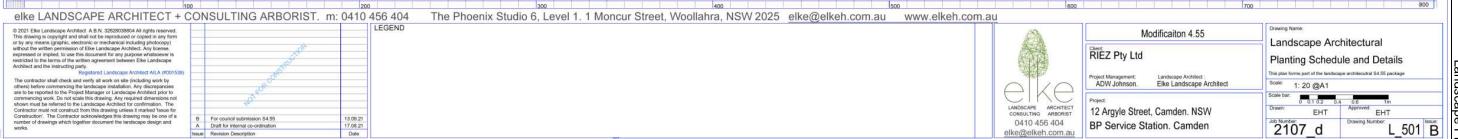






Planting selection on the landscape plans has considered the council assessment response, the Camden Council Appendix A, Tree and Landscape Species List as well as local Camden centre plantings.

Images top row from left: Doryanthes, Grevillea Spinebill, Leptospermum. Bottom row: Lomandra Katie Belles, Kniphofia, Corymbia x 2.



#### **Modified Conditions**

#### Modification of the Following Condition:

1.0(2) Approved Plans and Documents – The development must 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:

Drawing No.		Prepared by	Date
DA1.03 Revision B	Plan	D + R Architects	16 April 2018
DA1.04 Revision N	Plan	D + R Architects	16 August 2018
DA1.05 Revision G	Floor Plans	D + R Architects	27 June 2018
DA1.06 Revision E	Roof Plan	D + R Architects	27 June 2018
DA1.07 Revision H	Elevations Plan	D + R Architects	16 August 2018
DA1.08 Revision F	Elevations Plan	D + R Architects	16 August 2018
DA1.09 Revision G	Sections Plan	D + R Architects	27 June 2018
DA1.10 Revision E	Signage Plan	D + R Architects	16 August 2018
300035-SK-003 Revision C	Stormwater Management Plan	ADW Johnson	16 July 2018
300035-SK-004 Revision C	Erosion and Sediment Control	ADW Johnson	16 July 2018
300035-SK-005 Revision D	Cut/Fill Plan	ADW Johnson	16 July 2018
300035-SK-007 Revision A	Bio-retention Basin Plan	ADW Johnson	5 April 2018
L_100 Revision B	Landscape Plan	Elke Landscape Architect + Consulting Arborist	13 September 2021
L_101 Revision B	Landscape Plan	Elke Landscape Architect +	13 September 2021
L_102 Revision B	Landscape Plan	Elke Landscape Architect +	13 September 2021
L_501 Revision B	Landscape Plan	Elke Landscape Architect +	13 September 2021

	Docur	nent Title		Prepared by	Date
Traffic Assessme	and ∋nt	Parking	Impact	Intersect Traffic	February 2018

Recommended Conditions

SEPP 33 - Risk Screening and	D + R	February 2018
Preliminary Hazard Analysis	Architects	-
Arboricultural Impact Assessment	Olga Blacha	26 July 2018
Flood Risk Management Report	Henry and	June 2018
evision 2	Hymas	
Heritage Impact Statement		July 2018
	Tropman Architects	

#### Addition of the Following Condition:

- 1.0(2c) Amended Landscape Plans and Associated Documentation Amended landscape plans and associated documentation must be submitted to Council's satisfaction indicating the following:
  - a) The two street trees must be substituted with Lagerstroemia indica Natchez or Lagerstroemia indica 'sioux' sourced in minimum 100 litre containers.
  - b) Planting details for street trees shall include root barrier treatment.
  - A super advanced (minimum 200 litre) Jacaranda tree must be located near the north-western corner of the site.
  - d) An additional four (4) Boston Ivy, Parthenocissus tricuspidate planting adjacent the timber fence in the north-western corner of the site and four (4) Boston Ivy along the fence at the south-eastern corner of the site adjacent the raingarden must be incorporated.
  - e) Details of the edge treatment between the road reserve turfed area and internal landscaping shall be provided.
  - f) Planter boxes must be constructed out of compressed fibre cement or similar with minimum 0.8m internal dimensions. Timber is not supported.
  - g) No rainwater tanks are permitted forward of the building line. Any rainwater tank must be located between the service station building and the western boundary and must not be visible from the public domain.
  - h) An additional five (5) Boston Ivy plants are to be located in the landscaped space indicated along the southern boundary.
  - i) A detailed ongoing landscape maintenance plan must be provided.

The amended landscape plans / documentation must be submitted to Council within 30 days from the date of this modified determination.

The works identified in the final / updated landscape plans must be completed within 4 months from the date of this modified determination.

#### **Development Standards and Controls Assessment Table**

#### Camden Local Environmental Plan 2010

Control	Assessment	Compliance
2.3 Zone objectives and Land Use Table	The proposed development is defined as a 'Service Station'. The site is located within the B4 Mixed Use zone under Camden Local Environmental Plan (CLEP) 2010. The development as modified remains permissible under CLEP 2010.	Yes.
Clause 5.10 – Heritage Conservation	Council's Heritage Advisor has reviewed the modification application and raised no objection to the proposal. The landscaping, as modified and subject to recommended conditions, is respectful of the existing townscape streetscape and urban fabric.	Yes.

# Camden Development Control Plan 2019

Control	Assessment	Compliance
1.2.2 Notification of Applications Council will give notice to those people identified as requiring notification. Notification is for a minimum period of 14 days.	Neighbour notification was carried in accordance with the controls of this section.	Yes.
2.3 Water Management Compliance with Council's Engineering Specifications	The modification does not result in any departure from engineering specification compliance.	Yes.
2.4 Trees and Vegetation  Up to four (4) replacement trees are required to be planted for every tree removed. This control does not apply to a tree or other vegetation, where Council is satisfied, is dying or dead, is not required as the habitat of native fauna and/or is a risk to human life or property.	The proponent provided arboricultural assessments for the trees previously removed which indicated that they were in poor health and were likely to cause risk to life and property. Nonetheless nine (9) replacement trees have been proposed. Appropriate conditions are proposed to ensure the new landscaping is installed in a timely manner.	Yes.
2.8 Flood Hazard Management Compliance with Council's Engineering Specifications	The modification does not result in any departure from engineering specification compliance.	Yes.
2.16 Environmental Heritage 2.16.3 General Heritage Provisions FENCES AND GATES		
New fences should be sympathetic to the original fencing in terms of design, materials, colour and height. If the original fence type is not known, it should be	Previously installed masonry and swimming pool style boundary fences have been replaced by timber pickets during the assessment of this modification application. This brings	Yes.

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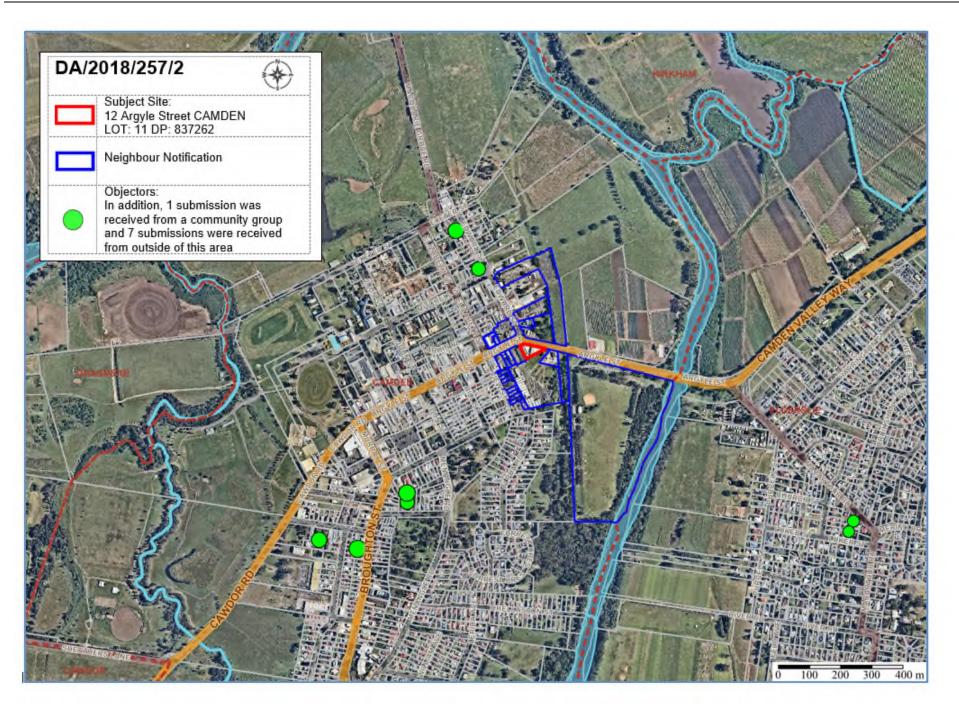
#### **Development Standards and Controls Assessment Table**

representative of the architectural period of the heritage building. Old photographs or inspection of remaining fabric can often reveal the original fence type.  2. Removal of unsympathetic fences and reinstatement with fencing appropriate to the architectural era is encouraged.  3. Traditional fence heights and	the development into compliance with the original approval and no further modification is requested.  As noted above, the unsympathetic fencing has been replaced by the approved fencing type. No modification is sought.	Yes.
styles that do not obscure heritage items or visually dominate Heritage Conservation Areas are to be used.	The fencing, as approved is considered to be sympathetic in height and style, and do not visually dominate.	Yes.
LANDSCAPING		
Front gardens should     predominately be landscaped     in a style appropriate to the     building type and to embellish     the street front elevation.	The site is irregular in shape and has a large frontage to Argyle Street. Street trees have been nominated where possible between the two driveways, and the north western corner will benefit from a jacaranda tree and the relocation of the existing rainwater tank, which are addressed by recommended conditions of consent.	Yes.
Landscaping in a heritage place should, retain the original design elements, paths, significant trees and established gardens.	The proposed landscaping, subject to the recommended conditions (including a new jacaranda tree), will contribute positively to the site.	Yes.
2.16.4 Camden Heritage Conservation Area Controls		
Views associated with the St     John's Church spire must not     be compromised.	The proposed modifications do not result in obstruction of views to the St John's Church Spire	Yes.
The tree lined "gateway"     entrances to the township     must be retained and     embellished.	Two street trees are proposed between the driveways and a recommended condition requires a jacaranda tree to be planted on site near the Argyle/Edward Street roundabout.	Yes.

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#### **Development Standards and Controls Assessment Table**

3. A two storey height limit must prevail except for significant architectural features incorporated into the design of buildings in significant locations.	No additional height is proposed as part of the subject modification application.	Yes.
5.3 Camden Town Centre Development Controls LAYOUT/DESIGN  1. Development in the B4 Mixed Use zone should be complementary to the existing land uses in the B2 Local Centre zone which forms the core business and retail precinct of the Camden township.	The subject modification application does not propose any changes to the approved land use on the site.	Yes.
BUILT FORM AND APPEARANCE  1. Buildings must contribute to the local distinctiveness of the Camden township by using a varied palette of colours, materials and finishes.  HERITAGE AND CHARACTER	The subject modification application does not propose any changes to the approved built form on the site.	Yes.
Development within the B4     Mixed Use zone at Camden     must be consistent with the     Camden Town Centre     Urban Design Framework.	The proposed modifications will contribute to the site's consistency with the Camden Town Centre Urban Design Framework as it proposed the addition of several new trees and other plantings.	Yes.





CLPP02

SUBJECT: DA/2021/535/1 - CONSTRUCTION OF A RESIDENTIAL FLAT

**BUILDING - 88 PODIUM WAY, ORAN PARK** 

**TRIM #:** 21/604469

DA Number:	2021/535/1	
Development:	Construction of a seven-storey residential flat building for 66 apartments, two-storey basement car park for 99 vehicles, bike storage, basement storage, roof top terrace and landscaping	
Estimated Cost of Development:	\$23,515,512	
Site Address(es):	88 Podium Way, Oran Park	
Applicant:	Michael Rodger	
Owner(s):	Perich Property Pty Ltd	
Number of Submissions:	None	
Development Standard Contravention(s):	Height of Buildings	
Classification:	Local.	
Recommendation:	Approve with conditions	
Panel Referral Criteria:	Development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies	
Report Prepared By:	Jordan Soldo, Executive Planner	

#### **PURPOSE OF REPORT**

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for a residential flat building at 88 Podium Way, Oran Park.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, it is development to which State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development applies.

#### **SUMMARY OF RECOMMENDATION**

That the Panel determine DA/2021/535/1 for a residential flat building pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions **attached** to this report.



#### **EXECUTIVE SUMMARY**

Council is in receipt of a DA for a residential flat building at 88 Podium Way, Oran Park.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 18 June 2021 to 1 July 2021. No submissions were received.

The application seeks a contravention to the maximum height of buildings development standard as prescribed under *State Environmental Planning Policy (Sydney Region Growth Centre) 2006.* The proposed development has a maximum building height of 25 metres, while the prescribed development standard is 24 metres. The contravention is assessed in detail in this report and is supported by Council staff.

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

#### **KEY PLANNING CONTROL VARIATIONS**

Control	Proposed	Variation
Maximum Height of Building 24 metres (Growth SEPP)	25 metres	1 metre (4.2%)

#### **AERIAL PHOTO**



Figure 1: Site location map.



#### THE SITE

The subject site forms part of a larger superlot which was approved under development application DA/2019/609/1, an extract of which is provided below in Figure 2 below. The site is legally described as approved Lot 8 within the existing subdivision of Lot 3 DP 280077, and commonly known as 88 Podium Way, Oran Park.

There are a number of development applications that have been approved on the superlot which are identified on the aerial photo in Figure 1 above, and in the *History* subheading below.

The land is situated on the western edge of the Oran Park Town Centre. The Oran Park DCP identifies this area as a mixed-use area which will accommodate a range of commercial, residential and retail land uses and acts as a transition from the more commercial focused centre to the east and residential land uses to the west.

An approved residential flat building which is currently nearing completion forms the northern boundary of the site, with Fordham Way forming the eastern property boundary and providing vehicle and pedestrian access to the site.

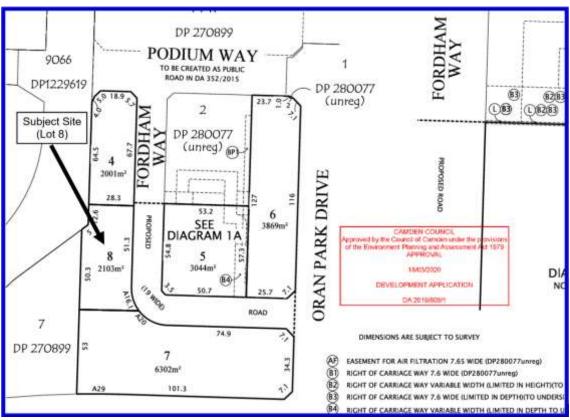


Figure 2: Extract from the approved subdivision plan of DA/2019/609/1 showing approved Lot 8 within Lot 3 DP 280077, commonly known as 88 Podium Way, Oran Park.

The Julia Creek Reserve open space area and the existing Oran Park Youth and Recreation Centre form the western boundary. Julia Creek reserve is part of an extended off-street pedestrian and cycleway system that provides a key north-south connection through Oran Park from South Creek to the north to Kolombo Creek in the south.



The southern boundary adjoins an approved vehicle repair station and an approved service station which is currently under construction.

The site is generally flat and clear of any significant vegetation as it has been the subject of bulk earthworks as part of the subdivision development application.

The development site (approved Lot 8) is zoned wholly B2 Local Centre pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP). It is noted that a portion of the superlot east of the proposed development is zoned SP2 Infrastructure pursuant to State Environmental Planning Policy (Major Infrastructure Corridors) 2020.

#### **ZONING PLAN**

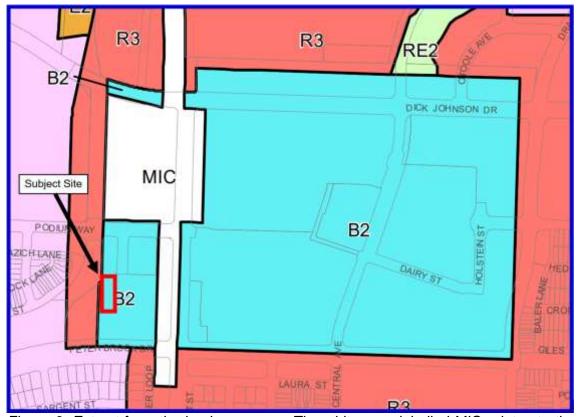


Figure 3: Extract from the land zone map. The white area labelled MIC relates to the North South Rail Line corridor and is zoned SP2 Infrastructure pursuant to State Environmental Planning Policy (Major Infrastructure Corridors) 2020.



### **AREA MASTER PLAN**



Figure 4: Extract from the Oran Park DCP showing the subject site in relation to the Indicative Layout Plan.

### **HISTORY**

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

Date	Development
30 July 2018	Approval of DA/2017/1526/1 for construction of a six-storey commercial building to the north-east of the site.
20 March 2019	Approval of DA/2018/710/1 for construction of the seven-storey residential flat building (Residential 1) adjoining the northern edge of the site.
18 March 2020	Approved of DA/2019/609/1 for the construction of Fordham Way extension and subdivision to create five lots, including the development site lot (Lot 8).
16 October 2020	Approval of DA/2019/269/1 for construction of a six-storey commercial building (Commercial 2) to the east of the site.
28 April 2021	Approval of DA/2020/566/1 for construction of a service station to the south-east of the site.
9 November 2019	Approval of DA/2021/1092/1 for the construction of a vehicle repair station to the south of the site.



### **THE PROPOSAL**

DA/2021/535/1 seeks approval to construct a seven-storey residential flat building.

Specifically, the development involves:

- Construction of a seven-storey residential flat building containing:
  - o 66 units in the following configuration:
    - 10 x 1 bedroom
    - 44 x 2 bedroom
    - 12 x 3 bedroom
  - Two levels of basement car parking with 96 car parking spaces (plus two EV charging stations and one car wash bay) and 22 bicycle parking spaces;
  - A communal rooftop terrace; and
  - associated site works including the construction of earthworks, drainage, services and landscaping.

The estimated cost of the development is \$23,515,512.

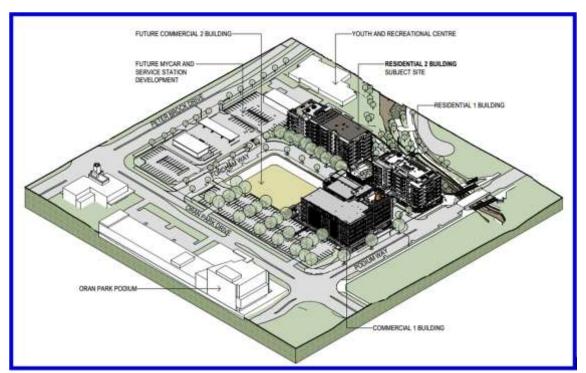


Figure 5: An isometric view of the subject site showing the proposed development in relation to surrounding approved development.



### **ASSESSMENT**

#### Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

#### (a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development and Apartment Design Guide.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy No 55 Remediation of Land.
- Deemed SEPP Sydney Regional Environmental Plan No 20 Hawkesbury -Nepean River (No 2 – 1997).
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

# <u>State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and Apartment Design Guide (SEPP 65)</u>

SEPP 65 aims to improve the design quality of residential apartment development and provides an assessment framework, the Apartment Design Guide (ADG) for assessing 'good design'. The SEPP requires consideration of any development application for residential accommodation meeting the application criteria of the SEPP against the nine design quality principles and the ADG. A copy of the assessment of the proposed development against the design criteria and objectives of the ADG is provided as an **attachment** to this report, with assessment of the application revealing that the development is largely consistent with the ADG and the design quality principles.

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

The Growth SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Growth Area.

#### Site Zoning

The site is zoned B2 Local Centre pursuant to Appendix 1, Clause 2.2 of the Growth SEPP.

#### Land Use/Development Definitions

The development is characterised as a 'residential flat building' by the Growth SEPP.

#### Permissibility

The development is permitted with consent in the B2 Local Centre zone pursuant to the land use table in Appendix 1 of the Growth SEPP.



#### Planning Controls

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

#### Proposed Contravention – Height of Buildings

The proposal has a maximum height of 25 metres and thereby contravenes the maximum height of buildings development standard (24m) prescribed under the Growth SEPP by 1 metre (4.2%).

Accordingly, the applicant has provided a written request in support of the contravention under Clause 4.6 of the SEPP.

#### Contravention Assessment

Pursuant to Appendix 1, Clause 4.6(3) of the Growth SEPP, the applicant has submitted a written request that seeks to justify the contravention of the development standard. In summary, the applicant's written request provides the following justification for the contravention:

- The contravention relates to two components of the proposed building; the lift core
  which exceeds the height standard by 1 metre and a small portion of roof in the
  north western corner of the building which exceeds the height standard by 0.1
  metre;
- The development is consistent with the objectives of the development standard in that it will not impact upon the amenity of adjoining development in terms of solar access and bulk and scale and will deliver a building height that is appropriate in the context of the site and surrounding buildings;
- The development is consistent with the objectives of the B2 Local Centre zone in that it will provide higher density residential development which contributes to the vitality of the centre without detracting from the primary function of the centre;
- Provision of the lift access ensures all ability access to the rooftop terrace can be provided. Furthermore, the lift well is located within the envelope of the roof structure and is not visible from the pedestrian street level, and as a result has no solar access impacts on the surrounding area;
- The balcony covering for Unit 6.03 could be removed to assist compliance however this would result in a poor amenity outcome for future residents given the balcony faces north / north-west;
- The bulk and scale of the building and the lift access is consistent with the surrounding approved developments and building heights.

Pursuant to Appendix 1, Clause 4.6(4) of the Growth SEPP, Council staff are satisfied that:

• The applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 1, Clause 4.6(3) of the Growth SEPP; and



• The development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

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

The development standard contravention is supported for the following reasons:

- The development is consistent with the objectives of the development standard as demonstrated below:
  - (a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale.

The proposed residential flat building has been designed in conjunction with the adjoining approved development to ensure a high level of amenity to each development.

Detailed solar access diagrams have been prepared and submitted with the development application which demonstrate that the building will not adversely impact on solar access of any adjoining residential land. Furthermore, the design and orientation of the building has ensured that high levels of streetscape solar access will be maintained to approved roads and footpath areas.

The bulk and scale of the proposal responds to the existing and desired vision, scale and character of the Oran Park Town Centre. The proposed building is similar in bulk & scale to adjacent approved residential and commercial buildings which have also exceeded the height of buildings development standard.

As mentioned above, the contravention relates to two components of the proposed building being the lift core (which exceeds the height standard by 1 metre) and a small section of roof in the north western corner of the building (which exceeds the height standard by 0.1 metre).

The lift core is a minor component of the building in that it accounts for just 1.7% of the roof area and is setback from the front building line and will not be visible from street level. The minor contravention caused by the roof covering, while visible from the public domain, is likely to be imperceptible and have negligible impact on the amenity of adjoining development.

(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form.

The proposed residential apartment building delivers building heights which are appropriate in the context of the site and surrounding buildings. The building contains both six and seven-storey elements and, along with the adjoining approved development, contribute to providing a range of residential building heights throughout the town centre.

(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas.



The proposal will facilitate delivery of a higher density residential flat building within the Town Centre. With the exception of the approved residential flat building to the north, the proposed development is not located in the immediate vicinity of any other existing, proposed or likely residential development.

The solar access diagrams provided with the application demonstrate that the building will not adversely impact on solar access of any adjoining residential land.

(d) to provide appropriate height controls for commercial and industrial development.

The proposal does not seek approval for any commercial or industrial development and as such this objective is not applicable.

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

#### B2 Local Centre

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

The Oran Park Town Centre has several approvals in place for a variety of commercial, retail and community uses. The proposal is the third residential flat building within the Town Centre and will positively contribute to the mix of uses and support the existing and approved commercial uses.

To encourage employment opportunities in accessible locations.

While not directly generating employment opportunities, the proposal will provide a high density residential that is likely to increase demand for other land uses associated with a local centre. This in turn is likely to encourage employment opportunities within the town centre.

Furthermore, the contravention of the building height development standard will not preclude employment opportunities from being provided in accessible locations throughout the B2 Local Centre zone.

To maximise public transport patronage and encourage walking and cycling.

The proximity of the subject site to the Oran Park Town Centre will encourage residents to live and work within a reasonable walking distance. The proposal also provides a direct link to the Julia Creek Reserve open space area which includes an extended off-street pedestrian and cycleway system that provides a key north-south connection through Oran Park from South Creek to the north to Kolombo Creek in the south.

The proximity of the proposal to the North South Rail Link corridor will enable residents to easily access public transport and rely less on private modes of transport in the future.



To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.

The residential development positively contributes to the town centre without detracting from other envisaged uses as residents will make use of existing and approved commercial and community facilities. Residential development at the edge of the town centre provides support for a vibrant mixed-use precinct.

To ensure that residential development does not preclude the provision of active uses at street level.

The proposed apartment building delivers ground floor terraces along the street frontages to provide an activated street edge interface. The contravention of the building height for the provision of lift access to the rooftop terrace allows delivery of communal open space other than at ground level.

If the equivalent open space was provided at ground level, this may impact on the ability to deliver activated private open space courtyards and direct apartment access to the street edge.

As such, the proposed variation in building height is consistent with this objective.

To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed Use Zone.

The proposed residential flat building represents a higher density built form than generally provided within Neighbourhood Centre or Mixed Use zones. The contravention of the building height for the provision of lift access to the rooftop terrace reflects the increased density and variety in housing accommodation envisaged under the SEPP. As such, the proposed variation in building height is consistent with this objective.

To provide for residential development that contributes to the vitality of the local centre.

The proposal will provide 66 residential dwellings which will contribute to the vitality of the local centre.

- The proposal results in a preferable outcome on the site as compared to a strictly compliant scheme:
  - The lift core provides all ability access to the rooftop terrace which, along with the open space as ground level, will provide a range of open space for residents and allow for more ground floor dwellings to access the street edge;
  - The balcony covering for Unit 6.03 could be removed to assist compliance however this would result in a poor amenity outcome for future residents given the balcony faces north / north-west;



- The components of the development that contravene the height of buildings development standard are imperceptible from the street and significantly enhance the environmental performance and amenity of the building for future residents;
- The nearby approved commercial and residential buildings that contravene the development standard are described below:
  - DA/2017/1526/1 approved a commercial building with a height of 28.15m;
  - o DA/2018/710/1 approved a residential flat building height of 26.5m; and
  - DA/2019/269/1 approved a commercial building height of 28.85m.

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

Consequently, it is recommended that the Panel support this proposed contravention to the Growth SEPP.



Figure 6: 3D view showing extent of development standard non-compliance.

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

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land.



Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

Contamination was addressed as part of the assessment of the subdivision development application (DA/2017/1525/1). The assessment of the Phase 2 Detailed Contamination Assessment provided with that application found the site to be suitable for the proposed development from a contamination perspective. Council staff have reviewed this proposal and are satisfied that the findings (as part of the subdivision application) remain relevant and the site is suitable for the development.

A standard contingency condition is recommended that requires any contamination found during works to be managed with development consent obtained for remediation if required.

# <u>Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997) (SREP 20)</u>

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures have been proposed as part of the development.

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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Appropriate conditions are included in the recommendation to ensure the BASIX Certificate commitments are implemented into the development.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

### <u>Draft Environment State Environmental Planning Policy (Draft Environment SEPP)</u>

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

# <u>Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)</u>

The development is consistent with the Draft Remediation SEPP and site is suitable for the proposed development from a contamination perspective.

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



The development controls plans that apply to the development are:

- Camden Development Control Plan 2019.
- Oran Park Development Control Plan 2007.

### Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an **attachment** to this report.

### Oran Park Development Control Plan 2007 (Oran Park DCP)

An assessment table in which the development is considered against the Oran Park DCP is provided as an **attachment** to this report.

# (a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

The site falls within land which is subject to the Oran Park Urban Release Area Voluntary Planning Agreement (VPA), signed in September 2011.

The Oran Park VPA provides for infrastructure and associated facilities within the Oran Park Town project, in lieu of payments under the Oran Park & Turner Road Precinct Section 94 Contributions Plan.

The site is located within Stage F, as identified in the VPA. The delivery of facilities and infrastructure is required based on residential dwelling thresholds. The primarily facilities to be provided in Stage F are playing fields and a recreation and youth centre. Both facilities of have been provided.

A standard condition of consent has been recommended requiring the proposal to be development in accordance with the Oran Park VPA.

# (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions **attached** to this report.

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

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

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

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



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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 18 June 2021 to 1 July 2021 and no submissions were received.

#### (e) the public interest

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

#### **EXTERNAL REFERRALS**

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

External Referral	Response
Transport for NSW	Transport for NSW reviewed the development and provided advisory comments in relation to turning paths. These comments have been considered and adequate turn paths have been demonstrated.
Camden Police Area Command	A safer by design evaluation has been provided. The development was found to be a low crime risk.

Appropriate conditions responding to the safer by design evaluation provided by the NSW Police are included in the recommendation.

#### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

#### **CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions **attached** to this report.

#### **RECOMMENDED**

#### That the Panel:

i. support the applicant's written request lodged pursuant to Appendix 1, Clause 4.6(3) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to contravene the height of buildings development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and



ii. approve DA/2021/535/1 for a residential flat building at 88 Podium Way, Oran Park subject to the conditions attached to this report.

### REASONS FOR DETERMINATION

- 1. The Panel has considered the written request to contravene State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the height of buildings development standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is unreasonable and unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the development standard and the objectives for development within the zone in which the development is to be carried out.
- 2. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development; State Environmental Planning Policy (Sydney Region Growth Centres) 2006; State Environmental Planning Policy No 55 Remediation of Land; Sydney Regional Environmental Plan No 20 Hawkesbury-Nepean River; and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- 3. The development is consistent with the objectives of Oran Park Development Control Plan 2007 and Camden Development Control Plan 2019.
- 4. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
- 5. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
- 6. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

#### **ATTACHMENTS**

- 1. SEPP 65 and ADG Assessment Table
- 2. Growth SEPP Assessment Table
- 3. Oran Park DCP Assessment Table
- 4. Camden DCP Assessment Table
- 5. Recommended Conditions
- 6. Architectural Plans
- 7. Clause 4.6 Written Request

SEPP 65 Design Quality Principle	Assessment	Compliance?
1 Context and Neighbourhood Character	The proposed building responds and contributes to its context. It is noted that while the proposal exceeds the height requirements of the Growth Centres SEPP, the building is appropriate for its location and compatible with adjoining approved development.	Yes.
2 Built Form and Scale	No issues arise in terms of the scale of the proposal. As detailed in the main body of the report, the scale of the building is suitable within its locality and compares favourably to the adjacent commercial and residential buildings. The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.	Yes.
3 Density	The proposal would result in a density appropriate for the site. The proposed density responds to the availability of infrastructure, public transport, internal community facilities and environmental quality.	Yes.
4 Sustainability	The building is subject to the requirements of the supporting BASIX Certificate.	Yes.
5 Landscape	A landscape plan was submitted with the proposal. The landscaping options are considered to be satisfactory.	Yes.
6 Amenity	Generally, the proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.	Yes.
7 Safety	The proposal is considered satisfactory in terms of future residential occupants overlooking communal spaces. The proposal provides for adequate natural surveillance and access control.	Yes.
8 Housing Diversity and Social Interaction	This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice in close proximity to shops and public transport.	Yes.
9 Aesthetics	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect.	Yes.

ADG Objective	Assessment	Compliance?
3A-1 Site Analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	Sufficient site analysis information has been provided on the plans and documents submitted in support of the modification.	Yes.
3B-1 Orientation		
Building types and layouts respond to the streetscape and site whilst optimising solar access within the development.	The building is orientated to maximise solar access and address the main entry along Fordham Way.	Yes.
3B-2 Orientation		
Overshadowing of neighbouring properties is minimised during mid-winter.	Appropriate building separation distances have been considered. No unreasonable impacts on adjoining buildings are expected.	Yes.
3C-1 Public Domain Interface		
Transition between private and public domain is achieved without compromising safety and security.	Ground level apartments are elevated to provide surveillance and improve visual privacy. Landscape buffers are used in some instance to further improve privacy.	Yes.
3C-2 Public Domain Interface		
Amenity of the public domain is retained and enhanced.	Walls of the sub-basement carpark on the western façade are broken up by terracing of landscape features to soften the edge condition facing the riparian corridor. Street landscaping is utilised along the ground level walk-in apartments to soften edge of raised terraces.	Yes.
	All service areas are located in the basement with the exception of the substation, hydrant booster and gas regulator which are both required to be at ground level and visible, however will be softened by ground level landscaping.	
3D-1 Communal and Public Open		
Space		
An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.	The proposal provides 614m <sup>2</sup> of communal open space that consists of high quality, useable spaces and achieves the objectives of the control.	Yes.
Communal open space has a minimum area equal to 25% of the site area.	The communal open space will achieve the minimum required solar access on 21 June.	
Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of two hours between 9am and 3pm on 21 June (mid-winter).		
3D-2 Communal and Public Open Space		
Communal open space is designed to	Two separate areas at ground level and on the	Yes.

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ADG Objective	Assessment	Compliance?
allow for a range of activities, respond to site conditions and be attractive and inviting.	rooftop are provided to promote different uses of the spaces. Seating & a shaded area is located on the rooftop communal area to allow a variety of active & passive recreation activities to take place.	·
3D-3 Communal and Public Open Space		
Communal open space is designed to maximise safety.	Ground level communal areas are visible from the living rooms and balconies of the western apartments. There are no rooftop apartments, so no surveillance is provided for the roof terrace. However, the roof communal area can only be accessed by secured lifts and stair.	Yes.
3D-4 Communal and Public Open Space		
Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood.  3E-1 Deep Soil Zones	The spaces provided are conducive to the envisaged Oran Park Town Centre patterns.	Yes.
Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.	Provision of deep soil area is adequately provided. The basement does not encroach into the deep soil spaces, allowing for deep soil plantings to thrive.	Yes.
Deep soil zones are to meet the following minimum requirements:	7.2% of site with minimum 6m dimension is achieved.	
Site area >1,500m²: Minimum dimensions of 6m and 7% of site area.		
3F-1 Visual Privacy		
Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.	All minimum building separations have been achieved. A separation of 22 metres is provided between the proposed development and the approved/partially constructed residential flat building to the north.	Yes.
Separation distance between windows and balconies is provided to ensure visual privacy is achieved. Minimum requires separation distance from buildings to the side and rear boundaries are as follows:		
Building up to 25m (5-8 storeys): 9m between habitable rooms and balconies, 4.5m between non-habitable rooms.		
Separation distances between buildings on the same site should combine required building separations depending on the type of room.		
Gallery access circulation should be treated as habitable space when		

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ADG Objective	Assessment	Compliance?
measuring privacy separation distance		
between neighbouring properties.		
3F-2 Visual Privacy		
_		
Site and building design elements	A combination of solid or partially solid	Yes.
increase privacy without compromising	balustrades, elevated terraces & generous	
access to light and air and balance	landscape buffers to ground floor apartments	
outlook and views from habitable rooms	adjacent communal open space.	
and private open space.		
3G-1 Pedestrian Access and Entries		
Building entries and nedestrian access	Main entry off pedestrian footpath along	Yes.
Building entries and pedestrian access connects to and addresses the public	Fordham Way.	1 es.
domain.	Forunani way.	
3G-2 Pedestrian Access and Entries		
JO-21 GGGGTGT ACGGGGTGT ETTERCS		
Access, entries and pathways are	Main entry is off the predominant street	Yes.
accessible and easy to identify.	address to the east facing Fordham Way.	
3G-3 Pedestrian Access and Entries	<u> </u>	
Large sites provide pedestrian links for	Street level communal space acts as through	Yes.
access to streets and connection to	site link to Julia Creek.	
destinations.		
3H-1 Vehicle Access		
Vehicle access points are designed and	The site gains access from the existing vehicle	Yes.
located to achieve safety, minimise	access point provided by the approved	165.
conflicts between pedestrians and	residential flat building to the north.	
vehicles and create high quality	residential hat building to the north.	
streetscapes.		
3J-1 Bicycle and Car Parking		
Car parking is provided based on	The proposal complies with Council's minimum	Yes.
proximity to public transport in	DCP car parking rates for residential flat	
metropolitan Sydney and centres in	buildings.	
regional areas.		
For dovolonment in the fell-wine		
For development in the following locations:		
iocations:		
on sites that are within 800m of a		
railway station or light rail stop in the		
Sydney Metropolitan Area, or		
Jane, monopolitari raca, or		
on land zoned, and sites within 400m		
of land zoned, B3 Commercial Core,		
B4 Mixed Use or equivalent in a		
nominated regional centre.		
_		
the minimum car parking requirement for		
residents and visitors is set out in the		
Guide to Traffic Generating		
Developments, or the car parking		
requirement prescribed by the relevant		
council, whichever is less.		
The ear parking need for a development		
The car parking need for a development must be provided off-street.		
masi be provided on-street.		

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ADG Objective	Assessment	Compliance?
3J-2 Bicycle and Car Parking		
Parking and facilities are provided for other modes of transport.	Provided, including 66 bicycle parking spaces.	Yes.
3J-3 Bicycle and Car Parking		
Car park design and access is safe and secure.	Security door is located at carpark entry.	Yes.
3J-4 Bicycle and Car Parking		
Visual and environmental impacts of underground car parking are minimised.	The proposal gains vehicular access from the existing access provided by the approved residential flat building to the north.	Yes.
3J-5 Bicycle and Car Parking		
Visual and environmental impacts of on- grade car parking are minimised.	The basement car park is exposed on the western side, facing Julia Creek. Given the slope of the site and visual dominance is difficult to avoid and is softened with landscaping.	Yes.
3J-6 Bicycle and Car Parking		
Visual and environmental impacts of above ground enclosed car parking area minimised.	As above.	Yes.
4A-1 Solar and Daylight Access	Complies.	
To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.	75% of apartments are able to achieve minimum solar access requirements. 9% of apartments receive no direct sunlight.	Yes.
Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of two hours direct sunlight between 9am and 3pm at mid- winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.		
A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.		
4A-2 Solar and Daylight Access  Daylight access is maximised where sunlight is limited.	Complies.	Yes.
4A-3 Solar and Daylight Access		
Design incorporates shading and glare control, particularly for warmer months.	A combination of shading devices and balcony extension is proposed to all orientations.	Yes.
4B-1 Natural Ventilation		
All habitable rooms are naturally ventilated.	Complies.	Yes.
4B-2 Natural Ventilation		

ADG Objective	Assessment	Compliance?
The layout and design of single aspect	The number of corner apartments is	Yes.
apartments maximises natural ventilation.	maximised.	
4B-3 Natural Ventilation		
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.	The number of corner apartments with dual aspect is maximised to achieve ADG compliance.	Yes.
At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be naturally ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed.	72.7% of apartments achieve natural cross ventilation.	
Overall depth of a cross-over or cross- through apartment does not exceed 18m, measured glass line to glass line.		
4C-1 Ceiling Heights		
Ceiling height achieves sufficient natural ventilation and daylight access.	Complies.  All units achieve minimum ceiling heights for	Yes.
Measured from finished floor level to finished ceiling level, minimum ceiling heights are:	the various room types. An initial assessment identified that some kitchen ceilings were reduced to 2.4m to accommodate services. The applicant has since provided amended	
Habitable rooms: 2.7m.	plans that demonstrates that this is no longer necessary and the kitchens will have 2.7m	
Non-habitable rooms: 2.4m.	ceilings.	
Two storey apartments: 2.7m for main living area floor and 2.4m for second floor, where its area does not exceed 50% of the apartment area.		
Attic spaces: 1.8m at the edge of room with a 30 degree minimum ceiling slope.		
If located in mixed use areas: 3.3m for ground and first floor to promote future flexibility of use.		
4C-2 Ceiling Heights		
Ceiling height increases the sense of space in apartments and provides for well-proportioned rooms.	Complies.	Yes.
4C-3 Ceiling Heights		
Ceiling heights contribute to the flexibility of building use over the life of the building.	Increased ceiling heights are not provided to ground/first floor units, however the site is adjacent to two approved commercial building where sufficient commercial spaces are provided for the area. Flexibility of building use is not considered necessary in this instance.	Acceptable alternative solution.

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ADG Objective	Assessment	Compliance?
4D-1 Apartment Size and Layout		
The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.	Complies.  All minimum areas are achieved for the various unit types within the proposal.	Yes.
Apartments are required to have the following minimum internal areas:		
Studio: 35m².		
One bedroom: 50m².		
Two bedroom: 70m².		
Three bedroom: 90m².		
The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each.		
A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.		
Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.		
4D-2 Apartment Size and Layout		
Environmental performance of the apartment is maximised.	Complies in all units.	Yes.
Habitable room depths are limited to a maximum of 2.5 x the ceiling height.		
In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.		
4D-3 Apartment Size and Layout		
Apartment layouts are designed to accommodate a variety of household activities and needs.	Complies in all units.	Yes.
Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space),		
Bedrooms have a minimum dimension of 3m (excluding wardrobe space).		
Living rooms or combined living/dining		

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ADG Objective	Assessment	Compliance?
rooms have a minimum width of:		
One bedroom apartments: 3.6m.		
Two or three bedroom apartments: 4m.		
The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.		
4E-1 Private Open Space and		
Balconies		
Apartments provide appropriately sized private open space and balconies to enhance residential amenity.	Complies in all units.	Yes.
All apartments are required to have primary balconies as follows:		
Studio apartments: 4m².		
One bedroom apartments: 8m² with a minimum depth of 2m.		
Two bedroom apartments: 10m² with a minimum depth of 2m.		
Three+ bedroom apartments: 12m² with a minimum depth of 2.4m.		
For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m² and a minimum depth of 3m.		
4E-2 Private Open Space and		
Balconies		Yes.
Primary private open space and balconies are appropriately located to enhance liveability for residents.	All terraces and balconies will be located adjacent to the dwellings' living rooms, dining rooms or kitchens.	103.
4E-3 Private Open Space and Balconies		
Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.	The fencing and balcony balustrade design will allow for passive surveillance of the riparian corridor and Fordham Way.	Yes.
4E-4 Private Open Space and		
Balconies		
Private open space and balcony design maximises safety.	The balconies have been designed as continuous solid surfaces to avoid opportunities for climbing and falls.	Yes.
4F-1 Common Circulation and Spaces		
Common circulation spaces achieve good amenity and properly service the number of apartments.	Between 6-10 units per floor are accessed from a single circulation core. This is supported as although the dwellings will share	Acceptable alternative solution.

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ADG Objective	Assessment	Compliance?
	one circulation core, two separate lifts will be	
The maximum number of apartments off a circulation core on a single level is eight.	provided, and the circulation space configuration will effectively divide it into two areas.	
For buildings of 10 storeys and over, the		
maximum number of apartments sharing a single lift is 40.		
4F-2 Common Circulation and Spaces		
·		
Common circulation spaces promote safety and provide for social interaction between residents.	Tight corners have been avoided and all circulation spaces will be well lit at night.	Yes.
4G-1 Storage		
Adequate, well designed storage is provided in each apartments.	All of the dwellings will meet or exceed the minimum storage requirements of the ADG.	Yes.
In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:		
Studio apartments: 4m³.		
One bedroom apartments: 6m³.		
Two bedroom apartments: 8m³.		
Three+ bedroom apartments: 10m³.		
At least 50% of the required storage is to		
be located within the apartment.  4G-2 Storage		
Additional storage is conveniently located, accessible and nominated for individual apartments.	Storage cages in the modified basement will be secure, clearly allocated and not visible from the public domain. Storage cages will be located at the rear or side of car parking spaces.	Yes.
4H-1 Acoustic Privacy		
Noise transfer is minimised through the siting of buildings and building layout.	Adequate separation from adjoining buildings will be provided. The number of party walls shared between dwellings has been minimised.	Yes.
4H-2 Acoustic Privacy		
Noise impacts are mitigated within apartments through layouts and acoustic treatments.	Noise impacts will be mitigated.	Yes.
4J-1 Noise and Pollution		
In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings.	Noise impacts will be mitigated through conditions requiring compliance with the acoustic report submitted with the application.	Yes.
4J-2 Noise and Pollution		
Appropriate noise shielding or attenuation techniques for the building design,	Noise impacts will be mitigated through conditions requiring compliance with the	Yes.

ADG Objective	Assessment	Compliance?
construction and choice of materials are	acoustic report submitted with the application.	
used to mitigate noise transmission.		
A range of apartment types and sizes is provided to cater for different household	A variety of 1, 2 and 3 bedroom dwellings are provided.	Yes.
types now and into the future.  4K-2 Apartment Mix		
The apartment mix is distributed to suitable locations within the building.  4L-1 Ground Floor Apartments	A range of units is provided on each level of the development.	Yes.
Street frontage is maximised where ground floor apartments are located.	Ground level apartments are allowed direct access to the street.	Yes.
4L-2 Ground Floor Apartments		
Design of ground floor apartments delivers amenity and safety for residents.  4M-1 Facades	Complies through level changes lockable entry gates.	Yes.
Building facades provide visual interest along the street while respecting the character of the local area.	Facades are modern in language & reflect contemporary building methods & include various techniques to create visual & textural interest. Roughness of brick surfaces are juxtaposed with the smooth surfaces of concrete. Projecting frames define corners of building with building elements framing the front entry. Appropriate shading elements add texture to the façade articulation whilst providing shading.	Yes.
4M-2 Facades		
Building functions are expressed by the façade.	The building is appropriately articulated to draw attention to clustered balconies and address to all frontages.	Yes.
4N-1 Roof Design		
Roof treatments are integrated into the building design and positively respond to the street.	The roof area consists of communal open space and plant equipment, which are setback from the edges of the building to ensure that it is not visible from the ground. All plant equipment will be appropriately screened.	Yes.
4N-2 Roof Design		
Opportunities to use roof space for residential accommodation and open space are maximised.	The roof form will be used to accommodate dwellings with generous balconies for private open space.	Yes.
4N-3 Roof Design		
Roof design incorporates sustainability features.	The dwellings within the roof will achieve a good level of solar access and their balconies will be provided with overhangs for weather protection and shading.	Yes.
40-1 Landscape Design		
Landscape design is viable and	A landscape plan was provided in support of	Yes.

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ADG Objective	Assessment	Compliance?
sustainable.	the application and was sent to Council's Landscaping Team for review. No objections were raised.	
40-2 Landscape Design		
Landscape design contributes to the streetscape and amenity.	The proposed landscaping embellishments will contribute positively to the future streetscape.	Yes.
4P-1 Planting on Structures		
Appropriate soil profiles are provided.  4P-2 Planting on Structures	Complies.	Yes.
Plant growth is optimised with appropriate selection and maintenance.	A large proportion of the landscaping proposed is to be planted in a deep soil area to optimize plant growth and reduce maintenance needs.	Yes.
4P-3 Planting on Structures		
Planting on structures contributes to the quality and amenity of communal and public open spaces.	Planting is proposed over basement areas as well over the basement ramp pergola to soften the appearance of these parts of the building.	Yes.
4Q-1 Universal Design		
Universal design features are included in apartment design to promote flexible housing for all community members.	7 adaptable apartment units are proposed.	Yes.
4Q-2 Universal Design		
A variety of apartments with adaptable designed are provided.	Adaptable units include 2 and 3 bedroom options.	Yes.
4Q-3 Universal Design		
Apartment layouts are flexible and accommodate a range of lifestyle needs.	Living/dining room layouts are flexible. Studies could have other uses such as storage.	Yes.
4T-1 Awnings and Signage		
Awnings are well located and complement and integrate with the building design.	Complies.	Yes.
4T-2 Awnings and Signage		
Signage responds to the context and desired streetscape character.	A condition is recommended that requires that legible and discrete way finding signage be integrated into the development.	Yes.
4U-1 Energy Efficiency		
Development incorporates passive environmental design.	Adequate natural light will be provided to habitable rooms.	Yes.
4U-2 Energy Efficiency		
Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.	The balcony/balcony overhang design will provide an appropriate balance between winter sun penetration and summer sun shade	Yes.
4U-3 Energy Efficiency		
Adequate natural ventilation minimises the need for mechanical ventilation.	The modified buildings will comply with the ADG's natural cross ventilation requirements.	Yes.
4V-1 Water Management and Conservation		

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Potable water use is minimised.  A compliant BASIX certificate has been submitted and a condition is recommended to ensure compliance with its requirements.  4V-2 Water Management and Conservation  A combination of OSD, raingarden & greater than minimum deep soil zones proposed.  4V-3 Water Management and Conservation  Flood management systems are integrated into the site design.  4W-1 Waste Management  Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.  A combination of OSD, raingarden & greater than minimum deep soil zones proposed.  Yes.  Yes.  Yes.  The waste storage area in the basement will not be visible from the street. The waste holding area within the front setback is visible to the street, however the design of this area is understated and will only be used to present
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Urban stormwater is treated on site before being discharged to receiving waters.  4V-3 Water Management and Conservation  Flood management systems are integrated into the site design.  4W-1 Waste Management  Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.  than minimum deep soil zones proposed.  Yes.  Yes.  The waste storage area in the basement will not be visible from the street. The waste holding area within the front setback is visible to the street, however the design of this area is
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Flood management systems are integrated into the site design.  4W-1 Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.  Stormwater detention is located underground.  The waste storage area in the basement will not be visible from the street. The waste holding area within the front setback is visible to the street, however the design of this area is
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Flood management systems are integrated into the site design.  4W-1 Waste Management  Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.  Stormwater detention is located underground.  The waste storage area in the basement will not be visible from the street. The waste holding area within the front setback is visible to the street, however the design of this area is
integrated into the site design.  4W-1 Waste Management  Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.  The waste storage area in the basement will not be visible from the street. The waste holding area within the front setback is visible to the street, however the design of this area is
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minimise impacts on the streetscape, building entry and amenity of residents.  not be visible from the street. The waste holding area within the front setback is visible to the street, however the design of this area is
building entry and amenity of residents.  holding area within the front setback is visible to the street, however the design of this area is
to the street, however the design of this area is
i undersiated and will only be used to present l
bins on collection day. Bins will not be stored
in this area on a regular basis.
4W-2 Waste Management
Domestic waste is minimised by providing   Separate chute systems encourage waste to   Yes.
safe and convenient source separation be separated at each level of the building.
and recycling.
4X-1 Building Maintenance
Building design detail provides protection   Appropriate roof and balcony overhangs will be   Yes.
from weathering.   provided and will provide sufficient protection
from weathering.
4X-2 Building Maintenance
Company and access analysis are of
Systems and access enable ease of maintenance.  Generally compliant, most windows are Yes.  located within balcony areas and are fully
opening to enable ease of cleaning without
compromising safety.
4X-3 Building Maintenance
Material coloction reduces engains A condition is recommended for suffit. Ver
Material selection reduces ongoing A condition is recommended for graffiti Yes.  resistant paint to be used. Sensors to control
artificial lighting in common circulation spaces
to achieve CPTED principals.

# State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP) Assessment Table

Clause	Assessment	Compliance?
Appendix 1, 2.3 Zone objectives and land use table		
The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.	The development is characterised as a residential flat building which is permitted with consent in the B2 Local Centre zone.	Yes.
The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.	The proposal is consistent with the objectives of the B2 Local Centre zone as it provides for residential development which contributes to the vitality of the local centre and is complementary to the surrounding retail, business and community land uses.	
<ul> <li>The B2 Local Centre zone objectives for this site are:</li> <li>To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.</li> <li>To encourage employment opportunities in accessible locations.</li> <li>To maximise public transport patronage and encourage walking and cycling.</li> <li>To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.</li> <li>To ensure that residential development does not preclude the provision of active uses at street level.</li> <li>To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed Use Zone.</li> <li>To provide for residential development that contributes to the vitality of the local centre.</li> </ul>	The proposal will complement the approved residential flat building to the north, providing enhanced variety in housing options for the community and delivering density housing in close proximity to existing and planned public transport links and the Oran Park Town Centre.	
Appendix 1, 4.3 Height of buildings		
Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.  The maximum building height for this site is 24m.	The development is predominately compliant with the 24m height of buildings development standard with the exception of the lift overrun and a minor portion of a roof element. The maximum height is 25 metres which represents a variation of 1 metre (4.2%). A detailed discussion is contained within the body of the report.	No. Variation supported.
Appendix 1, 4.6 Exceptions to development standards	The state of the s	
Development consent may be granted for	Clause 4.3 is not excluded from the	Yes

Page 1

# State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP) Assessment Table

	tion of this clause.	
development standard imposed by the		
	ten request from the applicant has	
planning instrument. been	considered.	
The consent authority must consider a lt is co	onsidered that the applicant's written	
written request from the applicant that reque	st has adequately addressed that	
seeks to justify the contravention by compl		
demonstrating that: standa	ard is unreasonable or unnecessary	
in the	circumstances of the case, and that	
(a) that compliance with the there	are sufficient environmental	
	ng grounds to justify contravening	
	velopment standard.	
circumstances of the case, and		
	cil is satisfied that the proposed	
	opment is consistent with the	
	ives of the standard and the	
	ives of the B2 Local Centre zone	
and it	s therefore in the public interest. A led assessment of this is contained	
	the body of the report.	
unless:	the body of the report.	
	Panel may assume the concurrence	
	e Secretary pursuant to Planning	
, · ·	ar PS 20-002.	
(i) the applicant's written request has	ai 1 0 20-002.	
adequately addressed the matters		
required to be demonstrated, and		
required to be defined attent, and		
(ii) the proposed development will be		
in the public interest because it is		
consistent with the objectives of		
the particular standard and the		
objectives for development within		
the zone in which the		
development is proposed to be		
carried out, and		
(b) the concurrence of the Secretary has		
been obtained.		
This slaves weakikits the successful of		
This clause prohibits the approval of certain development standard		
certain development standard contraventions.		
Appendix 1, 6.1 Public utility		
infrastructure		
2300000		
Development consent must not be A star	ndard condition is recommended to	Yes.
granted for development on land unless ensure		103.
	tructure will be provided when	
public utility infrastructure that is essential requir	•	
for the proposed development is available	<del></del> -	
or that adequate arrangements have been		
made to make that infrastructure available		
when it is required.		
Appendix 1, 6.6 Development in special		

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# State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP) Assessment Table

Clause	Assessment	Compliance?
areas		
Development consent must not be granted for development in a special area on the Special Areas Map unless a development control plan has been prepared for the land and addresses a number of matters listed in this clause; including a transport movement hierarchy and stormwater and water quality management controls.	The subject site is located within the Oran Park Town Centre. The Oran Park Development Control Plan 2007 applies to the site and Part B1 of that development control plan specifies detailed development controls for the Oran Park Town Centre.	Yes.
The above does not apply to certain minor development types listed by this clause.		

Control	Assessment	Compliance?
2.1 Indicative Layout Plan		
All development is to be undertaken generally in accordance with the Indicative Layout Plan.	The proposed residential flat building is consistent with the adopted Indicative Layout Plan which identifies this portion of the Oran Park Town Centre as being a mixed-use precinct, which may include a range of land uses including higher density residential development.	Yes.
2.3 Residential Density Targets		
In order to ensure the residential dwelling targets are achieved, as part of a subdivision application, an applicant is to demonstrate to Council that the subprecinct dwelling targets shown in Figure 3 will be achieved.	The site is situated within Sub Precinct Q, which incorporates a dwelling target of 270 dwellings. The proposal will contribute towards this target being achieved.	Yes.
5.1 Oran Park Town Centre		
The Oran Park Town Centre is to be located in accordance with the figure at Appendix B. An indicative layout of the Town Centre is shown at Figure 22. Council may grant consent if it is satisfied that appropriate development controls are in force in the form of a Part B DCP.	The proposed development is generally in accordance with Part B of the DCP. A detailed assessment against the Part B DCP is provided below.	Yes.
6.2 Flooding and Watercycle		
Management		
Management of 'minor' flows using piped systems for the 20% AEP (residential land use) and 10% AEP (commercial land use) shall be in accordance with Camden Council's Engineering Design Specification — Subdivision and Development Works'.	A detailed engineering and stormwater/water quality report has been prepared for the subject development by Henry & Hymas.  This report provides a detailed response to both stormwater and water quality management.	Yes.
	The stormwater management system comprises a below-ground on-site detention tank (OSD) combined with a rainwater re-use tank (RWT). Council's engineers are satisfied that the proposal can comply with Council's engineering specification subject to the recommended conditions.	
All development is to incorporate water sensitive urban design (WSUD). WSUD is to be adopted throughout the development to promote sustainable and integrated management of land and water resources incorporating best practice stormwater management, water conservation and environmental protection.	The treatment of stormwater for the Oran Park Tranche 8 catchment (in which the subject development site is situated) will be managed as part of the trunk drainage system. The trunk drainage system includes a bioretention basin in the adjoining riparian corridor.	Yes.
6.3 Salinity and Soil Management		
Every subdivision DA for land identified in Figure 23 as being constrained by known salinity or may be constrained by very or	The site incorporates land which is identified in Figure 21 as possibly being constrained by moderately saline soils.	Yes.

Page 1

Control	Assessment	Compliance?
moderately saline soils is to be accompanied by a salinity report prepared by a suitably qualified consultant.	An extensive Salinity Investigation and Management Plan has been approved and implemented for the site in association with bulk earthworks completed under DA/2010/1548/1. Salinity was further investigated as part of the parent subdivision (DA/2017/1525/1). Council's Environmental Health Officer has reviewed the proposal and raises no objections subject to compliance with the approved salinity management plan.	
All sediment and erosion controls are to be installed prior to the commencement of any construction works and maintained throughout the course of construction until disturbed areas have been revegetated/established. Certification to this effect is required by the applicant to be submitted to Council prior to construction. All development must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development.  6.7 Contamination Management	The sediment and erosion controls contained in the civil engineering plans will be conditioned to be installed prior to the commencement of works.	Yes.
DAs for development in Areas of Environmental Concern (AEC) as identified at Figure 26 shall be accompanied by a Stage 2 Detailed Environmental Site Investigation prepared in accordance with Council's Policy – Management of Contaminated Lands.	The site was not identified as containing any AEC during rezoning of the Oran Park Precinct, as shown in Figure 28 of the DCP.  Nevertheless, Douglas Partners undertook a detailed review of previous contamination assessments of the site as part of the parent subdivision application. The review stated that previous assessments have assessed the suitability of the site against residential land use criteria. The site is considered suitable for the residential land use.	Yes.
6.9 Acoustics  All industrial / commercial / employment development is to comply with the Industrial Noise Policy (DECC 2000).	Detailed Noise Assessment has been prepared in association with this application by Acoustic Logic.  The noise assessment has undertaken a detailed review of likely noise impacts from the development, including operational, plant and machinery. The report also considered road traffic noise on the development.  The report has concluded that the proposal is capable of achieving the required EPA noise criteria subject to a number of recommendations which have been included within the recommended conditions.	Yes.
Buildings and developments not affected by BASIX are to achieve a 40% reduction	A detailed Environmental Sustainability report has been prepared in association with this	Yes.

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Control	Assessment	Compliance?
of baseline potable water consumption. Where the building or development is water intensive (i.e. high water user), specific water conservation objectives must be resolved with Council. Building design is to respond to local climate and site conditions with passive solar and ventilation measures to be incorporated into building design. High use work areas (such as offices) are to be positioned to maximise solar gain and natural ventilation.  8.2 Stormwater and Construction	application by Thermal Consulting.  The report demonstrates general compliance with the objectives of sustainable development strategies and sufficiently to addresses ESD requirements for the Development Application. The building exhibits a high degree of architectural design to maximize solar gain.	
Management		
A Stormwater Concept Plan is to be submitted with each building DA indicating how stormwater will be managed and disposed of. Drainage for individual developments shall be designed in accordance with the stormwater quality and quantity targets set by the DECC, Australian Rainfall and Runoff (1997), and Council's Engineering Design	A detailed engineering and stormwater/water quality report has also been prepared for the subject development by Henry & Hymas.  This report provides a detailed response to both stormwater and water quality management.  The stormwater management system	Yes.
Specification. All subsurface drains are to be connected into the stormwater system within the site downstream of any water tanks.	comprises a below-ground on-site detention tank (OSD) combined with a rainwater re-use tank (RWT). Council's engineers are satisfied that the proposal can comply with Council's engineering specifications subject to the attached recommended conditions.	
All development shall be carried out in accordance with an approved Soil and Water Management Plan prepared in accordance with Managing Urban Stormwater - Soils and Construction, Landcom 4th Edition March 2004 ('The Blue Book').  8.3 Waste Management	Conditions of consent are recommended to be imposed which ensure compliance with this best practice and Council's Engineering Specifications.	Yes.
A Waste Management Plan is to be submitted with all DAs with the exception of single dwelling housing or superlot subdivision applications.	A Waste Management Plan has been submitted with this application and reviewed by Council's Waste Team. Detailed information relating to the destination of waste streams during construction will be required by way of conditions of consent.	Yes.
	The dedicated waste area is fully enclosed and will not impact on the amenity of adjoining development. Waste collection occurs from a temporary holding area within the front setback.	
	Council's waste team advised that compaction is not permitted within 660L bins and that the applicant must provide space for 12 x 660L instead of the 6 x 660L shown on the plans. The applicant did not agree with this as this approach was not consistent with the approach	Yes.

Page 3

Control	Assessment	Compliance?
	taken with the adjoining residential flat building to the north. Council's waste team advised that in this circumstance a 50% reduction can be permitted given that the two buildings will operate together in terms of waste management.	
Development must demonstrate that the design takes into account refuse storage and collection without reducing the amenity of a dwelling or neighbouring lots. Storage areas for rubbish bins are to be located away from the front of development where they have a significant negative impact on the streetscape, the visual presentation of the building entry and on the amenity of residents, building users and pedestrians.  8.4 Site Facilities and Servicing	Storage areas for rubbish bins are to be located away from the front of development and will not be visible from the street. The temporary holding area is visible from the street, however the design of this structure is understated and does not interfere with the streetscape or any pedestrian amenity. The holding area will only be used on the day of collection and is of minimal impact.	
Garbage, mail box structures, service meters and the like are to be integrated with the overall design of buildings and/or landscaping.	Facilities and servicing requirements are integrated within the landscape design of the proposal.	Yes.
8.6 Safety and Surveillance		
Buildings should be designed to overlook streets, lanes and other public or communal areas to provide casual surveillance. In the case of corner lots habitable windows are also be oriented to overlook the side street.	The building has been designed to provide casual surveillance of surrounding streetscape areas from all levels.	Yes.
The design of all development, in particular, the public domain and community facilities is to enhance public surveillance of public streets and open space/conservation areas.	The building has been designed to provide casual surveillance of surrounding streetscape areas from all levels.	Yes.
Developments are to avoid creating areas for concealment and blank walls facing the street.	The building form minimises blank walls and concealment areas.	Yes.
All development should aim to provide casual surveillance of the street as a means of passive security. This should be achieved by maximising outlooks and	The building has been designed to provide casual surveillance of surrounding streetscape areas from all levels.	Yes.
views, but minimising the overlooking of neighbouring properties.	The building provides high levels of casual surveillance from all levels to the surrounding streetscape network.	
	The proposal will not result in overlooking of neighbouring residential properties or private open space areas. This substantial side setback to future residential development assists in achieving this.	
All developments are to incorporate the principles of Crime Prevention Through	The building has been designed to incorporate CPTED Principles.	Yes.

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Control	Assessment	Compliance?
Environmental Design (CPTED).		
Development Applications for subdivision,	A detailed CPTED Review has been provided	
public open space and community	by Urban Co which demonstrates that the	
facilities may require a formal crime risk (CPTED) assessment as part of the EP&A	proposal adopts and implements the principles of CPTED to minimise opportunities for crime	
Act 1979, development assessment and	and anti-social behaviour.	
Camden Council's Designing Safer	and anti-social behaviour.	
Communities – Safer by Design	The application was also referred to the NSW	
Guidelines (October 2002).	Police Force who conducted their own	
, , ,	assessment and categorized the development	
	as a low crime risk.	
B1 Oran Park Town Centre		
3.1 Town Centre Structure Plan Layout		
Generally consistent with Figure 51: Land Use.	The proposed development is located in an area identified for 'mixed use' and is generally compliant with the land uses indicated for this precinct. The internal street has been approved through DA/2017/1525/1 and DA/2019/609/1.	Yes.
3.2 Land Uses		
The Mixed-Use Precinct generally forms the eastern end of the Oran Park Town Centre and will provide a range of housing, commercial and small-scale retail opportunities.	The proposal will enhance the variety of land uses currently provided for within the Town Centre by providing additional housing.	Yes.
It is envisaged that the Mixed-Use Precinct will enable a cosmopolitan lifestyle and employment destination where residents can live, work, play and shop within a vibrant town centre environment.	This sub-precinct within the overall mixed-use precinct of the Town Centre is planned to deliver a number of separate buildings which provide housing, commercial and small-scale retail opportunities.	Yes.
Land Use Principles		
Incorporate a variety of retail, residential, commercial, entertainment, recreation and community uses to serve the needs of the wider community and promote an active and vibrant town centre.	The proposal will enhance the variety of land uses currently provided for within the Town Centre by providing additional housing.	Yes.
Incorporate higher density housing and mixed use development within the Town Centre core.	The proposal will enhance the variety of land uses currently provided for within the Town Centre by providing additional housing.	Yes.
Maximise employment opportunities within the Town Centre.	Employment opportunities have been provided in the adjacent approved commercial buildings and extensions to the Podium shopping centre.	Yes.
Co-locate uses and facilities where possible to maximise the efficient use of space.	The proposal is exclusively residential and will complement other surrounding developments.	Yes.
Incorporate the needs of health and aged care providers, facilities for young people, civic and emergency services within the Town Centre.	These uses are planned to be delivered throughout the Town Centre, particularly in adjacent approved commercial buildings.	Yes.
3.4 Views and Vistas		

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Control	Assessment	Compliance?
The Oran Park Town Centre Structure Plan has been designed to emphasise sight lines to local landscape features, places of key cultural significance, future civic buildings and public open space.	The proposed building has been designed to achieve required setbacks and ensure the built form will not impact sight lines to key public buildings or spaces.	Yes.
Detailed development of the Town Centre is to acknowledge views and vistas contained in Figure 59.	The proposal maintains view lines identified in Figure 59.	Yes.
3.5 Interaction with Surrounding Land Uses		
The Oran Park Town Centre Structure plan has been designed to respond to planned surrounding land uses including residential, educational, open space and commercial development outcomes.	Quality public domain treatments and pedestrian linkages to the existing town centre buildings have been provided. The building will also benefit from being near the North South Rail Line corridor.	Yes.
4.2 Pedestrian and Cycle Movement		
The Town Centre is to be designed to provide clear and legible pedestrian and cycle connections.	Key pedestrian paths have been provided for along Podium Way, Oran Park Drive and the Julia Creek corridor.	Yes.
Continuous weather protection for pedestrians is to be provided in key locations by colonnades or awnings.	The building design includes ground level weather protection through a cantilevered building design along facades where pedestrian access is provided. Continuous weather protection is not required in this location as it is not a commercial/pedestrian thoroughfare. Notwithstanding, weather protection is provided for at key entry points to the building.	Yes.
4.4 Public Transport	•	
Bus stops are to be provided generally in accordance with Figure 66.  5.1 Public Domain	An existing bus transit stop is situated within walking distance on Oran Park Drive.	Yes.
Public domain areas are to be designed and located generally in accordance with Figure 67. The design of public domain areas shall take into consideration the Public Domain Manual adopted by Camden Council (Attachment A).	A detailed landscape plan has been prepared for the public domain areas. The landscape plan has been prepared consistent with the Public Domain Manual.	Yes.
All paving materials must conform to relevant standards for durability, non-slip textures, strength and surface treatment to withstand use by light automobiles, service vehicles, pedestrians and bicycles.	All paving materials will achieve relevant durability, non-slip standards.	Yes.
5.2 Water Sensitive Urban Design Requirements (WSUD)		
All Development shall generally be in accordance with the Oran Park Precinct Water Cycle Management Strategy and	A detailed stormwater and water quality report has been prepared by Henry & Hymas. The report confirms that the proposal will achieve	Yes.

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Control	Assessment	Compliance?
Master Plan prepared by Brown Consulting and adopted by Camden Council. Development Applications, other than minor applications (e.g. shop fit-out, signage or change of use applications) shall include information from a suitably qualified consultant demonstrating how the proposed development is in accordance with the above. Key considerations include the management of stormwater run-off (quality & quantity), the minimising of potable water use & wastewater generation and water recycling strategies.	all relevant stormwater and water quality targets.	
5.3 Street Trees		
Development Applications, other than minor applications (e.g. shop fit-out, signage or change of use applications) shall include a landscaping plan prepared by a suitably qualified consultant. The landscaping plan shall generally be in accordance with the landscaping components in the Public Domain Manual for the Town Centre (Attachment A).	A detailed landscape plan has been prepared for the public domain areas. The landscape plan has been prepared consistent with the Public Domain Manual.	Yes.
Street trees and open space planting is to provide generous shade for pedestrians in summer and allow for sunlight penetration to street level in winter.	Species selected allow for shade in summer and sunlight penetration in summer.	Yes.
6.0 Environmentally Sustainable Development Principles		
All new retail, commercial and mixed-use buildings must achieve a minimum 4 star Green Star rating from the Green Council of Australia. An Energy Efficiency report is to be provided to Council as part of the Development Application for the development proposal. Matters to be considered as part of an Energy Efficiency report are provided at Attachment B of this Plan.	A detailed Environmental Sustainability Report has been prepared by Thermal Environment and is submitted with this proposal.  The report demonstrates general compliance with the objectives of sustainable development strategies and sufficiently to addresses ESD requirements for the Development Application.	Yes.
7.1 Built Form Articulation		
Articulation zones should be provided to compliment the building mass and emphasise key design elements such as entrance points and respond to environmental conditions including solar access, noise, privacy and views.	The built form demonstrates articulation to the building facades which highlight the main entrance areas and responds to environmental conditions.	Yes.
7.2 Architectural Character		
Articulation and Corners: Buildings at Oran Park Town Centre are to generally align with street edges, be articulated in their façade treatments and express corners in design.	The building has been designed to align with street edges and provides articulation to the façade which emphasises corner elements. The building itself is located adjacent to main pedestrian link along Julia Creek and will be visually prominent.	Yes.

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Control	Assessment	Compliance?
Corners are to be visually prominent and may be reinforced by one and two story verandas / balconies which turn the corner in a traditional manner.	Corner elements are celebrated through balcony designs and articulated building form.	Yes.
Building Interface: The interface between the building and the public domain is to be designed to create active safer streets, to encourage flexibility in design for changing uses at ground level and provide weather protection for pedestrian amenity.	The building and landscape design of the public domain have been designed and will be constructed concurrently to help ensure a seamless transition between the public and private domain.	Yes.
Building facades are to be designed to accentuate key architectural features and clearly delineate points of interest such as building entries, vertical and horizontal elements	The building façade and structure has been designed to accentuate the entry foyer and provide articulation to the building form.	Yes.
Building facades are to incorporate a variety of finishes and materials which provide visual relief to the built form.	The building façade incorporates a variety of colours and materials to provide a vibrant and attractive streetscape presentation.	Yes.
A diverse palette of durable and cost efficient external materials exploring a contemporary urban character whilst representing themes of Australian local character should be used. A range of materials is to introduce a fine grain façade treatment along street edges.	The proposal incorporates a variety of finishes and materials which achieve compliance with this clause.	Yes.
7.3 Building Envelopes / Bulk & Scale		
Buildings are to be designed to ensure a human scale is maintained at street level. Minimum ceiling heights are detailed in in the table below. For the purposes of this control 'ceiling height' is measured internally from finished floor level to ceiling level.	The building entrances and built form features have been designed to achieve a human scale.	Yes.
- All residential floors = 2.7m	Minimum Floor to ceiling Height = 2.7m	Yes.
7.4 Quality of Indoor Environment  Refer to indoor environment controls provided in Attachment B. These controls are required to be assessed as part of the Sustainability Assessment.	A detailed environmental assessment has been prepared by Thermal Environment and outlines the development's compliance with these controls.	Yes.
7.5 Weather Protection	these controls.	
Weather protection must maintain a feeling of openness and enhance both the public function of the specific space and /or street.	Weather protection has been provided for the building itself at entrances and key areas.	Yes.
Weather protection devices shall take into account wind, sun, rain, night / day, seasons and shadowing effects of other built components.	The proposed development does not incorporate the types of weather protection this section of DCP applies to. No awnings or weather protection extends over the footpath	Yes.

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Control	Assessment	Compliance?
	areas to maintain a feeling of openness.	•
Weather protection devices shall consider the scale of adjacent buildings and the width of the street / public space in order to ensure appropriate proportions and "feel".	Not applicable as no weather protection devices are proposed. Weather protection to key areas is provided through the built form.	Yes.
Weather protection solutions shall be predominantly naturally ventilated.	Not applicable as no weather protection devices are proposed. Weather protection to key areas is provided through the built form.	Yes.
Weather protection should be included as part of the design of the architecture / built form or landscape design.	Weather protection to key areas is provided through the built form.	Yes.
The design of the weather protection shall take into consideration ESD objectives.	A detailed sustainability report has been submitted with this proposal.	Yes.
Awnings increase the usability and amenity of public footpaths by protecting pedestrians from sun and rain. Awnings encourage pedestrian activity along streets and, in conjunction with active edges such as retail frontages, support and enhance the vitality of the Town Centre. Awnings can be used in conjunction with colonnades. There are to be no wing walls so colonnade is continuous and unimpeded	Not applicable, as no awnings are proposed as part of the building form.	Yes.
Street level awnings should be provided to all retail frontages and commercial entries and to main lobbies of residential buildings except where a colonnade is required.	Not applicable, as no awnings are proposed as part of the building form.	Yes.
In particular, continuous awnings and colonnades are required to be provided along the ground floor street frontage on active street frontages.	Not applicable, as the subject site does not incorporate required active street frontages.	Yes.
Awnings should be a minimum height of 2.7m (3.2m desirable) above footpath level, generally consistent in form and to project horizontally from the building façade	Not applicable, as no awnings are proposed as part of the building form.	Yes.
The front fascia of the awning is to be set back a minimum of 500mm from the kerb of the street carriageway, including at street corners.	Not applicable, as no awnings are proposed as part of the building form.	Yes.
7.6 Setbacks		
Building setbacks are to be provided in accordance with the Setbacks Plan	Building setbacks exceed the minimum setbacks specified under the DCP.	Yes.
The urban character is achieved by adopting "build-to" lines or zero setback	The built form setbacks have been designed to achieve transition between the residential	Yes.

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# Oran Park Development Control Plan 2007 (Oran Park DCP) Assessment Table

Control	Assessment	Compliance?
conditions to create street walls and by variety in "build-to" conditions for different types of streets. The main building facades are to be built to the block edge with allowances for insets and projections and to create stronger corner edges.	areas to the west and the approved commercial building to the east. Although the building does not adopt a zero setback, the building has been designed to create an attractive upper level street wall along Podium Way and the eastern road frontage. The reason for the lack of built form to boundary allows for the elevations to intersect which creates stronger corner edges and greater articulation.	
7.7 Streetscape Activation		
Active frontage uses are defined as one of a combination of the following at street level:  Entrance to retail.  Shop front.	Not applicable as the proposal does not incorporate any commercial or retail use.	Yes.
<ul> <li>Glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage.</li> <li>Café or restaurant if accompanied by an entry from the street.</li> <li>Active office uses, such as reception, if visible from the street.</li> <li>Public building if accompanied by an entry.</li> </ul>		
Buildings are to maximise areas of street activation through a mixture of ground floor retail/commercial suites and the incorporation of ground floor terrace areas along the street frontage in residential development.	The proposal does incorporate ground floor terraces for the units to provide an activated street edge. Ground floor terraced landscape area to ensure activated street frontages.	Yes.
Active street fronts, built to the street alignment, are required on the ground level of all retail and commercial development.	Not applicable as the proposal does not incorporate any commercial or retail use.	Yes.
No external security shutters to be permitted.	No external security shutters are proposed.	Yes.
On corner sites, shop fronts are to wrap around the corner.	Not applicable as no shop fronts proposed.	Yes.
7.8 Solar Access		
Any Development Application for the construction of buildings is required to submit detailed solar access diagrams for between 9am and 3pm mid-winter to demonstrate sufficient solar access is maintained to public and private spaces and streets	Solar access diagrams demonstrate that the proposal maintains adequate solar access to streetscape areas.	Yes.
Parks and plazas are to receive sunlight on a minimal of 50% of their site area between 11am and 2pm on June 21.	Not applicable. No parks or plazas are proposed under this application.	Yes.

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# Oran Park Development Control Plan 2007 (Oran Park DCP) Assessment Table

Equiling envelopes are to allow for north- south street to receive 2 hours of surlight between 9am-3pm on 21 June on a minimum of 50% of the eastern or western bropaths.  Building envelopes are to allow for east- west streets to receive 1 hour of sunlight between 9am-3pm on 21 June on a minimum of 50% of the eastern or western bropaths.  Building envelopes are to allow for east- west streets to receive 1 hour of sunlight between 9am-3pm on 21 June on a minimum of 50% of the southern footpaths.  Building envelopes are to allow for east- west streets to receive 1 hour of sunlight between 9am-3pm on 21 June on a minimum of 50% of the southern footpaths Building envelopes are to allow for east- west streets to receive 1 hour of sunlight between 9am-3pm on 21 June on a minimum of 50% of the southern footpaths Building envelopes are to allow for east- west streets to receive 1 hour of sunlight between 9am-3pm on 21 June on a minimum of 50% of the southern footpaths Building envelopes are to allow for east- west streets.  Car Parking and manoeuvring areas are provided in accordance with relevant Australian Standards.  No above ground parking is not encouraged for higher density residential and mixed- use blocks as well as Town Centre retail blocks.  Where below ground parking is along a street edge and cross vertiliation is dearable, any exposed section of car park wall is to be appropriately modelled and scaled.  Where below ground parking is to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amently.  Natural ventilation of basement and sub- basement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residents/employees and site visitors: Non-residential development = 1 space per 750m2 of gross leasable floor area  Section 7.74 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  C	Control	Assessment	Compliance?
sunlight between 9am- 3pm on 21 June on a minimum of 50% of the eastern or western footpaths.  Building envolopes are to allow for eastweet streets to receive 1 hour of sunlight between 9am-3pm on 21 June on a minimum of 50% of the southern footpaths  8.1 Vehicle Parking and Storage  Car parking dimensions are to be provided in accordance with relevant Australian Standards.  Above ground parking is not encouraged without appropriate design measures to mitigate adverse visual impacts.  Below ground parking is encouraged for higher density residential and mixeduse blocks as well as Town Centre retail blocks.  Where below ground parking is along a street edge and cross ventilation is desirable, any exposed section of car parking list to appropriately modelled and scaled.  The majority of car parking is to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.  Natural ventilation of basement and subbasement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided wherever possible  Bicycle racks/storage areas are to be provided wherever possible  Bicycle racks/storage areas are to be provided wherever possible  Bicycle racks/storage areas are to be provided wherever possible  Bicycle racks/storage areas are to be provided wherever possible encouraged to be provided wherever possible for area.  Bicycle racks/storage areas are to be provided wherever possible  Bicycle racks/storage areas are to be provided wherever possible encouraged to per 750m2 of gross leasable floor area.  Bicycle racks/storage areas are to be provided wherever possible encouraged to per possible provided wherever possible encouraged to per possible encouraged to per possible encouraged to per possible encouraged to per pos	Building envelopes are to allow for north-	Solar access diagrams demonstrate that the	
west streets to receive 1 hour of sunlight between 9am-3pm on 21June on a minimum of 50% of the southern footpaths 8.1 Vehicle Parking and Storage Car parking dimensions are to be provided in accordance with relevant Australian Standards.  Above ground parking is not encouraged without appropriate design measures to mitigate adverse visual impacts.  Below ground car parking is encouraged or higher density residential and mixeduse blocks as well as Town Centre retail blocks.  Where below ground parking is along a street edge and cross ventiliation is desirable, any exposed section of car parking areas.  Where below ground parking is along a street edge and cross ventiliation is desirable, any exposed section of car parking areas.  Where below ground parking is to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.  Natural ventilation of basement and sub-basement parking areas is encouraged to be provided in all developments in accordance with the following requirements. Bicycle racks/storage areas are to be provided in all development at 1 space per 750m2 of gross leasable floor area  Section 7.7.4 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  Communal open space  15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to provide open space is more than the minimum specified below.	sunlight between 9am- 3pm on 21 June on a minimum of 50% of the eastern or		
Car parking dimensions are to be provided in accordance with relevant Australian Standards.  Above ground parking is not encouraged without appropriate design measures to mitigate adverse visual impacts.  Below ground car parking is encouraged for higher density residential and mixeduse blocks as well as Town Centre retail blocks.  Where below ground parking is along a street edge and cross ventilation is desirable, any exposed section of car park wall is to be appropriately modelled and scaled.  The majority of car parking is to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.  Natural ventilation of basement and subbasement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided in all development = 1 space per 750m2 of gross leasable floor area  Ecetion 7.7.4 Key Controls Table (Table 23)—B1, B2, B3 and B 4 zones  Communal open space  15% of site area. This control is able to be varied where the applicant demonstrates the development than the minimum specified below.	west streets to receive 1 hour of sunlight between 9am-3pm on 21June on a minimum of 50% of the southern footpaths		Yes.
provided in accordance with relevant Australian Standards.  Above ground parking is not encouraged without appropriate design measures to mitigate adverse visual impacts.  Below ground car parking is encouraged for higher density residential and mixeduse blocks as well as Town Centre retail blocks.  Where below ground parking is along a street edge and cross ventilation is desirable, any exposed section of car parking areas.  Wechanical ventilation is provided to basement parking areas.  Car parking is provided within a basement and subbasement parking areas is encouraged to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.  Natural ventilation of basement and subbasement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residentis/employees and site visitors: Non-residential development = 1 space per 750m2 of gross leasable floor area  Section 7.7.4 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  Communal open space  15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.	6.1 Vehicle Parking and Storage		
without appropriate design measures to mitigate adverse visual impacts.  Below ground car parking is encouraged for higher density residential and mixeduse blocks as well as Town Centre retail blocks.  Where below ground parking is along a street edge and cross ventilation is desirable, any exposed section of car park wall is to be appropriately modelled and scaled.  The majority of car parking is to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.  Natural ventilation of basement and subbasement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residents/employees and site visitors:  Non-residential development = 1 space per 750m2 of gross leasable floor area  Section 7.7.4 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  The proposal delivers a total of 614sqm of common open space or where the area of private open space or where the area of private open space is more than the minimum specified below.	provided in accordance with relevant	provided in accordance with relevant	Yes.
for higher density residential and mixeduse blocks as well as Town Centre retail blocks.  Where below ground parking is along a street edge and cross ventilation is desirable, any exposed section of car park wall is to be appropriately modelled and scaled.  The majority of car parking is to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.  Natural ventilation of basement and subbasement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residents/employees and site visitors: Non-residential development = 1 space per 750m2 of gross leasable floor area  Section 7.7.4 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  The proposal delivers a total of 614sqm of common open space, representing 27.9% of the site.	without appropriate design measures to		Yes.
street edge and cross ventilation is desirable, any exposed section of car park wall is to be appropriately modelled and scaled.  The majority of car parking is to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.  Natural ventilation of basement and subbasement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residents/employees and site visitors:  Non-residential development = 1 space per 750m2 of gross leasable floor area  Section 7.7.4 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  Communal open space  15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.	for higher density residential and mixed- use blocks as well as Town Centre retail		Yes.
provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.  Natural ventilation of basement and subbasement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residents/employees and site visitors:  Non-residential development = 1 space per 750m2 of gross leasable floor area  Section 7.7.4 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  Communal open space  15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.  Under the building footprint.  Mechanical ventilation is provided to basement parking areas.  The proposal includes a total of 22 secure bicycle spaces which meets the minimum required.  Yes.  The proposal delivers a total of 614sqm of common open space, representing 27.9% of the site.	street edge and cross ventilation is desirable, any exposed section of car park wall is to be appropriately modelled and		Yes.
basement parking areas is encouraged to be provided wherever possible  Bicycle racks/storage areas are to be provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residents/employees and site visitors:  Non-residential development = 1 space per 750m2 of gross leasable floor area  Section 7.7.4 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  Communal open space  15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.	provided under Town Centre buildings and on street to limit visual impact and		Yes.
provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residents/employees and site visitors:  Non-residential development = 1 space per 750m2 of gross leasable floor area  Section 7.7.4 Key Controls Table (Table 23) – B1, B2, B3 and B 4 zones  Communal open space  15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.  bicycle spaces which meets the minimum required.  The proposal delivers a total of 614sqm of common open space, representing 27.9% of the site.	basement parking areas is encouraged to	· ·	Yes.
Communal open space  15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.  The proposal delivers a total of 614sqm of common open space, representing 27.9% of the site.	provided in all developments in accordance with the following requirements. Bicycle racks/storage areas should be provided for both residents/employees and site visitors:  Non-residential development = 1 space per 750m2 of gross leasable floor area	bicycle spaces which meets the minimum required.	Yes.
15% of site area. This control is able to be varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.  The proposal delivers a total of 614sqm of common open space, representing 27.9% of the site.		23) – B1, B2, B3 and B 4 zones	
varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the minimum specified below.	Communal open space		
	varied where the applicant demonstrates the development has good access to public open space or where the area of private open space is more than the	common open space, representing 27.9% of	Yes.

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# Oran Park Development Control Plan 2007 (Oran Park DCP) Assessment Table

Control	Assessment	Compliance?
Residential flat buildings: 4.5m to building façade line Shop top housing: Om for first floor 4m for floors above first floor	4.5m building line setback provided to Fordham Way.	Yes.
Side setback (minimum)		
Refer to Other Part of DCP regarding B zonings.	A minimum 3.2m setback provided to building edge.	Yes.
Car parking spaces		
1 space per dwelling, plus 0.5 spaces per 3 or more bedroom dwelling.	Required: 72 spaces Proposed: 83 spaces	Yes.
May be in a 'stack parking' configuration.	Stacked parking proposed for some 2/3 bedroom units.	Yes.
Car parking spaces to be located below ground or behind the building.	Car parking is located within the basement.	Yes.
1 visitor car parking space per 5 apartments (may be above ground)	Required: 14 spaces. Proposed: 16 spaces.	Yes.
	Council's engineers identified that 1 blind aisle on each basement level exceed the maximum length (6 car spaces) and therefore require a turning bay. A condition has been recommended that requires the 1 parking space on each floor to be converted to a turning bay. This will result in the reduction of provided visitor spaces from 16 to 14 however this is still meets the minimum required by the DCP.	
Bicycle parking spaces: 1 per 3 dwellings	22 secure bicycle spaces provided.	Yes.

# Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
1.2 Notification and Advertising Requirements –		Yes.
DAs are to be publicly exhibited in accordance with the Camden DCP	The DA has been publicly exhibited in accordance with the Camden DCP.	
2.1 Earthworks –		
Cut and fill should be minimized	Only earthworks that are considered reasonable to facilitate the proposed development are proposed.	Yes.
Only virgin excavated natural material should be used as fill	A standard condition is recommended to address this matter.	
2.2 Salinity Management		
Appropriate erosion, sediment and dust control measures must be implemented		Yes.

## RECOMMENDED CONDITIONS

## 1.0 - General Conditions of Consent

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

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

Plan Reference/	Name of Plan	Prepared by	Date
Drawing No.			
Architectural Plan	ı ıs – Project Title: Oran Park - F	Residential 2	
Sheet: DA0000	Cover Sheet	Allen Jack +	Date:
Sheet: DA1000	Site Plan - Masterplan	Cottier	18/11/2021,
Sheet: DA1001	Site Plan		Rev: C.
Sheet: DA1002	Site Calculations & Net		
	Development Area		
Sheet: DA2001	Basement 1 Floor Plan		
Sheet: DA2002	Basement 2 Floor Plan		
Sheet: DA2100	Ground Level Floor Plan		
Sheet: DA2101	Level 1 Floor Plan		
Sheet: DA2102	Level 2 Floor Plan		
Sheet: DA2103	Level 3 Floor Plan		
Sheet: DA2104	Level 4 Floor Plan		
Sheet: DA2105	Level 5 Floor Plan		
Sheet: DA2106	Level 6 Floor Plan		
Sheet: DA2107	Roof Plan		
Sheet: DA2801	Area Calculations - GFA		
Sheet: DA3101	Elevations - Sheet 1		
Sheet: DA3102	Elevations - Sheet 2		
Sheet: DA3201	Sections		
Sheet: DA3801	ADG Diagrams		
Sheet: DA3802	Shadow Analysis		
Sheet: DA3803	Adaptable Apartment		
Sheet: DA3804	Livable Apartments		
Sheet: DA3805	Height Plane Diagrams		
Sheet: DA3901	Perspectives - Sheet 1		
Engineering Plan	s – Project: 20963		
Sheet: DA_C000	Drawing Schedule	Henry &	Date:
	Cover Sheet, Drawing	Hymas	5/03/2021,
	Schedule, Notes And Locality		Rev: 02
	Sketch		
Sheet: DA_C100	General Arrangement Plan		Date:
			31/03/2021,
01 1 8 2 2 2 2			Rev: 04
Sheet: DA_C101	Detail Plan - Ground Floor		Date:
			07/05/2021,
Oh t - D 1 - O 1 C 2	Datail Dian Document 4		Rev: 05
Sheet: DA_C102	Detail Plan - Basement 1		Date: 07/05/2021.
			Rev: 05

Page 1

Sheet: DA_C200	Stormwater Miscellaneous		Date:
	Details And Pit Lid Schedule		18/11/2021,
			Rev: 03
Sheet: DA C201	OSD Plan, Sections And	1	Date:
_	Details		18/11/2021,
			Rev: 05
Sheet: DA C202	Water Quality Chamber		Date:
Olieet. DA_0202	Details		28/10/2021,
	Details		
0h4 DA 0050	Ottoto - O -tolo A Dis		Rev: 01
Sheet: DA_C250	Stormwater Catchment Plan		Date:
			07/05/2021,
			Rev: 05
Sheet: DA_SE01	Sediment And Erosion		Date:
	Control Plan		31/03/2021,
			Rev: 02
Sheet: DA SE02	Sediment And Erosion		Date:
	Control Details		09/11/2021,
	Some Bottane		Rev: 01
Sheet: DA BE01	Bulk Earthworks Cut And Fill		Date:
Olicer DA_DEGT	Plan		31/03/2021,
	I Iali		Rev: 03
Hudraulia Blanc	lah: 2020002		11ev. 05
Hydraulic Plans - Drawing: H100	Basement 2 Inground	Introv Drainata	Doto
Diawing. H 100		Intrax Projects	Date:
	Sanitary &		30/08/2021,
D : 11404	Stormwater Drainage Plan		Issue: 2.
Drawing: H101	Basement 2 Sanitary &		
	Stormwater		
	Drainage Plan		
	<ul> <li>Project: OPT Tranche 8 Res</li> </ul>		
Drawing: L01	Title Sheet	JMD Design	Date:
Drawing: L02	Design Analysis & Key		07/05/2021,
	Principles 01		Issue: D.
Drawing: L03	Design Analysis & Key		
	Principles 02		
Drawing: L04	Landscape Plan - Ground		
	Floor		
Drawing: L05	Landscape Plan - Rooftop	1	
	Site Sections - Ground Floor	1	
Drawing: L06		1	
Drawing: L07	Site Sections - Rooftop	-	
Drawing: L08	Indicative Planting Palette -		
<u> </u>	Ground Floor		
Drawing: L09	Indicative Planting Palette -		
	Rooftop		
Drawing: L10	Indicative Materials Palette -		
	Ground Floor		
Drawing: L11	Indicative Materials Palette -	]	
J = 1	Rooftop		

Document Title	Prepared by	Date
BASIX Certificate: 1201198M	Thermal Environmental Engineering	11 May 2021

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

Page 2

a) The carpark is to be designed in accordance with AS2890.1 – Off street parking. On each level of parking where the aisle length exceeds the maximum Blind Aisle as outlined in AS2890, a parking space is to be removed and converted into a turning bay. The turning bay will need to be marked accordingly to ensure cars do not park in the space. Any resident parking spaces and storage cages that are affected must be relocated to a visitor parking space.

Amended plans or documentation demonstrating compliance shall be provided to the certifier 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) National Construction Code Building Code of Australia (BCA) All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) Home Building Act Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates:
  - 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) Home Building Act Insurance Building work that involves residential building work within the meaning of the Home Building Act 1989, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This clause does not apply:

 to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or

to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.

(7) Shoring and Adequacy of Adjoining Property Works - If the approved development involves an excavation that extends below the level of the base of the

footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work 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

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

- (8) **Engineering Specifications** The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (9) **Future Strata Subdivision Requirements** Any future application for Strata Subdivision of the building approved by this consent shall ensure the following:
  - Each unit is to be allocated parking spaces in accordance with the labels shown on the approved basement floor plans. Any variation to this must be approved by Council prior to the issue of a strata certificate.
  - All visitor car parking spaces shall be shown as common property and must not be allocated to individual units.
- (10) **Protect Existing Vegetation and Natural Landscape Features** Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this development consent.

The following procedures shall be strictly observed:

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

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

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

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

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

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

- (11) **Safer By Design** The following safer-by-design features shall be incorporated into the approved development:
  - Store and Electrical Meter Rooms must have doors locked at all times and only accessible by authorised persons.
  - b) A closed circuit television system (CCTV) which complies with the Australian Standard - Closed Circuit Television System (CCIV) AS:4806:2006 must be implemented to receive, hold or process data for the identification of people involved in anti-social or criminal behaviour. This system should consist of surveillance cameras strategically located in and around the development to provide maximum surveillance coverage of the area, particularly in areas which are difficult to supervise including entry and exit points, car parking areas and stairwells.
  - c) Effective lighting must be installed in and around the car parking areas as well as the public *I* private areas.
  - d) Warning signs must be strategically posted around the buildings to warn intruders of what security treatments have been implemented to reduce opportunities for crime.
  - e) The main access to the residential car park should have restricted access with a security pass. The opening/closing mechanism should be protected from vandalism and tampering. All exit doors from the car park should have striker plates installed to minimise chance of tampering. Other than residents, only tenants of the associated Commercial Building shall be given a security pass to access this part of the car parking area. All security passes granted to commercial tenants shall be surrendered once future residential buildings are constructed on the site.
  - f) Entry into buildings shall use electronic access control equipment to enhance physical security. Intercom facilities should be incorporated into these entry/exit points at the front and back of the dwelling to enable residents to communicate and identify with people prior to admitting them to the premises.
- (12) Noxious Weeds Management Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

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

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

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

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

- (14) **Graffiti Resistant Materials and Finishes** Graffiti resistant materials and finishes must be used where possible.
- (15) Public Domain Manual Detailed finished and treatments for all works within the public domain shall be selected from the Oran Park Town Centre Public Domain Manual (May 2011) and detailed in the plans and documents accompanying the Construction Certificate Plans and Documents.
- (16) Voluntary Planning Agreement The proposed development must be undertaken in accordance with the terms and conditions of the Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd, Leppington Pastoral Company Pty Ltd and Landcom, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, dated 22 September 2020.

The following monetary contributions must be indexed to the Consumer Price Index and paid prior to issue of an Occupation Certificate:

\$644 per additional hectare Total \$243 for Administration

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

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

(1) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

- (2) **Information for Construction Certificate** The following information shall be provided to the certifier with the Construction Certificate application:
  - a) Evidence of arrangements for an easement for right of carriageway to be obtained over approved Lot 4 of DA/2019/609/1 to benefit approved Lot 8.
- (3) **Structural Engineer's Details** The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into

consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.

- (4) **Driveway Gradients and Design** The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
  - a) the driveway shall comply with Council's Access Driveway Specifications; <a href="https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf">https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf</a>
  - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
  - the level for the driveway across the footpath area shall achieve a gradient of 4%; and
  - a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

- (5) External Walls and Cladding Flammability The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the accredited certifier must:
  - be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
  - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.
- (6) Civil Engineering Plans Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.

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

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

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

Where a Construction Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Construction Certificate plans shall be provided to the certifier with the Construction Certificate application.

Where a Construction Certificate is not required by this development consent, a detailed on-site detention and water quality report reflecting the approved development application plans and Council's Engineering Specifications shall be provided to Council prior to works commencing.

- (8) Water Quality Measures All surface water from the car parks must be collected and directed to an on-site disposal system incorporating silt and oil arrestor. Details of water quality measures must be shown on the engineering plans
- (9) **Soil, Erosion, Sediment and Water Management** An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (10) Works in Road Reserves Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the Roads Act 1993.
- (11) Garbage Room Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the accredited certifier for approval. Garbage room(s) are to be constructed of solid material and finished as a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste connection. Walls are to be smooth impervious surfaces to ensure no moisture, oils or similar material can soak in. Ventilation, pest proofing and a hose tap must be provided.
- (12) **Mechanical Plant Selection and Attenuation** Mechanical plant selection and operation for the building must not exceed "Section 5 External Noise Intrusion Assessment" criteria and "Section 8 Noise Emission Criteria" contained within the report titled "Development Application Acoustic Report Oran Park Residential 2, Prepared by Acoustic Logic, Dated 12 April 2021."

All plant must be suitably located on site or screened with suitable acoustic materials (and this includes plant on private balconies) to meet internal and external criteria. Selection of suitable mechanical plant must be undertaken with the involvement of a suitably qualified acoustic consultant.

(13) Car Park Noise Control – All off-street (including basement) car parks must have a coved finish with Slabseal 2000 SR sealant (or similar equivalent product) applied to the concrete floor. The coved finish and sealant must be suitably maintained on the floor of all car parks at all times to a standard that eliminates tyre squeal noise from being audible.

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

(14) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019. Details demonstrating compliance must be provided to the certifier.

The detailed landscape plan must also include:

- Trees to be sourced in accordance with tests and measurements contained within AS2303-2015 - Tree Stock for Landscape Use.
- b) All trees to be minimum 45 Litre Container.
- c) Tree planting detail and section drawing are to specify root barrier where trees are planting in close proximity to hard surfaces.
- d) Detailed landscape plans must be prepared in accordance with Appendix B of Council's Engineering Design Specifications prior to issue of the Construction Certificate.
- (15) **Fibre-Ready Facilities/Telecommunications Infrastructure** Documentary evidence must be provided to the certifier demonstrating that satisfactory arrangements have been made for:
  - a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
  - b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

- (16) **Plumbing and Ductwork** All plumbing and ductwork (Including stormwater downpipes) must be concealed within the outer walls of the building so that it is not visible. Plans and elevations detailing the method of concealment must be submitted to the certifier with the Construction Certificate application.
- (17) **Design Quality Statement (Construction)** A statement from a qualified designer verifying that the plans and specifications achieve or improve the design quality of the development, having regard to the design quality principles in Schedule 1 of State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development, must be submitted to the certifier with the Construction Certificate application.
- (18) **Substation Location** Prior to the issue of a Construction Certificate, Camden Council shall be consulted over the final design plans and location of a substation (if required). The substation potentially could impact on other services and buildings, driveway or landscape design already approved by Council.
- (19) Section 7.11 Contributions Works In Kind Section 7.11 contributions may be offset by the value of land and/or works as part of a 'Works in Kind' agreement with Council. Works in kind to be carried out shall be agreed to by Council in writing prior to the payment of the contributions and issue of a construction certificate (related to the works in kind). All such agreements shall be in accordance with Council's Works In Kind Policy.

(20) Special Infrastructure Contribution - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the EP&A Act 1979 under Section 7.23 of that Act and as in force on the date of this consent. This contribution shall be paid to the Department of Planning, Industry and Environment (DPIE).

Evidence of payment of the SIC shall be provided to Council and the certifier.

Alternatively, the applicant must obtain written confirmation from DPIE that the SIC is not required to be paid for the approved development.

#### More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW Planning Portal (<a href="https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service">https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service</a>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

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

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

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

### 3.0 - Prior to Commencement of Works

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

- (1) Public Liability Insurance The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with 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 principal certifier, and of the person by whom the principal certifier was appointed;

e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and

a telephone number on which the principal certifier may be contacted for business purposes.

- (3) **Notice of Commencement of Work** Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with 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;
  - the registered number and date of issue of the relevant development consent and construction certificate;
  - a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - the date on which the work is intended to commence.
- (4) **Construction Certificate Required** In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
  - a) a Construction Certificate has been issued by a certifier;
  - a principal certifier has been appointed by the person having benefit of the development consent;
  - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
  - the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** A sign shall be erected in a prominent position on the site stating the following:
  - a) that unauthorised entry to the work site is prohibited;
  - the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
  - c) the name, address and telephone number of the principal certifier.

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

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

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

- (8) **Soil Erosion and Sediment Control** Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Dilapidation Report Council Property** A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

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

- (10) **Traffic Management Plan** A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.
- (11) Construction Management Plan A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the principal certifier.
- (12) **Environmental Management Plan** An environmental management plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the principal certifier.

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

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) measures to control air emissions that includes odour;

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

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

(15) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.

## 4.0 - During Works

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

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

unless approved in writing by Council.

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

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

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

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

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

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

- (4) **Site Management** The following practices are to be implemented during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
  - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner:
  - waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
  - d) a waste storage area shall be located on the site;

- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
  - i) be a standard flushing toilet connected to a public sewer; or
  - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
  - iii) be a temporary chemical closet approved under the *Local Government*Act 1993.
- (5) **Finished Floor Level** A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (6) **Building Height** A survey report prepared by a registered land surveyor confirming that the building height complies with the approved plans or as specified by the development consent, shall be provided to the principal certifier prior to the development proceeding beyond frame stage.
- (7) **Survey Report** The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Building Glazing, Roof / Ceiling and Wall Construction** The required glazing, roof / ceiling, and wall construction for the building must be constructed consistent with "Section 6.2 Complying Constructions" contained within the report titled "Development Application Acoustic Report Oran Park Residential 2, Prepared by Acoustic Logic, Dated 12 April 2021."
- (9) **Traffic Management Plan Implementation** All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (10) **Site Signage** A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:
  - "WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

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

- (11) Seal Up Existing Redundant Laybacks All existing redundant laybacks must be sealed up to match the existing concrete gutter on the road.
- (12) Vehicles Leaving the Site The construction supervisor must ensure that:
  - all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
  - the wheels of vehicles leaving the site:
    - do not track soil and other waste material onto any public road adjoining the site; and
    - fully traverse the site's stabilised access point.
- (13) **Fill Compaction** All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (14) Removal of Waste Materials Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: <a href="www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm">www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm</a>)

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

- (15) Soil, Erosion, Sediment and Water Management Implementation All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (16) **Noise During Work** Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.

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

Noise levels emitted during works must comply with:

- Construction period of 4 weeks and under:
  - The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).
- Construction period greater than 4 weeks and not exceeding 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

Construction period greater than 26 weeks:

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

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

- (17) Location of Stockpiles Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.
- (18) Disposal of Stormwater Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (19) Delivery Register The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Council officers on request and be provided to the Council at the completion of the development.
- (20) **Fill Material (VENM)** Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

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

Virgin Excavated Natural Material (VENM):

- 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:

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

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

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

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m³)
Virgin Excavated Natural Material		1000 or part thereof

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

- (21) 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.
- (22) Air Quality Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (23) Construction Waste Management Plan Waste management is required in accordance with the "Construction Waste Management Plan Oran Park Metro 2, Prepared by Richard Crookes Constructions, Dated April 2021," (or similar plan).
- (24) Waste Storage and Recycling The waste and recyclable storage area in the basement shall be fully enclosed, adequately ventilated and constructed with a concrete floor and concrete or cement rendered walls. The floor shall be graded to an approved sewer connection incorporating a sump and galvanised grate cover or basket. A hot and cold hose cock shall be provided within the room. Details shall be provided with the Construction Certificate.
- (25) **Protection for Existing Trees** The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.

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

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

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

(27) Salinity Management Plan - All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the approved salinity management plan titled "Report on Salinity Investigation and Management Plan: Tranche 7 Tranche 8 and Anthony Reserve Oran Park, Prepared by Douglas Partners, Project 40740.98, Dated June 2011."

# 5.0 - Prior to Issue of an Occupation Certificate

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

- (1) Parent Subdivision and Road Completion Prior to the issue of any Occupation Certification all requirements of DA/2017/1525/1 and DA/2019/609/1 shall be completed and the Subdivision Certificate must be released by the relevant Certifying Authority.
- (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 principal certifier. 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 principal certifier in accordance with the requirements of the EP&A Regulation 2000.
- (4) Survey Certificate A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (5) **Building Height** A registered surveyor shall certify that the maximum height of the building is consistent with the height in the approved plans and this consent. The certification/verification shall be provided to the satisfaction of the principal certifier.
- (6) **Driveway Crossing Construction** A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.

- (7) **Services** Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:
  - a) Energy supplier A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
  - b) Water supplier A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

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

- (8) External Walls and Cladding Flammability The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate principal certifier must:
  - be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
  - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.
- (9) Positive Covenant OSD / On Site Retention / Water Quality Facility A positive covenant shall be created under Section 88E of the *Conveyancing Act 1919* burdening the owner(s) with a requirement to maintain the on-site detention, water quality facility and on-site retention/re-use facilities on the property, prior to the issue of an Occupation Certificate.

The terms of the Section 88E instrument with positive covenant shall include the following:

- a) the Proprietor of the property shall be responsible for maintaining and keeping clear all pits, pipeline s, trench barriers and other structures;
- b) the proprietor shall have the facilities inspected annually by a competent person;
- the Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order the facilities; and
- d) The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component

of the OSD and OSR, or failure to clean, maintain and repair the OSD and OSR.

The proprietor or successor shall bear all costs associated in the preparation of the subject Section 88E instrument. Proof of registration with NSW Land Registry Services shall be provided to and approved by the principal certifier prior to the issue of an Occupation Certificate.

- (10) **Completion of Road Works** All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.
- (11) **Reinstate Verge** The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (12) **Defects and Liability Bond** The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

**Note.** Fees are payable for the lodgement and refund of the bond.

- (13) Acoustic compliance report An acoustic assessment report based on noise monitoring of the operation of all mechanical plant on the site must be submitted to Camden Council (Consent Authority) prior to the issue of an occupation certificate for the Building. The monitoring shall be undertaken by a qualified acoustic consultant to demonstrate compliance with the following:
  - (a) Mechanical plant noise complies with:
    - On-site internal noise criteria "Table 5-1 and Table 5-2" and on-site external noise criteria "Table 5-3" contained within the report titled "Development Application Acoustic Report Oran Park Residential 2, Prepared by Acoustic Logic, Dated 12 April 2021."
    - Off-site (adjoining closest residential building to the north) "Table 8-7 Summarised Noise Emission Criteria" contained within the report titled "Development Application Acoustic Report Oran Park Residential 2, Prepared by Acoustic Logic, Dated 12 April 2021."
  - (b) <u>Materials and Mitigation Controls</u>
    - That all noise attenuation materials and structures used for the mitigation / control of noise is constructed and compliant with the conditions of the consent.

For any non-compliance, the acoustic compliance report must include recommendations for compliance and these recommendations will be enforced by Council at the cost of the owner / occupier. An application pursuant to Section 4.55 'Modification' of the EP&A Act for the modification of the development consent

(14) Rainwater Harvesting and Tanks – For the purpose of harvesting rainwater for reuse on site, only rainwater captured from the roof catchment is allowed to be reused to water landscapes and vehicle washbays (if non-potable water is preferred).

- (15) Rainwater Harvesting and Tanks The proposed use of rainwater must comply fully with "Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Re-use, July 2009", and in particular with "Section 2 Roofwater Reuse".
- (16) Rainwater Harvesting and Tanks Prior to the issue of an Occupation Certificate, a detailed operation and procedure manual shall be developed and submitted to the principle certifying authority detailing the rainwater harvesting system and identifying specific risk areas and treatments. It is mandatory to address the requirements of "Table 2.1 Inspection and Maintenance of Roofwater Reuse Systems" of "Section 2 Application of standard approach" within the "Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 2) Stormwater Harvesting and Re-use, July 2009," that includes identification of who shall carry out inspections and when, details of emergency shutdown procedures, and the conducting of periodic testing to ensure water quality.
- (17) **Indemnity Agreement** The owner or strata body corporate or community association must have an indemnity agreement in place with Council before occupation and before waste collection will occur from private land.
- (18) Locks for Waste Holding Area The waste collection holding area will need to be lockable through abloy key device to restrict access only the caretaker and Council's waste collection staff.
- (19) Waste Management Plan The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (20) Waste Collection Contract The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.
- (21) 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.
- (22) **Inspection of Existing Street Trees** All existing street trees must be inspected by Council to ensure that they are undamaged and in a healthy condition.
- (23) Design Quality Statement (Occupation) A statement from a qualified designer verifying that the development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles in Schedule 1 of State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development, must be submitted to the principal certifier.

## 6.0 - Ongoing Use

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

- (1) **Manoeuvring of Vehicles** All vehicles shall enter and exit the site in a forward direction.
- (2) 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.

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

The loading dock (if provided) 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 docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (5) Offensive Noise and Noise Compliance The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (6) Waste Water From Vehicle Wash Bays Waste water generated from the use of any onsite wash bay must drain to the sewer main that services the larger site. Permission to discharge to the sewer must be obtained from Sydney Water before discharge commences.
- (7) No Waste to Be Stored Outside of the Site No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (8) Waste Collection Holding Area Waste bins and bulky waste are only to be stored in the holding area on ground level for collection. The earliest that bins or bulky waste may be moved to the holding area is 12 hours before collection. Immediately following collection, the building's caretaker must transport all bins back to the basement for storage until the next collection day.
- (9) **Maintenance of Landscaping** Landscaping shall be maintained in accordance with the approved landscape plan.
- (10) Landscaping Maintenance Establishment Period Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

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

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

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

At the completion of the maintenance and establishment period, the landscaping

works shall comply with the approved landscape plans and all improvements be in full working order.

-	at Address 4			Record	
-	CLAUUTUSS.4	FORDHAM WAY, 0	ORAN PARI	K, NSW 2570	
Proje	ct Title: ORA	N PARK - RESIDEN	ITIAL 2		
Cons	ent No: DA 2	021/535	Body C	Corporate Reg No:	N/A
Draw	ing Title: COV	ER SHEET	Drawin	ig No: DA0000	
Rev	Date dd.mm.yy	Description	//	DP Full Name	Reg No
С	18.11.21	COUNCIL RFI		JOHN GUNNELL	DEP0000765
		6			
С	18.11.21	COUNCIL RFI		JOHN GUNNELL	

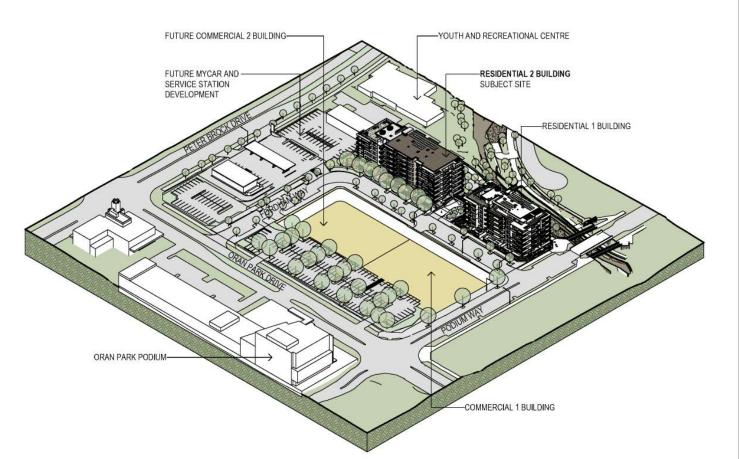


LOCATION PLAN

# **DEVELOPMENT APPLICATION**

ORAN PARK - RESIDENTIAL 2

4 FORDHAM WAY ORAN PARK, NSW 2570



SHEET NUMBER		1	REVISION	
	COVER SHEET		С	<b>N</b>
	SITE PLAN - MASTERPLAN	>	C	1
A1001	SITE PLAN		C	
	SITE CALCULATIONS & NET DEVELOPMENT AREA		С	1
A2001	BASEMENT 1 FLOOR PLAN	3	С	
A2002	BASEMENT 2 FLOOR PLAN		С	-
A2100	GROUND LEVEL FLOOR PLAN		С	1
DA2101	LEVEL 1 FLOOR PLAN		С	
DA2102	LEVEL 2 FLOOR PLAN	>	С	
0A2103	LEVEL 3 FLOOR PLAN	-	С	_ 1
A2104	LEVEL 4 FLOOR PLAN		С	100
A2105	LEVEL 5 FLOOR PLAN		C	1005
A2106	LEVEL 6 FLOOR PLAN	7	С	100
	ROOF PLAN	-	C	- AM
A2801	AREA CALCULATIONS - GFA		С	100
A3101	ELEVATIONS - SHEET 1		С	
A3102	ELEVATIONS - SHEET 2	7	С	
A3201	SECTIONS	>	C	< T
A3801	ADG DIAGRAMS		C	Name and Address of the Owner, where
DA3802	SHADOW ANALYSIS		С	
DA3803	ADAPTABLE APARTMENT	7	С	7
	LIVABLE APARTMENTS	>	С	<
DA3805	HEIGHT PLANE DIAGRAMS		С	1
DA3901	PERSPECTIVES - SHEET 1		C	

UNIT TYPE	RATE (REQUI	RED)	PROPOSED
1 BED (10) 15.15% 2 BED (44) 66.67% 3 BED (12) 18.18% INCL ADAPTABLE (10%)	x1 x1.5	(10) (44) (18) (72)	10 49 24 83 (7)
VISITOR (66) INCL. 1 ACCESSIBLE EV CHARGING STATION CAR WASH BAY	x0.2	(13.2)	13 2 1
TOTAL BICYCLE (66)	x0.33	(20.79)	99 21

A J+C

ALLEN JACK-COTTLER

eet Chippendale NSW 2008 AUSTR.

ORAN PARK - RESIDENTIAL 2 4 FORDHAM WAY ORAN PARK, NSW 2570

COVER SHEET

Dawing Status
NOT FOR CONSTRUCTION

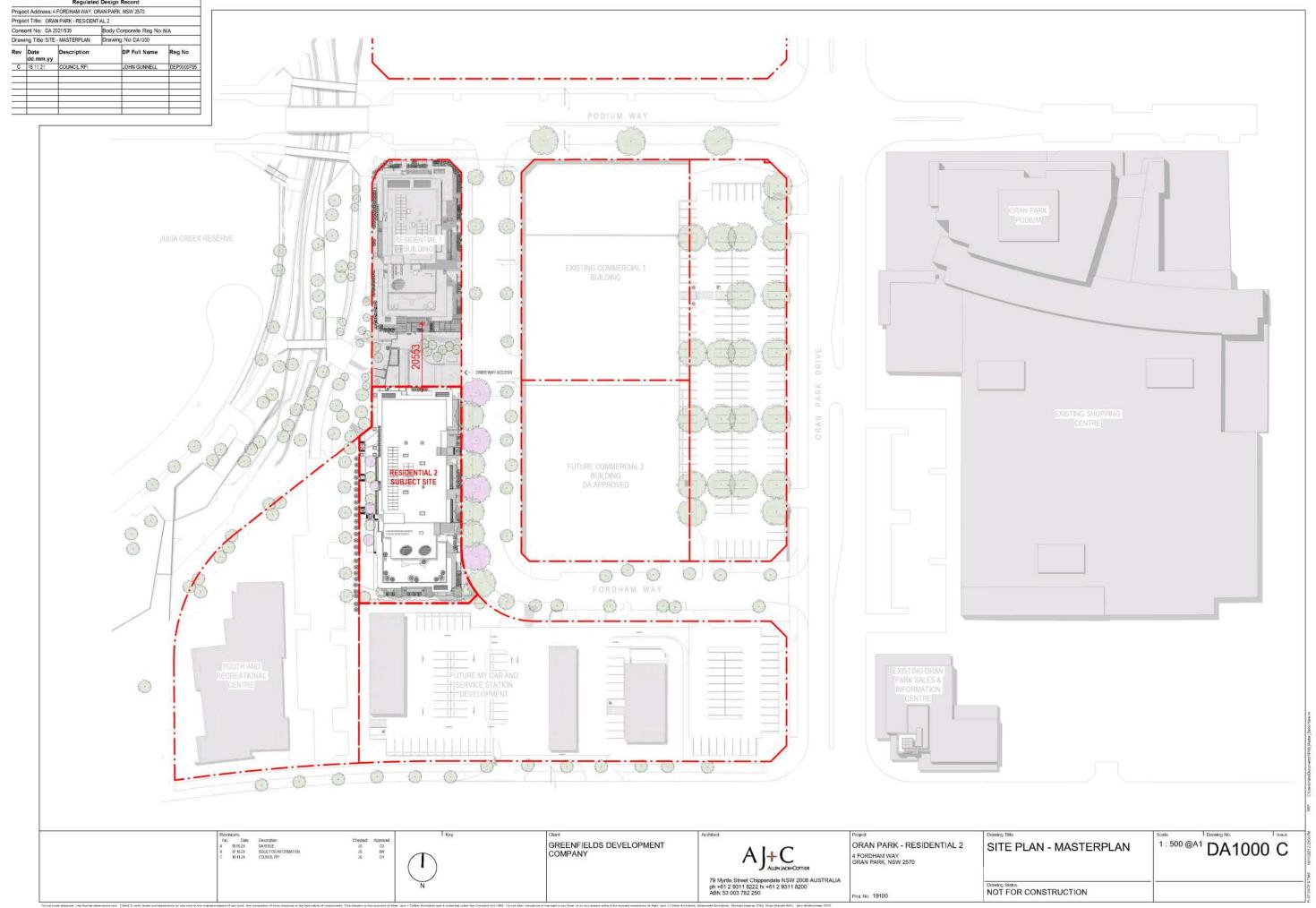
No. Date Description
A 05.05.21 DA ISSUE
8 07 19.21 ISSUE FOR INFORMATIO
C 18 11.21 COUNCIL RH

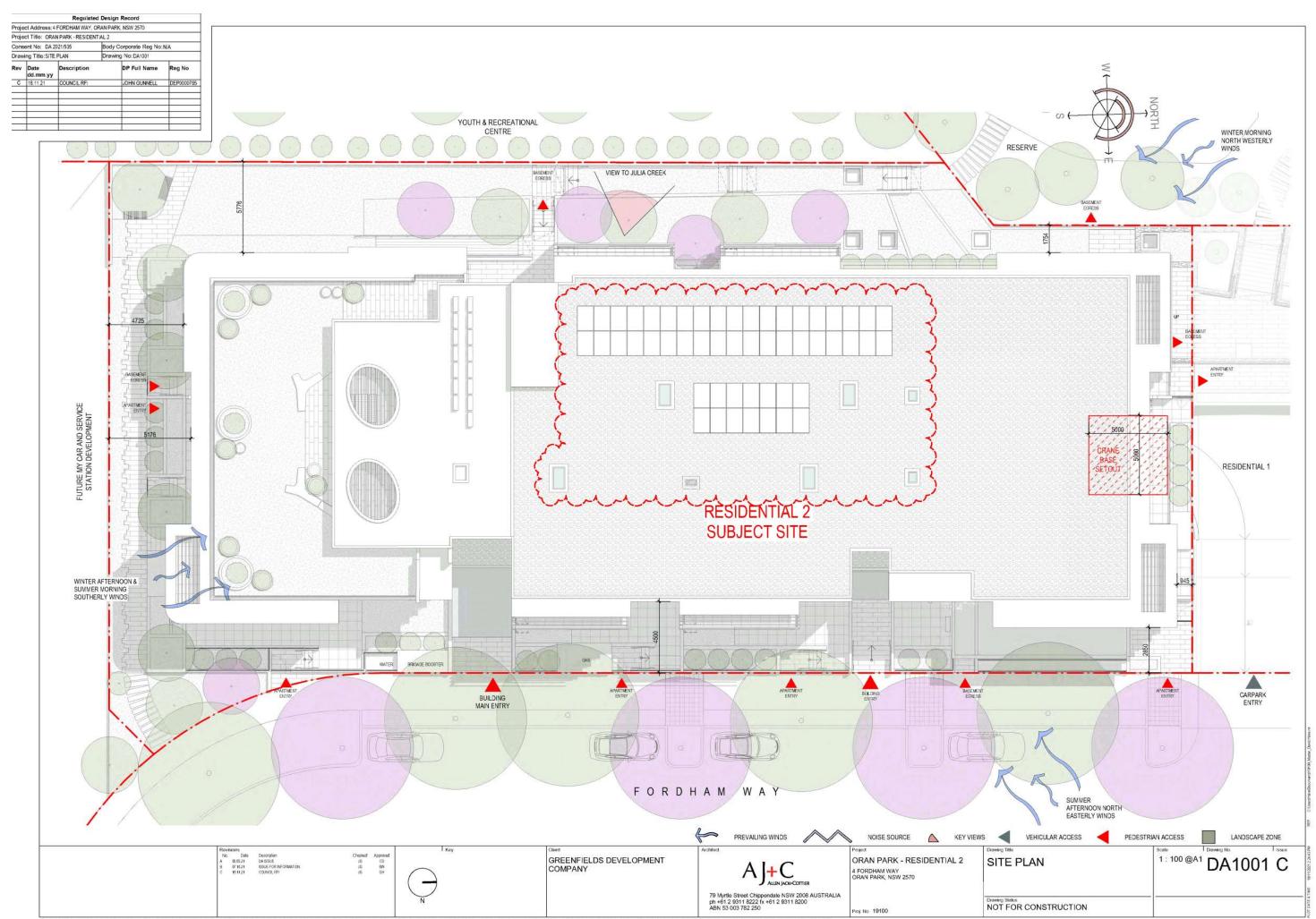
Checked Approve
JG CD
JG BW
JG DH

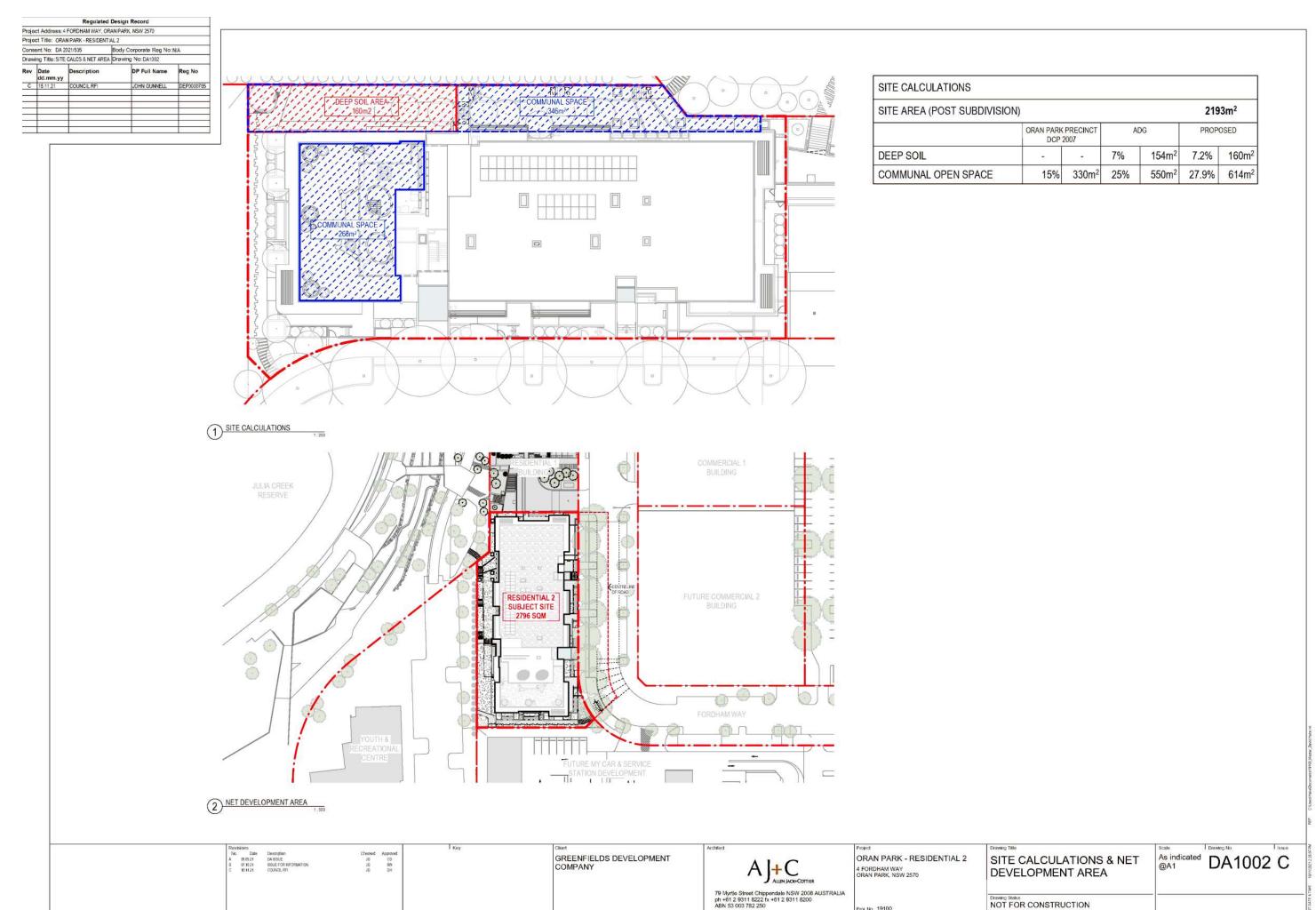
GREENFIELDS DEVELOPMENT COMPANY

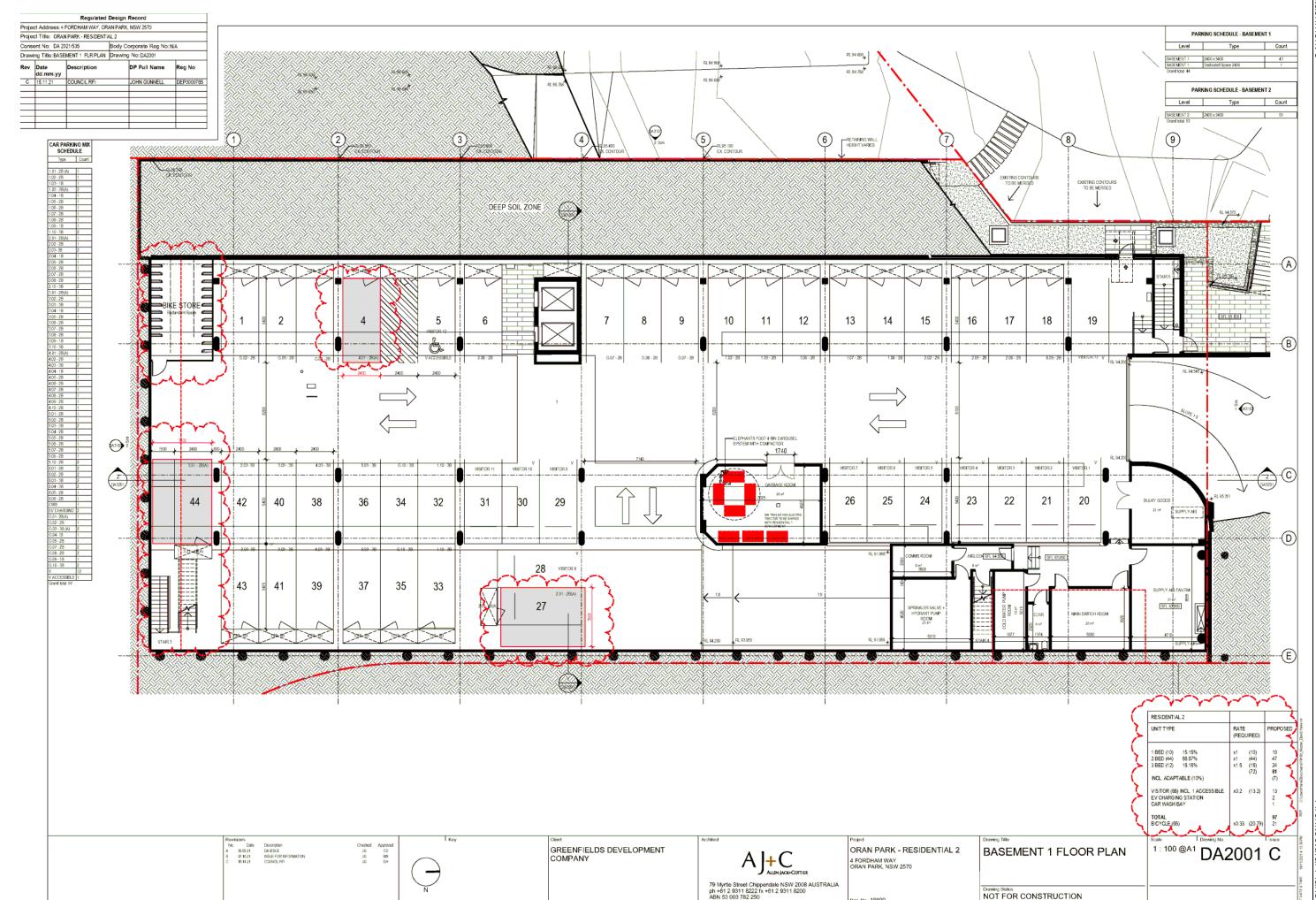
Page 105

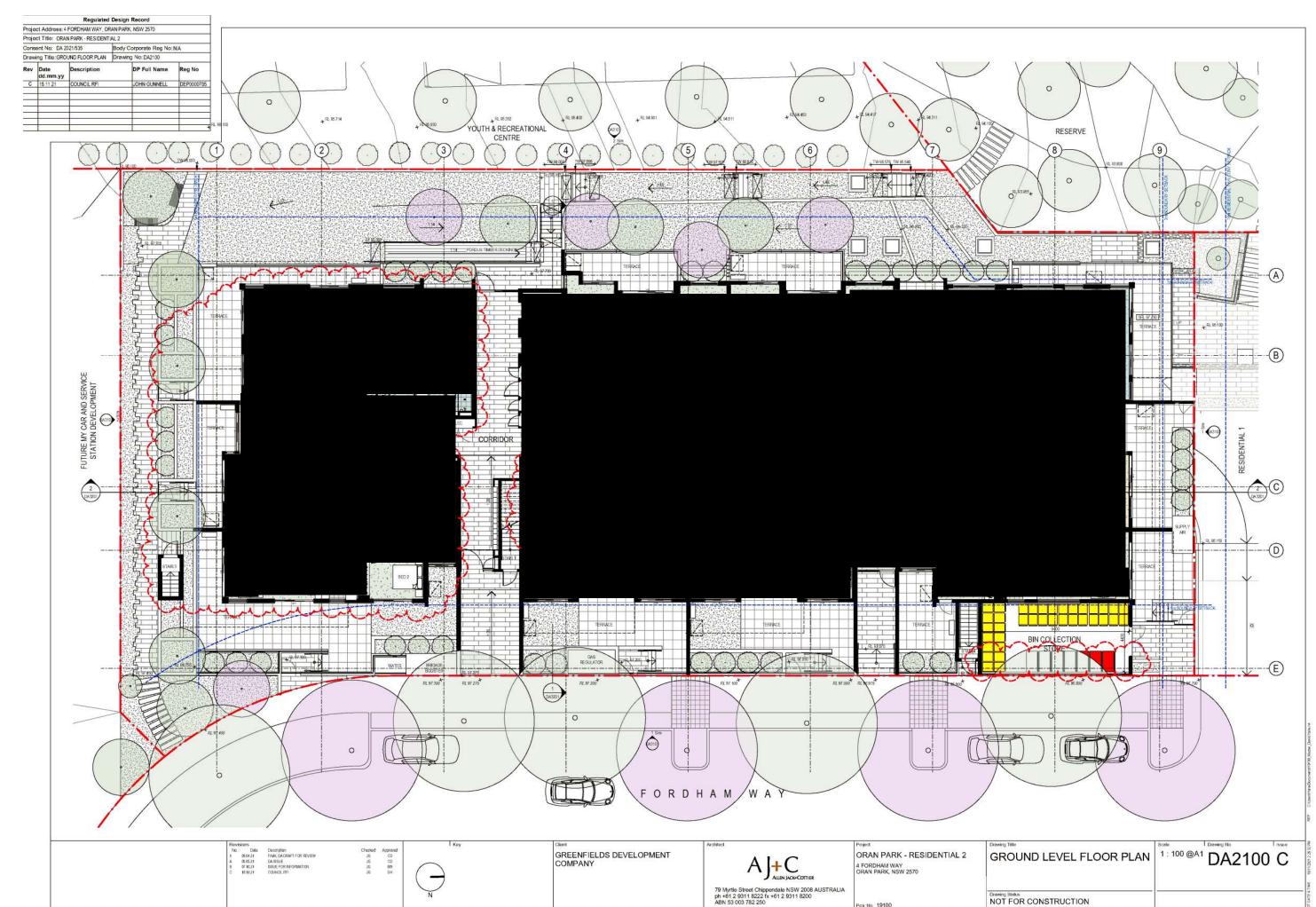
Attachment 6











Attachment 6

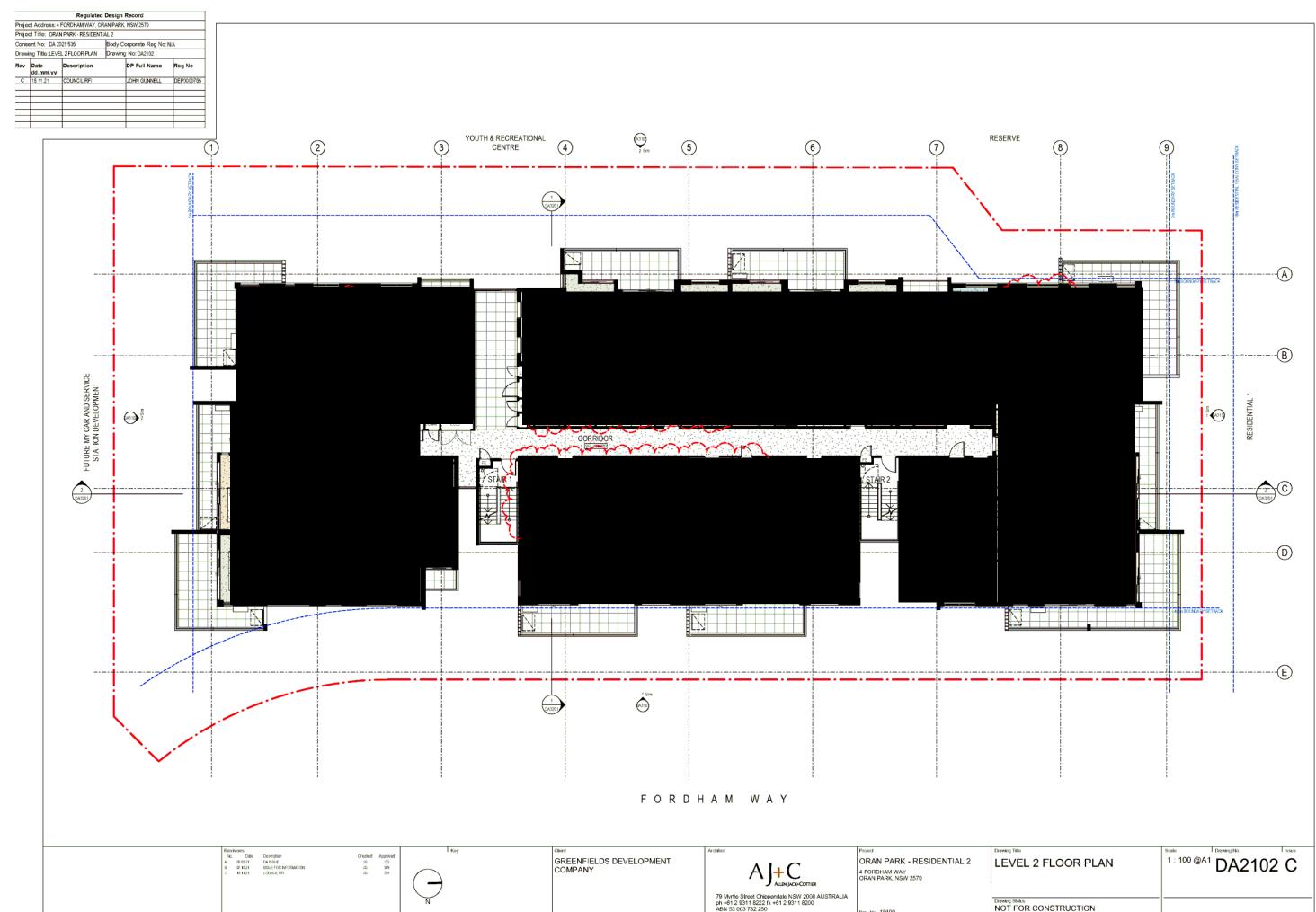
Architectural Plans

CLPP02

**Attachment 6** 

This is the report submitted to the Camden Local Planning Panel held on 16 December 2021

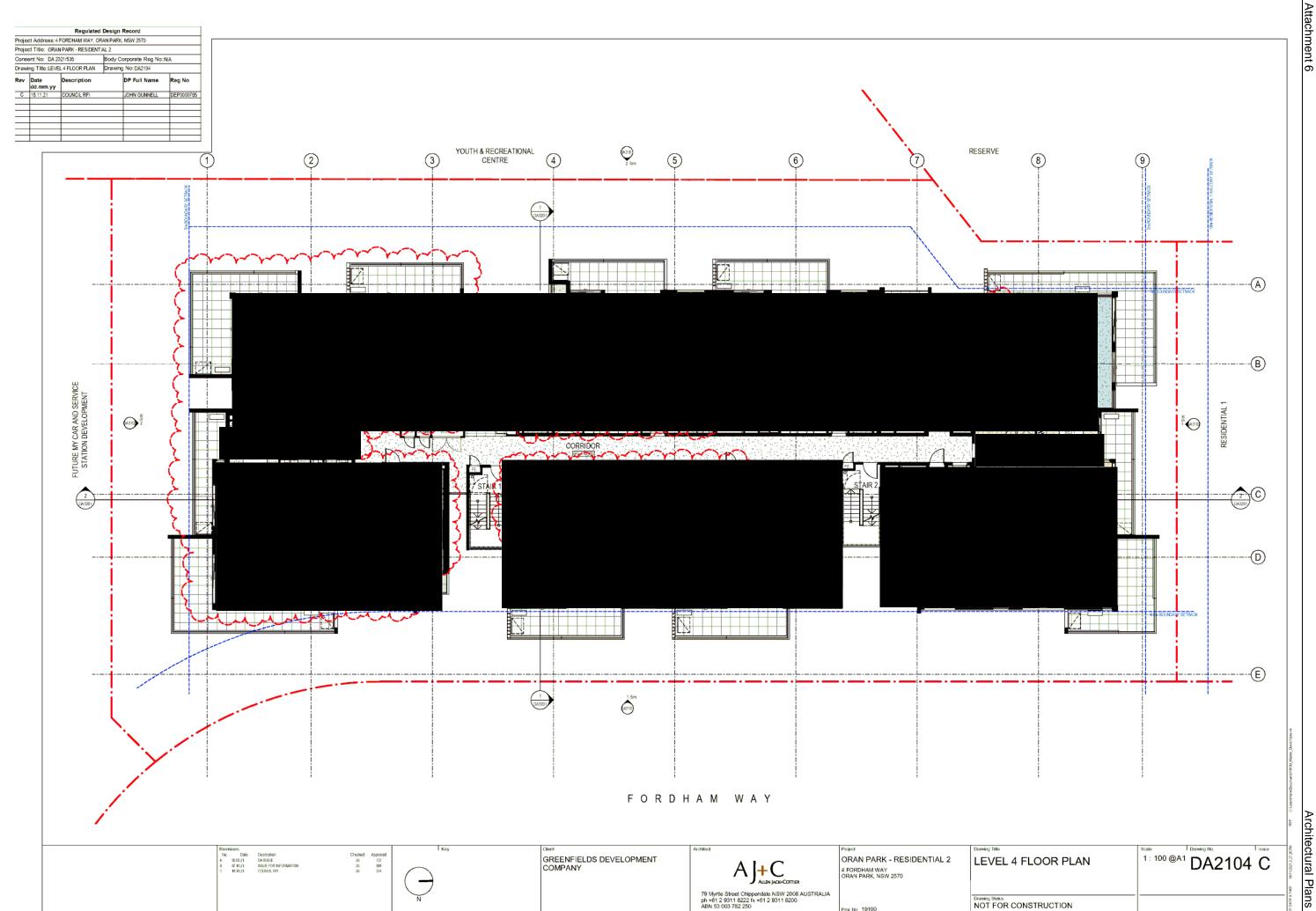
Architectural Plans



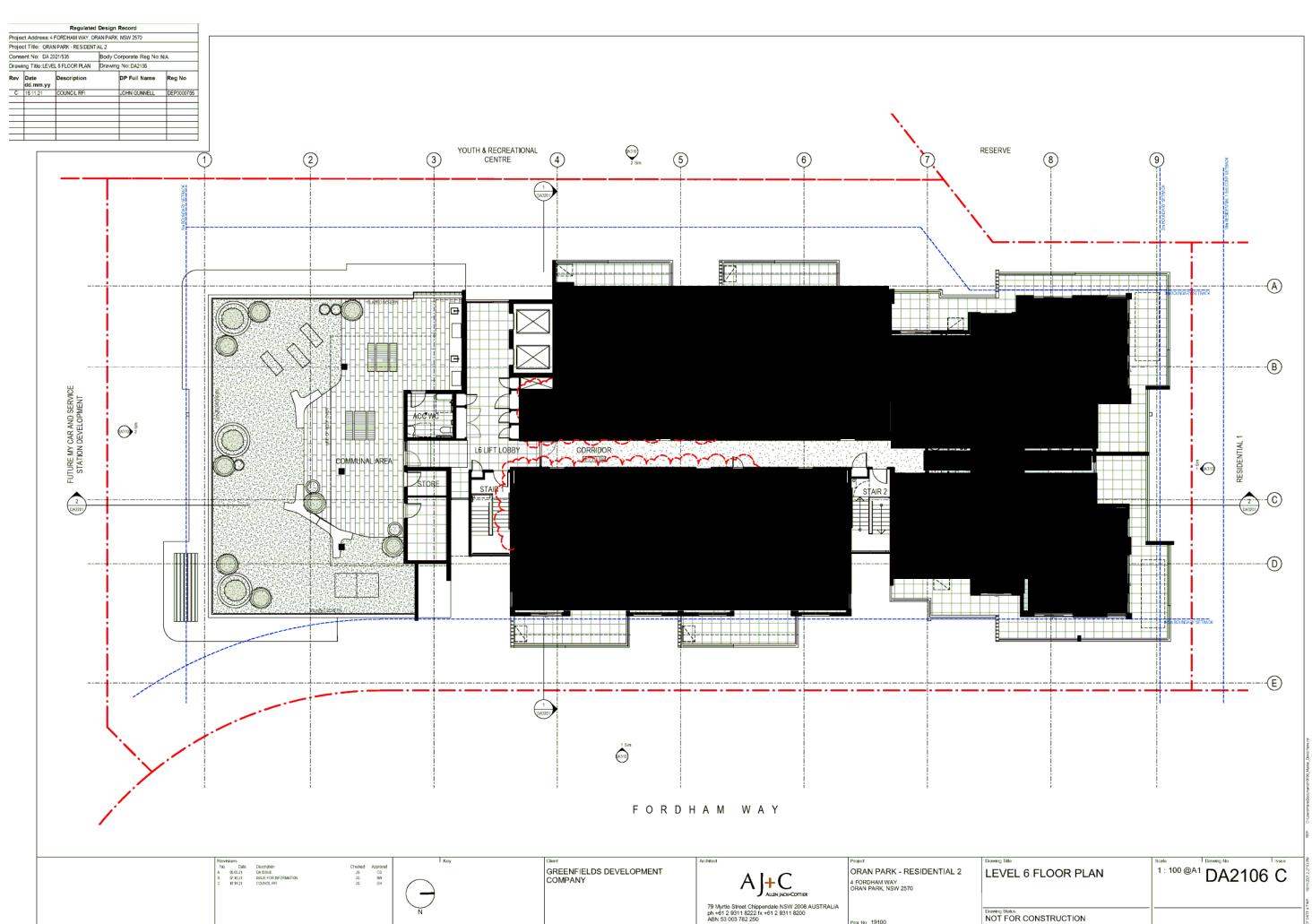
**Attachment 6** 

CLPP02

Architectural Plans



This is the report submitted to the Camden Local Planning Panel held on 16 December 2021

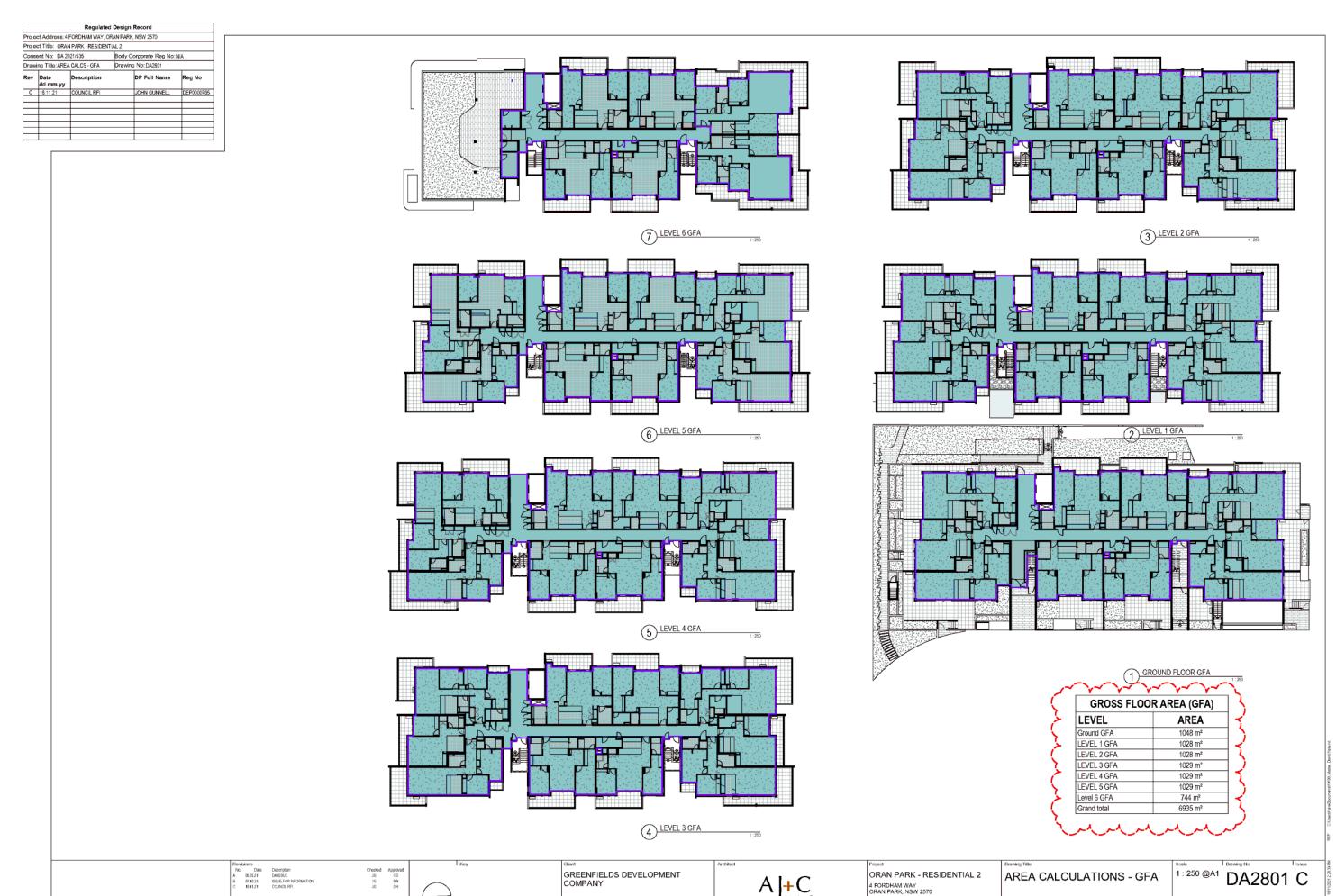


This is the report submitted to the Camden Local Planning Panel held on 16 December 2021

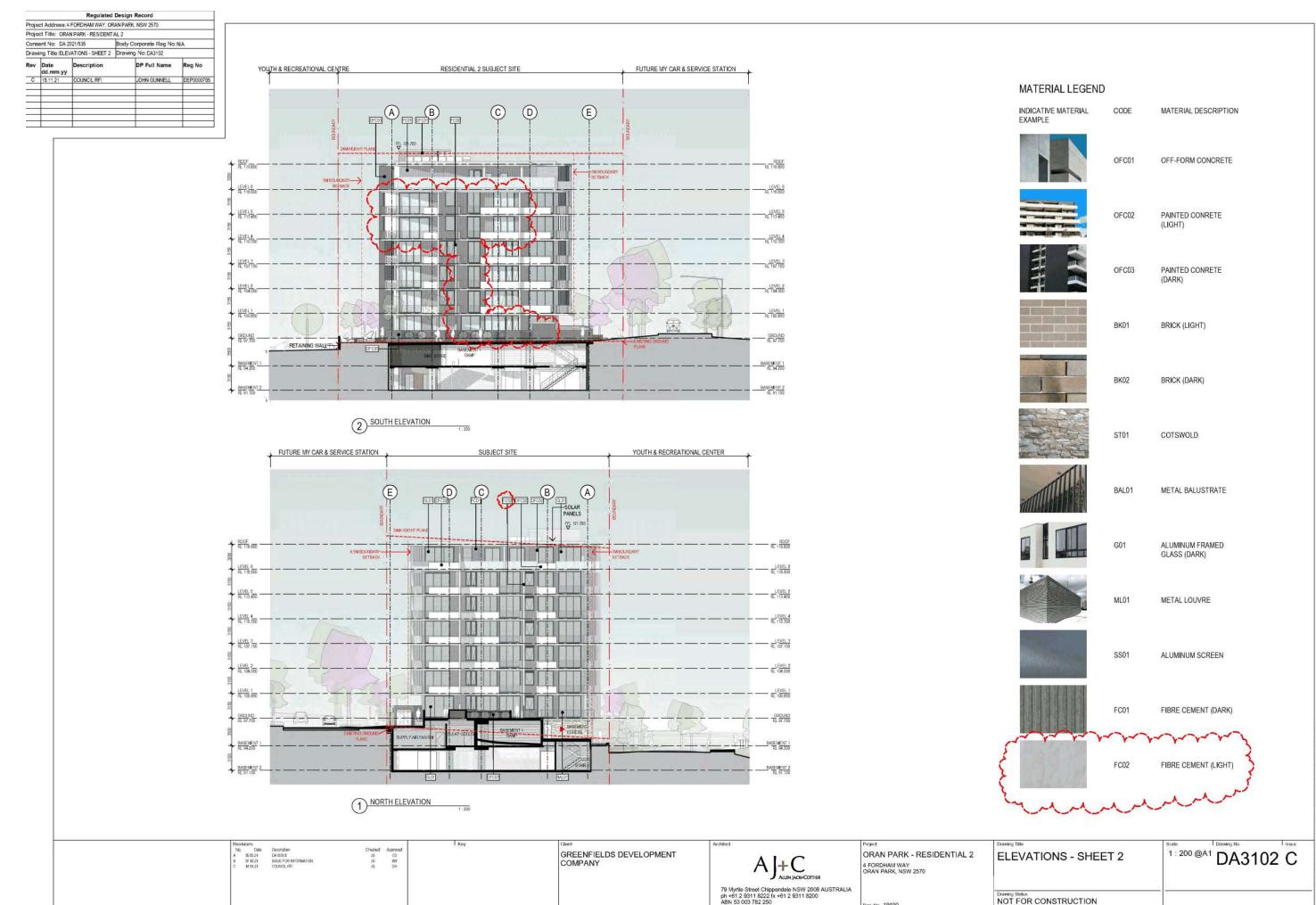
**Attachment 6** 

CLPP02

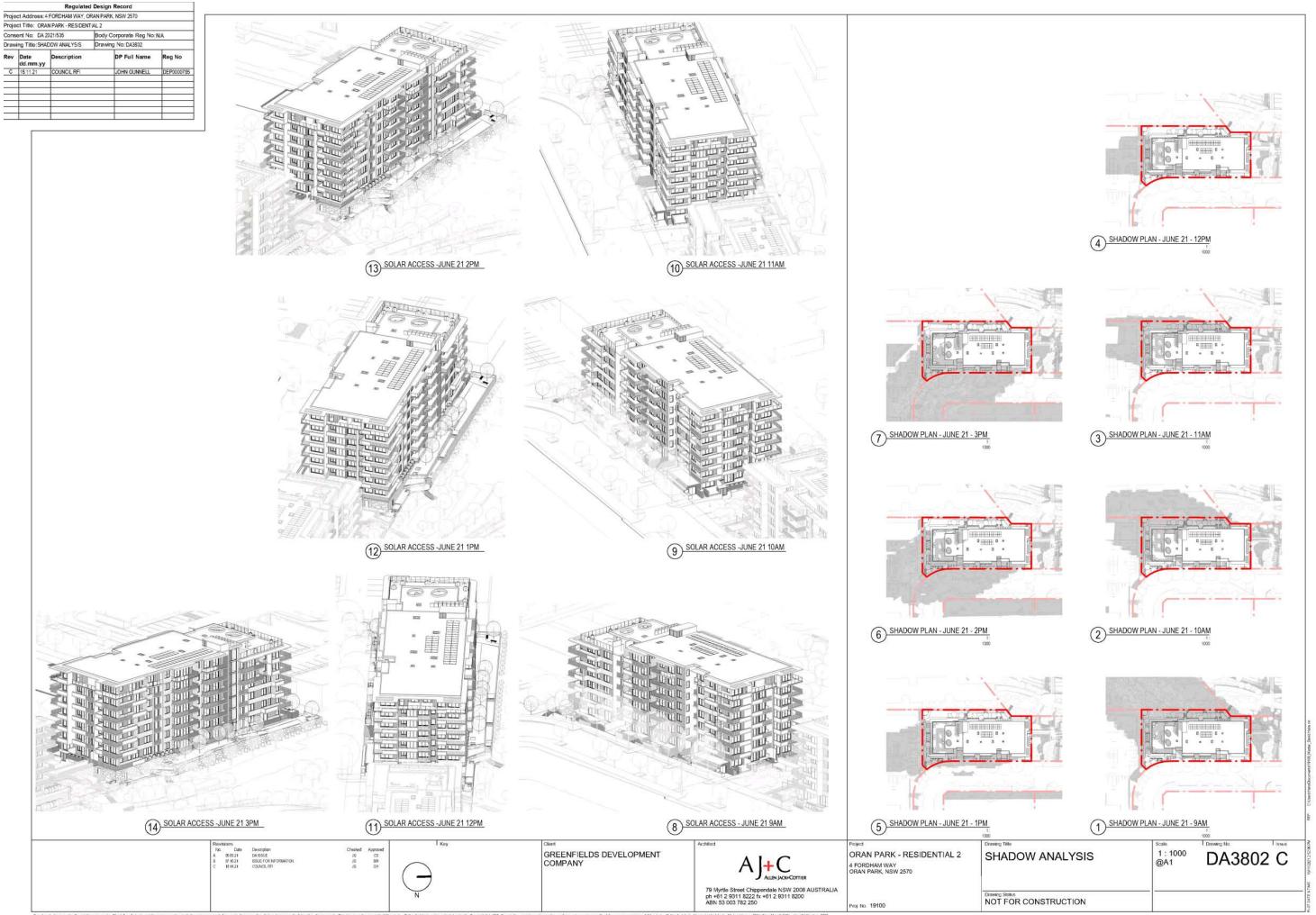
Drawing Status
NOT FOR CONSTRUCTION











**Attachment 6** 

CLPP02

Apartment G.03 - Pre Adaption
1:50

Citient
GREENFIELDS DEVELOPMENT
COMPANY

Architect

A J+C
ALLEN JACK-COTTIER
et Chicoendale NSW 2008 AUSTRALIA

ORAN PARK - RESIDENTIAL 2 4 FORDHAM WAY ORAN PARK, NSW 2570

ADAPTABLE APARTMENT

Drawing Status
NOT FOR CONSTRUCTION

1:50 @A1 DA3803 C

Architectural Plans

is the report submitted to the Camden Local Planning Panel held on 16 December 2021

Project Address: 4 FORDHAM WAY, ORAN PARK, NSW 2570 Project Title: ORAN PARK - RESIDENTIAL 2

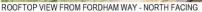
Body Corporate Reg No:N/A

CLPP02 **Attachment 6** 



		Regulated	Design	Record	
roje	ct Address: 4	FORDHAM WAY, OF	RAN PARI	, NSW 2570	
roje	ct Title: ORA	N PARK - RESIDENT	AL2		
ons	ent No: DA 2	021/535	Body C	orporate Reg No:	N/A
raw	ing Title:PER	SPECTIVES - SHT 1	Drawin	g No: DA3901	
tev	Date dd.mm.yy	Description	222	DP Full Name	Reg No
С	18.11.21			JOHN GUNNELL	DEP0000765







VIEW FROM FORDHAM WAY - WEST FACING







ELEVATED VIEW FROM JULIA CREEK - EAST FACING VIEW FROM FORDHAM WAY - WEST FACING

GREENFIELDS DEVELOPMENT COMPANY

FORDHAM WAY DRAN PARK, NSW 2570

ORAN PARK - RESIDENTIAL 2 PERSPECTIVES - SHEET 1

DA3901 C NOT FOR CONSTRUCTION

# PROPOSED RESIDENTIAL BUILDING 2 FORDHAM WAY, ORAN PARK NSW CIVIL ENGINEERING WORKS

- ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH CAMDEN COUNCIL'S CONSTRUCTION SPECIFICATION. CONTRACTOR TO OBTAIN AND RETAIN A COPY ON SITE DURING THE COURSE OF THE WORKS.
- ALL NEW WORKS ARE TO MAKE A SMOOTH JUNCTION WITH EXISTING CONDITIONS AND MARRY IN A WORKMANLIKE MANNER.
- 3 THE CONTRACTOR IS TO VERIFY THE LOCATION OF ALL SERVICES WITH EACH RELEVANT AUTHORITY ANY DAMAGE TO SERVICES SHALL BE RECTIFED BY THE CONTRACTOR OR THE RELEVANT AUTHORITY AT THE CONTRACTOR'S EXPENSE. SERVICES SHOWN ON THESE FLAMS ARE ONLY THOSE EVIDENT AT THE TIME OF SURVEY OR AS DETERMINED FROM SERVICE DIAGRAMS. HENRY AND HYMAS CONSULTING PTY. LTD. CANNOT GUARANTEE THE INFORMATION SHOWN NOR ACCEPT ANY RESPONSIBILITY FOR NACCURACIES OR INCOMPLETE DATA
- SERVICES & ACCESSES TO THE EXISTING PROPERTIES ARE TO BE MAINTAINED IN WORKING ORDER AT ALL TIMES DURING CONSTRUCTION.
- 5. ADJUST EXISTING SERVICE COVERS TO SUIT NEW FINISHED LEVELS TO RELEVANT
- 6. REINSTATE AND STABILISE ALL DISTURBED LANDSCAPED AREAS.
- 7. MINIMUM GRADE OF SUBSOIL SHALL BE 0.5% (1:200) FALL TO OUTLETS.
- 8. ALL TEMPORARY SEDIMENT AND EROSION CONTROL DEVICES ARE TO BE CONSTRUCTED PLACED AND MAINTAINED IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS, EROSION AND SEDIMENTATION CONTROL PLAN AND CAMDEN COUNCIL'S REQUIREMENTS
- CONTRACTOR TO CHECK AND CONFIRM SITE DRAINAGE CONNECTIONS ACROSS THE VERGE PRIOR TO COMMENCEMENT OF SITE DRAINAGE WORKS.
- 10. PROPERTIES AFFECTED BY THE WORKS ARE TO BE NOTIFIED IN ADVANCE WHERE

#### **EXISTING SERVICES & FEATURES**

- THE CONTRACTOR SHALL ALLOW FOR THE CAPPING OFF, EXCAVATION AND REMOVAL (IF REQUIRED) OF ALL EXISTING SERVICES IN AREAS AFFECTED BY WORKS WITHIN THE CONTRACT AREA OR AS SHOWN ON THE DRAWINGS UNLESS DIRECTED OTHERWISE BY THE SUPERINFORCHT.
- THE CONTRACTOR SHALL ENSURE THAT AT ALL TIMES SERVICES TO ALL BUILDINGS NOT AFFECTED BY THE WORKS ARE NOT DISRUPTED.
- CONTRACTOR SHALL CONSTRUCT TEMPORARY SERVICES TO MAINTAIN SUPPLY TO EXISTING BUILDING REMAINING IN OPERATION DURING WORKS TO THE SATISFACTION AND APPROVAL OF THE SUPERINFENDENT: ONCE DIVERSION IS COMPLETE AND COMMISSIONED THE CONTRACTOR SHALL REMOVE ALL SUCH TEMPORARY SERVICES AND MAKE GOOD TO THE SATISFACTION OF THE SUPERINTENDENT.
- INTERRUPTION TO SUPPLY OF EXISTING SERVICES SHALL BE DONE SO AS NOT TO CAUSE ANY INCONVENIENCE TO THE PRINCIPAL CONTRACTOR TO GAIN APPROVAL FROM THE SUPERINTENDENT FOR TIME OF INTERRUPTION.
- EXISTING SERVICES LINESS SHOWN ON SHRVEY PLAN HAVE BEEN PLOTTED FROM EXISTING SERVICES VINLESS SHOWN ON SURVEY FEAR TWAY BEERN FULLED FROM SERVICES SEARCH PLANS AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COMPILETE A DIAL BEFORE YOU DIG! SEARCH AND TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENDEMENT OF ANY WORK, ANY DISCREPANCES SHALL BE REPORTED TO THE SUPERINTENDENT. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE.
- ALL BRANCH GAS AND WATER SERVICES UNDER DRIVEWAYS AND BRICK PAVING SHALL BE





LOCALITY SKETCH

	DRAWING SCHEDULE				
20963_DA_C000	COVER SHEET, DRAWING SCHEDULE, NOTES AND LOCALITY SKETCH				
20963_DA_C100	GENERAL ARRANGEMENT PLAN				
20963_DA_C101	DETAIL PLAN - GROUND FLOOR				
20963_DA_C102	DETAIL PLAN - BASEMENT 1				
20963_DA_C200	STORMWATER MISCELLANEOUS DETAILS AND PIT LID SCHEDULE				
20963_DA_C201	OSD PLAN, SECTIONS AND DETAILS				
20963_DA_C250	STORMWATER CATCHMENT PLAN				
20963_DA_SE01	SEDIMENT AND EROSION CONTROL PLAN				
20963_DA_SE02	SEDIMENT AND EROSION CONTROL DETAILS				
20963_DA_BE01	BULK EARTHWORKS CUT AND FILL PLAN				

#### SITEWORKS NOTES

- ORIGIN OF LEVELS: REFER TO BENCH OR STATE SURVEY MARKS WHERE SHOWN ON PLAN.
- CONTRACTOR MUST VERIFY ALL DIMENSIONS AND EXISTING LEVELS ON SITE PRIOR TO THE COMMENCEMENT OF WORK.
- ALL WORKS TO BE UNDERTAKEN IN ACCORDANCE WITH THE DETAILS SHOWN
- EXISTING SERVICES UNLESS SHOWN ON THE SURVEY PLAN HAVE BEEN PLOTTED FROM SERVICES SEARCH PLANS AND AS SUCH THEIR ACCURACY CANNOT BE GUARANTEED. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ESTABLISH THE LOCATION AND LEVEL OF ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY WORK, ANY DISCREPANCIES SHALL BE REPORTED TO THE SUPERINTENDENT. CLEARANCES SHALL BE OBTAINED FROM THE RELEVANT SERVICE AUTHORITY.
- WHERE NEW WORKS ABUT EXISTING THE CONTRACTOR SHALL ENSURE THAT A SMOOTH EVEN PROFILE FREE FROM ABRUPT CHANGES IS ACHIEVED.
- THE CONTRACTOR SHALL ARRANGE ALL SURVEY SETOUT TO BE CARRIED OUT BY A REGISTERED SURVEYOR.
- CARE IS TO BE TAKEN WHEN EXCAVATING NEAR EXISTING SERVICES INC MECHANICAL EXCAVATION IS TO BE UNDERTAKEN OVER TELSTRA OR ELECTRICAL SERVICES. HAND EXCAVATE IN THESE AREAS.
- CONTRACTOR TO OBTAIN AUTHORITY APPROVALS WHERE APPLICABLE
- MAKE SMOOTH TRANSITION TO EXISTING SURFACES AND MAKE GOOD.
- THESE PLANS SHALL BE READ IN CONJUNCTION WITH APPROVED LANDSCAPE, ARCHITECTURAL, STRUCTURAL, HYDRAULIC AND MECHANICAL DRAWINGS AND OR WRITTEN INSTRUCTIONS THAT MAY BE ISSUED RELATING TO DEVELOPMENT AT THE SITE.
- TRENCHES THROUGH EXISTING ROAD AND CONCRETE PAVEMENTS SHALL BE SAWCUT TO FULL DEPTH OF CONCRETE AND A MINIMUM OF 50mm IN BITUMINOUS PAVING.
- ALL BRANCH GAS AND WATER SERVICES UNDER DRIVEWAYS AND BRICK PAVING SHALL BE LOCATED IN 080 JPVC SEWER GRADE CONDUITS EXTENDING A MINIMUM OF 500mm BEYOND EDGE OF PAVING.
- GRADES TO PAVEMENTS TO BE AS IMPLIED BY RL'S ON PLAN. GRADE EVENLY BETWEEN NOMINATED RL'S. AREAS EXHIBITING PONDING GREATER THAN 5mm DEPTH WILL NOT BE ACCEPTED UNLESS IN A DESIGNATED SAG POINT.
- ALL COVERS AND GRATES ETC TO EXISTING SERVICE UTILITIES ARE TO BE ADJUSTED TO SUIT NEW FINISHED SURFACE LEVELS WHERE APPLICABLE

#### SURVEY NOTES

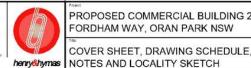
THE EXISTING SITE CONDITIONS SHOWN ON THE FOLLOWING DRAWINGS HAVE BEEN INVESTIGATED BY THE SURVEYOR SPECIFIED IN THE TITLE BLOCK. THE INFORMATION IS SHOWN TO PROVIDE A BASIS FOR DESIGN. HENRY AND HYMAS PTY. LID. DOES NOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE SURVEY BASE OR ITS. SUITABILITY AS A BASIS FOR CONSTRUCTION DRAWINGS. SHOULD DISCREPANCIES BE ENCOUNTERED DURING CONSTRUCTION BETWEEN THE SURVEY DATA AND ACTUAL FIELD DATA, CONTACT HENRY AND HYMAS PTY, LTD. THE FOLLOWING NOTES HAVE BEEN TAKEN DIRECTLY FROM ORIGINAL SURVEY DOCUMENTS

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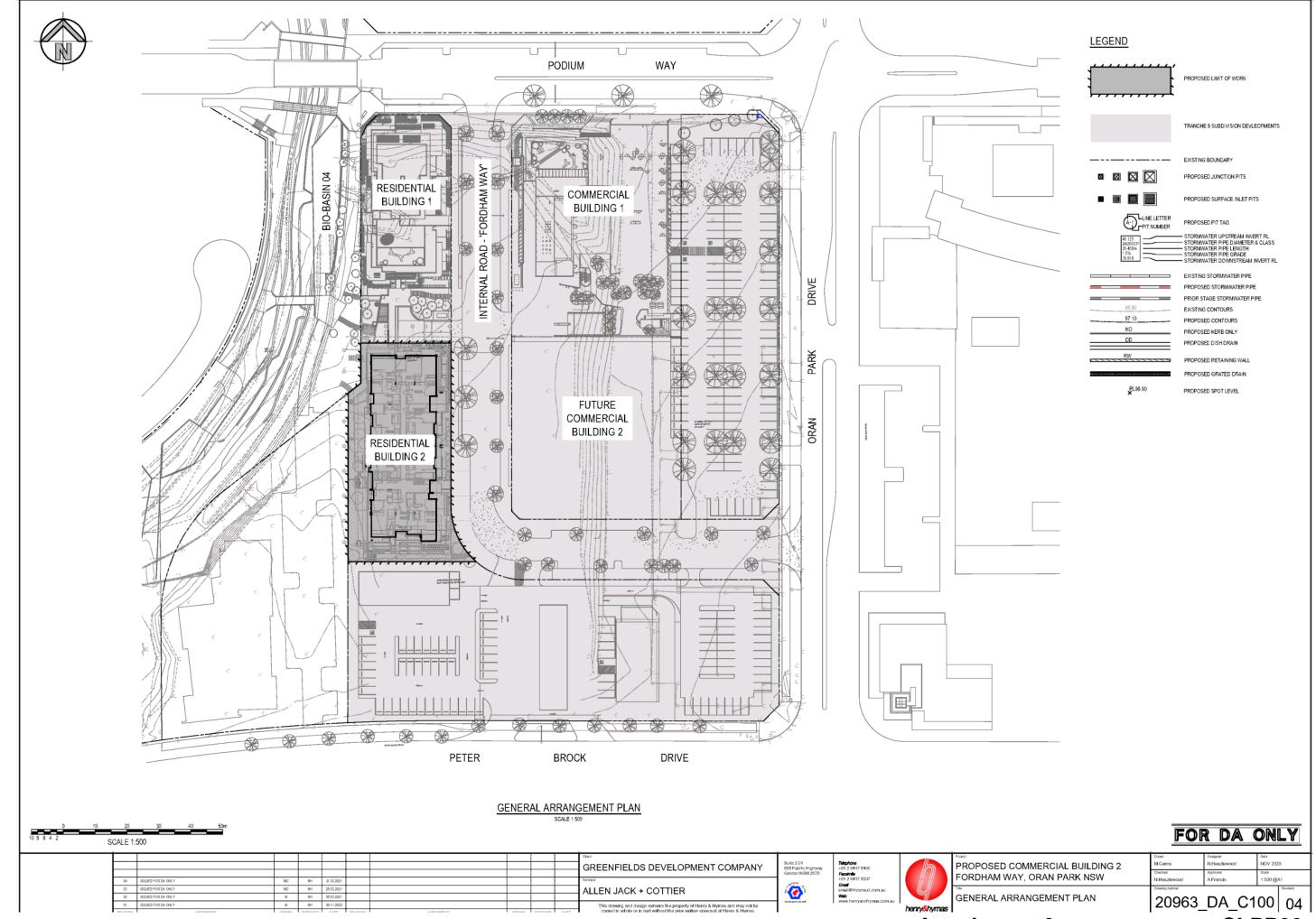


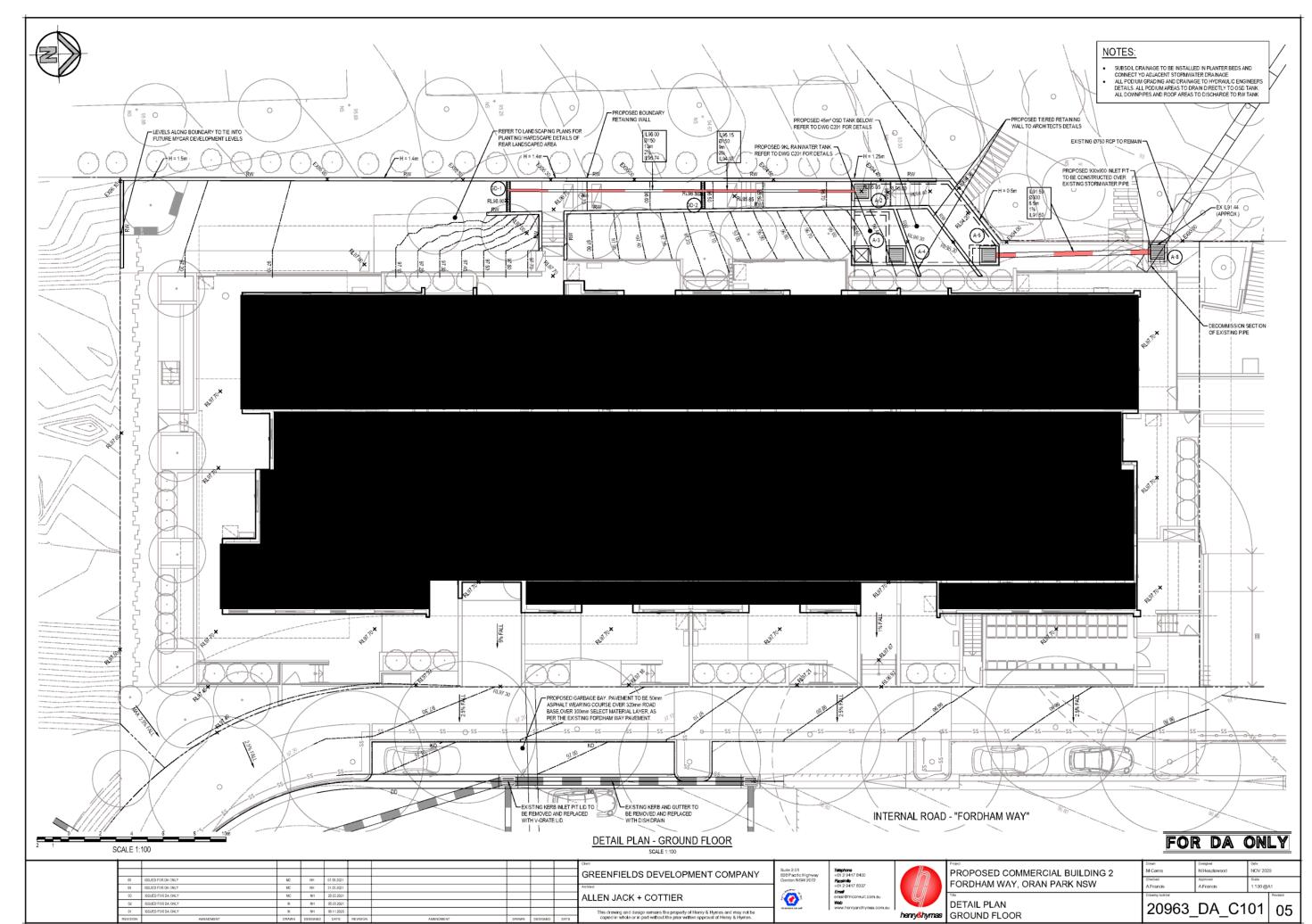


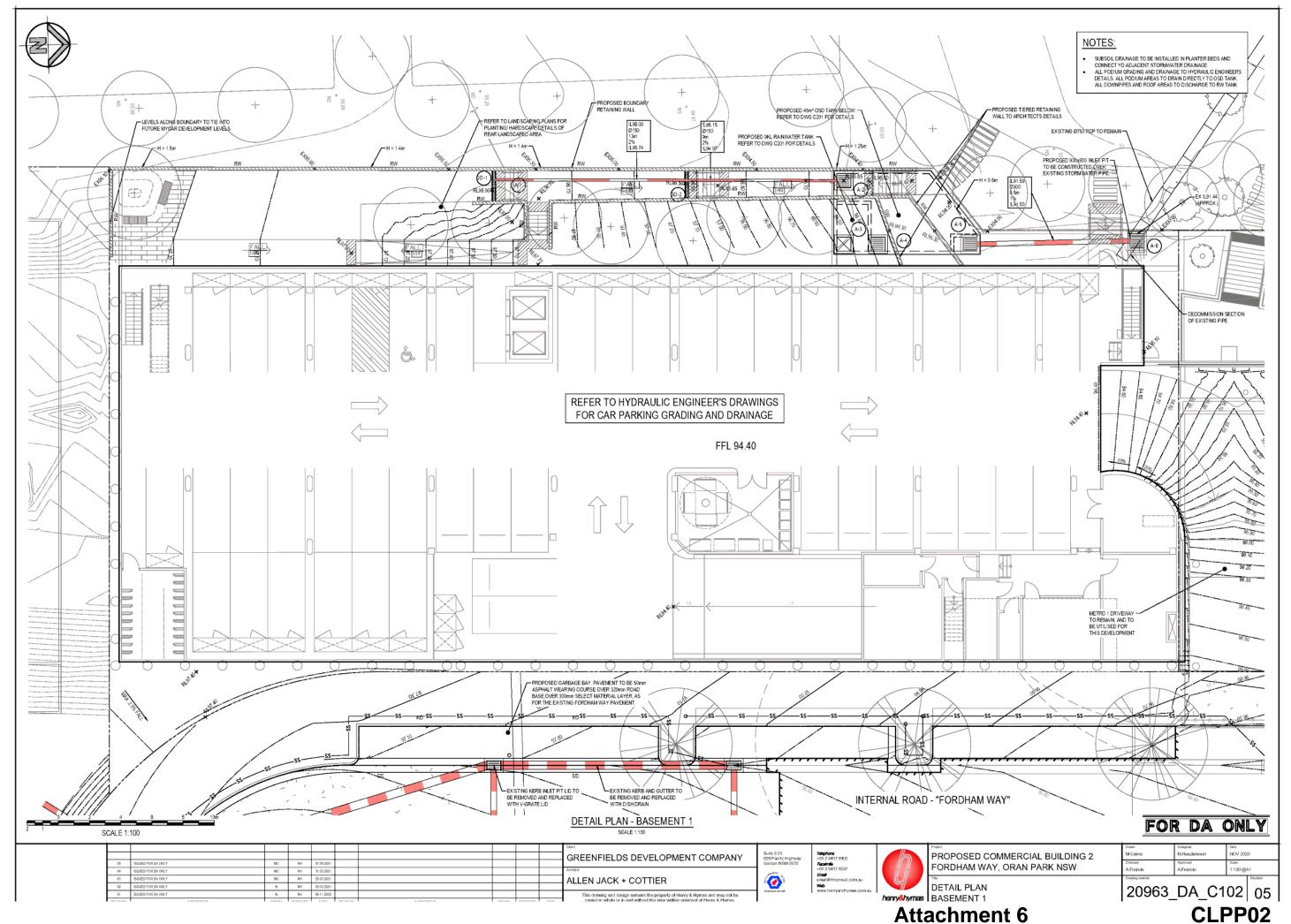
-	Project
7	PROPOSED COMMERCIAL BUILDING 2 FORDHAM WAY, ORAN PARK NSW
$\parallel \parallel$	Title

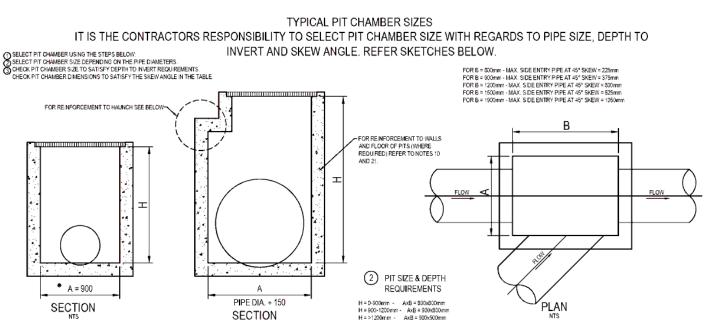
BUILDING 2 RK NSW	M.Corna	N-Heazlewood	NOV 2020
	N.Heazlewood	Approved A.Francis	Scale @A1 N.T.S.
	Drawing number		Revision

20963 DA C000









SECTION

1 PIT CHAMBER FOR PIPES

GREATER THAN 600 DIA.

SUBGRADE LEVEL

ORDINARY FILL FREE FROM CLAY LUMPS EXCEEDING 75mm STONES EXCEEDING 25mm AND CONTAMINATE MATERIALS

TYPE HS2 TO BE USED AS A

TRENCHES UNDER ROADWAY

TYPICAL SUPPORT FOR

TABLE 1 GRADING

TABLE 2

(HS SUPPORT TO BE USED UNDER ROADWAY) UNLESS SPECIFIED SEPERATELY

PLAN

TYPICAL STEP IRON DETAIL

PIPE TRENCH INSTALLATION

BENEATH PAVEMENT

COMPACTED TO 100% SMDD

COMPACTED TO 96% SMDD

COMPACTED TO 95% SMDD

HAUNCH ZONE

R20 GALV. STEEL M.S.

BED ZONE -

PIPE TRENCH INSTALLATION

IN LANDSCAPE AREAS

(H1 & H2 SUPPORT

SCALE 1:20

150 WALL - CORNER DETAIL

IN 2x150mm(MAX.) LAYERS

PLAN

3 PIT CHAMBER FOR

SIDE ENTRY ON SKEW

100mm MIN. THICK TOP SOIL

ORDINARY FILL FREE FROM CLAY LUMPS EXCEEDING 75mm, STONES EXCEEDING 25mm AND CONTAMINATE MATERIALS

COMPACTED NON

COHESIVE BACKFILL =1/3 O.D.

200 WALL - CORNER DETAIL

TABLE 1				
SIEVE SIZE (MM)	WEIGHT PASISNG (%)			
75.0	100			
9.5	100 TO 50			
2.36	100 TO 30			
0.50	50 TO 15			
0.075	25 TO 0			

TABLE 2				
WEIGHT PASISNG (%)				
100				
100 TO 50				
90 TO 20				
80 TO 10				
25 TO 0				
10 TO 0				

TABLE 3							
SUPPORT TYPE	BED ZONE X	HAUNCH ZONE Y	BED AND HAUNCH ZONES COMPACTION	MAX BEDDING FACTOR			
HS1		0.1D	50	2.0			
HS2	100 IF D<=1500, OR 150 IF D>=1500	0.3D	60	2.5			
HS3		0.3D	70	4.0			

#### PIT LID SCHEDULE

PIT/STRUCTURE NUMBER	DESCRIPTION
(D-1) (D-2)	150mm WIDE MEDIUM DUTY GRATED DRAIN AND MEDIUM DUTY FRAME CLASS 'C' IN ACCORDANCE WITH GAMDEN CITY COUNCIL'S REQUIREMENTS.
(A-2) (A-5)	PROPOSED 900:500 HINGED GRATED LID MEDIUM DUTY CLASS "C" WITHIN OSDIRW TANK IN ACCORDANCE WITH BLACKTOWN CITY COUNCIL'S REQUIREMENTS.
(A-3)	PROPOSED JUNCTION 900;500 NIEDIUM DUTY SEALED LID CLASS "C" WITHIN OSDIRW TANK IN ACCORDANCE WITH CAMDEN CITY COUNCILS REQUIREMENTS.
(A-8)	PROPOSED SURFACE INLET PIT WITH HINGED 800:000 MEDIUM DUTY GRATED LID CLASS "C" IN ACCORDANCE WITH CAMDEN CITY COUNCIL'S REQUIREMENTS.

#### DRAINAGE NOTES:

. ALL STORMWATER WORK TO COMPLY WITH AS 3500 PART 3.

2. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE MINIMUM COVER OF 600mm ON ALL PIPES

3. PROTECTION OF PIPES DUE TO LOADS EXCEEDING W7 WHEEL LOAD SHALL BE THE CONTRACTOR'S

4. BEDDING TYPE SHALL BE TYPE H2 FOR RCP, WHERE NECESSARY THE OVERLAY ZONE SHALL BE REDUCED TO ACCOMMODATE PAVEMENT REQUIREMENTS. REFER TO THIS DRAWING FOR DETAILS.

5. MINIMUM COVER OVER EXISTING PIPES FOR PROTECTION DURING CONSTRUCTION SHALL BE 800mm

6. NO CONSTRUCTION LOADS SHALL BE APPLIED TO PLASTIC PIPES.

7. FINISHED SURFACE LEVELS SHOWN ON LAYOUT PLAN DRGS TAKE PRECEDENCE OVER DESIGN DRAINAGE.

8. ALL P.PES. UP TO AND INCLUDING 300 DIA. SHALL BE SOLVENT OR RUBBER RING JOINTED PVC CLASS SH.P.PE.TO. AS 1260. ALL OTHER PIPES TO BE RCP USING CLASS 2 RUBBER RING JOINTED PIPE HARDIES FRC PIPE MAY BE USED IN LIEU OF RCP. IF DESIRED IN GROUND, ALL AERIAL P.PES.TO BE PVC CLASS SH.

9. ALL PITS IN NON TRAFFICABLE AREAS TO BE PREFABRICATED POLYESTER CONCRETE "POLYCRETE" WITH "LIGHT

STALL PILS WHOM THE PLOSHE AREAS TO BE PREPARATION FILE POLYTICATED POLYTICATED WITH LIGHT DUTY. CLASS B GALV MLD STEEL GRATING AND FRAME. 
ALL PITS IN TRAFFICABLE AREAS (CLASS TO'LOADING MAN) TO HAVE 150mm THICK CONCRETE WALLS AND BASE CAST IN-SITU PRE22 MPA, REINFORCED WITH THE 200 BOTH LOADING WAYS CENTRALLY PLACE UNIO ON SEPARATE DESIGN DRAWINGS IN THIS SET GALV MILD STEEL GRATING AND FRAME TO SUIT DESIGN LOADING PRECAST PITS, RECTANGULAR OR CIRCULAR IN SHAPE, MAY BE USED IN LIEU AND SHALL COMPLY WITH RELEVANT AUSTRALIAN STANDARDS.

10 ALL PTS, GRATINGS AND FRAMES SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS 
SPECIFICATION AND TO BE IN ACCORDANCE WITH ASSEOD 3 AND ASSEOD.

11. PTC CHAMBER DIMENSIONS ARE TO BE SELECTED TO SATISFY THE FOLLOWING:
- PPE SIZE
- DEPTH TO INVERT
- SKEW ANGLE
- REFER TYPICAL PIT CHAMBER DETAILS BELOW.
F PAT LID SIZE IS SMALLER THAN THE PT CHAMBER SIZE THEN THE PIT LID IS TO BE CONSTRUCTED ON THE CORNER
OF THE PTC CHAMBER WITH THE STEP IRONS DIRECTLY BELOW. ALTERNATIVELY THE PIT LID TO BE USED, IS TO BE
THE SAME SIZE AS THE PIT CHAMBER.

12. FOR PIPE SIZES GREATER THAN Ø300mm, PIT FLOOR IS TO BE BENCHED TO FACILITATE FLOW

13. GALVANISED STEP IRONS SHALL BE PROVIDED AT 300 CTS FOR PITS HAVING A DEPTH EXCEEDING 1200mm. SUBSOIL DRAINAGE PIPE SHALL BE PROVIDED IN PIPE TRENCHES ADJACENT TO INLET PIPES. (MINIMUM LENGTH 3m).

14 ALL SUBSOIL PIPES SHALL BE 100mm SLOTTED PVC IN A FILTER SOCK, UNG, WITH 3m INSTALLED UPSTREAM OF ALL PITS.

15 ALL PIPEWORK SHALL HAVE MINIMUM DIAMETER 100.

15 MINIMUM GRADE FOR ROOFWATER DRAINAGE LINES SHALL BE 1%.

17. ALL PIPE JUNCTIONS AND TAPER UP TO AND INCLUDING 300 DIA, SHALL BE VIA PURPOSE MADE FITTINGS.

18 ALL ROOF DRAINAGE TO BE INSTALLED IN ACCORDANCE WITH AS3500, PART 3, TESTING TO BE UNDERTAKEN AND REPORTS PROVIDED TO THE SUPERINTENDENT

19 LOCATION OF THE DIRECT DOWN PIPE CONNECTIONS MAY VARY ON SITE TO SUIT SITE CONDITIONS, WHERE CONNECTION SHOWN ON LONG SECTIONS CHAINAGES ARE INDICATIVE ONLY.

20, PITS IN EXCESS OF 1.5 m DEEP TO HAVE WALL AND FLOOR THICKNESS INCREASED TO 200 mm. REINFORCED WITH N12@200 CTS CENTRALLY PLACED BOTH WAYS THROUGHOUT U.N.C. ON SEPARATE DESIGN DRAWINGS IN THIS SET. IF DEPTH EXCEEDS 5th CONTACT ENGINEER.

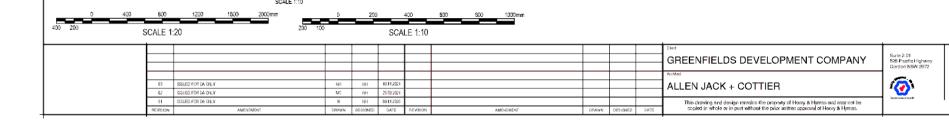
 $21.\,$  SUBSOIL DRAINAGE LINES FOR LANDSCAPE AREA NOT SHOWN ON THESE DRAWINGS. REFER TO LANDSCAPING PLANS FOR DETAILS

22. ALL STORMWATER PITS TO HAVE @100 LPVC SLOTTED SUBSOIL PIPES CONNECTED TO THEM. THESE SUBSOILS TO EXTEND 3m UPSTREAM OF THE PIT AT A MINIMUM GRADE.

#### NOTES:

OCEAN PROTECT PIT BASKETS TO BE INSTALLED IN ALL EXTERNAL STORMWATER INLET PITS FOR WATER QUALITY TREATMENT PURPOSES.











AS SHOWN @A1

20963 DA C200 03

the

report submitted

to the

Planning

Panel held

9

16 December

SECTION

FOR PIPES UP TO 600 DIA.

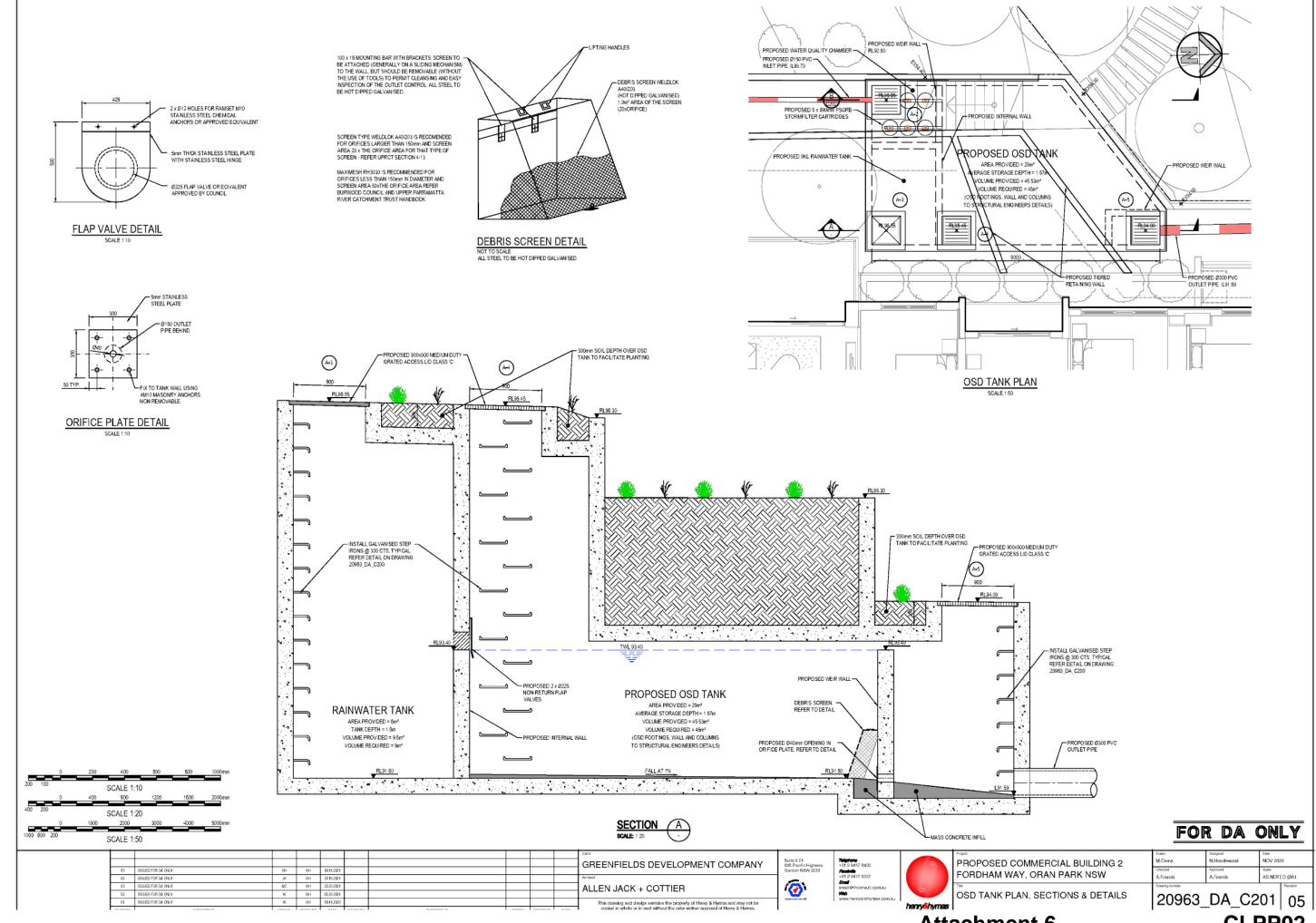
\*A = 600 FOR PIPES UP TO 375 DIA.

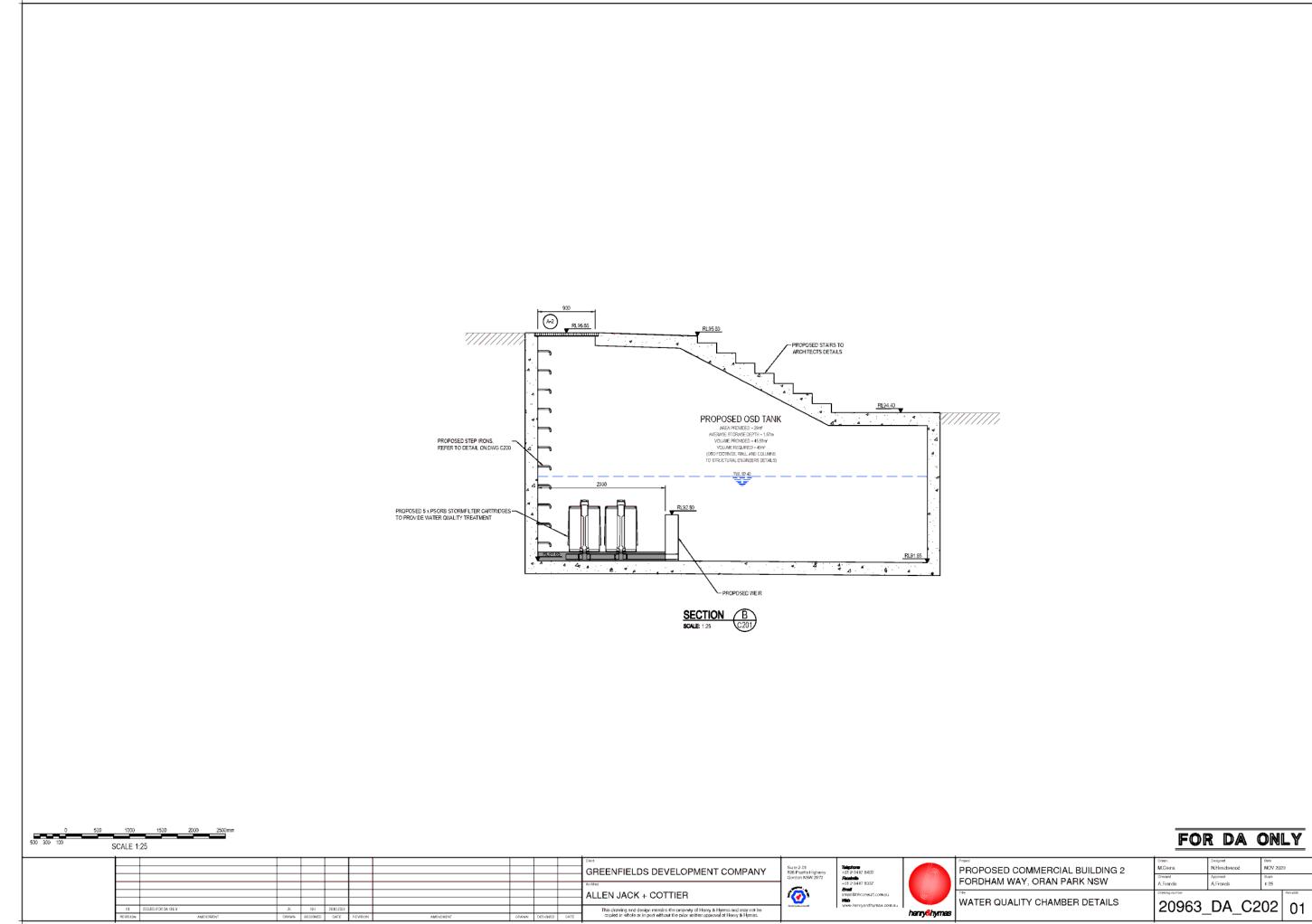
1 PIT CHAMBER DIMENSIONS

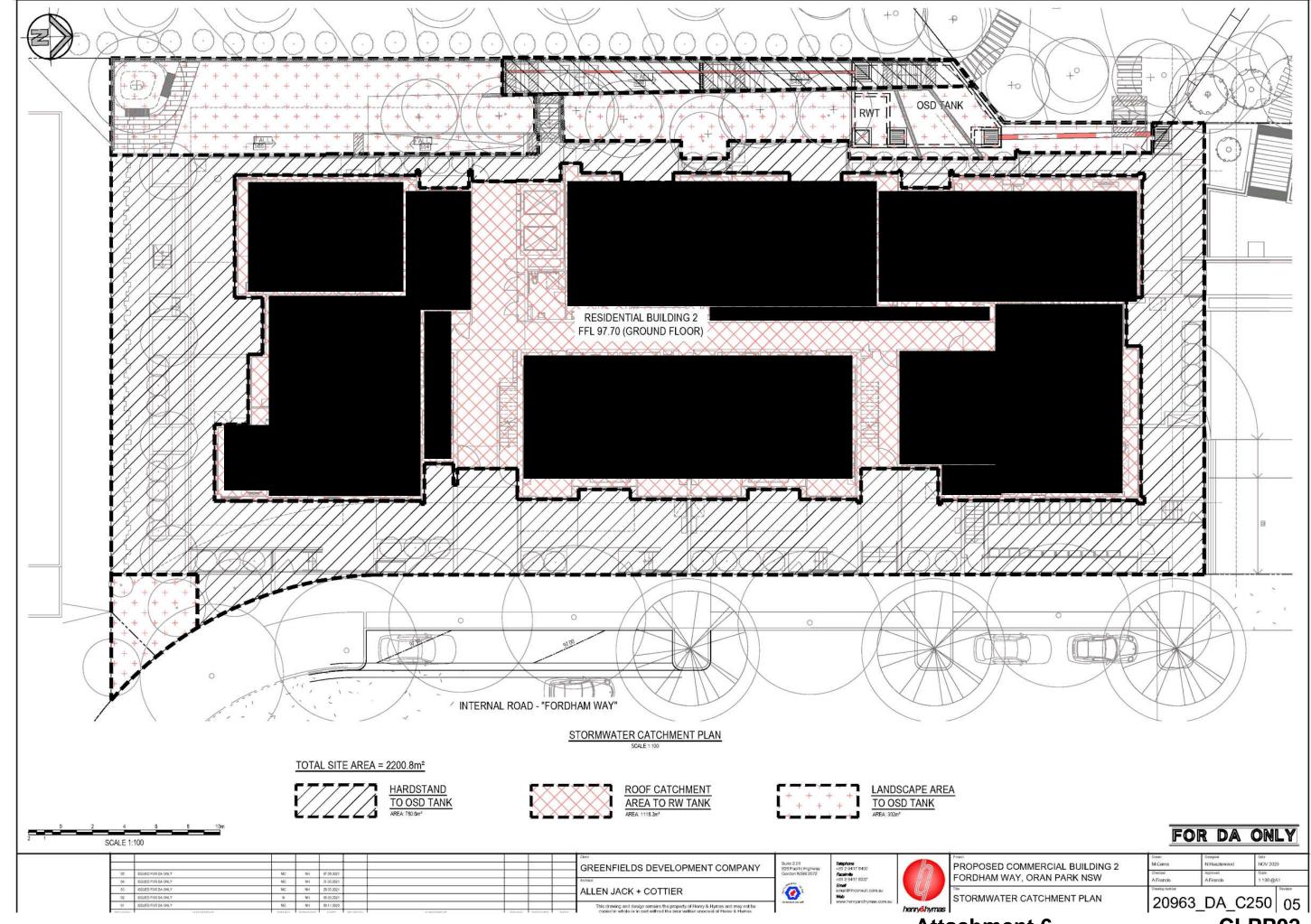
COMPACTED TO 100% SMDD -

BED ZONE

ELEVATION

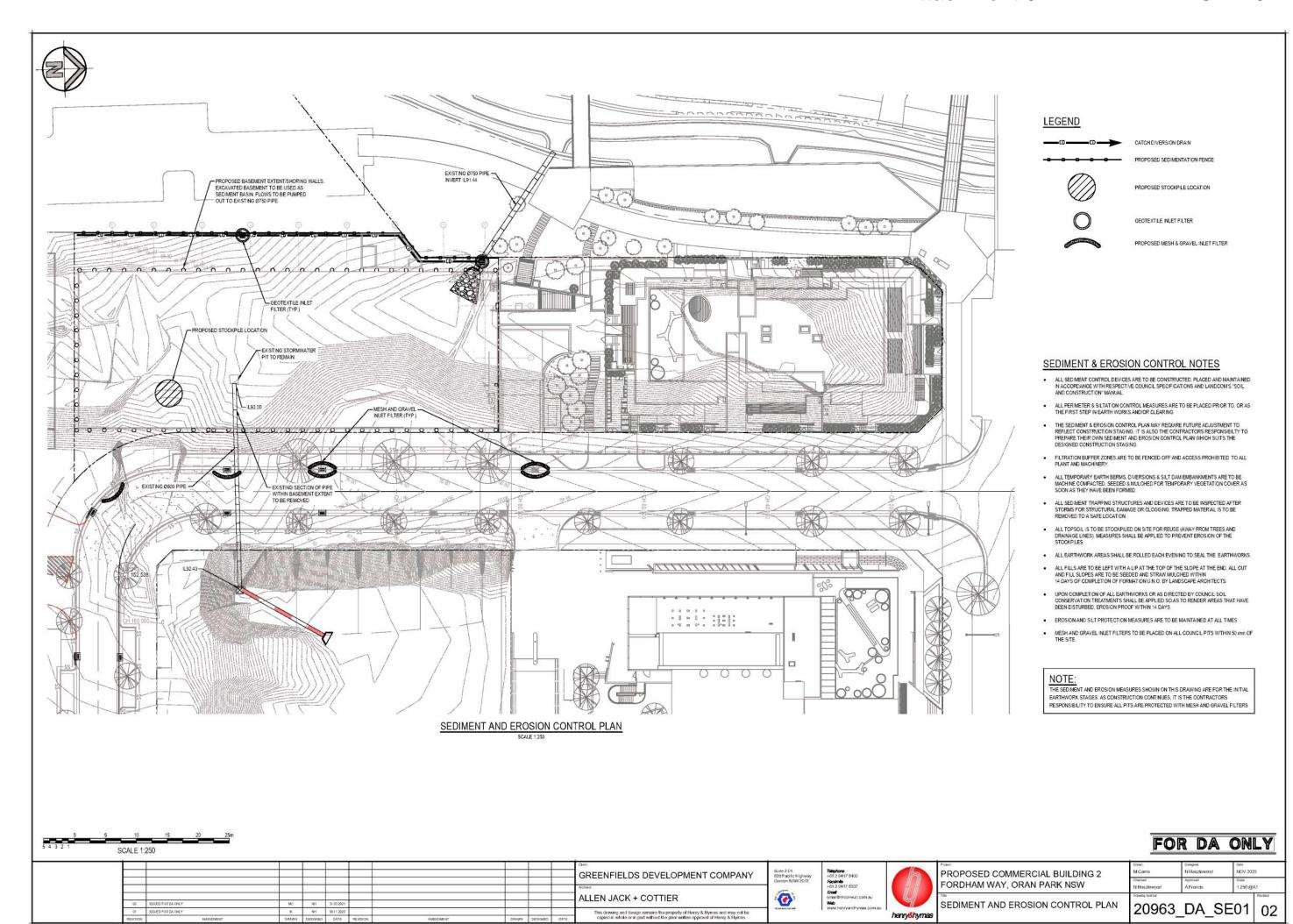




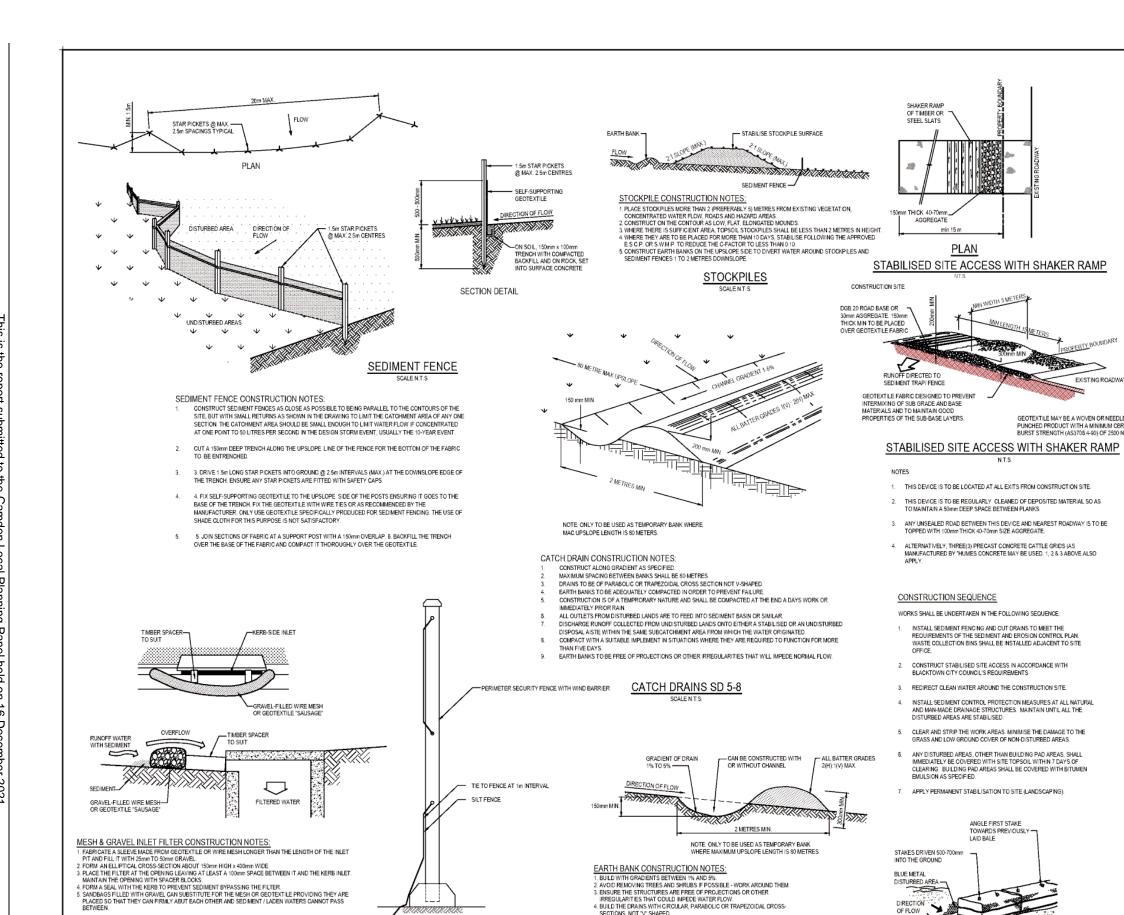


**Attachment 6** 

CLPP02



MESH & GRAVEL INLET FILTER



#### SEDIMENT BASIN SIZING

THE SEDIMENT BASIN SHALL BE CONSTRUCTED ON A RATE PER HECTARE BASIS AND HAS BEEN IN ACCORDANCE WITH THE REQUIREMENTS OF THE LANDCOM MANUAL "MANAGING URBAN STORMWATER". SOILS AND CONSTRUCTION, FOR SEDIMENTATION TYPE D SOILS. THE DISTURBED AREA WITHIN THIS CATCHMENT AT ANY ONE TIME SHOULD BE LIMITED TO AN AREA FOR WHICH EACH SEDIMENT BASIN CAN HANDLE. EACH BASIN SHALL BE SIZED IN ACCORDANCE WITH THE TABLE BELOW.

SEDIMENT BASIN SIZING TYPE D SOILS					
VOLUMETRIC RUNOFF COEFFICIENT, CV	0.5 (APPENDIX F - TABLE F2)				
75TH PERCENTILE 5 DAY TOTAL RAINFALL DEPTH, R	19.30 nm				
CATCHMENT AREA, A	1 Ha (UNIT AREA)				
SETTLING ZONE VOLUME (PER HECTARE) 10 CV A R	96.50 m²				
DISTURBED CATCHMENT AREA	1 Ha (UNIT AREA)				
RKLSPC	73 m²				
SEDIMENT ZONE VOLUME (0.17 A (R K LS P C)/1.3	9.4m² < 50% SETTLING VOLADOPT 48.3 m² PER HECTARE				
TOTAL SEDIMENT BASIN VOLUME REQUIRED :	144.8 m²/Ha				

\* (LANDCOM MANAGING URBAN STORMWATER MANUAL REFERENCE)

THE FOLLOWING DESIGN PARAMETERS HAVE BEEN ASSESSED FOR THE SITE (SOURCE)\* CONSTRAINT VALUE RAINFALL EROSIVITY (R-FACTOR 2250 APPENDIX B LENGTH/SLOPE GRADIENT FACTOR, LS 0.65 APPENDIX A - TABLE A1 SOIL ERODIBILITY (K-FACTOR ( ASSUMED BASED ON SOIL TYPE) 1.3 (COMPACTED) APPENDIX A - TABLE A2 (P-FACTOR) COVER FACTOR (C-FACTOR 1.0 (DURING EARTHWORKS 73 t/Ha/YR A=RKLSPC EQUATION) SOIL HYDROLOGIC GROUP GROUP C ( ASSUMED BASED ON SOIL TYPE)

(LANDCOM MANAGING URBAN STORMWATER MANUAL REFERENCE

75TH PERCENTILE 5-DAY RAINFALL EVENT

THE CAPTURED STORMWATER IN THE SETTLING ZONE SHOULD BE DRAINED TO MEET THE MINIMUM STORAGE CAPACITY REQUIRED WITHIN A FIVE (5) DAY PERIOD FOLLOWING RAINFALL, PROVIDED THE ACCEPTABLE WATER QUALITY (NFR) AND TURBIDITY HAVE BEEN ACHIEVED.

19.3 mm (CAMDEN)

- CHEMICAL FLOCCULENT SUCH AS GYPSUM MAY BE DOSED TO AD SETTLING WITHIN 24 HOURS OF CONCLUSION OF EACH STORM. THE APPLIED DOSING RATES SHOULD ACHIEVE THE TARGET QUALITY WITHIN 36 TO 72 HOURS OF THE STORM EVENT.
- INSPECT THE SEDIMENT BASINS AFTER EACH RAINFALL EVENT AND/OR WEEKLY. ENSURE THAT ALL SEDIMENT IS REMOVED ONCE THE SEDIMENT STORAGE ZONE IS FULL (REFER TO PEGS INSTALLED IN BASINS IN ACCORDANCE WITH THE SWIMP). ENSURE THAT OUTLET AND EMERGENCY SPILLWAY WORKS ARE MAINTAINED IN A FULLY OPERATIONAL CONDITION AT ALL TIMES.

SOWING SEASON	SEED MIX OATS@40KG/Ha + JAPANESE MILLET@10kg/Ha		
AUTUMN/VINTER			
SPRING/SUMMER	OATS@20kg/Ha + JAPANESE MILLET@20kg/Ha		

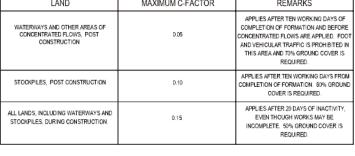
NOTE: THESE PLANT SPECIES ARE FOR TEMPORARY REVEGETATION ONLY. THEY WILL ONLY PROVIDE PROTECTION FROM EROSION FOR SIX MONTHS. WHERE THE LOTS ARE TO BE LEFT UNDEVELOPED FOR A LONGER PERIOD, THE CONTRACTOR SHALL SEEK ADVICE FROM THE SITE SUPERINTENDENT AS TO MORE APPROPRIATE REVEGETATION METHODS.

REVEGETATION IN ACCORDANCE WITH THE ABOVE TABLE WILL BE ENHANCED BY ADDING LIME AT A RATE OF 4kg/TONNE OF TOPSOL AND 7.5kg/TONNE OF SUBSOL.

4. THE LONG TERM GROUND COVER FACTORS FOR THE CONSTRUCTION WORKS IS NOT TO EXCEED THE FOLLOWING LIMITS:

LAND	MAXIMUM C-FACTOR	REMARKS
WATERWAYS AND OTHER AREAS OF CONCENTRATED FLOWS, POST CONSTRUCTION	0.05	APPLIES AFTER TEN WORKING DAYS OF COMPLETION OF FORMATION AND BEFORE CONCENTRATED FLOWS ARE APPLIED. FOOT AND VEHICULAR TRAFFIC IS PROBED IN THIS AREA AND 70% GROUND COVER IS REQUIRED.
STOCKPILES, POST CONSTRUCTION	0.10	APPLIES AFTER TEN WORKING DAYS FROM COMPLETION OF FORMATION. 80% GROUND COVER IS REQUIRED.
ALL LANDS, INCLUDING WATERWAYS AND STOCKPILES, DURING CONSTRUCTION.	0.15	APPLIES AFTER 20 DAYS OF INACTIVITY, EVEN THOUGH WORKS MAY BE INCOMPLETE. 50% GROUND COVER IS REQUIRED.







GREENFIELDS DEVELOPMENT COMPANY ALLEN JACK + COTTIER **②** This drawing and design remains the property of Henry & Hymas and may not be copied in whole or in part without the prior written approval of Henry & Hymas.

PERIMETER SECURITY FENCE WITH WIND BARRIER & SILT FENCE

CARTIT DAING CONSTRUCT IND WOTES.

1 BUILD WITH GRADIENTS BETWEEN 1% AND 5%.

2 AVOID REMOVING TREES AND SHRUBS F POSSIBLE - WORK AROUND THEM.

2 BUSINER THE STRUCTURES ARE FREE OF PROJECTIONS OR OTHER

IRREGULARITIES THAT COULD IMPEDE WATER FLOW.

BUILD THE DRAINS WITH OF ROULDE, PARABOLIC OR TRAPEZOIDAL CROSSSECTIONS, NOT 'V "SHAPED.

5 ENSURE BANKS ARE PROPERLY COMPACTED TO PREVENT FALLIRE.

6 COMPLETE PERMANENT OR TEMPORARY STABLISATION WITHIN 10 DAYS
OF CONSTRUCTION.

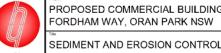
EARTH BANK (LOW FLOW) SCALE N.T.S.



BLUE METAL







ROL	20963_	DA_SE		
SW	N Heazlewood  Drawing number	Approved A Francis	NTS Bevision	
DING 2	M.Cerna	N.Heazlewood	NOV 2020	

FORDHAM WAY, ORAN PARK NSW

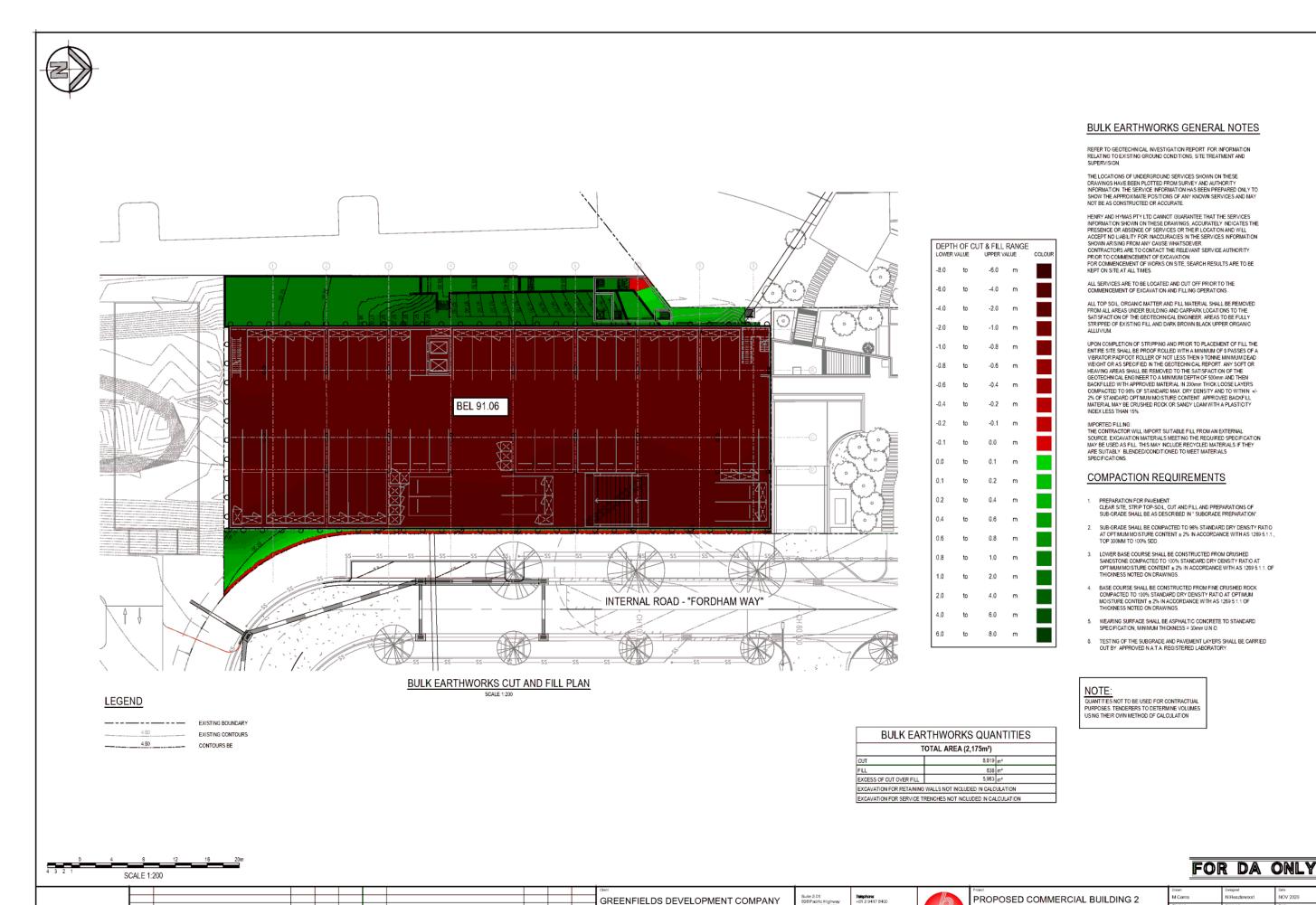
henry&hymas

BULK EARTHWORKS CUT AND FILL PLAN

**②** 

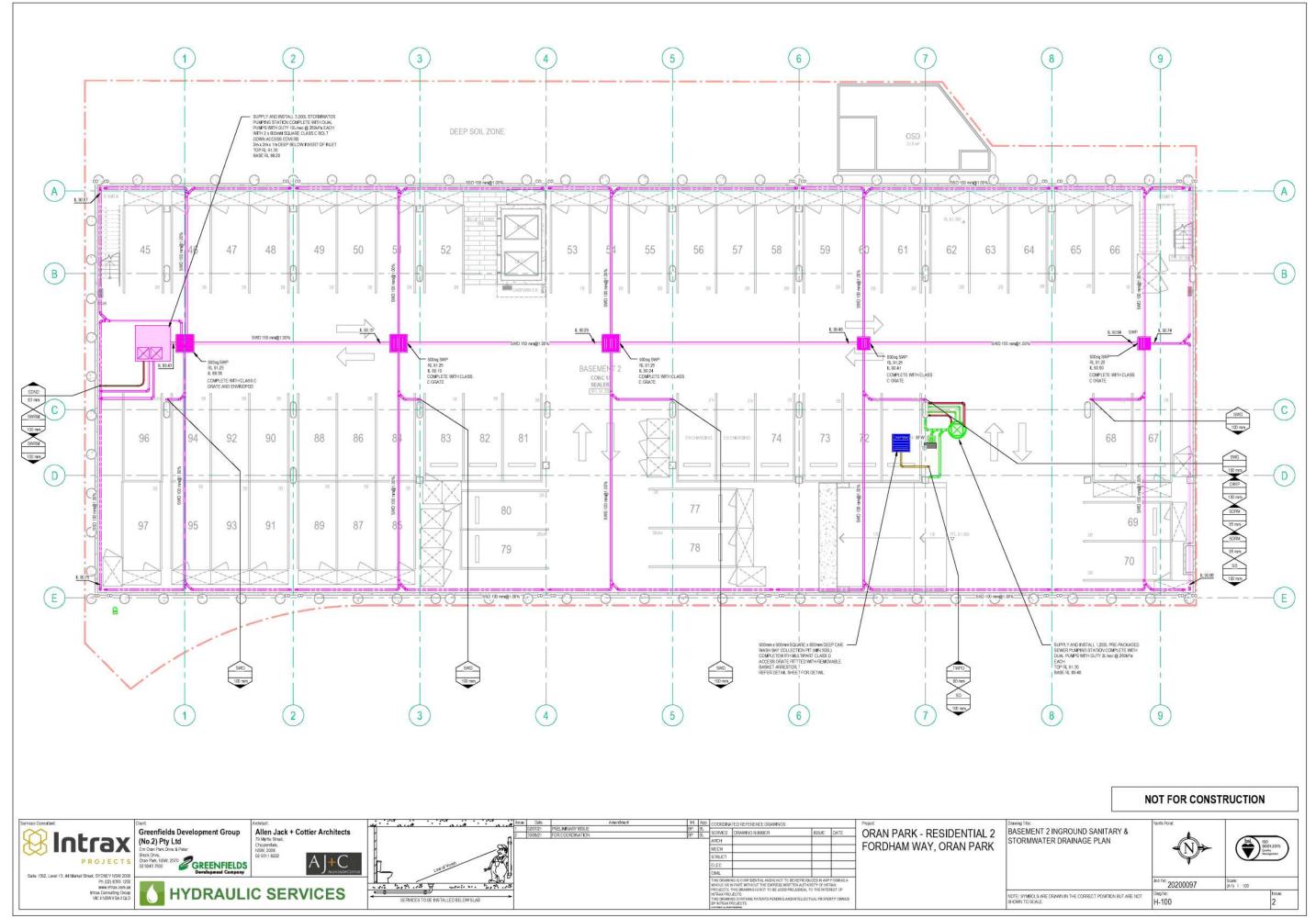
03

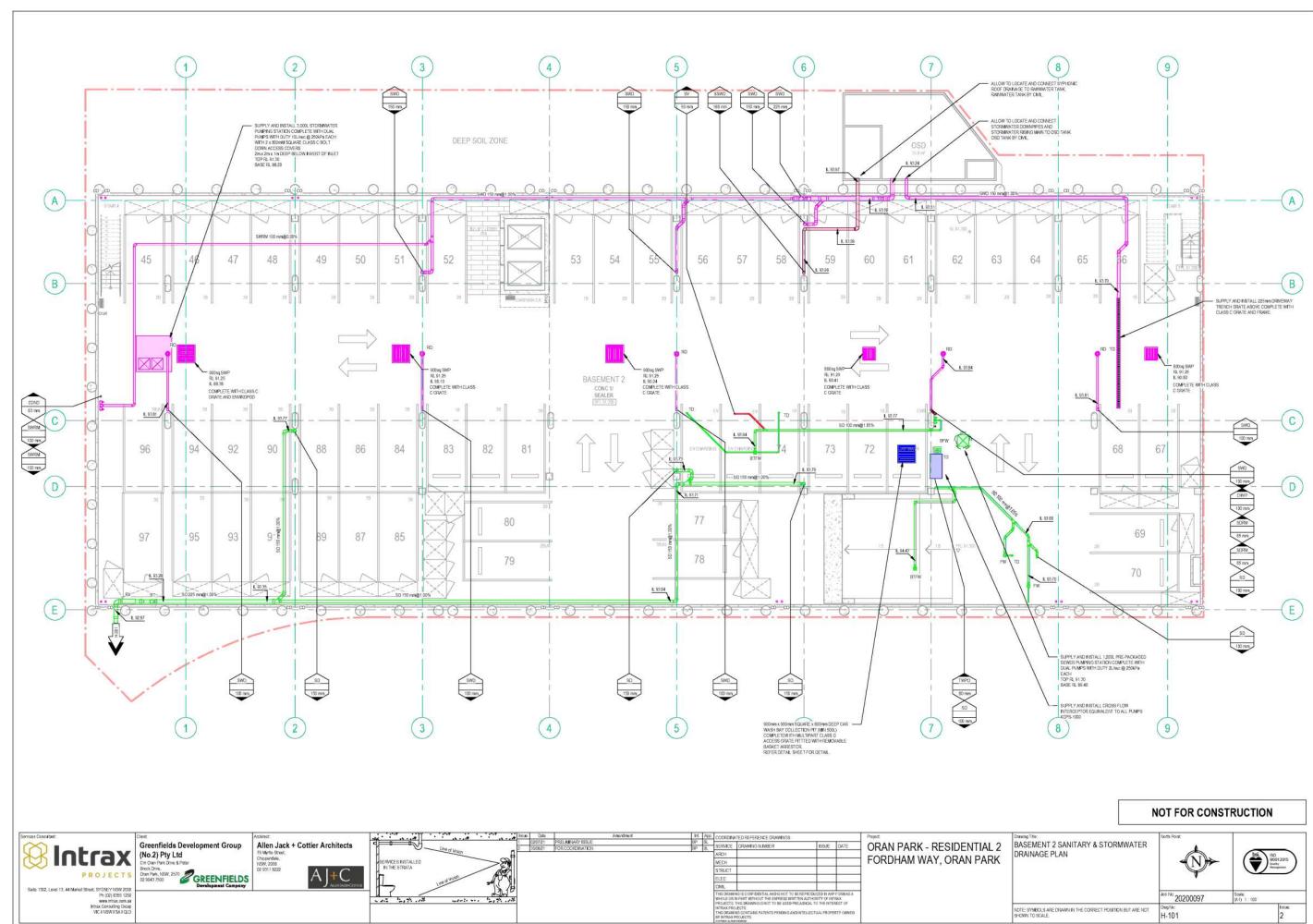
20963 DA BE01

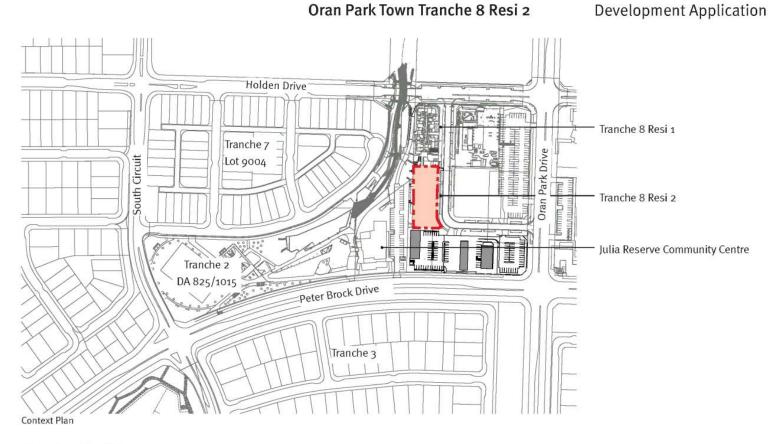


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## **Drawing Register**

Drawing No.	Drawing Title	Scale	Issue No.
Lo1	Title Sheet	1:2500	D
Lo2	Design Analysis & Key Principles 01	1:500	D
Lo3	Design Analysis & Key Principles 02	1:500	D
Во4	Landscape Plan - Ground Floor	1:100	D
Lo5	Landscape Plan - Rooftop	1:100	D
Lo6	Site Sections - Ground Floor	As shown	D
Lo7	Site Sections - Rooftop	As shown	D
Lo8	Indicative Planting Palette -Ground Floor	N/A	D
Lo9	Indicative Planting Palette - Rooftop	N/A	D
L10	Indivative Materials Palette - Ground Floor	N/A	D
L11	Indicative Materials Palette - Rooftop	N/A	D

April 2021

## **Design Statement**

JMDdesign have prepared a Landscape Design for a Residential Apartment Block 2 located at the South East corner of Podium Way and Julia Creek, Oran Park for GDC2 in Tranche 8. The proposed development is for a six storey residential apartment block with two basement levels of carparking. The apartment block faces west on to the recently embellished Julia Creek and Julia Reserve Park and Community Centre.

This design statement deals with the landscape treatment of the surrounds to the apartment block and the roof terrace. The Proposed Development is located within the Oran Park Town Centre and is subject to development controls identified in the Oran Park Part B Site Specific DCPs specifically Part B1 Oran Park Town Centre adopted 15 October 2015.

Key aspects of the Vision for Oran Park Town Centre identified in the Part B DCP are:

- The vision for the Oran Park Town Centre is to create a people orientated and pedestrian friendly environment, where the built form has a human scale at street level, with cultural and civic expression.
- Quality residential opportunities are available for people to enjoy all of the benefits of town centre living. The Town Centre is prosperous and vibrant during the day and at night and all people feel safe and comfortable moving through the Town Centre at any time.

The landscape proposal for the residential apartment block and surrounds aims to provide a flexible ground level Communal Open Space that also provides an informal connection between Fordham Way and Julia Creek.

The apartment block forms a portion of the Western edge of the Oran Park Town Centre and faces on to Julia Creek and Julia Reserve. A buffer area between the building and Julia Reserve Community Centre exists at the Western end of the block which allows for deep soil planting, outdoor seating and an informal connection into Julia Reserve from both the landscaped area and basement 1.

This area also takes up the level change into Julia Reserve by means of a retaining wall, that allows the Communal Open Space to be elevated in relation to the Community Centre car park, thus providing privacy, improved solar access and universal access to this area.

The planting strategy uses predominantly ornamental species, that respond to the residential character of Resi 2 and provide consistency with the planting palette used in Resi 1. In the lower terraces some native species were also introduced for a smooth transition into Julia Reserve and continuity with the planting of the lower terrace in Resi 1.

On the Southern end silver birches punctuate the lower terraces emphasizing the pedestrian access, whilst providing a distinctive character to this area. In combination with an informal edge into the future My Car Space, this provides a visual screen and breaks up the built form, integrating it into the landscape and creating points of interest from the south.

A Cimmaron Ash punctuates the SW corner of the development introducing a seasonal aspect and some visual continuity to Fordham Way, annunciating the informal pedestrian link to Julia Creek. The use of a mix of Crepe myrtles to the Western facade reinforces the seasonal aspect and creates a point of interest to the open space from both the upper apartment and Julia Creek compromising solar access into the Western terraces.

At the roof top communal space, the design approach aims at providing a multi-use space which includes an area for meals, informal seating, a rest area and play area. Communal tables and seats are located on the shaded areas for comfort and informal seating can be set out on a synthetic grassed area facing Julia Reserve and Julia Creek to the West and OPT centre to the East.

The use of planters ensures a consistency in the landscape treatment of the roof top and creates screening opportunities to define the different zones and direct internal circulations. The proposal uses a number of fruit trees and robust kitchen herbs, that may be used by the residents. The palette explores a diverse range of leaf colours, textures and volumes to create a vivid effect.

Finally, the park furniture and paving materials on both areas are consistent with the palette proposed for Tranche 8 Commercial area 1 and Resi 1 ground floor and rooftop areas for consistency and ease of maintenance.







JMD design



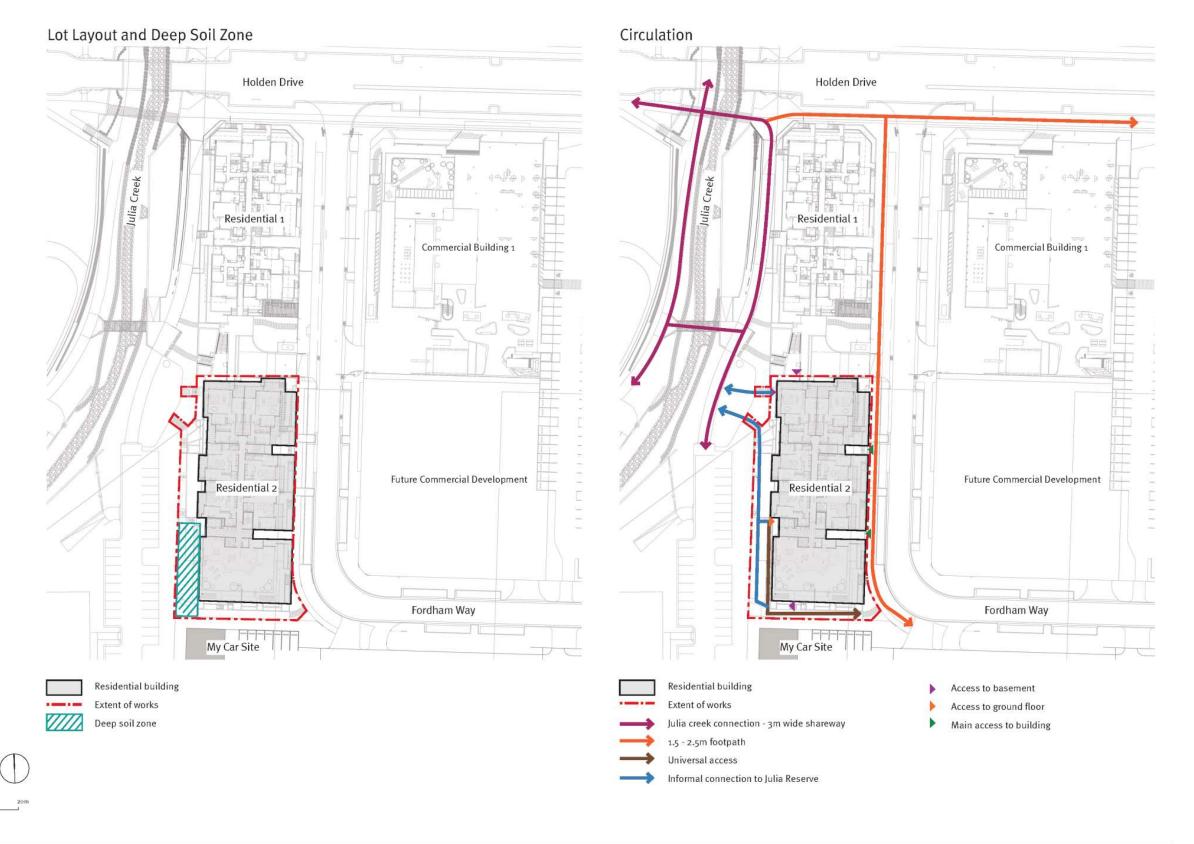
190 James Street Redfern NSW 2016 T (02) 9310 5644 info@imddesign.com.au Project
OPT Tranche 8 Resi 2
Drawing title
Title sheet

Date
May 2021
Scale
1:2500@A1 /1:5000@A3

Drawing No. | Issue No.

Attachment 6

Design Analysis & Key Principles o1







Revisions Issue

Date Description 30.04.21 03.05.21 07.05.21 For Development Application For Development Application For Development Application



Check

BC/JD BC/JD BC/JD





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Project OPT Tranche 8 Resi 2 Drawing title Design Principles

Drawing No. | Issue No. Date May 2021 D L<sub>02</sub> Scale 1:500@A1 / 1:1000@A3

## Design Analysis & Key Principles 02









30.04.21

For Development Application

BC/JD BC/JD BC/JD

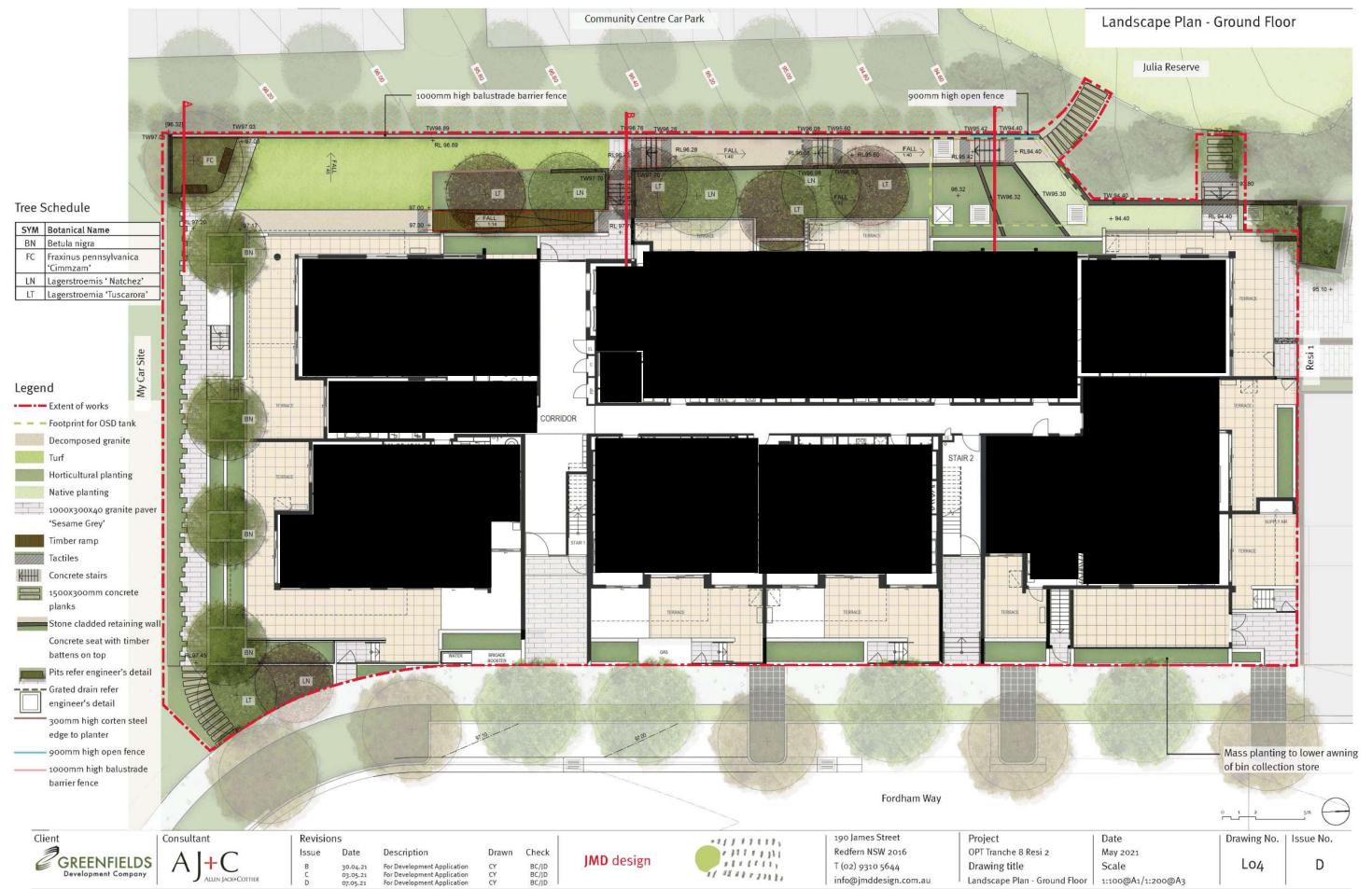




T (02) 9310 5644 info@jmddesign.com.au Drawing title Design Principles

Scale 1:500@A1 / 1:1000@A3

D Lo<sub>3</sub>



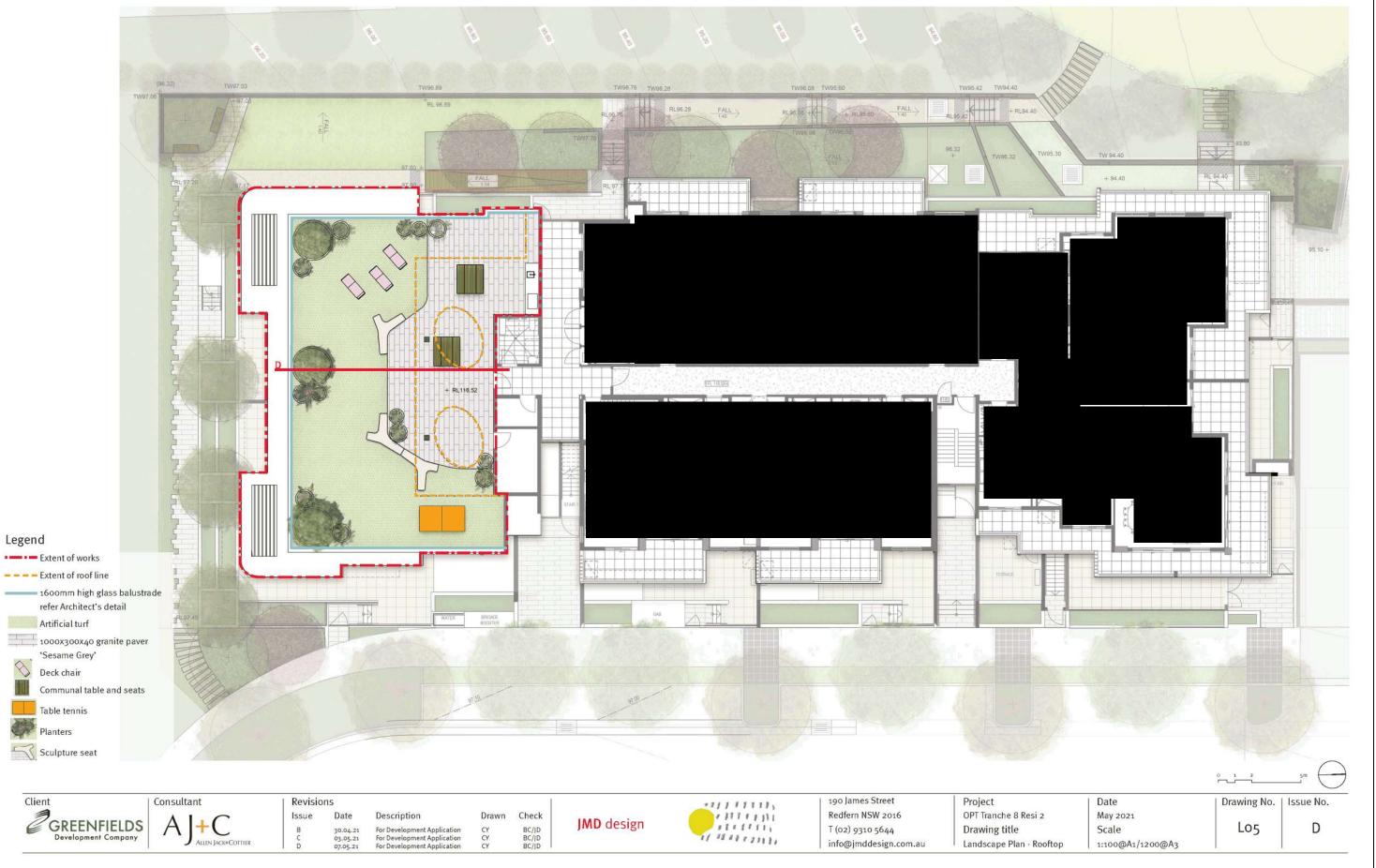
Legend

Deck chair

Planters

Client

# Landscape Plan - Rooftop



Drawing title

Site Sections - Courtyard

Scale

As shown @ A1

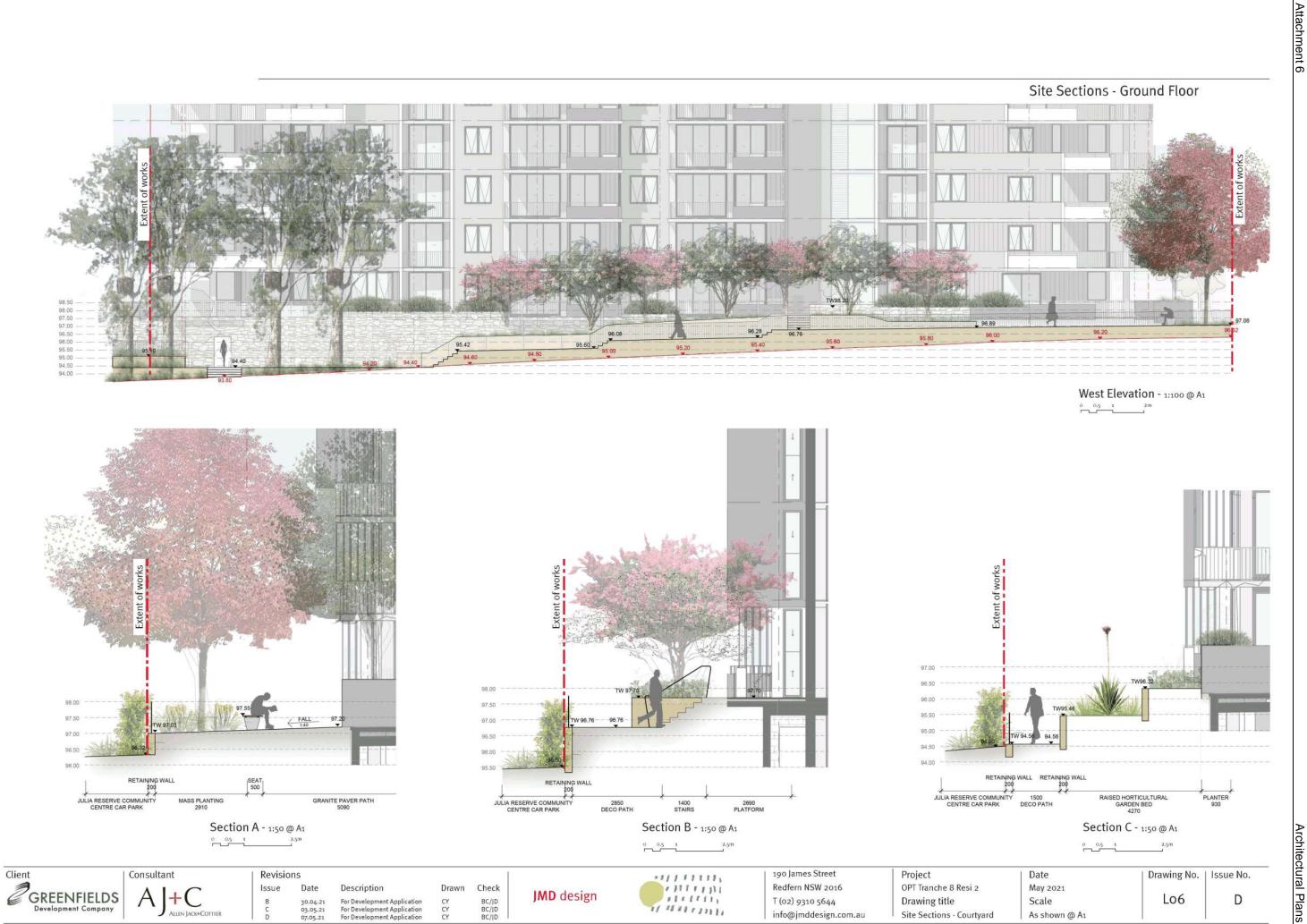
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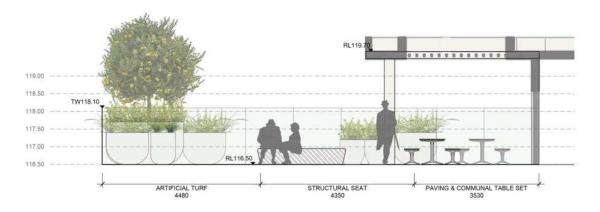
JMD design

BC/JD BC/JD BC/JD

30.04.21 03.05.21 07.05.21

For Development Application For Development Application For Development Application

# Site Sections - Rooftop



Section D - 1:50 @ A1



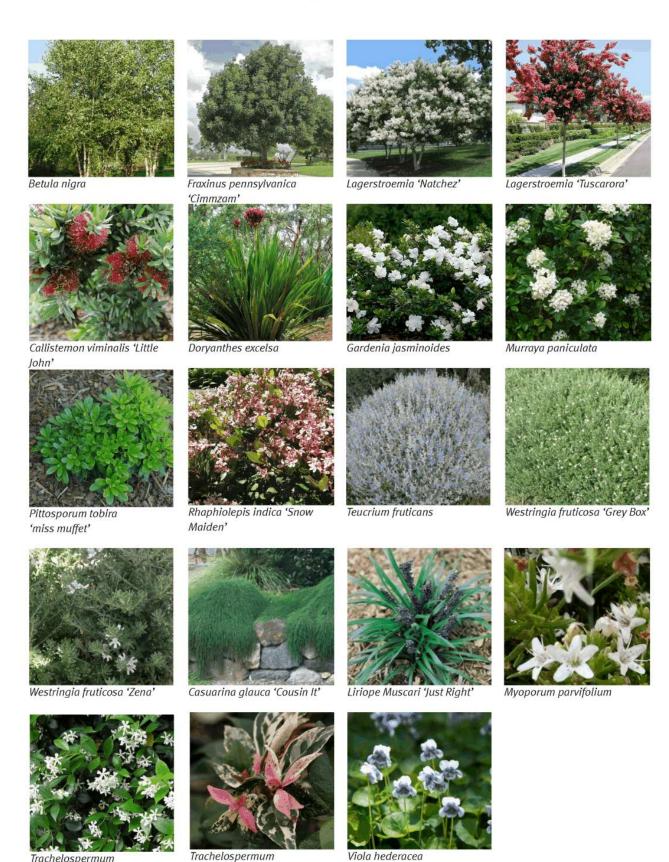
BC/JD BC/JD BC/JD



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Drawing No. | Issue No. D Lo7

#### Indicative Planting Palette - Ground Floor



Botanical name	Common name	Height	Pot size
Trees			
Betula nigra	Silver Birch	12-21M	100L
Fraxinus pennsylvanica 'Cimmzam'	Cimmaron Ash	13m	100L
Lagerstroemia 'Natchez'	Crepe Myrtle	6-8m	75L
Lagerstroemia 'Tuscarora'	Crepe Myrtle	6-8m	75L
Shrubs & Feature Plants			
Callistemon viminalis 'Little John'	Dwarf Bottlebrush	800mm	5L
Doryanthes excelsa	Gymea Lily	1-2m	45L
Gardenia jasminoides	Cape Jasmine	1m	5L
Murraya paniculata	Orange Jessamine	1.2m	5L
Pittosporum tobira 'miss muffet'	Miss Muffet	600mm	5L
Raphiolepsis indica 'Snow Maiden'	Indian Hawthorn	600mm	5L
Teucrium fruticans	Bush Germander	600mm	5L
Westringia fruticosa 'Grey Box'	Dwarf Native Rosemary	600mm	5L
Westringia fruticosa 'Zena'	Costal Rosemary	900mm	5L
Grasses, Groundcovers & Climbers			
Casuarina glauca 'Cousin It'	Cousin It She Oak	300mm	140mm
Liriope Muscari 'Just Right'	Turf Lily	500mm	140mm
Myoporum parvifolium	Creeping Boobialla	200mm	140mm
Trachelospermum jasminoides	Star Jasmine	300mm	140mm
Trachelospermum jasminoides 'Tricolour'	Tricolour Star Jasmine	200mm	140mm
Viola hederacea	Native Violets	100mm	90x50x50







jasminoides 'Tricolour'





Drawn Check BC/JD BC/JD BC/JD

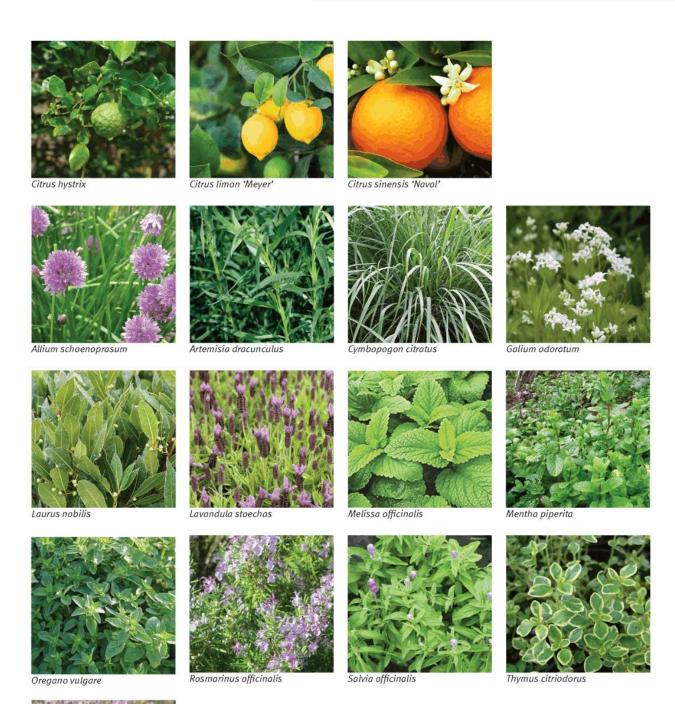




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Redfern NSW 2016
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info@jmddesign.com.au



### Indicative Planting Palette - Rooftop



Botanical name	Common name	Height	Pot size
Citrus hystrix	Kaffir Lime	1.5m	100L
Citrus limon 'Meyer'	Meyer Lemon	1.5m	100L
Citrus sinensis	Navel Orange	1.5m	100L
Shrubs & Herbs in pots			
Allium schoenoprasum	Chives	300mm	140mm
Artemisia dracunculus	Tarragon	400mm	140mm
Cymbopogon citratus	Lemon Grass	500mm	140mm
Galium odoratum	Woodruff	300mm	140mm
Laurus nobilis	Bay Laurel	100mm	140mm
Lavandula stoechas	French Lavender	500mm	140mm
Melissa officinalis	Lemon Balm	200mm	140mm
Mentha spicata	Spearmint	200mm	140mm
Oregano vulgare	Oregano	100mm	140mm
Rosmarinus officinalis	Rosemary	700mm	140mm
Salvia officinalis	Sage	300mm	140mm
Thymus citriodorus	Citrus Thyme	100mm	140mm
Thymus vulgaris	Garden Thyme	200mm	140mm



Thymus vulgaris

-													
Client   Co	onsultant	Revisio	ons			8		+1////////	190 James Street	Project	Date	Drawing No.	Issue No.
9	1 I C	Issue	Date	Description	Drawn	Check	IMP I I	e 32 1 + 4 11 1	Redfern NSW 2016	OPT Tranche 8 Resi 2	May 2021		
GREENFIELDS	AI+C	В	30.04.21	For Development Application	CY	BC/JD	JMD design	1111111	T (02) 9310 5644	Drawing title	Scale	Lo9	D
Development Company	ALLEN JACK+COTTIER	C	03.05.21	For Development Application For Development Application	CY	BC/JD BC/JD		21 22 21 2 331 34	info@jmddesign.com.au	Indicative Planting Palette	N/A		

#### Indicative Materials Palette - Ground Floor



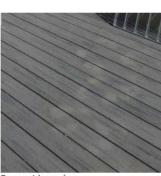
1000 x 300 x 40mm 'Sesame Grey' exofoliated granite



Paver arrangement next to mass planted area



Stablised decomposed granite



Permeable paving: Faux timber or similar



Precast concrete stepping stone



Precast concrete seat



Timber batten bench





Corten steel edge to planter





Stairs with handrail, tactiles and nosing



Consultant

Revisions Issue Date 30.04.21 03.05.21 07.05.21

Description For Development Application For Development Application For Development Application Drawn Check BC/JD BC/JD BC/JD JMD design



190 James Street Redfern NSW 2016 T (02) 9310 5644 info@jmddesign.com.au Project OPT Tranche 8 Resi 2 Drawing title Indicative Materials Palette

N/A

Date May 2021 Scale

Drawing No. | Issue No. D L10

Page 151

#### Indicative Materials Palette - Roof Top





1000 x 300 x 40mm 'Sesame Grey' exofoliated granite



Pebbles on planters



Planters



Sculpture seating



Communal table and seats



Deck chairs



Ping pong table



Revisions

30.04.21 03.05.21 07.05.21

Description For Development Application For Development Application For Development Application Check JMD design BC/JD BC/JD BC/JD

Drawn



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### **Clause 4.6 Variation Request**

Oran Park Tranche 8 Residential Building 2
Oran Park Town Centre

May 2021

Client: Perich Property Trust

Document Type: Clause 4.6 Variation Request

Document Title: Oran Park Tranche 8 Residential 2

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#### 1 INTRODUCTION

On behalf of the proponent, we submit this Clause 4.6 variation request which accompanies a Development Application which seeks approval for the erection of a seven storey residential flat building, with a two level basement car park and common open space landscaping works.

This request has been prepared in accordance with the Department of Planning & Environment (DP&E) Guideline, Varying Development Standards: A Guide, August 2011, and relevant matters set out in the 'five-part test' established by the NSW Land and Environment Court.

This request should be read in conjunction with the associated Statement of Environmental Effects (SEE) and supporting documentation lodged with the Development Application.

This application seeks a minor variation to the permissible building height primarily to accommodate lift access to the roof top terrace and upper floor units.

The building form, scale and height is consistent with the adjoining residential apartment building approved under Development Consent 710 / 2018 and provides for a consistent transition in building heights from the adjoining Commercial Buildings approved / constructed on the eastern side of Fordham Way.

Support for the minor variation to allow lift access to the common roof top open space area will enhance amenity for all residents of the apartment building, and ensure universal access can be achieved.

The subject site is situated within the Oran Park Precinct of the South West Growth Centre.

Accordingly, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 1 Oran Park & Turner Road Precinct Plan (the Growth Centres SEPP) is the guiding planning instrument

Clause 4.6 of Appendix 1 Oran Park & Turner Road Precinct Plan allows the Consent Authority to approve a development which contravenes a development standard.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility in particular circumstances.

This report, and supporting plans and documentation demonstrate that support for the full height internal atrium roof top terrace significantly enhance the environmental, sustainability and amenity of the building.



#### 2 SITE & CONTEXT

The subject site forms part of a larger superlot which was approved under Development Consent 609 / 2019.

The subject site is legally described as approved Lot 8 within a subdivision of the existing Lot 3 DP 280077, being 88 Podium Way, Oran Park. Lot 8 has an approved area of 2,103m<sup>2</sup>.

The site forms part of the Oran Park Town project within the South West Growth Centre, which was rezoned in December 2007. Since rezoning, the Oran Park Town project has delivered over 3,500 residential homes, Stage 1 of the Town Centre retail component and significant open space and recreational facilities.

The land is situated within the Tranche 8 development precinct, which forms the western edge of the broader Oran Park Town Centre.

The Tranche 8 Precinct is a mixed-use area, which will accommodate a range of commercial, residential and retail land uses, as part of the planned transition between the Town Centre Corte to the east and residential housing areas to the west.

An approved residential flat building which is currently under construction forms the northern boundary of the site, with Fordham Way forming the eastern property boundary and providing vehicle and pedestrian access to the site.

The Julia Creek Reserve open space area connection and the existing Oran Park Youth and Recreation Centre form the western boundary. Julia Creek reserve is part of an extended off-road pedestrian and cycle pathway network, ultimately providing a key north-south connection through Oran Park Town from South Creek in the north to Kolombo Creek in the south.

The southern boundary adjoins a planned Tyre and Automotive development site, which will be subject to a separate Development Application to be lodged at a later date.

The site is currently relatively flat as a result of broadscale earthworks completed over the Tranche 8 Development Area under DC 1525/2017.

The site is also highly accessible to both local and regional vehicular movements given its proximity to Oran Park Drive and Peter Brock Drive.

The development site (approved Lot 8) is zoned wholly B2 Local Centre under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 1 Oran Park & Turner Road Precinct Plan (the Growth Centres SEPP).

A Portion of the Lot 3 parcel, along the eastern edge adjoining Oran Park Drive is zoned SP2 Infrastructure State Environmental Planning Policy (Major Infrastructure Corridors) 2020. The development site does not extend within this area.



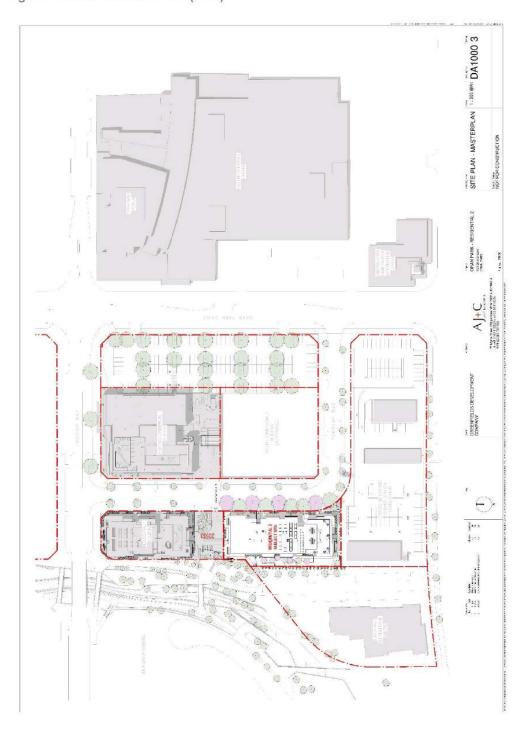
Figure 1: Locality Plan





CLPP02

Figure2: Local Context Plan (AJC)





# 3 OUTLINE OF THE PLANNING INSTRUMENT AND PROPOSED VARIATION

a) What is the name of the environmental planning instrument that applies to the land?

The Environmental Planning Instrument pertaining to the site is State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 1 Oran Park & Turner Road Precinct Plan.

b) What is the zoning of the land?

The site is situated within the Oran Park Precinct of the South West Growth Centre.

The development area is zoned B2 Local Centre under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 1 Oran Park & Turner Road Precinct Plan (the Growth Centres SEPP).

#### c) What are the objectives of the zone?

The objectives of the B2 Local Centre zone under Appendix 1 of the Growth Centres SEPP read as follows:

- To provide a range of retail, business, entertainment and community uses which serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.
- To ensure that residential development does not preclude the provision of active uses at street level.
- To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed-Use Zone.
- To provide for residential development that contributes to the vitality of the local centre.

#### d) What is the development standard being varied?

This variation request relates to Clause 4.3 Height of Buildings of Appendix 1 of Growth Centres SEPP, which prescribes maximum building heights for buildings within the Oran Park Precinct.

e) Under what clause is the development standard listed in the environmental planning instrument?

Clause 4.3 (2) requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

Building Heights are shown on South West Growth Centre Height Of Buildings Map Sheet HOB\_004. This map identifies that the site is subject to a maximum building height of 24m.



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#### f) What are the objectives of the development standard?

The Objectives of Clause 4.3 Height of Buildings are as follows:

- (a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,
- (b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,
- (c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas.
- (d) to provide appropriate height controls for commercial and industrial development.

#### g) What is proposed numeric value of the development standard

Building Heights are shown on South West Growth Centre Height Of Buildings Map Sheet HOB\_004. This map identifies that the site is subject to a maximum building height of 24m.

#### h) What is proposed in the development application?

The application seeks approval for the erection of a seven-storey residential apartment building, consistent in height and scale to the adjoining apartment building under construction.

As shown in Figure 3 below, the primary building form complies with the maximum building height limit.

The building as proposed achieves a maximum building height of 25m to accommodate lift access to the common open space rooftop terrace, delivering universal access for all residents.

The roof form and predominant building envelope of the building itself is below the maximum permissible building height.

A small portion of the roof covering to the top floor unit in the north western corner of the building breaches the height limit. This particular element extends approximately 100mm beyond the height limit when projected vertically form the existing sloping ground level. This would not be perceivable as a height breach in the landscape.



Figure 3 : Building Height Plane (AJC)





#### **4 FIVE PART TEST**

Clause 4.6 provides appropriate flexibility in the application of development standards to achieve enhanced planning and urban design outcomes where appropriate.

As required under Clause 4.6 (3) the proposed variation to lot sizes is considered appropriate as follows:

(a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The NSW Land and Environment Court had established the principle of a five-part test in determining whether compliance with a development standard is unnecessary (*Refer Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90 & Wehbe v Pittwater Council [2007] NSW LEC 827*). The most common and appropriate manner of demonstrating that compliance is unnecessary, was whether the proposal met the objectives of the standard regardless of the variation.

The following discussion provides a response to each of the five (5) "tests" established by the court and demonstrates above that the objectives of the standard are achieved notwithstanding the noncompliance.

We have also included Test 1(a) which addresses the objectives of the land use zone, consistent with recent decisions of the NSW Land & Environment Court, including *Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118.* 

### Test 1. The objectives of the standard are achieved notwithstanding noncompliance with the standard

The objectives of the lot size standard at Clause 4.3 are as follows:

(a) to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,

**Comment:** The proposed apartment building has been designed in conjunction with the preliminary Concept Plan for the balance of the Tranche 8 development area. The key elements of this objective are addressed below:

Solar Access

Detailed solar access diagrams have been prepared and submitted with the Development Application which demonstrate that the building will not impact on solar access to any dwellings or private open space areas.

Bulk & Scale

The bulk and scale responds to the both the existing Town Centre built form and the desired vision, scale and character of the Oran Park Town Centre.

The proposed building is identical in bulk & scale to the approved Residential 1 building under construction directly to the north of the proposal.

The building height is less than the approved Commercial buildings on the eastern side of Fordham Way, providing a transition in bulk and scale.

(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,

**Comment:** The proposed residential apartment building delivers building heights which are appropriate in the context of the site and surrounding buildings.



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The proposal delivers a high quality building form, with the roof top terrace contributing to the amenity of the residents by providing sun shading on the north-western elevation.

The minor breach relating to the balcony roof element for Unit 6.03 will enhance the amenity of this unit for future residents.

(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,

**Comment:** The proposal is consistent with this objective as it delivers higher density housing whitened Town Centre.

As demonstrated in the plans and details submitted with the application., the building will not impact on any adjacent residential dwellings.

(d) to provide appropriate height controls for commercial and industrial development.

**Comment:** The proposal does not seek approval for any commercial or industrial development and as such, this objective is not applicable.

#### Test 1(a). The objectives of the zone

The objectives of the B2 Local Centre Zone are as follows:

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

**Comment:** The proposal does not seek approval for a retail or commercial development, as such, this objective is not applicable.

To encourage employment opportunities in accessible locations.

**Comment:** The proposal does not seek approval for employment land uses, as such, this objective is not applicable.

We note that the delivery of higher density residential housing on the western edge of the Town Centre will allow residents access to employment opportunities in the Town Centre.

To maximise public transport patronage and encourage walking and cycling.

**Comment:** The proposal is consistent with this objective, as the delivery of higher density housing in proximity to public transport nodes will increase patronage.

Notwithstanding, the breach of the building height for the provision of lift access to the rooftop terrace is neither consistent / nor inconsistent with this objective.

 To ensure that residential development does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.



**Comment:** The delivery of a residential building on the site will not detract from the primary function of the centre.

The main retail core is established on the eastern side of Oran Park Drive with the Podium Retail Centre. The adjacent commercial buildings provide significant employment opportunities.

Notwithstanding, the breach of the building height for the provision of lift access to the rooftop terrace is neither consistent / nor inconsistent with this objective.

 To ensure that residential development does not preclude the provision of active uses at street level.

**Comment:** The proposal incorporates ground floor street level terraces which provide an activated street level interface.

 To provide for land uses of a higher order and density within the Local Centre Zone than are permitted within the Neighbourhood Centre Zone or the Mixed-Use Zone.

**Comment:** The proposal is consistent with this objective as the application seeks approval for higher density residential development in an appropriate location.

To provide for residential development that contributes to the vitality of the local centre.

**Comment:** The proposal will deliver higher density residential development which contributes to the vitality of the centre.

The proposed roof top terrace and associated access contributes to the vitality of the proposal.

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

The application does not rely on this test for approval.

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

The application does not rely on this test for approval.

Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

The proposal does not rely on this test for approval.

Notwithstanding, we note that minor variations in building height have been supported for similar outcomes during consideration of the two adjoining commercial buildings and the apartment building adjoining the northern boundary.

The proposal is consistent in building height, bulk and scale with the adjoining approvals.



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

The application does not rely on this test for approval.

Given the discussion above, strict compliance with the development standard is unnecessary.

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

A detailed Statement of Environmental Effects (SEE) has been prepared and submitted with this application and provides a comprehensive environmental planning assessment of the proposed development.

The SEE has demonstrated that the proposal is predominantly compliant with the all adopted planning controls and guidelines for the site. The SEE has also demonstrated that there are no adverse environmental impacts as a result of the proposal.

Requiring strict compliance with the building standard would result in removal of the lift access to the communal roof top terrace. This would significantly reduce the environmental performance and amenity of the building.

In this regard, contravention of the development standard is considered to be acceptable as the lift well provides specific benefits for residents being:

- Provision of lift access ensures all ability access to the rooftop terrace. The rooftop terrace does not breach the height limit.
- The lift access is via one of the lift wells which services the whole of the building, providing benefit for all residents of the apartment complex lift, not a single apartment.
- The beach of the height limit does not allow for any additional floor space or units associated
  with the development. The proposal could achieve compliance with the building height limit
  through removal of lift access to the rooftop terrace. However, this would be a poor social
  outcome for residents.
- The proposal could achieve compliance with the building height limit through removal of the balcony covering for Unit 6.03. However, this would be a poor amenity outcome for residents of this unit, given the balcony faces north / north-west.

It is our professional opinion that there are sufficient environmental planning grounds to justify variation to the maximum building height as:

- The proposal is consistent with the objectives of the zone and the objectives of the height control.
- In relation to the surrounding locality, the lift well is located within the envelope of the roof structure and is not visible from the pedestrian street level, and as a result has no solar access impacts on the surrounding area.
- . The lift access to the roof top terrace enhances the amenity of the building for future residents.
- The bulk and scale of the building and the lift access is consistent with the surrounding approved developments and building heights.



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#### 5 IS THE VARIATION IN THE PUBLIC INTEREST

Delivering universal access to the roof top terrace area forms a key component of the project and is considered to be in the public interest.

It is critical that the minor variation be allowed to support this design objective.

Generally, the proposed residential apartment building is considered to be in the public interest as:

- The proposal will provide higher density housing which contributes to the vitality of the Town Centre precinct consistent with the objectives of the zone.
- Provision of lift access to the rooftop will provide universal access to the rooftop communal open space, and is to the benefit of all residents.
- The variation in building height assists in the ability of the development to provide activated ground level courtyard terraces along the street edge, consistent with the objectives of the zone.
- The proposal will contribute to the creation of a vibrant mixed use precinct on the western edge of the Town Centre, acting as a transition between residential neighbourhoods and the Town Centre core.
- The proposal is consistent with the vision for the on-going delivery of the Oran Park Town Centre established under the Part B DCP.



#### 6 LOCAL PLANNING PRECEDENTS

#### Oran Park Commercial Building 1

Camden Council issued Development Consent 1526/2017 in July 2018.

DC 1526/2017 granted approval for the erection of a six storey commercial building directly to the north east of this application.

The consent granted approval for a building height of 28.15m, being a 4.15m variation to the maximum building heights for the subject site specified under the Growth Centres SEPP.

#### Residential Apartment Building 1

Camden Council issued Development Consent 710/2018 in March 2019.

DC 710/2018 and associated modifications granted approval for the erection of a seven storey apartment building directly adjoining the northern edge of the residential apartment building proposed under under this application.

The consent granted approval for a building height of 26.5m, being a 2.5m variation to the maximum building heights for the subject site specified under the Growth Centres SEPP.

#### Oran Park Commercial Building 2

Camden Council issued Development Consent 269/2019 in October 2020.

DC 269/2019 granted approval for the erection of a six storey commercial building directly to the north east of this application.

The consent granted approval for a building height of 28.85m m, being a 4.85m variation to the



#### 7 CONCLUSION

This Clause 4.6 variation request seeks support for a minor variation to the prescribed maximum building height (1m) relating to the erection of a seven-storey residential flat building.

The variation as proposed will allow for universal lift acers to the roof top landscaped terrace area.

The provision of a landscaped rooftop terrace will significantly improve amenity and environmental outcomes for the proposal, providing high levels of solar access and a variety of common recreational spaces.

Retention of the balcony covering to Unit 6.03 will provide amenity and enhance usability for future residents.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility circumstances.

This variation request has demonstrated that

- Compliance with the development standard is considered unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify the contravention;
- The proposal maintains consistency with the objectives of the B2 Local Centre zone;
- The proposal is consistent with the objectives of Clause 4.3 Building Height, despite the noncompliance;
- The proposed development is an appropriate response to the context of the site, and the breach of the standard is compatible with the existing and future character of the area; and
- Support for the proposed variation will have a positive environmental impact and is in the public interest.





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#### CAMDEN LOCAL PLANNING PANEL

CLPP03

SUBJECT: DA/2020/484/1 - SUBDIVISION OF STAGE 6C TO CREATE 41

RESIDENTIAL ALLOTMENTS AND THREE SUPERLOTS, CONSTRUCTION OF PUBLIC ROADS AND ESSENTIAL SERVICES AND ASSOCIATED SUBDIVISION WORKS INCLUDING LANDSCAPING AND CIVIL WORKS - 4 BATTERSBY AVENUE, ORAN

**PARK** 

**TRIM #**: 21/604971

DA Number:	2020/484/1		
DA Nullibel.	2020/404/1		
Development:	Subdivision of Stage 6C to create 41 residential allotments and three superlots, construction of public roads and essential services and associated subdivision works including landscaping and civil works		
Estimated Cost of Development:	\$2,856,390		
Olta Address (s.s.)	4 Battersby Avenue, Oran Park		
Site Address(es):	(previously 4 O'Keefe Drive, Oran Park)		
Applicant:	Trevor Jenson – Hixson Pty Ltd		
Owner(s):	Hixson Pty Ltd		
Number of Submissions:	Nil		
DevelopmentState Environmental Planning Policy (Sydney Region Centres) 2006 – Appendix 9, Clause 4.1 Minimum Sub Lot Size (>10%)			
Classification:	Nominated Integrated Development – Heritage Act 1977, Rural Fires Act 1997 and Water Management Act 2000		
Recommendation:	Approve with conditions		
Panel Referral Criteria:	Departure from development standard by more than 10%		
Report Prepared By:	Laura Morabito, Senior Town Planner		

#### **PURPOSE OF REPORT**

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the residential subdivision of Stage 6C at 4 Battersby Avenue, Oran Park (previously 4 O'Keefe Drive, Oran Park).

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, the development proposes to contravene the development standard relating to minimum lot size that applies to the site by more than 10%.



#### SUMMARY OF RECOMMENDATION

That the Panel determine DA/2020/484/1 relating to the residential subdivision of Stage 6C, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granted development consent, subject to the conditions of consent **attached** to this report.

#### **EXECUTIVE SUMMARY**

Council is in receipt of a DA that relates to the residential subdivision of Stage 6C at 4 Battersby Drive, Oran Park.

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

The DA was publicly exhibited for a period of 28 days from 4 August 2020 to 31 August 2020 in accordance with Camden Development Control Plan 2019. During the public exhibition period, no written submissions were received.

Although part of the site is located within the heritage curtilage for Oran Park House (also known as Catherine Park House), no significant built form works are proposed as part of this application (refer to **Figure 1** below). Further, an Aboriginal Heritage Impact Permit (AHIP) has been issued, permitting construction works within this part of the site.

The DA proposes a variation to clause 4.1, as the development standard limits the affected area to a minimum lot size of  $500m^2$  (refer to **Figure 2** below). The proposed subdivision results in six of the 44 lots, with a minimum lot size ranging from  $300m^2$  to  $455m^2$ . The contravention is assessed in detail in this report and is supported by Council staff.

The application also seeks a minor variation to the Catherine Field (Part) Precinct Indicative Layout Plan (ILP) in relation to the local road layout within the subject site. The realignment of local roads is to enable a more permeable street network and to provide a greater setback to Catherine Park House.

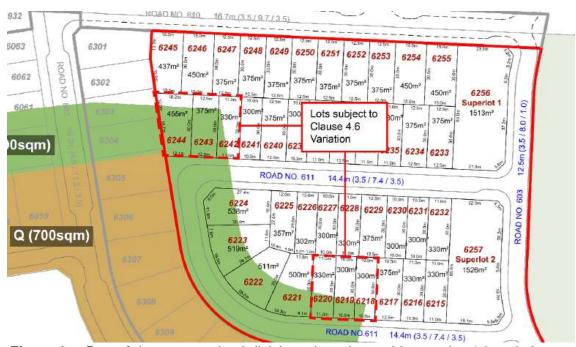
With the exception of the above variations, the development is generally consistent with all other relevant controls and objectives contained in Appendix 9 Camden Growth Centres of the State Environmental Planning Policy (Sydney Region Growth Centre) 2006 (Growth Centres SEPP) and the Camden Growth Centres Development Control Plan (Growth Centres DCP).

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





**Figure 1** – The site (outlined in red) and the heritage curtilage for Catherine Park House (coloured in brown).



**Figure 2** – Part of the proposed subdivision where lots subject to the 4.6 variation are outlined in the broken red lines. The 500m<sup>2</sup> minimum lot size control is shaded in green.

#### **KEY PLANNING CONTROL VARIATIONS**

Control	Proposed	Variation
	Lot 6218: 300m <sup>2</sup>	Lot 6218: 40%
Clause 4.1 Minimum Lot Size – 500m <sup>2</sup>	Lot 6219: 300m <sup>2</sup>	Lot 6219: 40%
Clause 4.1 Millimum Lot Size – 500m	Lot 6220: 330m <sup>2</sup>	Lot 6220: 34%
	Lot 6242: 330m <sup>2</sup>	Lot 6242: 34%



	Lot 6243: 375m <sup>2</sup> Lot 6244: 455m <sup>2</sup>	Lot 6243: 25% Lot 6244: 9%
Catherine Field (Part) Precinct ILP	Minor variations are so local roads. The exte further discussed in the	nt of the variation is

#### **AERIAL PHOTO**



Figure 3 – Aerial Photo. The site is highlight in red.

#### **THE SITE**

The site is legally described as Lot 6086 in DP 1235007 and is commonly known as 4 Battersby Avenue, Oran Park. The lot is irregular in shape with an overall area of 3.52 hectares (refer to **Figure 3** above). The lot has a gentle slope from the west to the east (towards South Creek), which runs along the eastern boundary of the subject site.

Part of the site is situated within the heritage curtilage for Oran Park House, which is of state significance, pursuant to Schedule 5 *Environmental Heritage*, Appendix 9 of the Growth Centres SEPP (refer to **Figure 1** above). Oran Park House is a two storey Georgian Revival style homestead that was later modified to include a Victorian Villa with rear access, basement level and a two storey rear wing in the 1940s. The site also contains various ancillary structures including the Silo and Coach House which sit in between the house and the western boundary of the subject site (refer to **Figure 4** below). The State Heritage Inventory also identifies views to and from Oran Park House and South Creek as significant in that it reflects the historic rural character of the Camden Local Government Area (LGA).



The site is partially mapped as bushfire prone land and is located within the Camden Growth Centres Precinct of the South West Growth Area.

The surrounding area is currently under construction and is generally zoned for residential purposes, accommodating a mix of housing typologies. Directly north of the site is Barramurra Primary School which commenced operation in early 2021. The south-western end of the site is zoned *B1 Neighbourhood Centre* and will accommodate a future neighbourhood centre and public park (refer to **Figure 6** below).

The redevelopment of the Catherine Field (Part) Precinct was undertaken and approved under two separate DAs. The subject site was approved as a superlot (DA/2017/491/1) and identified as Stage 6C (refer to **Figure 5** below).



Figure 4: Location of significant built forms within the Catherine Park House heritage curtilage.



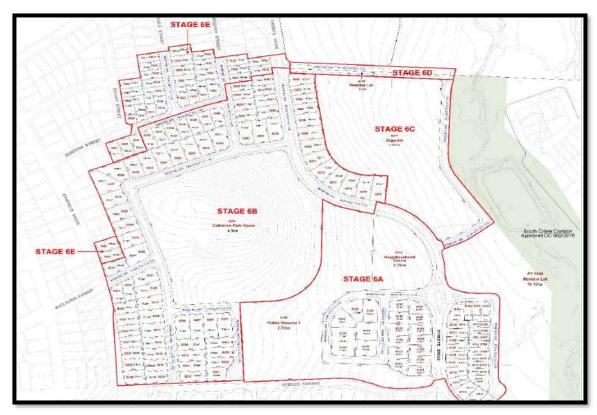


Figure 5 – Approved Stage 6 subdivision layout under DA/2017/491/1.

#### **ZONING PLAN**



Figure 6 – Zoning Map where the site is outlined in red.



#### **AREA MASTER PLAN**

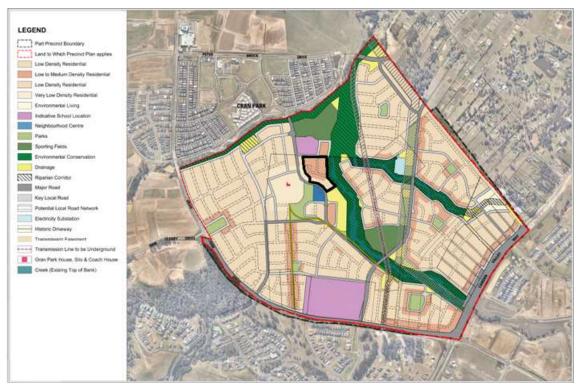


Figure 7 – The Catherine Park Indicative Layout Plan where the subject site is outlined in red.

#### **HISTORY**

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

Date	Development
Approved February 2015	<b>DA/2014/228/1</b> – Residential subdivision within Stages 1-3 of Catherine Park to create 339 residential lots, 18 superlots, public open space, drainage and associated site works. This development approved the main entrance into Catherine Park (via Catherine Park Drive), which also provides access to Stage 6.
Approved August 2017	<b>DA/2017/491/1</b> – Residential subdivision to create 141 lots, two superlots, a lot containing Catherine Park House, one residue lot, one public reserve, construction of public roads, provision of services and associated site works to be delivered in four stages. This DA approved superlot 'Stage 6C.'
Approved October 2019	<b>DA/2017/491/2</b> – This modification application approved the realignment of the staging boundaries to facilitate a better delivery of the approved Catherine Park residential subdivision.
Approved December 2020	<b>DA/2017/491/3</b> – The modification approved minor amendments to the staging boundaries and number of approved residential allotments. The development now includes the residential subdivision to create 153 residential allotments, one superlot, a lot containing Oran Park House and its improvements, two residue



	lots, one public reserve, a lot for a neighbourhood centre, construction of public roads, provision of services, earthworks, site works and retaining walls to be delivered over six stages.
Approved July 2021	<b>DA/2017/491/4 –</b> Removal of one residue lot situated in Stage 6B which proposed to contain 24 residential allotments.
Application withdrawn August 2021	<b>DA/2017/491/5</b> – Amend the boundaries of the approved public reserve to allow additional land to be dedicated to the driveway for Oran Park House.
Approved July 2021	<b>DA/2017/491/6</b> – Amendments to the conditions of consent to allow for development contributions be paid under the Greenfields Development Company's Planning Agreement.

#### **THE PROPOSAL**

DA/2020/484/1 seeks development approval for the residential subdivision of Stage 6C. The proposed subdivision includes the creation of:

- 41 residential allotments ranging from 300m<sup>2</sup> to 538m<sup>2</sup>;
- three superlots;
- construction of public roads; and
- essential services and associated subdivision works.

The proposed subdivision layout associated with this DA is shown in Figure 8 below.

The estimated cost of the development is \$2,856,390.



**Figure 8** – The proposed residential subdivision layout of Stage 6C. Lots seeking to contravene clause 4.1 of the Growth Centres SEPP are outlined in orange.



#### **ASSESSMENT**

#### Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

#### (a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy No. 55 Remediation of Land.
- Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River.

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

The Growth Centres SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Growth Area.

#### Site Zoning

The site is zoned R2 Low Density Residential pursuant to Appendix 9, clause 2.2 of the Growth Centres SEPP.

#### Land Use/Development Definitions

The development is defined as a 'earthworks,' 'roads,' and 'drainage' as defined in the Growth Centres SEPP. The development also includes the subdivision of land which is defined by Section 4B of the Environmental Planning and Assessment Act 1979.

#### **Permissibility**

The proposal is permitted with development consent, pursuant to Part 2 of the Growth Centres SEPP.

#### **Planning Controls**

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

#### Proposed Contravention - Clause 4.1 Minimum Subdivision Lot Size

The applicant proposes a contravention to the minimum lot size development standard that applies to part of the site, pursuant to Clause 4.1 of the Growth Centres SEPP (refer to **Figure 2** above). The development standard limits residential allotments within the affected area to a minimum lot size of  $500m^2$ . However, six residential allotments within the proposed subdivision seek a minimum lot size that range from  $300m^2$  to  $455m^2$ , contravening the development standard by  $45m^2 - 200m^2$  or 9% - 40%.



#### Contravention Assessment

Pursuant to Appendix 9, clause 4.6(3) of the Growth Centres SEPP, the applicant has submitted a written request that seeks to justify the contravention of the development standard. In summary, the applicants written request provides the following justification for the contravention:

- The development is consistent with the objectives of the development standard, in that it will not impact upon the amenity of surrounding land uses or impede any significant views identified in the Catherine Field (Part) Precinct.
- The development is consistent with the objectives of the R2 Low Density Residential zone in that it will provide a range of lot sizes that will accommodate a mix of housing typologies to support a range of family compositions.
- The proposed lot sizes are regular in shape and will have the capacity to achieve a compliant building envelope plan in accordance with the relevant controls contained in the Camden Growth Centres DCP.
- A minimum lot size control does not apply to most allotments in the immediate vicinity of the subject site (refer to **Figure 2** above). As such, the development is considered to be generally compatible with the existing and future desired character of the area.
- The variation will not diminish the heritage value of Oran Park House and is generally consistent with all heritage relates controls and objectives that apply to the site.
- There are sufficient environment planning grounds to justify the variation.

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

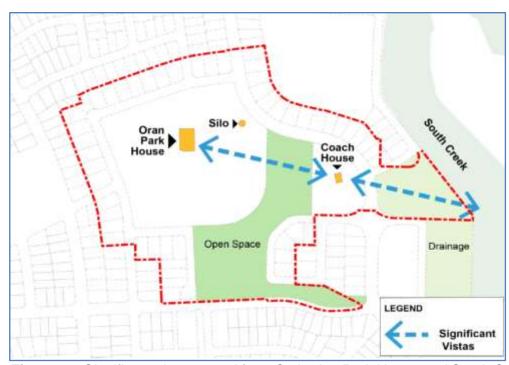


Figure 9 – Significant views to and from Catherine Park House and South Creek.



Pursuant to Appendix 9, clause 4.6(4) of the Camden Growth Centres SEPP, Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Growth Centres SEPP; and
- the development will be in the public interest as it consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

In accordance with Clause 4.6 (3), the applicant's requests that the minimum lot size for six of the proposed lots be varied in this instance. The applicant's written request (which is attached to this report) submits that compliance with the development standard is unreasonable and unnecessary as the proposed development is consistent with and does not erode the underlying intent of the R2 Low Density Residential zone and the minimum lot size objectives. More specifically, the applicant submits that:

'The area affected by the 500m<sup>2</sup> minimum lot size standard is not within the curtilage and the proposed design provides a more sympathetic interface to the curtilage boundary'

and;

'The proposed residential allotments in Stage 6 adopts a diverse range of lot sizes that can accommodate a diverse range of residential dwellings. All proposed allotments are  $300m^2$  or larger, and the amenity controls in the DCP consider lots of this size as standard residential allotments that do not require building envelope plans.'

It is assessed that the development sustains a well-transitioned subdivision layout to minimise any significant amenity impacts to the heritage item and is generally consistent with the subdivision pattern for the wider Catherine Park precinct. As the development will accommodate various dwelling types that are in the interest of the public, it is considered that compliance with this development standard has no identifiable public benefit.

The applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3), Appendix 9 of the Growth Centres SEPP and the development will be within the public interest as it is consistent with the objectives relating to minimum lot size and the R2 Low Density Residential zone, as outlined below.

#### Clause 4.1 Minimum Lot Size

(a) To ensure orderly and efficient use of land.

**Comment:** The proposed subdivision promotes a permeable street network that appropriately reflects the configuration of the parent lot and lots within Stage 6F that have an interface to Oran Park House. Road 611 is positioned at the boundary of Stage 6F, which creates a larger buffer to Oran Park House and will therefore reduce the future bulk of the development within the subject site. With the provision of street planting along Road 611, this will also minimise any potential amenity impacts to Oran Park House.



As the proposed road layout will enable for a more permeable street network, the variation will still achieve an efficient use of land, therefore meeting the day to day needs of local residents. Accordingly, the proposed variation is considered to be an improved outcome for the site and is therefore consistent with the above objective.

(b) to ensure a minimum lot size sufficient for development.

**Comment:** The lots subject to this contravention are rectangular in shape with a site area ranging from 300m<sup>2</sup> to 455m<sup>2</sup>. These lots propose a minimum front boundary width of 10m and are able to achieve a generally compliant building envelope plan (for an appropriately sized single dwelling) in accordance with the Camden Growth Centres DCP. These lots are also north-south facing and will be able to achieve the minimum solar access requirements with a reasonable sized dwelling house.

(c) to allow for a range of lot sizes that cater for a diversity of land uses and employment activities.

**Comment:** Stage 6 (in Catherine Park) approved a wide range of land uses including residential, commercial and recreational areas. Stage 6C includes lot sizes ranging from 300m² to 582m² that can accommodate most housing typologies permitted with development consent in the R2 Low Density Residential zone. Three superlots are also proposed within the subdivision to accommodate future integrated housing developments and therefore provide greater dwelling diversity within the site. These lots are located in proximity to key areas such as public parks, a future neighbourhood centre and primary school.

The site is also well serviced by public transport and other major road networks that directly connect to surrounding areas where key services are also located.

#### R2 Low Density Residential Objectives

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

**Comment:** Despite the contravention, the proposed subdivision will still have the capacity to accommodate various dwelling types (such as single dwellings and dual developments) with sufficient private open space to support a wide range of family compositions.

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

**Comment:** The proposed contravention will have no impacts to existing and projected land uses immediately surrounding the subject site. Further, the variation will accommodate greater housing choices in the immediate vicinity of key services (such as the neighbourhood centre, schools and the public park), to support most family compositions.

c) To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.



**Comment:** Proposed lot sizes within this subdivision are generally consistent with other residential allotments in the Catherine Park estate. The design of these allotments are also regular in shape and north-south facing. This will permit a compliant building envelope plan with sufficient private open space, pursuant to the requirements in the Camden Growth Centres DCP.

d) To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.

**Comment:** The proposed development relates to the residential subdivision only. The proposed variation will not impact on other land uses approved in Stage 6 or in proximity to the site.

e) To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

**Comment:** The varying lot sizes will accommodate a range of dwelling types including single dwellings, secondary dwellings, dual occupancies and studio dwellings to support most family compositions. These lots will be able to accommodate a compliant dwelling design that will meet the housing needs of future residents.

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

The assumed concurrence of the Secretary has been issued for variations of this nature under Planning Circular PS 20-002 issued 5 May 2020.

For the above reasons, a variation to Clause 4.1 of the Growth Centres SEPP for the proposed lots is supported for the following reasons:

- The written request (and supporting documentation) has appropriately demonstrated that compliance with this development standard is unnecessary in that it will have no adverse amenity and/or view impacts to Oran Park House;
- Proposed lots sizes will still support greater housing diversity within the precinct and is therefore within the public interest;
- The proposed subdivision layout reflects the configuration of the parent lot and will allow for a more permeable street hierarchy and stronger connections to surrounding land uses and other key road networks; and
- The NSW Heritage Council and Councils Heritage Advisor have raised no concerns regarding the proposal, subject to the imposition of recommended conditions of consent.

Consequently, it is recommended that the Panel support this proposed contravention to the minimum lot size prescribed under the Growth Centres SEPP.



#### State Environmental Planning Policy No.55 - Remediation of Land (SEPP 55)

This policy requires Council to be satisfied that the site is suitable for its intended use prior to granting development consent.

Contamination was considered under the parent subdivision DA (DA/2017/491/1). During the construction phase of the subdivision, no areas of environmental concern were identified, therefore no remediation works were required. A site audit statement has also been prepared, confirming that residential development is a suitable use for the subject site.

Standard conditions are included in the consent to ensure ongoing compliance with relevant matters contained in this policy.

#### Sydney Regional Environmental Plan No 20 – Hawksbury-Nepean River

The proposed development is generally consistent with the intent of this policy which is to protect the environment of the Hawkesbury-Nepean River system and all of its planning controls.

The development is likely to have no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Standard conditions are recommended, requiring the proposed development to incorporate appropriate stormwater detention, treatment and erosion and sediment control measures.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

## <u>Draft Environment State Environmental Planning Policy (Draft Environment SEPP)</u>

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

# <u>Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)</u>

The development is consistent with the Draft Remediation SEPP in that the land has been validated and is suitable for the proposed residential use.

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

#### Camden Growth Centres Development Control Plan (as amended)

An assessment table in which the development is considered against the Growth Centres DCP is provided as an **attachment** to this report. The assessment has determined that the proposed is generally consistent with the relevant controls, with the exception of one minor variation regarding the developments consistency with the Catherine Field (Part) Precinct ILP. This matter is further justified below.



#### Section 2.2 Indicative Layout Plan

A minor variation to the road layout within the site is sought to facilitate the proposed development. The Catherine Field (Part) Precinct ILP identifies a cul-de-sac within the centre of the site that connects to a local road on the south eastern end of the site. To achieve a better planning and heritage outcome, this cul-de-sac and the adjoining local road running north-south is proposed to be removed. These roads will be replaced by Road 611 that will provide a stronger east west connection throughout the site and connect to Road 603 which provides direct connections outside Stage 6C.

It is however noted that the provision of Road 611 will create dual frontage lots approved under Stage 6F (Lots 6305 – 6313). To prevent opportunities for rear loaded garages, design principles will be adopted by way of a restriction in the 88B instrument, requiring the following design features to Lots 6305 – 6313:

- The primary dwelling must be front loaded and address O'Keefe Drive. Rear loaded garages or site access via Road 6.11 is not permitted;
- Fencing on the rear boundary (fronting Road 6.11) is to consist of face brick and/or rendered masonry piers. The piers must be spaced no more than 3000mm apart;
- The infill panels between the piers must have a minimum 20% opening and consist of landscaping decorative steel, aluminium slats, wrought iron, timber pickets or mod-wood pickets, spaced a minimum 300mm apart; and
- The fence must not exceed a maximum building height of 1800mm from the existing ground level.

Standard conditions will apply to ensure the above design principles are appropriately considered at the DA stage for the construction of single dwelling houses.

Council staff have assessed the variation to the Camden Growth Centres DCP and recommend that it be supported for the following reasons:

- The amended road layout will provide a stronger east west connection within the site and provide a direct connection to Road 603 which is a major local road within Catherine Park. Consequently, the amended road network will enable a more permeable and legible street network for both motorists and pedestrians, contributing to causal surveillance;
- Road 611 runs along the heritage curtilage of Oran Park House and rear boundaries of lots within Stage 6F. This will increase the setback to Oran Park House, thereby minimising any potential amenity impacts future development (within the site) may have;
- The amended road layout will permit for additional on-street car parking within the site; and
- The imposition of the above design principles will ensure the future design of dwellings will have no adverse streetscape amenity impacts.

Consequently, it is recommended that the Panel support this proposed variation to the Growth Centres DCP, subject to the recommended conditions of consent.



# (a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

The site is subject to the Catherine Park Planning Agreement. Development contributions for the subject development are to be made in accordance with this agreement. Standard conditions will apply to ensure ongoing compliance.

# (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions **attached** to this report.

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

As demonstrated by the above assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

The proposal will allow for the delivery of residential allotments that will accommodate most housing typologies permitted with development consent in the R2 Low Density Residential zone. Further, road networks will be established within the site that connect to adjoining land uses and other major road networks.

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

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 28 days in accordance with Part 1 of the Camden Development Control Plan 2019. The exhibition period was from 4 August 2020 to 31 August 2020 and no submissions were received.

#### (e) the public interest

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



### **EXTERNAL REFERRALS**

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

External Referral	Response
Heritage NSW	No objections to the proposal, subject to the General Terms of Approval.
Rural Fire Service	No objections to the proposal, subject to the General Terms of Approval.
Natural Resources Access Regulator	No objections to the proposal, subject to the General Terms of Approval.

Conditions that require compliance with the external referral recommendations are recommended.

#### FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

#### **CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions **attached** to this report.

#### **RECOMMENDED**

That the Panel approve DA/2020/484/1 for the subdivision of Stage 6C to create 41 residential allotments and three superlots and the construction of local roads with associated site works including drainage and civil works, subject to the conditions attached to this report.

### **REASONS FOR DETERMINATION**

- 1. The Panel has considered the written request to contravene the minimum lot size development standard prescribed under clause 4.1 of the Growth Centres SEPP. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances and that, despite the contravention to the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the particular circumstances of the case.
- 2. The development is consistent with the relevant objectives contained in Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and all other applicable environmental planning instruments.
- 3. The development is generally consistent with the relevant matters contained in the Camden Growth Centres Development Control Plan.
- 4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.



- 5. The development is consistent with all relevant heritage related matters relating to Oran Park House as contained in the applicable environmental planning instruments and Camden Growth Centres Development Control Plan.
- 6. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

# **ATTACHMENTS**

- 1. Growth Centres SEPP Assessment Table
- 2. Development Control Plan Assessment Table
- 3. Recommended Conditions
- 4. General Terms of Approvals
- 5. Architectural Plans

# <u>Appendix 9 Camden Growth Centres Precinct Plan of the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 (Growth Centres SEPP) – Assessment Table</u>

Control	Assessment	Compliance
Appendix 1, 2.3 Zone objectives and land use table		
The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.	The site is zoned R2 Low Density Residential where the subdivision of land is permitted with development consent. The proposed subdivision layout ranges in lot size to accommodate most residential types, that will support varying family compositions in meeting their housing needs.	Yes
The zone objectives for the R2 Low Density Residential zone are as follows:  - To provide for the housing needs of the community within a low density residential environment To enable other land uses that provide facilities or services to meet the day to day needs of residents To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours To provide a diverse range of housing types to meet community housing needs within a low density residential environment.	The parent lot is located in proximity to key areas that service the wider areas including the public school immediately north and a future neighbourhood centre and public park to the south west. Access to the site is via O'Keefe Drive and Battersby Avenue which area major roads that will service the wider Catherine Field precinct. Consequently, the delivery of various housing typologies in this location is highly desirable as it will allow residents to live close to key services.  The configuration of each lot will have the capacity to achieve a compliant building footprint and private open space area, allowing residents to carry out a range of activities from their homes, with minimal adverse impacts to surrounding land uses and adjoining residents.  It considered that the proposed development is generally consistent with the relevant objectives for the R2 Low Density Residential zone.	
Appendix 9, 2.6 Subdivision - consent	=y - reconstruct activ.	
requirements  Development consent is required to subdivide land (unless the subdivision is exempt or complying development under another environmental planning instrument).	The subdivision of land is sought with this development application. An assessment against all relevant provisions associated with the subdivision is provided below.	Yes
Appendix 9, 4.1 Minimum lot size This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Precinct Plan.	As shown in the figure below, part of the site is subject to a minimum lot size of 500m². Six of the proposed lots are subject to this development standard and seek a minimum lot size that varies from 300m² to 455m². A detailed assessment against the relevant subsections contained in Clause 4.6 of this policy is provided in this main assessment report.	No - Refer to the detailed assessment against the relevant subsections under Clause 4.6 in the main
	C (700sqm)  Figure 1 – Part of the subject site where the lots proposing to vary this control are outlined in the red broken lines.	assessment table.
Appendix 9, 4.1B Residential Density		
The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.	The site is subject to two residential density targets to reflect the heritage curtilage (see the figure below). The northern part of the site is subject to a residential density target of 20 dwellings per hectare whereas the southern end of the site is subject to a residential density target of 15 dwellings per hectare. The site was approved as a superlot in the parent subdivision approval where residential density was considered. As the DA is seeking further subdivision of land, the site will exceed the minimum residential density targets that apply to the site.	Yes

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# <u>Appendix 9 Camden Growth Centres Precinct Plan of the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 (Growth Centres SEPP) – Assessment Table</u>

Control	Assessment	Compliance
Appendix 9, 4.6 Variation to development standards.  Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument.	As noted above, six of the proposed lots seek to vary the development standard relating to minimum lot size pursuant to Clause 4.1 of this policy. A detailed assessment against all relevant subsections contained in Clause 4.6 of this policy is provided in the main assessment report for this development application.  As noted in the main assessment report, the proposed subdivision has adequately demonstrated that compliance with Clause 4.1 is unnecessary and there are sufficient environmental planning grounds to justify the noncompliance.	Yes
Appendix 9, 5.10 Heritage Conservation  The objectives of this clause are as follows  a) to conserve environmental heritage, b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, c) to conserve archaeological sites, d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	The objectives of this clause are to conserve the overall significance of items listed under Schedule 5 of the relevant Environmental Planning Instrument. Part of the site is situated within the heritage curtilage for Oran Park House and therefore the development was assessed against the relevant matters contained in this clause. The state inventory sheet for the subject site notes that views to and from Oran Park House and South Creek are significant as they reflect the historic rural character of the wider Camden Local Government Area.  The parent lot is not located in the immediate vicinity of any significant vistas identified for Oran Park House and South Creek. Further, the provision of Road 611 provides a greater buffer from the subject site, therefore screening the density of future development to Oran Park House.  The Heritage Impact Statement submitted with the DA has provided an assessment of the development which details that the Oran Park House Conservation Management Strategy (CMP) has adopted a sufficient curtilage and supportive planning objectives and controls to ensure the long term view impacts are maintained. Therefore, additional protection measures do not need to be considered with the subject DA.  Subject to the above, the development has satisfied all relevant matters contained in Clause 5.10, Appendix 9 of the Growth Centres SEPP.	Yes
Appendix 9, 5.11 Bushfire Hazard Reduction		
The Rural Fires Act 1997 also makes provision relating to the carrying out of development on bush fire prone land.	Part of the site is bushfire prone and therefore the application is classified as integrated development, pursuant to clause 100B of the Rural Fires Act 1997. General Terms of Approval has been issued by Rural Fires Services and therefore standard conditions will apply to ensure ongoing compliance.	Yes
Appendix 9, 6.1 Public utility infrastructure		
Development consent must not be granted for development on land unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.	The site will be appropriately serviced by public utility infrastructure including water, electricity and sewer to accommodate the proposed development. Standard conditions are recommended in the consent to ensure ongoing compliance.	Yes

Camden Growth Centres Development Control Plan (Growth Centres DCP)		
Control	Assessment	Compliance
2.2 Indicative Layout Plan All development applications are to be generally in accordance with the Indicative Layout Plan (ILP).	The site is identified as low to medium density residential, supported with local roads that provide direct connections to neighbouring land uses including the school (north) and the future neighbourhood centre and public park (south-west). Although the subdivision layout will support the land uses identified for the site, the location of local roads to support the development slightly differ from the ILP (refer to Figure 1 below). In particular, a cul-de-sac and connecting local road is identified in the centre of the site, which is not considered to be the most desirable outcome form a heritage and planning perspective. To achieve a better outcome, the subdivision proposes to directly adjoin Road 611 to the boundary of Stage 6F. Road 611 also aligns with the boundary of the heritage curtilage and therefore creates a larger buffer to Oran Park House. Consequently, this will assist in minimising any potential visual impacts to the heritage item once the site is developed. Further, the design of Road 611 (in its current form) provides a more permeable east-west connection within the site, therefore providing stronger pedestrian and vehicular connections within the site and to adjoining land uses.  The non-compliance is further justified in the main part this assessment report.	No, recommended for support in report
2.3 Site Analysis 2.3.1 Flooding		
The subdivision layout is to ensure that the ability to develop land, including adjoining properties is not adversely impacted, with regard to the 1% Annual Exceedance Probability (AEP) flood extend shown on the Flood Prone Land figure in the relevant Precinct schedule and Councils Floodplain Risk Management Policy.	A small portion of the eastern boundary is located within the 1% AEP flood extent; however, no residential allotments are proposed in this area. Further, this part of the site will consist of a future local road and therefore none of the proposed lots will be flood affected in any way. No conditions relating to flooding are therefore required as part of the determination.	Yes
2.3.2 Water Cycle Management		
Management of minor flows and major flows within the subdivision are to be in accordance with Councils Engineering Specification.  Stormwater within new subdivisions is to be managed through a gravity network of pipes and overland flows generally following where flow volumes exceed the capacity of pipes in accordance with Councils Engineering Specifications.	Overall, stommwater within the subdivision will be effectively managed through a gravity network of pipes and overland flows. These systems have and will continue to be managed in accordance with Councils Engineering Specifications. The application was referred to Councils engineers who raised no objection to the proposal. Recommended conditions ensure all future works are carried out in accordance with Councils Engineering Specifications.	Yes
2.3.3 Salinity and Soil Management		
Development Applications that include earthworks on land with a low or moderate to high risk of salinity are to be accompanied by information detailing how the design and construction of the proposed subdivision intends to address salinity issues.	Salinity was assessed under the parent subdivision approval for Stage 6 (DA/2017/491/1). Standard conditions are recommended requiring all works are carried out in accordance with the recommended strategies in the approved Salinity Management Reports.	Yes

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2.3.4 Aboriginal and European Heritage		
Development Applications must identify areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).	An Aboriginal Heritage Impact Permit has been issued by NSW Heritage for the parent lot. Further investigations have determined there are no known Aboriginal archaeological sites within parent lot. Standard conditions are recommended requiring the appropriate actions to be carried out, in the event unexpected finds are established during the construction phase of the development.	Yes
2.3.5 Native Vegetation and Ecology		
Native trees and other vegetation are to be retained where possible by careful planning of development to incorporate trees into areas such as road reserves and private or communal open space.	The site does not contain any native trees or shrubs.	N/A
2.3.6 Bushfire Hazard		
Reference is to be made to Planning for Bushfire Protection 2019 in subdivision planning and design and development is to be consistent with Planning for Bushfire Protection 2019.	A large part of the site is bushfire prone and therefore the application was referred to Rural Fire Services (RFS), pursuant to Clause 100B of the <i>Rural Fires Act 1997</i> . Standard conditions will apply to ensure the development is carried out in accordance with the General Terms of Approval (GTA) issued by RFS.	Yes
Subject to detailed design at development application stage, the indicative location and widths of Asset Protection Zones (APZs) are to be provided generally in accordance with the Bushfire risk and Asset Protection Zone Requirements figure in the relevant Precinct Schedule. APZs and construction standards are to be accurately mapped and detailed for each affected lot on plans submitted with the development application.	A bushfire report was provided with the development application where recommended APZs were identified for parts of the site. As noted above, the application was reviewed by RFS, and general terms of approval have been issued for the subject application. Standard conditions will apply to ensure the development is carried out in accordance with the GTA issued by RFS.	Yes
2.3.7 Site Contamination		
All subdivision Development Applications and applications proposing a change of use to a more sensitive land use (eg. Residential, education, public recreation facility etc.), shall be accompanied by a Stage 1 Preliminary Site Investigation prepared in accordance with the NSW EPA contaminated Sites Guidelines, State Environmental Planning Policy No.55 – Remediation of Land and the Contaminated Land Management Act, 1995 and relevant Council policies.	Contamination was considered with the parent subdivision approval for Stage 6 (DA/2017/491/1). During the construction phase of the parent subdivision, no areas of environmental concern were identified. No further strategies are required to be carried out to accommodate the proposed development.	Yes
2.3.9 Noise		
Development Applications must be accompanied by an Acoustic Report where the development is in a location, shown on the potential noise attenuation measures figure in the relevant precinct schedule such as potentially impacting upon sensitive receivers such as residences within the precinct and outside the precinct.	An acoustic report was provided with the development application, noting that potential traffic noise will be accumulated along O'Keefe Drive. As Superlot 3 is the only allotment to front O'Keefe Drive, the additional acoustic measures recommended in the provided acoustic report are not required. Potential acoustic implications on Superlot 3 will be considered under a separate DA.	Yes
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2.5 Crime Prevention through Environmental Design (CPTED)		
The design of developments is to enhance public surveillance of public streets and open space/conservation areas.	Although no building structures are sought with this DA, the subdivision layout have been designed where future residential allotments will direct front proposed local roads and pedestrian routes, contributing to passive surveillance.	Yes
Pedestrian and communal areas are to have sufficient lighting to ensure high level of safety.	Pedestrian pathways are proposed around the perimeter of each street block, to permit for greater pedestrian activity around the site. Street lighting will consist of black coated street poles and outreaches, similar to what is already constructed in Catherine Park. Standard conditions are recommended in the consent to ensure appropriate lighting is established in accordance with the relevant Australian Standards.	
2.6 Earthworks		
Subdivision and building work are to be designed to respond to the natural topography of the site where possible, minimising the extent of cut and fill both during the subdivision and when buildings are constructed.	Most earthworks were approved under the parent subdivision approval for Stage 6. The development will require a maximum of 2000mm of cut and fill to achieve a generally flat surface that will accommodate future built forms.	Yes
All retaining walls proposed are to be identified in the development application. All retaining walls that are proposed as part of a subdivision shall be designed by a practicing structural engineer and be of masonry construction.	Retaining walls are required on proposed boundary lines. Standard conditions will apply to ensure an easement and positive covenant is established on the 88B Instrument of the affected lots.	Yes
3.0 Neighbourhood and Subdivision Design		
3.1 Residential Density and Subdivision		
All applications for residential subdivision are to demonstrate that the proposal meets the minimum density requirements of the relevant precinct plan and contributes to meeting the overall dwelling target in the relevant precinct.	The subject site was approved as a residue lot under a separate development application for Stage 6 (DA/2017/491/1). Consequently, residential density targets were considered and met as part of this development application. As this application is seeking further subdivision (for residential purposes), development of the site will continue to meet the required residential density targets.	Yes

3.1.2 Block and Lot Layout		
Blocks Residential neighbourhoods are to be focused on elements of the public domain such as a school, park, retail, or community facility that are typically within walking distance.	The design of the subdivision is focused around key areas located in proximity to the site to ensure they are easily accessible. In particular, pedestrian routes are proposed on either side of local roads that will connect to other key roads (such as O'Keefe Drive and Battersby Avenue) and adjoining land uses. This will encourage pedestrian activity within and around the subject site.	Yes
Pedestrian connectivity is to be maximised within and between each residential neighbourhood with a particular focus on pedestrian routes connecting to public open space, bus routes, educational establishments and community/recreation facilities.	As noted above, pedestrian routes will be established around the boundaries of each street block to encourage pedestrian activity to and from key areas. Th provision of road networks on either side of local roads will encourage pedestrian activity within and around the site.	Yes
Subdivision layout is to create a legible and permeable street hierarchy that responds to the natural site topography, the location of existing significant trees and site features, place making opportunities and solar design principles.	Proposed local roads and pedestrian routes provide east west and north south connections within the site to promote a legible and street hierarchy. Further, the provision of street trees and other landscaping features will create place-making opportunities for the site.	Yes
Street blocks are to be a maximum of 250m long and 70m deep.	Proposed street blocks will not exceed 250m in length or 70m deep.	Yes
Lots  Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Growth Centres SEPP.	The site is generally compliant with this control, with the exception of six of the proposed lots. A detailed assessment regarding the non-compliance is provided in the main section of this report.	Yes
Minimum lot frontages applying to each density band are to comply with Table 3-3.	A minimum front boundary length of 10m is proposed, which is compliant with Table 3-3.	Yes
A range of residential lot types must be provided to ensure a mix of housing types and dwelling sizes and to created coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	The proposed residential allotments range in area and will support various housing types within the site. The development will therefore achieve a suburban streetscape character across the site.	Yes
In density bands <20dw/Ha, no more than 40% of the total residential lots proposed in a street block may have a frontage of less than 10m wide.	No lots propose a front boundary length less than 10m in width.	Yes
In density bands <25dw/Ha, total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and onstreet parking impacts.	No lots propose a front boundary length less than 10m wide.	Yes
Lots should be rectangular. Where lots are irregular in shape, they should be large enough and orientated appropriately to enable dwellings to meet the controls in this DCP.	Most residential allotments are rectangular in shape and will have the capacity to achieve a compliant building envelope plan, in accordance with the relevant controls contained in the Growth Centres SEPP and Camden Growth Centres DCP. Lots that are irregular in shape are slightly larger and are orientated in a way where a compliant building envelope plan with sufficient privacy, open space and solar access can be achieved.	Yes
Preferred block orientation is established by the road layout on the ILP in the relevant precinct schedule. Optimal lot orientation is east-west or north south where the road pattern requires.	The proposed road layout slightly differs from the ILP to provide a more permeable street network throughout the site. Most residential allotments will be orientated north south or east west, allowing for sufficient solar access in future private open space areas and habitable rooms.	Yes

3.1.4 Corner Lots		
Corner lots must be designed in accordance with Councils Engineering Specifications.	A standard condition is recommended requiring all works to be carried out in accordance with Councils Engineering Specifications. The application was also reviewed by Councils Engineers where no issued were raised in regards to the design of corner splays.	Yes
3.2 Subdivision Approval Process		
The land subdivision approval process is to be consistent with the requirements in Table 3-4 Subdivision Approval Process of the Camden Growth Centres DCP.	The proposed subdivision will be carried out in accordance with Pathway A1. Conditions are worded in the consent to allow for a subdivision certificate to be issued prior to the construction of any dwelling houses.	Yes
3.3 Movement and Layout		
3.3.1 Layout and Design		
The design and the construction of the streets is to be consistent with the relevant typical designs in Figure 3-10 to Figure 3-15, Councils Engineering Specifications and Austroads.	The proposed development has been designed in accordance with the relevant figures contained in the DCP, Councils Engineering Specifications and the requirements imposed by Austroads. Standard conditions are recommended to ensure ongoing compliance.	Yes
The locations and alignments of all roads are to be generally in accordance with the locations shown on the Precinct road hierarchy figure in the relevant Precinct Schedule.	As detailed above, local roads slightly differ with the ILP to create stronger north south and east west connections within the site. The variation is considered most appropriate for the site (see justification above).	Yes
Street trees are required for all streets.	Street trees are proposed at the front of each residential allotment.	Yes
Street lighting is to be designed to meet the current Australian Standards AS/NZS 1158 series.	Standard conditions are recommended to ensure ongoing compliance.	Yes
3.3.4 Pedestrian and Cycle Network		
Key pedestrian and cycleway routes are to be provided generally in accordance with the pedestrian and cycleway network figure.	Pedestrian pathways and linkages are provided throughout the site, that directly connect to adjoining key areas including the park and school.	Yes
3.4 Construction Environmental Management		
A Construction Environmental Management Plan is to be submitted to Council or the accredited certifier, prior to the issue of a construction certificate for subdivision.	Standard conditions are recommended requiring the preparation of a construction environmental management plan, which is to appropriately address and respond to the relevant matters contained in this DCP.	Yes

Schedule 4 – Catherine Field (Part) Precinct		
Control	Assessment	Compliance
2 Subdivision Planning and Design 2.4 Public Transport		
Applications for subdivision and development shall demonstrate how bus routes and bus movements are to be accommodated within the Precinct for each stage of the development.	Figure 2-13 identifies two potential bus stops on O'Keefe Drive. Consequently, the design of the subdivision provides direct pedestrian and vehicular connections to these bus stops and will therefore encourage the use of public transport.	Yes
2.5 Open Space and Recreation Network Local sporting fields, neighbourhood parks, recreation activity nodes and other passive open space areas (i.e. environmental conservation and riparian corridors) are to be provided generally in accordance with Figure 2-16 and Table 2-2.	A local park is proposed to the south of the subject site.  Local roads within the site will provide pedestrian pathways on either side and directly connect to adjoining land uses.	Yes
4 Site Specific Controls		
4.1 Development Surrounding Oran Park House		
<b>4.1.1 General</b> Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.	The heritage exemption guidelines relate to the construction of built forms within the curtilage. As this application relates to the subdivision of land (and associated site works) only, compliance with the heritage exemption guidelines is not warranted.	Not applicable.
Development must be designed to maintain significant view lines as illustrated in Figure 4-1 of the Camden Growth Centres DCP.	Significant view lines to Springfield Road from Oran Park House are identified on the south-eastern end of the site (see Figure 2 below). A superlot lot is proposed on this end of the site and therefore the subdivision of land will be considered under a separate development application. Significant view lines will therefore be maintained.  Figure 2 – Significant views to and from Oran Park House.	Yes
4.1.2 Oran Park House Outer Heritage Curtilage Principles		
All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2 of the Camden Growth Centres DCP.	A superlot is proposed on the southeastern end of the site, which forms part of the Oran Park House heritage curtilage. Figure 4-2 does not identify any specific development controls for this part of the site.	Yes
4.1.3 Landscape Elements – Views and Vistas		
Development must be designed to ensure that significant vistas shown in Figure 4-3 are retained.	Significant vistas identified in the figure do not encroach within the site.	Not applicable.
New plantings must be planted with consideration of the vistas identified in Figure 4-3 of the Camden Growth Centres DCP and must not obscure the cultural, historical or aesthetic significance of the place in any physical or visual way.	As detailed above, significant vistas do not encroach within the site.	Not applicable.

4.1.4 Landscape Character and Design		
Landscape treatments in the public domain areas must preserve the rural appearance of Oran Park House and should be undertaken generally in accordance with the Oran Park Conservation Management Plan.	Street trees and road networks are generally consistent with the Public Domain Strategy unless discussed in this report.	Yes
4.1.5 Subdivision Design Principles		
All subdivisions within the heritage curtilage must demonstrate no adverse impacts upon the visual prominence of Oran Park House and its setting.	The southeastern end of the site encroaches within the heritage curtilage. This part of the site will consist of a superlot only and therefore the subdivision of land will be considered under a separate development application.	Yes
The subdivision design is to ensure that:  a) Individual allotments in the very low density area and Catherine Park House are to be designed to orientate dwellings towards the House.	No lots are sought in the very low density area.	Yes
b) Cut and fill is to be minimised where possible.	Cut and fill is required to achieve a generally flat surface and therefore accommodate future built forms.	Yes
<ul> <li>c) The use of steep batters and retaining walls be minimised.</li> </ul>	No retaining walls are sought within the heritage curtilage.	Yes
<ul> <li>d) At the street frontage, any height variation across the site is to be limited.</li> </ul>	The construction of built forms is not sought with this development application.	Not applicable.
The minimum lot frontage for residential allotments within the heritage curtilage is 20m.	A superlot is sought on the southeastern end of the site and therefore exceeds a 20m front boundary width. The subdivision of this lot will be subject to a separate development application.	Yes
The minimum lot sizes for residential allotments within the heritage curtilage must be in accordance with Figure 4-4.	This matter will be considered under a separate development application.	Yes
4.1.7 Public Open Space		
Public open space and pathways within these areas are to be provided generally in accordance with Figure 4-5.	Pedestrian pathways are generally in accordance with Figure 4-5 except where justified in this report.	Yes
<b>4.1.8 Streets</b> Pedestrian pathways must not be permitted along the roadway verge adjacent to the perimeter of the Hornestead Lot. Pathways must be constructed adjacent to new residential allotments.	As noted above, pedestrian pathways are proposed around the boundaries of each street block. These pathways will be constructed adjacent to future dwellings and connect to adjoining pedestrian routes.	Yes
Streets within the Oran Park heritage curtilage should be designed to encourage low vehicle speeds. These should be incorporated into the road design, width of roads, and vehicle calming measures, where appropriate.	A local road is proposed on the south-eastern end of the site that will directly connect to O'Keefe Drive. A 'give way' street sign will need to be established at this intersection and subsequently approved by the Local Traffic Committee. Standard conditions are recommended, requiring approval from the Local Traffic Committee, prior to the issue of a subdivision works certificate.	Yes
Provide interconnected pathways designed to maximise permeability and connectivity between significant items, community facilities and the public open space.	Proposed pedestrian pathways provide an east west and north south connection through the site. These pathways will connect to adjoining land uses, including open space areas and community facilities.	Yes
Landscape treatments within the public domain are to extend to the street kerb.	All landscaping is proposed to extend to the street kerb.	Yes
The footpaths must allow planting in accordance with the Street Tree MasterPlan contained in the Catherine Park House Heritage Curtilage Public Domain Strategy prepared by Oculus and dated March 2017.	Public streets and footpaths have been designed generally in accordance with the public domain strategy.	Yes
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4.1.9 Drainage Basin The drainage basin must be designed and situated so that the open space character, amenity and significant vistas of the Oran Park House heritage curtilage and the adjacent South Creek are maintained.	A drainage basin is approved on the adjoining allotment to the south that will be utilised across the entire Stage 6 subdivision. The subdivision layout reflects the approved design of the basin.	Yes
4.1.10 Bulk Earthworks  To ensure that level changes do not adversely impact on the heritage significance of items within the heritage curtilage.	Most earthworks were addressed under the parent consent for Stage 6. The approved earthworks are sufficient to facilitate a generally flat surface for future built forms.	Yes

Camden Development Control Plan 2019		
Control	Assessment	Compliance
2.1 Earthworks Subdivision and building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill.	As noted above, most earthworks were approved under the parent subdivision DA for Stage 6. The development will require a maximum of 2000mm of cut and fill to achieve a generally flat surface that will accommodate future built forms.	Yes
Subdivision and building work must be designed to ensure minimal cut and fill is required for its construction phase.	As noted above, most earthworks were carried out under the parent subdivision approval. To achieve a generally flat surface, a maximum 2000mm of cut and fill is required. This is considered most appropriate given the scope of works sought with this development application.	Yes
All retaining walls are to be of masonry construction (or the like).	Proposed retaining walls will consist of masonry construction.	Yes
2.2 Salinity Management	Charmonator drains and street planting has been established	Yes
Groundwater recharge is to be minimised.	Stormwater drains and street planting has been established around the subject site to minimise opportunities for groundwater recharge.	res
All development, where saline and sodic soils are identified, must incorporate soil conservation measures to minimise soil erosion and siltation during construction and following completion of development. Soil and Water Management Plans, prepared in accordance with Managing Urban Stormwater — Soils and Construction are to be submitted with each subdivision DA.	Salinity was assessed under the parent subdivision approval for Stage 6 (DA/2017/491/1). Standard conditions are recommended requiring all works are carried out in accordance with the recommended strategies in the approved Salinity Management Reports.	Yes
All sediment and erosion controls are to be installed prior to the commencement of any works and maintained throughout the course of construction until disturbed areas have been revegetated/ established.	Standard conditions are recommended requiring sediment and erosion control measures to be implemented prior to the start of construction works.	Yes
2.3 Water Management All development must demonstrate compliance with the relevant provisions of Council's Engineering Specifications including requirements for detention, drainage and water sensitive urban design.	The engineering plans submitted with the DA demonstrate compliance with Councils Engineering Specifications. Councils Engineers have also reviewed the application and raised no concerns. Standard conditions are recommended to ensure ongoing compliance with Councils Engineering Specifications.	Yes
2.4 Trees and Vegetation  A person must not cut down, fell, uproot, kill, poison, ringbark, burn or otherwise destroy a tree or vegetation without approval from Council authorising such works.	The site is clear and therefore does not contain any significant trees and/or vegetation.	Yes
2.5 Riparian Corridors Controlled activities carried out in, on or under waterfront land are regulated by the Water Management Act 2000.	No works are sought over South Creek located on the eastern boundary of the subject site. Further, Natural Resources Access Regulator (NRAR) have reviewed the application and issued general terms of approval. Standard conditions are recommended to ensure ongoing compliance with the general terms of approval.	Yes
2.7 Bushfire Risk Management  Development on land identified as bushfire prone on Council's Bush Fire Prone Land Map must address the bush fire protection measures in the	Part of the site is identified as bushfire prone and therefore the application was reviewed by Rural Fire Service, where general terms of approval was issued. Standard conditions are	Yes

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NSW RFS publication Planning for Bush Fire Protection (or equivalent).	recommended to ensure ongoing compliance with the general terms of approval.	
For new subdivisions, compliance with Planning for Bush Fire Protection may require road design atterations (i.e. wider carriageways).	As noted above, general terms of approval were issued by Rural Fire Services. Standard conditions are recommended to ensure ongoing compliance.	Yes
2.8 Flood Hazard Management Development on flood prone land must comply with Council's Engineering Design Specifications and Flood Risk Management Policy.	A small portion of the eastem boundary is located within the 1% AEP flood extent; however, no residential allotments are proposed in this area. Further, this part of the site will consist of a future local road and therefore none of the proposed lots will be flood affected in any way. No conditions relating to flooding are therefore required as part of the determination.	Yes
2.12 Acoustic Amenity Acoustic reports (where required) must be prepared by a suitably qualified consultant.	An acoustic report was provided with the development application, noting that potential traffic noise will be accumulated along O'Keefe Drive. As Superlot 3 is the only allotment to front O'Keefe Drive, the additional acoustic measures recommended in the provided acoustic report are not required. Potential acoustic implications on Superlot 3 will be considered under a separate DA.	
2.14 Waste Management Waste Management Plan (WMP) must be submitted for all new development, including demolitions, construction and the ongoing (or change of) use.	A construction waste management plan has been submitted with the DA, noting that all waste will be disposed of, in accordance with Councils waste policies. Standard conditions are recommended to ensure ongoing compliance with the waste management plan.	Yes
2.16.1 Aboriginal Culture and Heritage Development applications must identify any areas of Aboriginal heritage value that are within or adjoining the area of the proposed development, including any areas within the development site that are to be retained and protected (and identify the management protocols for these).	Part of the site is situated within the heritage curtilage for Oran Park House where an Aboriginal Heritage Impact Permit was already issued with the parent DA. As such, standard conditions will apply to ensure the correct protocols are carried out in the event unexpected finds are established during the construction phase of the development.	Yes
2.19 Landscape Design A landscape plan is to be submitted for all development that, in Council's opinion, will significantly after the existing and intended landscape character of the land. In general, all development applications other than single dwelling house or minor afterations to an existing building will require the lodgement of a landscape plan.	A landscape plan has been submitted for the proposed subdivision layout, noting the location and types of street planting within the subject site. Proposed landscaping is generally consistent with Councils landscaping requirements, contained in Appendix B of the Camden DCP.	Yes

Recommended Conditions

#### **RECOMMENDED CONDITIONS**

#### 1.0 - General Conditions of Consent

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

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

The general terms of approval/requirements are:

- 1. Rural Fire Services, dated 19 November 2021.
- 2. Heritage NSW, dated 10 November 2021.
- 3. Natural Resources Access Regulator, dated 6 November 2020.
- (2) Approved Plans and Documents The development must be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Revision 7	Subdivision Plan – Stage 6C Catherine Park	Urbanco	6 September 2021
Drawing No.101,	Sediment & Erosion	Calibre	20 September 2021
Revision B	Control Plan	Group	
Drawing No.201,	Site Regrading Plan 01	Calibre	20 September 2021
Revision B	of 06	Group	
Drawing No.202,	Site Regrading Plan 02	Calibre	20 September 2021
Revision B	of 06	Group	
Drawing No.203,	Site Regrading Plan 03	Calibre	20 September 2021
Revision B	of 06	Group	
Drawing No.204,	Site Regrading Plan 04	Calibre	20 September 2021
Revision B	of 06	Group	
Drawing No.205,	Site Regrading Plan 05	Calibre	20 September 2021
Revision B	of 06	Group	
Drawing No.206,	Site Regrading Plan 06	Calibre	20 September 2021
Revision B	of 06	Group	
Drawing No.211,	Site Sections Sheet 01 of	Calibre	20 September 2021
Revision B	06	Group	
Drawing No.212,	Site Sections Sheet 02 of	Calibre	20 September 2021
Revision B	06	Group	
Drawing No.213,	Site Sections Sheet 03 of	Calibre	20 September 2021
Revision B	06	Group	
Drawing No.214,	Site Sections Sheet 04 of	Calibre	20 September 2021
Revision B	06	Group	
Drawing No.215,	Site Sections Sheet 05 of	Calibre	20 September 2021
Revision B	06	Group	
Drawing No.216,	Site Sections Sheet 06 of	Calibre	20 September 2021
Revision B	06	Group	

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Drawing No.301, Revision B	Engineering Plan 01 of 06	Calibre Group	20 September 2021
Drawing No.302,	Engineering Plan 02 of	Calibre	20 September 2021
Revision B	06	Group	·
Drawing No.303,	Engineering Plan 03 of	Calibre	20 September 2021
Revision B	06	Group	·
Drawing No.304,	Engineering Plan 04 of	Calibre	20 September 2021
Revision B	06	Group	·
Drawing No.305,	Engineering Plan 05 of	Calibre	20 September 2021
Revision B	06	Group	·
Drawing No.306,	Engineering Plan 06 of	Calibre	20 September 2021
Revision B	06	Group	•
Drawing No.401,	Longitudinal Sections	Calibre	20 September 2021
Revision B	Road No.02	Group	
Drawing No.402,	Typical Sections – Road	Calibre	20 September 2021
Revision B	No.02	Group	· .
Drawing No.403,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections - Road No.601	Group	·
Drawing No.404,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections - Road No.602	Group	·
Drawing No.405,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections - Road No.603	Group	·
Drawing No.406,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections - Road No.604	Group	·
Drawing No.407,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections - Road No.604	Group	·
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Drawing No.408,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections - Road No.606	Group	
	& 607		
Drawing No.409,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections – Road No.608	Group	
	& 609		
Drawing No.410,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections – Road No.610	Group	
	& 3301		
Drawing No.411,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections – Robbins Lane	Group	
Drawing No.412,	Longitudinal & Typical	Calibre	20 September 2021
Revision B	Sections – Road No.611	Group	
Drawing No. L-	General Arrangement	Oculus	11 November 2021
06-101, Revision	Plan Stage 6		
F			
Drawing No. L-	General Arrangement	Oculus	11 November 2021
06-102, Revision	Plan Stage 6		
F	<del>                                     </del>	<u> </u>	144
Drawing No. L-	General Arrangement	Oculus	11 November 2021
06-104, Revision	Plan Stage 6		
F		0 1	144 Navarah 2224
Drawing No. L-	General Arrangement	Oculus	11 November 2021
06-105, Revision	Plan Stage 6		
F Drawing No. 1	Conoral Arrangement	Ogulus	11 November 2001
Drawing No. L-	General Arrangement	Oculus	11 November 2021
06-108, Revision	Plan Stage 6	l	1

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	·	
Document Title	Prepared by	Date
Bushfire Protection Assessment	Ecological Australia	25 March 2021
Traffic Penort	Coleton Budd & Kafee Dty	April 2020

April 2020 I raffic Report Colston Budd & Kafes Pty

(3)Noxious Weeds Management - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

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

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

- (4) Waste Bin Collection Points - A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting and other fixtures must be provided for each approved lot. This area is to be 3m long x 0.9m wide and provide a 3.9m clear vertical space to allow for the truck-lifting arm.
- (5) Landscaping and Embellishment Works on Future Public Land - Prior to the transfer of land to Council's ownership, all landscaping and embellishment must be inspected and approved by Council.
- (6) Street Tree Establishment and Maintenance Period - For a period of 12 months commencing from the installation date of the street trees and their protective guards, the applicant will be responsible for their successful establishment.

At the completion of the 12 month establishment and maintenance period all street trees plantings must have signs of healthy and vigorous growth and all protective guards must be in an undamaged, safe and functional condition.

- (7)Street Tree Planting – Street tree planting must be provided at a rate of 1 street tree per lot. More than 1 street tree per lot frontage can be provided if the following can be achieved:
  - a) Space for future driveways and waste storage collections points;
  - b) Street lighting, utilities, bus stops and pedestrian crossings; and
  - c) Appropriate sight distances in accordance with relevant standards.
- Infrastructure in Road and Footpath Areas Infrastructure must not be removed (8)and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the

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

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

- (9) Voluntary Planning Agreement The proposed development shall be carried out in accordance with the Voluntary Planning Agreement executed between Council, Hixson Pty Ltd, Dandaloo Pty Ltd and Edgewater Homes Pty Ltd, dated 16 December 2016.
- (10) **Engineering Specifications** The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (11) Local Traffic Committee Concurrence Installation of or changes to regulatory signage, line marking and devices are subject to the concurrence of Council's Local Traffic Committee on local roads, and the Roads and Maritime Services on State roads.

These concurrences (as required) must be obtained prior to the installation of or any changes to regulatory signage, line-marking and devices.

- (12) Street Lighting Street lighting for the subdivision shall be designed and installed in accordance with relevant Australian Standards and to the satisfaction of the Roads Authority (Council).
- (13) **Demolition of Temporary Water Quality Facilities** All temporary water quality facilities will be made redundant upon the provision of an approved permanent water quality facility. The temporary water quality facilities must be demolished and the area containing the facilities reinstated. Any resulting impediment to existing permanent infrastructure, as a result of the removal of the associated stormwater drainage system, is to be rectified to Council's standards.

Prior to the commencement of any such demolition all contributing stormwater flows to the facilities must be diverted to the permanent water quality facilities by way of a stormwater drainage system approved by Council.

- (14) Construction of Permanent Water Quality Facilities Permanent water quality facilities must be constructed:
  - a) in accordance with the approved plans;
  - b) to Council's standards; and
  - c) when 80% of the catchment is built out.

Earth batters associated with the facilities must be compacted and stabilised to ensure that the integrity of the batters is continually maintained.

(15) Shoring and Adequacy of Adjoining Property Works - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

Attachment 3

- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
- b) where necessary, underpin the building, structure or work 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

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

(16) **Extent of Works** – No works are approved beyond the boundaries of the subject site despite those shown the stamped approved engineering plans.

#### 2.0 - Prior to Issue of a Subdivision Works Certificate

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

(1) **Street Tree Installation** - The following tree species shall be planted at no cost to Council and in the locations specified in approved landscape plans, titled 'Stage 6, Catherine Park Estate', dated 11 November 2021, Revision F.

Street trees must be sourced in accordance with the tests and measurements contained within AS2303-2018 – Tree Stock for Landscape Use and must be a minimum 75 litre container stock.

The installation of street trees must be in accordance with Appendix B of Camden Development control Plan 2019 and include root barriers installed 450-600mm deep by a minimum of 2m wide between tree and kerb and tree and footpaths (where applicable).

(2) **Detailed Landscape Plan (Street Trees)** – A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019. Details demonstrating compliance must be provided to the certifier.

The detailed landscape plan must also include:

- 1. Street trees not positioned within 10m of road intersections, beneath street lighting or adjacent to stormwater inlets.
- 2. Street trees positioned as close as possible to align with property boundaries at approximate 10m centres.
- 3. Street trees sourced in accordance with the tests and measurements contained within AS2303-2018 Tree Stock or Landscape Use.
- 4. Tree planting details and section drawings specifying root barriers where trees are to be planted in close proximity to hard surfaces i.e. to the back of the kerb and to footpaths.
- Street trees centred within planting bays and no closer than 500mm to the back of the kerb.

(3) **Performance Bond** - The applicant is to lodge a bond with Council to provide security for works undertaken within the existing public domain in accordance with Council's Development Infrastructure Bonds Policy.

**Note.** Fees are payable for the lodgement and refund of the bond.

- (4) **Structural Engineer's Certificate** A certificate must be prepared by a practicing structural engineer certifying that the building design is capable of withstanding the effects of water and water pressure due to flooding. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (5) **Structural Engineer's Details** The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (6) Civil Engineering Plans Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the certifier with the Subdivision Works Certificate application.

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

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

(7) **Turning Facilities** - Turning facilities shall be provided at all dead end roads. All turning and manoeuvring facilities, including turning heads, cul-de-sac, etc, shall be designed in accordance with Council's Engineering Specifications. Turning heads must be provided at the end of all dead end roads for subdivisions that are progressively developed in a staged manner.

Details demonstrating compliance shall be provided to the certifier prior to the issue of a Subdivision Works Certificate.

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

Where a Subdivision Works Certificate is required by this development consent, a detailed on-site detention and water quality report reflecting the Subdivision Works Certificate plans shall be provided to the certifier with the Subdivision Works Certificate application.

(9) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Subdivision Works Certificate application.

(10) Provision of Kerb Outlets - Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots.

The outlets shall be located within 2m downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the principal certifier.

- (11) Works in Road Reserves Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the Roads Act 1993.
- (12) **Damages Bond** The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.

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

- (13) **Fibre-Ready Facilities/Telecommunications Infrastructure** Documentary evidence must be provided to the certifier demonstrating that satisfactory arrangements have been made for:
  - a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
  - b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

(14) 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 Specifications.

Details demonstrating compliance including a Design or Compliance Certificate and Report shall be provided to the Certifying Authority with the Subdivision Works Certificate application and must be supported by the submission of a DRAINS model that includes necessary blockage factors at drainage structures and generally complies with Council's Engineering Specifications.

A stormwater plan, including a DRAINS model (inclusive of necessary blockage factors at drainage structures), is to be submitted to the Certifying Authority prior to the augmentation of the existing drainage system to accommodate drainage from the approved development and to protect other property to the satisfaction of the Certifying Authority.

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

(15) Stormwater Pipe CCTV – A CCTV camera report of all stormwater drainage pipes for the development shall be submitted to the Principal Certifying Authority for assessment. The submission shall in include the hardcopy report and an electronic report in a format suitable to the PCA. The CCTV inspection shall be carried out in accordance with Water Services Association of Australia (WSAA) "Sewer Inspection Report Code of Australia" and the "Sewerage Code of Australia" (Sydney Water Edition).

CCTV Field Assessors must have NATA accreditation under the Sydney Water Field Testing Services Program for CCTV inspections and have adequate professional indemnity insurance to cover the value of the works they are inspecting.

A minimum of 2 CCTV reports will be required to be undertaken by the developer. The first shall be carried out after the placement of AC pavement layer and not more than 2 weeks before the Final Inspection date. The second shall be at the end of the defects and liability period.

As a minimum stormwater pipes shall be inspected and reported on the following:

- a) Horizontal alignment,
- b) Vertical alignment,
- c) Cracks and defects,
- d) Pipe joints,
- e) Joints in manholes and other pipes including both existing and new,
- f) Ovality.

The camera must stop perpendicular to all cracks, defects, intrusions, joints and manholes and pan 360degrees. Camera speed shall be no greater than 0.2m/sec (or as agree by Camden Council Engineers). The report and camera footage shall be in colour.

- (16) Long Service Levy In accordance with Section 34 of the Building and Construction Industry Long Service Payments Act 1986, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (17) Electrical Services Pad-Mounted Substation In the event that a padmounted substation(s) is necessary to service the development, and this substation is to be located within any existing or future public land, the applicant shall consult with Council about the proposed location. Council shall agree to the location of any padmounted substation(s) within any existing or future public lands prior to its construction. Padmounted substations must be located outside of flood prone land and above the probable maximum flood and flood planning levels.
- (18) **Soil, Erosion, Sediment and Water Management** An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Subdivision Works 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) Construction Waste Management Plan A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (2) **Public Liability Insurance** The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (3) **Notice of Principal Certifier** Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with 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 principal certifier, and of the person by whom the principal certifier was appointed;
  - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and

a telephone number on which the principal certifier may be contacted for business purposes.

- (4) **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;
  - the registered number and date of issue of the relevant development consent and construction certificate;
  - a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
- (5) **Subdivision Works Certificate Required** In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Subdivision Works Certificate has been issued by a certifier;
- a principal certifier has been appointed by the person having benefit of the development consent;
- c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
- the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) Sign of Principal Certifier and Contact Details A sign shall be erected in a prominent position on the site stating the following:
  - a) that unauthorised entry to the work site is prohibited;
  - 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
  - the name, address and telephone number of the principal certifier.

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

- (7) Site is to be Secured The site shall be secured and fenced.
- (8) **Soil Erosion and Sediment Control** Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Dilapidation Report Council Property** A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

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

(10) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.

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

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

- a) measures to control noise emissions from the site;
- b) measures to suppress odours and dust emissions;
- c) soil and sediment control measures;
- d) measures to control air emissions that includes odour;
- measures and procedures for the removal of hazardous materials that includes waste and their disposal;
- f) any other recognised environmental impact;
- g) work, health and safety; and
- h) community consultation.
- (13) **Construction Noise Management Plan** A construction noise management plan shall be provided to the principal certifier and include the following:
  - a) noise mitigation measures;
  - b) noise and/or vibration monitoring;
  - c) use of respite periods;
  - d) complaints handling; and
  - e) community liaison and consultation.

#### 4.0 - During Works

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

(1) Location of Stockpiles - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.

- (2) Disposal of Stormwater Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (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.
- (4) Erosion and Sedimentation Control Soil erosion and sedimentation controls are required to be maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction Managing Urban Stormwater manual (Blue Book).

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

- (5) Relics Discovery During Works If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an aboriginal object):
  - all work must stop immediately in that area;
  - Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the Heritage Act 1977, and
  - any requirements of Heritage NSW must be implemented.
- (6) **Aboriginal Objects Discovered During Works** If any Aboriginal object (including evidence of habitation or remains) is discovered during the work:
  - all excavation or disturbance of the area must stop immediately in that area,
  - Heritage NSW must be advised of the discovery in writing in accordance with Section 89A of the National Parks and Wildlife Act 1974, and
  - any requirements of Heritage NSW must be implemented.
- (7) Fill Management Plan Compliance All fill material approved to be imported onto the site must be assessed and determined to comply with all procedures, controls and protocols contained within the approved fill management plan titled 'Fill Management Protocol Proposed Residential Subdivision Catherine Park', prepared by Douglas Partners, Project No. 76559.08 and dated March 2017, before the material is placed on the site.

All fill assessment reports (including those where material is considered not suitable for importation onto the development site) assessed under the approved fill management plan must be provided to Council on a monthly basis to facilitate an audit for compliance with the fill management plan.

(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 works (including earthworks, site preparation or construction works, etc.), such works shall

cease immediately until a certified contaminated land consultant has be contacted and conducted a thorough assessment.

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

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

- (9) Salinity Management Plan All approved development that includes earthworks, imported fill, landscaping, buildings and associated infrastructure must be carried out or constructed in accordance with the management strategies as contained within the approved salinity management plan titled 'Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park', prepared by Douglas Partners, Project No. 76559.00, dated November 2015.
- (10) **Excavations and Backfilling** All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

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

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

- (11) Site Management The following practices are to be implemented during construction:
  - 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;

- waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
- d) a waste storage area shall be located on the site;
- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
  - i) be a standard flushing toilet connected to a public sewer; or
  - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
  - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (12) **Traffic Management Plan Implementation** All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (13) Work Hours All work (including delivery of materials) shall be:
  - restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
  - not carried out on Sundays or public holidays.

unless approved in writing by Council.

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

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

(15) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

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

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

- (16) Compaction (Lots) The approved lots, which are subject to filling must be compacted in accordance with Council's current Engineering Construction Specifications. A suitably qualified and experienced geotechnical engineer must supervise the placing of fill material and certify that the work has been carried out to level 1 responsibility in accordance with Appendix B of AS 3798.
- (17) Vehicles Leaving the Site The construction supervisor must ensure that:
  - all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
  - the wheels of vehicles leaving the site:
    - do not track soil and other waste material onto any public road adjoining the site; and
    - fully traverse the site's stabilised access point.
- (18) **Fill Compaction** All fill must be compacted in accordance with Camden Council's current Engineering Design Specifications.
- (19) Waste Management Plan The "Waste Management Plan, prepared by Hixson C / Calibre Consulting", dated 7 April 2017 (or similar plan), must be kept on site and be complied with until the completion of all construction works.
- (20) Air Quality Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (21) **Noise During Work** Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.

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

Noise levels emitted during works must comply with:

Construction period of 4 weeks and under:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

Construction period greater than 26 weeks:

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

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

#### 5.0 - 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) 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.
  - Certification for compliance with AS2303-2018 Tree Stock for Landscape Use from the grower/supplier of the trees must be provided to the principal certifier.
- (2) 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.
- (3) 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.
- (4) **Burdened Lots To Be Identified** Any lots subsequently identified during the subdivision as requiring restrictions shall also be suitably burdened.
- (5) **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 (where the subdivision involves engineering works), unless otherwise approved in writing by the principal certifier.
- (6) **Fill Plan** A fill plan shall be provided to the principal certifier prior to the issue of any Subdivision certificate. The plan must show (where applicable):
  - a) lot boundaries:
  - b) road/drainage/public reserves;
  - c) street names;
  - d) final fill contours and boundaries; and
  - e) depth in filling in maximum 0.5m Increments

The plan is to be provided electronically in portable document format (.PDF).

(7) Incomplete Works Bond - Where there are incomplete works, the applicant is to lodge a bond with Council to cover the cost of the incomplete works in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

Attachment 3

- (8) Surveyor's Report Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the principal certifier, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (9) 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.
- (10) Electricity Notice of Arrangement A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy must be submitted to the principal certifier (Council). The arrangement must include the provision of street lighting in accordance with the electrical design approved by Council.
- (11) **Soil Classification** A soil classification report prepared by a suitably qualified person in accordance with AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the principal certifier. A classification shall be provided for each lot within the subdivision. The soil classification report shall also be provided to Council.
- (12) **Services** Certificates and/or relevant documents shall be obtained from the following service providers and provided to the principal certifier:
  - a) Energy supplier A Notice of Arrangement for the provision of distribution of electricity from Endeavour Energy to service the proposed development;
  - b) Water supplier A Section 73 Compliance Certificate demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

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

- (13) Works As Executed Plan Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.
  - Digital data must be in <u>AutoCAD .dwg or .dxf format</u>, and the data projection coordinate must be in (<u>GDA94.MGA zone 56</u>).
- (14) Section 88B Instrument The applicant shall prepare a Section 88B Instrument for approval by the principal certifier 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;

- c) retaining wall, positive covenant, and restriction to user;
- reciprocal right of carriageway (the owners of the subject properties burdened by the right of carriageway shall be responsible for on-going maintenance and the Public Liability of the right of carriageway); and
- e) restriction as to user on all lots containing a drainage easement that prohibits the alteration of the surface levels within the drainage easement and limits fencing across the easement to open form fencing.
- f) Salinity Management Plan For all lots, all proposed construction works that includes earthworks, imported fill, landscaping, roads, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the Salinity Management Plans within the report titled "Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park", prepared by Douglas Partners, Project 76559.00, dated November 2015.
- g) Restriction as to user on LOT: 6088 DP: 1235007 and subsequently subdivided residential lots outlining the following:
  - a. All dwellings with a dual road frontage are to have a primary facade (i.e. front) that addresses O'Keefe Drive.
  - b. Garages on a secondary frontage are to be setback a minimum 5.5m from the secondary frontage.
  - Fencing on the front boundary (O'Keefe Drive) is to be no higher than 1.2m.
  - d. Fencing on the rear boundary is to include face brick or rendered masonry piers at a spacing of no more than 3m between piers. The piers are to be at least 300mm by 300mm in size.
  - e. The infill panels between piers are to be visually permeable and consist of landscaping, decorative steel, aluminium slats, wrought iron, timber pickets or mod-wood pickets.
  - f. Piers, fencing between the piers and gates are to be no higher than 1800mm from ground level.
- (15) Compaction Report A compaction report must be submitted that demonstrates that all roads and lots have been compacted in accordance with Council's Engineering Specifications.
- (16) **Lot Numbers and Street Names** Lot numbers and street names must be stencilled on the face of kerb or in alternative locations directed by the principal certifier.

The stencil medium must be of good quality UV stabilised paint and applied to the kerb thusly:

- a) Lot numbers White number in Brunswick Green background located on the prolongation of both common boundaries of each lot.
- b) Street names White lettering on Brunswick Green background at kerb and gutter tangent points.
- (17) **Stencilled Pit Lintels** Pit lintels must be labelled with permanent stencilled signs in accordance with Council's current Engineering Design Specifications.

(18) Flood Level Delineation (Works as Executed Plans) – The Works as Executed plans must clearly delineate the extent of the flood planning levels in addition to the flood mapping requirements outlined in Council's Engineering Design Specifications. All plans (both design and works as executed) are to clearly delineate the extent/location of the 5% annual exceedance probability (AEP), the 1% AEP, the probable maximum flood (PMF) and the flood planning level (FPL) lines and clearly label them as such. The FPL is defined in Council's Flood Risk Management Policy.

An updated flood map that delineates the extent of the FPL and that is based upon the final completed subdivision layout must be provided to Council for integration into Council's database. The updated flood map must be provided as a separate layer in .dxf or .dwg format and show the 5% AEP, the 1% AEP, the PMF and the FPL levels. This must also include the submission of the digital flood models with result files for the 5% AEP, the 1% AEP, the PMF and the FPL levels for integration into Council's mapping system.

(19) Footpath Works Bond - Where the applicant proposes deferral of work in accordance with Council's engineering specifications, a bond is to be lodged with Council for the construction of concrete footpaths and/or pedestrian/cycle shared ways in accordance with Council's Development Infrastructure Bonds Policy.

The deferred footpath works must be completed once 80% of housing has been constructed within the approved subdivision, or within 2 years from the date of deferrals, whichever occurs first.

Note. Fees are payable for the lodgement and refund of the bond.

(20) **Defects and Liability Bond** - The applicant is to lodge a bond with Council to cover any defects and liabilities of any new public infrastructure in accordance with Council's Development Infrastructure Bonds Policy.

Note. Fees are payable for the lodgement and refund of the bond.

- (21) **Fibre-Ready Facilities/Telecommunications Infrastructure** Documentary evidence must be provided to the principal certifier demonstrating that satisfactory arrangements have been made for:
  - a) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. The carrier must confirm in writing that they are satisfied that the fibre-ready facilities are fit for purpose; and
  - b) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

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

(14) Special Infrastructure Contribution - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the EP&A Act 1979 under Section 7.23 of that Act and as in

force on the date of this consent. This contribution shall be paid to the Department of Planning, Industry and Environment (DPIE).

Evidence of payment of the SIC shall be provided to Council and the certifier.

Alternatively, the applicant must obtain written confirmation from DPIE that the SIC is not required to be paid for the approved development.

#### More information

A request for assessment by the Department of Planning, Industry and Environment of the amount of the special infrastructure contribution that is required under this condition can be made through the NSW Planning Portal (<a href="https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service">https://www.planningportal.nsw.gov.au/special-infrastructurecontributions-online-service</a>). Please refer enquiries to SIContributions@planning.nsw.gov.au.

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

Plan Name	Contribution Type	Monetary Amount
Catherine Field (Part) Precinct	Community Facilities	\$545,496.00
Catherine Field (Part) Precinct	Open Space and Recreation	\$184,796.00
Catherine Field (Part) Precinct	Administration	\$8,145.00
	Total	\$738,437.00

A copy of the Section 7.11 Contributions Plan may be inspected at Council's Camden office at 70 Central Avenue Oran Park or can be accessed on Council's website at <a href="https://www.camden.nsw.gov.au">www.camden.nsw.gov.au</a>.

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.

#### 6.0 - Ongoing Use

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

- (1) **Maintenance of Landscaping** Landscaping shall be maintained in accordance with the approved landscape plan.
- (2) Landscaping Maintenance Establishment Period Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

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

fall treatments.

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

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

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



Contact: Mohammed Ismail Phone: 02 8838 7535

Email: Mohammed.lsmail@dpie.nsw.gov.au

Our ref: IDAS1126940 Our file: CNR-10344 A-12138 Your ref: DA/2020/484/1

General Manager Camden Council C/- Camden Town Farm 355 Committee 40 Exeter St CAMDEN NSW 2570

Attention: westdevadmin@camden.nsw.gov.au

06 November 2020

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval

Dev Ref: DA/2020/484/1

Description: Torrens Title subdivision Stage 6C in Catherine Park to create 46 standard residential allotments, three (3) public reserves, four (4) supersets,

public roads and delivery of essential services Location: 4 O'KEEFE DRIVE ORAN PARK 2570

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning* and Assessment Act 1979 (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

if any plans or documents are amended and these amendments significantly change the
proposed development or result in additional works or activities (i) in the bed of any river,
lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of
the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an
aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

-2-

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

# www.industry.nsw.gov.au > Water > Licensing & Trade > Approvals.

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely



M Ismail

David Zerafa
Senior Water Regulation Officer
Water Regulatory Operations
Natural Resources Access Regulator



# **General Terms of Approval**

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1126940
Issue date of GTA: 06 November 2020
Type of Approval: Controlled Activity

Description: Torrens Title subdivision Stage 6C in Catherine Park to create 46 standard

residential allotments, three (3) public reserves, four (4) supersets, public roads

and delivery of essential services

Location of work/activity: 4 O'KEEFE DRIVE ORAN PARK 2570

DA Number: DA/2020/484/1

LGA: Camden Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
	Design of works and structures
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
	Erosion and sediment controls
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00002	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.
	Plans, standards and guidelines
GT0002-00680	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents found in Schedule 1, relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00243	A. The application for a controlled activity approval must include the following plan(s):     - 1. Detailed Civil Construction and Drainage Plans; 2. Erosion and

Ground Floor, 5 O'keefe Avenue, Nowra, NSW 2541 | PO BOX 309, Nowra, NSW 2541 nrar.enquiries@nrar.nsw.gov.au | http://www.industry.nsw.gov.au/nrar

Sediment Control Plans; 3, Vegetation Management Plan including riparian zone

Template Ref: WLS 004A, Version 1.0 - May 2016



# General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1126940
Issue date of GTA: 06 November 2020
Type of Approval: Controlled Activity

Description: Torrens Title subdivision Stage 6C in Catherine Park to create 46 standard

residential allotments, three (3) public reserves, four (4) supersets, public roads

and delivery of essential services

Location of work/activity: 4 O'KEEFE DRIVE ORAN PARK 2570

DA Number: DA/2020/484/1

LGA: Camden Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

planting densities and width of vegetation riparian zone; 4. Detailed Project Costings; 5. Stormwater Management Plans; 6. Detailed Stormwater Outlet Structure Plans; and 7. Detailed watercourse crossing plans. . B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's

guidelines located on the website

https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-

activities.

GT0012-00004 Any proposed controlled activity must be carried out in accordance with plans

submitted as part of a controlled activity approval application, and approved by

Natural Resources Access Regulator.

#### Rehabilitation and maintenance

GT0007-00006 When the proposed controlled activity is completed, and the rehabilitation plan has

been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled

activity approval, and approved by Natural Resources Access Regulator.

GT0023-00001 Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the

approved plan(s).

# **SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA/2020/484/1 as provided by Council:

- SEE
- Plans of Subdivision
- Document Ref: A-12138



HMS Application ID: 468 Your ref: CNR-10344

Ms. Laura Morabito Development Assessment Planner Camden Council PO BOX 183 CAMDEN NSW 2570

By email: laura.morabito@camden.nsw.gov.au

Dear Ms. Morabito

# HERITAGE COUNCIL OF NSW — AMENDED GENERAL TERMS OF APPROVAL CLAUSE 55 AMENDMENT TO INTEGRATED DEVELOPMENT APPLICATION

Address: 4 O'Keefe Drive, ORAN PARK NSW 2570

SHR Item: Oran Park, SHR no. 01695

Proposal: Torrens Title subdivision Stage 6C in Catherine Park to create 41 standard

residential allotments and three superlots

Clause 55 amendment application no: HMS ID 468, received 8 October 2021

IDA modified: IDA/2020/089

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

### APPROVED DEVELOPMENT

1. Development must be in accordance with:

a) Subdivision drawings, prepared by Urbanco as listed below:

٠,	outsion drawings, prepared by orbaneo as listed below.					
	Dwg No Dwg Title Date Rev			Rev		
Project Name: Stage 6C Catherine Park						
	001.CP.002.02 Subdivision Plan		06/09/2021	07		

b) Statement of Environmental Effects – Stage 6, Catherine Park, prepared by Urbanco, dated 5 October 2021

#### **EXCEPT AS AMENDED** by the following general terms of approval:

#### 2. HERITAGE CONSULTANT

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

Level 6, 10 Valentine Ave Paramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124 P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

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

#### 3. SITE PROTECTION

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

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

#### 4. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

#### 5. ABORIGINAL OBJECTS

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the National Parks and Wildlife Act 1974.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

### 6. COMPLIANCE

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

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

## 7. SECTION 60 APPLICATION

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

Reason: To meet legislative requirements.

# Advice

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

Right of Appeal

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

If you have any questions about this correspondence, please contact Veerle Norbury, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8616 or Veerle.Norbury@environment.nsw.gov.au.

Yours sincerely



Steven Meredith
Director Heritage Programs
Heritage NSW
Department of Premier & Cabinet
As Delegate of the Heritage Council of NSW

10 November 2021





Camden Council PO Box 183 CAMDEN NSW 2570

Your reference: DA/2020/484/1 (CNR-10344)
Our reference: DA20200805002829-CL55-2

Date: Friday 19 November 2021

Dear Sir/Madam.

ATTENTION: Camden Council

Integrated Development Application s100B - Subdivision - Torrens Title Subdivision 4 O'Keefe Drive Oran Park NSW 2570, 6000//DP1235007

I refer to your correspondence dated 07/10/2021 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has reviewed the submitted amended information. General Terms of Approval are now re-issued, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions.

### Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

- 1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire site must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:
  - tree canopy cover should be less than 15% at maturity;
  - · trees at maturity should not touch or overhang the building;
  - lower limbs should be removed up to a height of 2m above the ground;
  - tree canopies should be separated by 2 to 5m;
  - preference should be given to smooth barked and evergreen trees;
  - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
  - shrubs should not be located under trees;
  - shrubs should not form more than 10% ground cover;
  - clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;

Postal address

NSW Rural Fire Service Locked Bag 17 GRANVILLE NSW 2142 Street address

NSW Rural Fire Service 4 Murray Rose Ave SYDNEY OLYMPIC PARK NSW 2127 T (02) 8741 5555 F (02) 8741 5550 www.rfs.nsw.gov.au \_1



- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.
- 2. At the issue of a subdivision certificate, suitably worded instrument(s) created pursuant to section 88 of the *Conveyancing Act* 1919 must be placed for 3.5 metres from the eastern boundaries for proposed Lots 6309-6313, 6333-6337 & 6338-6343 which requires the provision of an IPA and prohibits the construction of buildings other than class 10b structures within the APZ.
- 3. Until such a time as Stage 6D has commenced and Road No 610 has been created to the north. A suitably worded instrument(s) must be created pursuant to section 88 of the *Conveyancing Act 1919* over Lot 6347, 6348 and 6343 which prohibit the construction of buildings other than class 10b structures for a minimum of 10 metres from the northern boundary. The instrument may be lifted upon commencement of any future proposed development on the adjoining land, but only if the bush fire hazard is removed as part of the proposal. The name of authority empowered to release, vary or modify the instrument shall be Camden Council.

#### Access - Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- **4.** Perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection* 2019 and the following:
  - are two-way sealed roads;
  - minimum 8m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;
  - are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;
  - the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
  - the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
- 5. Non-perimeter roads must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:
  - minimum 5.5m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;
  - roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;
  - the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.
- 6. Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3. Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

### **Water and Utility Services**

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.



**7.** The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and b) no part of a tree is closer to a power line than the distance set out in accordance with the

specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.

- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 28/07/2021.

For any queries regarding this correspondence, please contact Joshua Calandra on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
Supervisor Development Assessment & Plan
Built & Natural Environment





# **BUSH FIRE SAFETY AUTHORITY**

Subdivision – Torrens Title Subdivision 4 O'Keefe Drive Oran Park NSW 2570, 6000//DP1235007 RFS Reference: DA20200805002829-CL55-2

Your Reference: DA/2020/484/1 (CNR-10344)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20200805002829-CL55-1 issued on 28/07/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act* 1997.

# Kalpana Varghese

Supervisor Development Assessment & Plan Built & Natural Environment

Friday 19 November 2021

SCALE : A3@1:1,500

DATE: 06/09/2021 PLAN No : 001.CP.040

**REVISION: 07** 

Sulta 3.03 55 Miller Street PYRMONT NSW 2009 PO Box 546 PYRMONT NSW 2009 | 02 9051 9333 hello@urbanco.com.au | www.urbanco.com.au



Been date supplied by Hisson Pty Ltd / NSW LPI

Areas and dimensions shown are subject to final survey calculations. All carriegeways are shown for Illustrative purposes only and are subject to detailed engineering design.

STAGE 6C

**CATHERINE PARK** 

### **GENERAL NOTES**

#### CALIBRE CONSULTING GENERAL

- CG1. SURVEY SOURCED FROM:
- SURVEYOR: JOHN M. DALY & ASSOCIATES
   D.T.M.: 14200CP-H-CURT(151012), DWG, SURVEY DATED: 12/10/2015
   D.T.M.: CP BARRY O'KEEFE PARK(170116), dwg. SURVEY DATED: 16/01/2017
- D.T.M.: CP STAGES 6 AND 7 DETAIL (170822).dwg. SURVEY DATED: 22/08/2017
- CG2. PIPES GREATER THAN 750Ø ARE TO BE CONSTRUCTED FROM SULPHATE RESISTANT CEMENT.
- CG3. ALL SERVICES SHOWN ARE INDICATIVE ONLY. THE CONTRACTOR SHALL LOCATE, POTHOLE AND LEVEL ALL SERVICES WHERE NECESSARY, PRIOR TO COMMENCEMENT OF WORKS.
- CG4. CONTRACTOR IS RESPONSIBLE FOR ALL SERVICES INVESTIGATION AND PROTECTION ON SITE.
- CG5. CONTRACTOR IS TO ENSURE THAT ALL WORKS ASSOCIATED WITH PROPERTY BOUNDARIES ARE TO BE SET OUT OR VERIFIED BY A REGISTERED SURVEYOR
- CG6. ALL LEVELS ARE TO AHD
- CG7. STORMWATER PIPELINES ARE SHOWN DIAGRAMMATICALLY ONLY, ACTUAL LOCATION TO BE DETERMINED BY CONTRACTOR USING COUNCIL STANDARDS, CALIBRE STRUCTURAL PIT DETAILS & SPLAY OFFSET DETAILS (SHOWN IN

- G1. ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH CAMDEN COUNCIL'S ENGINEERING DESIGN AND ENGINEERING CONSTRUCTION SPECIFICATIONS AND TO THE REQUIREMENTS OF THE CERTIFYING AUTHORITY.
- INSPECTIONS BY CERTIFYING AUTHORITY ARE REQUIRED AT THE FOLLOWING STAGES AND THE WORKS APPROVED PRIOR TO CONTINUANCE OF ANY FUTURE WORK:
- FOLLOWING INSTALLATION OF EROSION AND SEDIMENT CONTROL STRUCTURES/MEASURES.
- (B) PRIOR TO BACKFILLING PIPELINES, SUBSOIL DRAINS AND DAMS.
- (C) PRIOR TO CASTING OF PITS AND OTHER CONCRETE STRUCTURES, INCLUDING KERB AND GUTTER BUT FOLLOWING PLACEMENT OF FOOTINGS, FORMWORK, AND REINFORCEMENT.
- PRIOR TO PLACEMENT OF SUB-BASE AND ALL SUBSEQUENT PAVEMENT LAYERS, A PROOF ROLLER TEST
- FORMWORKS PRIOR TO POURING CONCRETE IN PARKING AREA FOR FOOTPATH CROSSING AND OTHER
- (F) PRIOR TO BACKFILLING PUBLIC UTILITY CROSSINGS IN ROAD RESERVES.
- (6) FINAL INSPECTIONS AFTER ALL WORKS ARE COMPLETED AND WORKS AS EXECUTED PLANS HAVE BEEN SUBMITTED TO COUNCIL
- NO TREES ARE TO BE REMOVED UNLESS APPROVAL IS GRANTED BY COUNCIL'S LANDSCAPE COMPLIANCE OFFICER OR AS AUTHORISED
- MAKE SMOOTH JUNCTIONS WITH EXISTING WORKS
- NO WORK IS TO BE CARRIED OUT ON COUNCIL PROPERTY OR ADJOINING PROPERTIES WITHOUT THE WRITTEN PERMISSION FROM THE
- VEHICULAR ACCESS AND ALL UTILITIES/SERVICES ARE TO BE MAINTAINED AT ALL TIMES TO ADJOINING PROPERTIES AFFECTED BY
- ALL RUBBISH, BUILDINGS, SHEDS AND FENCES TO BE REMOVED TO SATISFACTION OF COUNCIL'S ENGINEER.
- COUNCIL ENGINEERS HAVE DISCRETION TO VARY, AS CONSIDERED NECESSARY, THE ENGINEERING REQUIREMENTS IN RESPECT OF A

#### **EARTHWORKS**

- EARTHWORKS ARE TO BE CARRIED OUT TO THE SATISFACTION OF THE COUNCIL. UNSUITABLE MATERIALS ARE TO BE REMOVED FROM ROADS AND LOTS PRIOR TO FILLING. THE CONTRACTOR IS TO ARRANGE AND MAKE AVAILABLE COMPACTION TESTING RESULTS FOR ALL AREAS THAT CONTAIN FILL IN EXCESS OF 200 MM.
- COMPACTION OF EARTHWORKS SHALL CONTINUE UNTIL A DRY DENSITY RATIO OF 95% FOR SITE FILLING AND 100% FOR ROAD PAVEMENT SUBGRADES HAS BEEN ACHIEVED IN ACCORDANCE WITH TEST METHOD AS 1289 5.3.1 OR AS 1289.5.1.1. THE CONTROL TESTING OF EARTHWORKS SHALL BE IN ACCORDANCE WITH THE GUIDELINES IN AS 3798 "GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS', WHERE IT IS PROPOSED TO USE TEST METHOD AS1289.5.8.1 TO DETERMINE THE FIELD DENSITY, A SAND REPLACEMENT METHOD SHALL BE USED TO CONFIRM THE RESULTS.
- THE SUITABLE QUALIFIED GEOTECHNICAL ENGINEER, SHALL HAVE A LEVEL 1 RESPONSIBILITY FOR ALL FILLING AS DEFINED IN APPENDIX B AS3798 'GUIDELINES ON EARTHWORKS FOR COMMERCIAL AND RESIDENTIAL DEVELOPMENTS', AND AT THE END OF THE WORKS SHALL E3. CONFIRM THE EARTHWORKS COMPLY WITH THE REQUIREMENTS OF THE SPECIFICATION AND DRAWINGS BY WRITTEN NOTIFICATION.
- IN AREAS TO BE FILLED WHERE THE SLOPE OF THE NATURAL SURFACE EXCEEDS 1(V):4(H), BENCHES ARE TO BE CUT TO PREVENT SLIPPING OF THE PLACED FILL MATERIAL AS REQUIRED BY THE COUNCIL.
- ALL BATTERS ARE TO BE SCARIFIED TO A DEPTH OF 50 MM TO ASSIST WITH ADHESION OF TOP SOIL TO BATTER FACE.
- PROVIDE MINIMUM 150 MM AND MAXIMUM 300 MM TOPSOIL WITH ON FOOTPATHS, FILLED AREAS AND ALL OTHER AREAS DISTURBED DURING CONSTRUCTION, TOPSOILED AREAS TO BE STABILISED WITH APPROVED VEGETATION A MAXIMUM OF 14 DAYS AFTER TOPSOILING AND ARE TO BE WATERED TO ENSURE GERMINATION.
- THE CONTRACTOR SHALL CONTROL SEDIMENTATION, EROSION AND POLLUTION DURING CONSTRUCTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT EDITION OF 'MANAGING URBAN STORMWATER: SOILS AND CONSTRUCTION' PRODUCED BY LANDCOM
- A MINIMUM 1 METRE WIDE, CONTINUOUS STRIP OF COUCH GRASS SHALL BE PLACED BEHIND THE BACK OF ALL KERBS AND OTHER CONCRETE STRUCTURES IMMEDIATELY AFTER THE COMPLETION OF THE FOOTPATH GRADING OR OTHER ELEMENTS AS APPLICABLE, AND SHALL BE MAINTAINED AND REPLACED AS REQUIRED DURING THE CONSTRUCTION MAINTENANCE PERIOD.

#### ROADWORKS

- R1. SUBGRADES AND SUB-BASES ARE TO BE COMPACTED IN ACCORDANCE WITH COUNCIL'S CONSTRUCTION SPECIFICATION.
- SUBSOIL DRAINS TO BE PROVIDED ON BOTH SIDES OF ROADS (EXCEPT WHERE THERE IS STORMWATER
- 150 X 50 H D. GALVANISED STEEL KERB OUTLIETS TO BE PLACED IN ALL KERB TYPES ON LOW SIDE OF LOTS. PROVIDE SUITABLE ADAPTOR TO ALLOW CONNECTION OF 90 MM DIAMETER STORMWATER PIPE
- R4. LIPLESS PERAMBULATOR CROSSINGS ARE TO BE PROVIDED IN ALL KERB RETURNS AND WHERE REQUIRED BY
- SERVICE CONDUITS TO BE PLACED AS DIRECTED BY ALL PUBLIC UTILITY AUTHORITIES INCLUDING INTEGRAL ENERGY, TELSTRA AND SYDNEY WATER
- PROPOSED UTILITIES AND SERVICES CROSSING EXISTING ROADS SHALL BE PROVIDED FOR USING A TRENCHLESS TECHNIQUE SO AS NOT TO DAMAGE THE EXISTING SURFACE. ALL SERVICE CONDUITS UNDER ROADS MUST BE
- R7. CONCRETE FOOTPATH CONSTRUCTION IS TO BE BONDED WITH COUNCIL PENDING COMPLETION OF
- R8. ALL TEMPORARY ROADS MUST BE TEMPORARILY SEALED WITH A SINGLE COAT FLUSH SEAL.
- ALL PERMANENT ROADS MUST BE SEALED WITH A SINGLE COAT FLUSH SEAL AND 50 MM OF AC TO BE APPLIED IN TWO 25 MM THICK LAYERS. THE FINAL AC LAYER IS TO BE AC 10 AND IS TO BE BONDED WITH COUNCIL AND PLACED FOLLOWING APPROVAL FROM COUNCIL.
- SIGNPOSTING AND LINE MARKING SHALL CONFORM TO AS17422 TRAFFIC CONTROL DEVICES FOR GENERAL USE: RAISED RETRO-REFLECTIVE PAVEMENT MARKERS TO CONFORM TO AS1906 RETRO-REFLECTIVE MATERIALS AND DEVICES FOR ROAD TRAFFIC CONTROL PURPOSES'. ALL APRONS AND KERB FACE ON CENTRAL ISLANDS OF ROUNDABOUTS AND ALL OTHER ISLANDS TO BE DELINEATED BY REFLECTIVE WHITE MARKING. INSTALLATION SHALL OCCUR IN ACCORDANCE WITH THE PLAN APPROVED BY THE LOCAL TRAFFIC COMMITTEE
- R11. ALL LOT AND HOUSE NUMBERS MUST BE STENCILLED ON KERB FACE
- R12. STREET SIGNS TO COUNCIL STANDARD MUST BE INSTALLED BY THE CONTRACTOR

#### STORMWATER

- ALL PIPES TO BE SPIGOT AND SOCKET, RUBBER RING JOINTED.
- ALL LONGITUDINAL PIPELINES IN ROADS MUST BE LOCATED UNDER KERB AND GUTTER AND BE BACKFILLED WITH PPROVED GRANULAR MATERIAL UNLESS OTHERWISE APPROVED BY THE COUNCIL ENGINEER
- DRAINAGE LINES MUST BE BACKFILLED WITH APPROVED GRANULAR MATERIAL IN TRAFFICABLE AREAS. THREE (3) METRES OF SUBSOIL DRAINAGE WRAPPED IN GEOTEXTILE STOCKING MUST BE PROVIDED TO ALL DOWNSTREAM PITS.
- S4. ALL GULLY PITS TO COUNCIL'S STANDARD AND LINTELS CENTRALLY PLACED AT SAG PITS.
- ALL PITS MUST BE BENCHED AND STREAMLINED. PROVIDE SL72 REINFORCEMENT AND GALVANISED STEP IRONS IN ALL PITS OVER 1.2-METRES DEEP AS MEASURED FROM THE TOP OF GRATE TO THE INVERT OF THE PIT.
- CONCRETE IS TO HAVE MINIMUM COMPRESSIVE STRENGTH OF 32MPA AT 28-DAYS UNLESS OTHERWISE APPROVED BY THE COUNCIL ENGINEER.
- ALL INTERALLOTMENT DRAINAGE MUST HAVE A MINIMUM PIPE DIAMETER OF 150 MM AND A MINIMUM GRADE OF 1% UNLESS OTHERWISE APPROVED BY THE COUNCIL ENGINEER.
- ALL INTERALLOTMENT DRAINAGE LINES MUST BE LAID CENTRALLY WITHIN DRAINAGE EASEMENTS. INSPECTION PITS MUST BE PROVIDED AT ALL CHANGES OF GRADE AND DIRECTION.
- INTERALLOTMENT DRAINAGE LINES MUST BE INSTALLED AFTER SYDNEY WATER SEWERAGE LINES HAVE BEEN INSTALLED WHERE SEWER IS PROPOSED ADJACENT TO INTERALLOTMENT DRAINAGE LINES
- \$10. 1% AEP OVERLAND FLOW PATHS MUST BE FORMED AND SHOWN ON "WORKS AS EXECUTED" DRAWINGS.
- S11. ALL PLANS (BOTH DESIGN AND WAE) ARE TO CLEARLY DELINEATE THE EXTENT/LOCATION OF FLOOD LINES INCLUDING THE 5% AEP. 1% AEP AND PMF
- \$12. ADEQUATE PROVISION IS TO BE MADE TO PREVENT SCOURING AND SEDIMENTATION FOR ALL DRAINAGE WORKS N ACCORDANCE WITH COUNCIL'S REQUIREMENTS.
- \$13. PIT LINTELS ARE TO BE STENCILLED WITH APPLICABLE DISTINCTION STENCIL AVAILABLE FROM COUNCIL
- \$14. CATCH DRAINS MUST BE CONSTRUCTED AS REQUIRED BY THE APPROVED PLANS OR THE PRINCIPAL CERTIFYING
- \$15. SOIL AND WATER MANAGEMENT PLANS ARE TO BE PREPARED FOR ALL DISTURBED SITES AND ADHERED TO AT ALL TIMES DURING THE CONSTRUCTION AND MAINTENANCE PERIODS.

	CONCRETE HEADWALL	(	·- (	(
	SUBSOIL DRAIN			
	150mm KERB AND GUTTER	K&G	EXIST. K&G	FUT. K&G
	ROLL KERB AND GUTTER	RK	EXIST. RK	FUT. RK
	KERB ONLY	ко	EXIST. KO	FUT. KO
	EDGE STRIP	ES	EXIST. ES	FUT. ES
	MOUNTABLE KERB	мк	EXIST. MK	FUT. MK
	DISH CROSSING	DC	EXIST. DC	FUT. DC
	VEHICULAR CROSSING	<del></del>	EXIST. VC	FUT.VC
	PEDESTRIAN RAMP	PR		
	EDGE OF BITUMEN	E0B	EXIST. EOB	FUT. EOB
	ROAD PAVEMENT			
	BENCHMARK		▲ BM: 115 RL:165.32	
	BATTERS	-1		1111
	CONCRETE PATHWAY	\$4.35		
	CONTOURS	99.5	98.6 PRO	59.5 and 59.0
	SITE REGRADING AREA	Cu FILL		
	SERVICE LINES SEWER, GAS, WATER, ELECTRICITY, RECYCLED WATER	S		- fit S - fit G - fit W - fit E - fit SW
	COMMUNICATION LINES TELSTRA, FIBRE OPTIC, NBN		ex.T	futT
	OVER HEAD LINES AND POLES	- <b>F</b> 01	.O1	<b>P</b> to 1———
	SERVICE PITS TELECOM PIT, ACCESS CHAMBER, HYDRANT, STOP VALVE, AIR VALVE	<b>尼架 三线</b>		
	LIMIT OF ROAD CONSTRUCTION	<u></u>		
	LIMIT OF STAGE			
	FENCE POST AND RAIL FENCE SECURITY FENCE			
	LOT NUMBERS	D-LOTNO	E-LOTNO	F-LOTNO
	TREES TO RETAIN WITHIN SITE TREES TO REMOVED WITHIN SITE		RETAIN REMOVE	
	RETAINING WALL			
	ROCK WALL	<del>- Indianalian</del>		
Ì	ROOF WATER OUTLET TO KERB	+		
	ROOF WATER OUTLET TO BACK OF PIT	#		

**LEGEND** 

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STORMWATER PIPELINE

DRAINAGE LINE No. 3

DRAINAGE PIT No. 10

STORMWATER DRAINAGE PITS

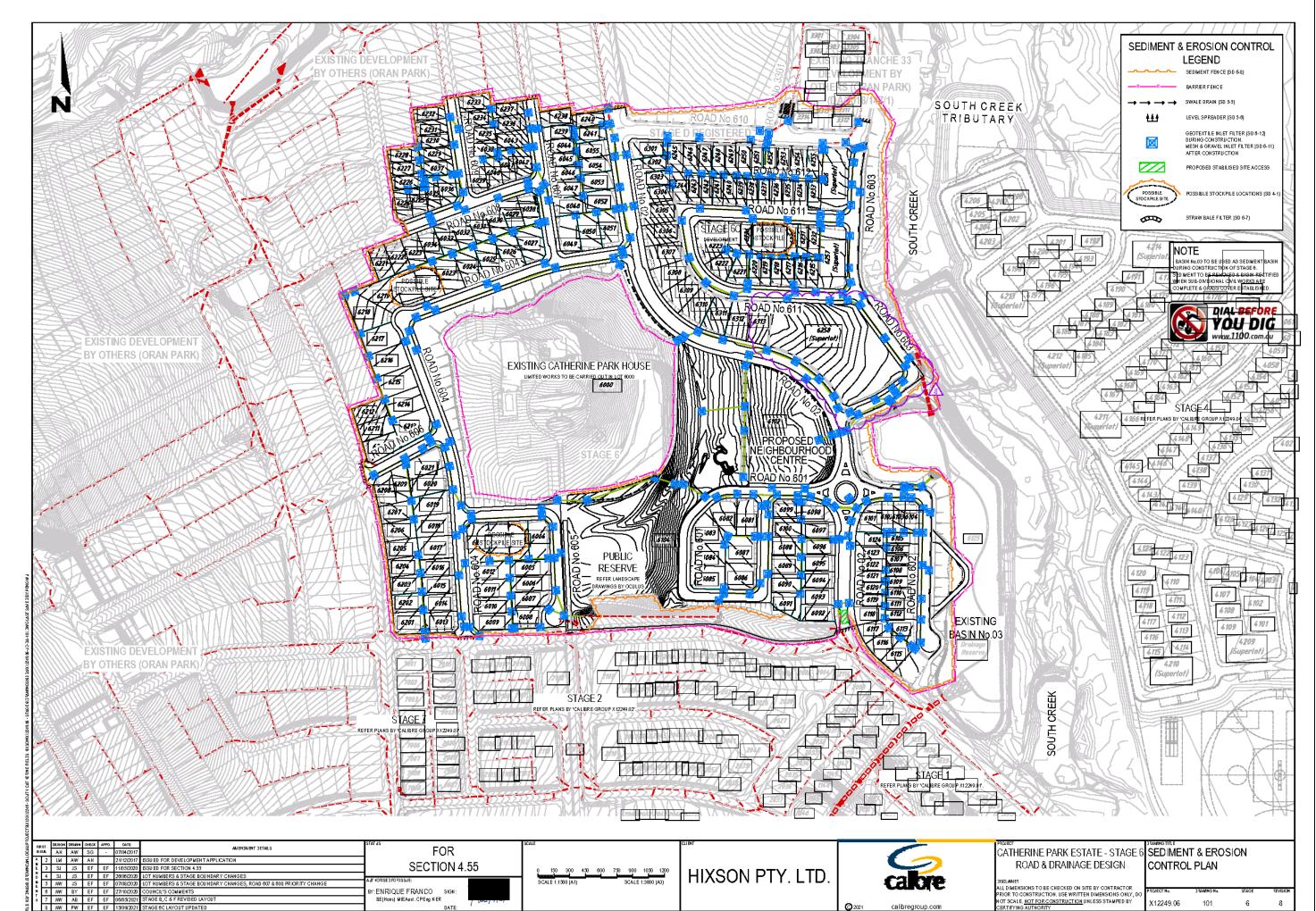


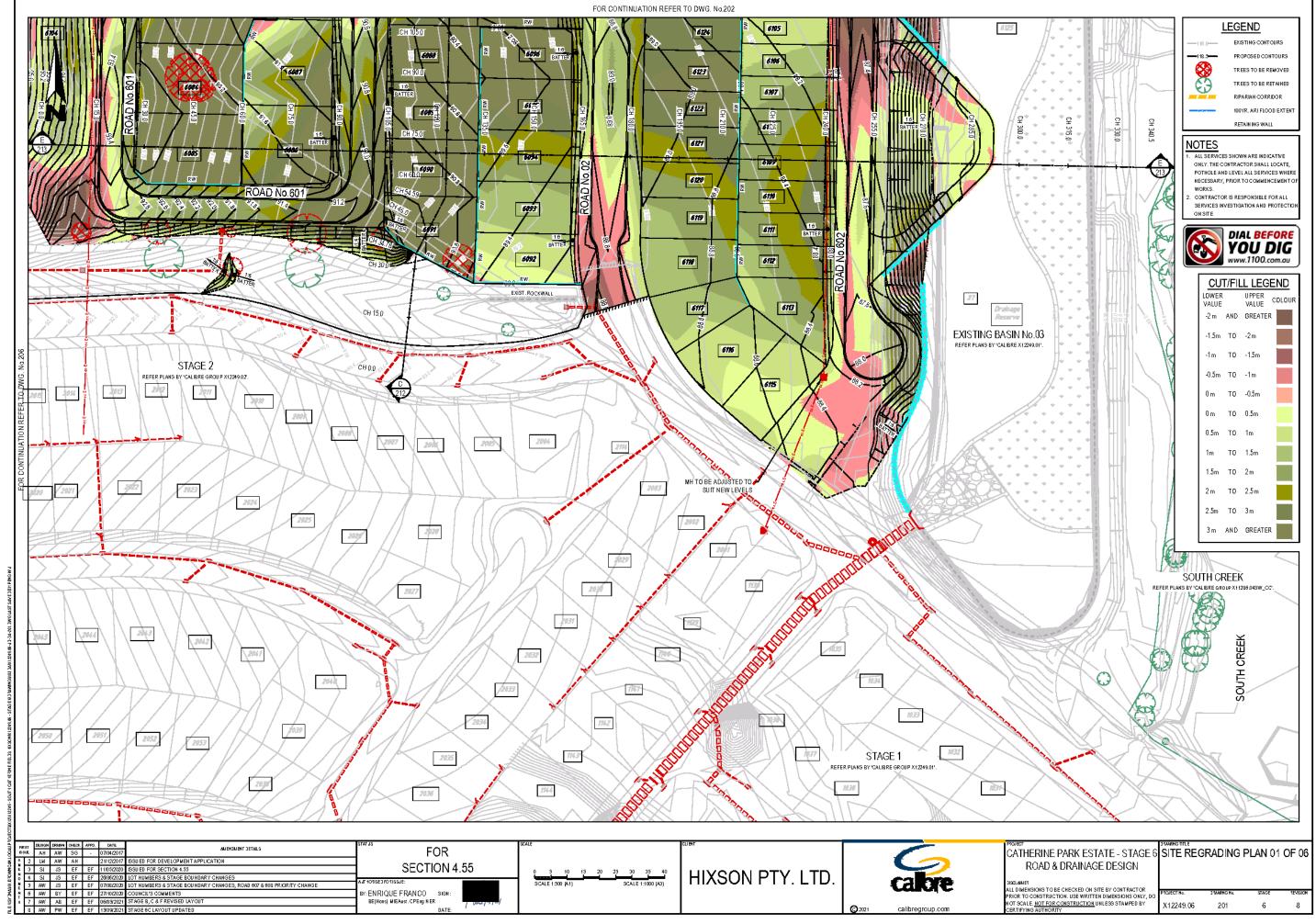
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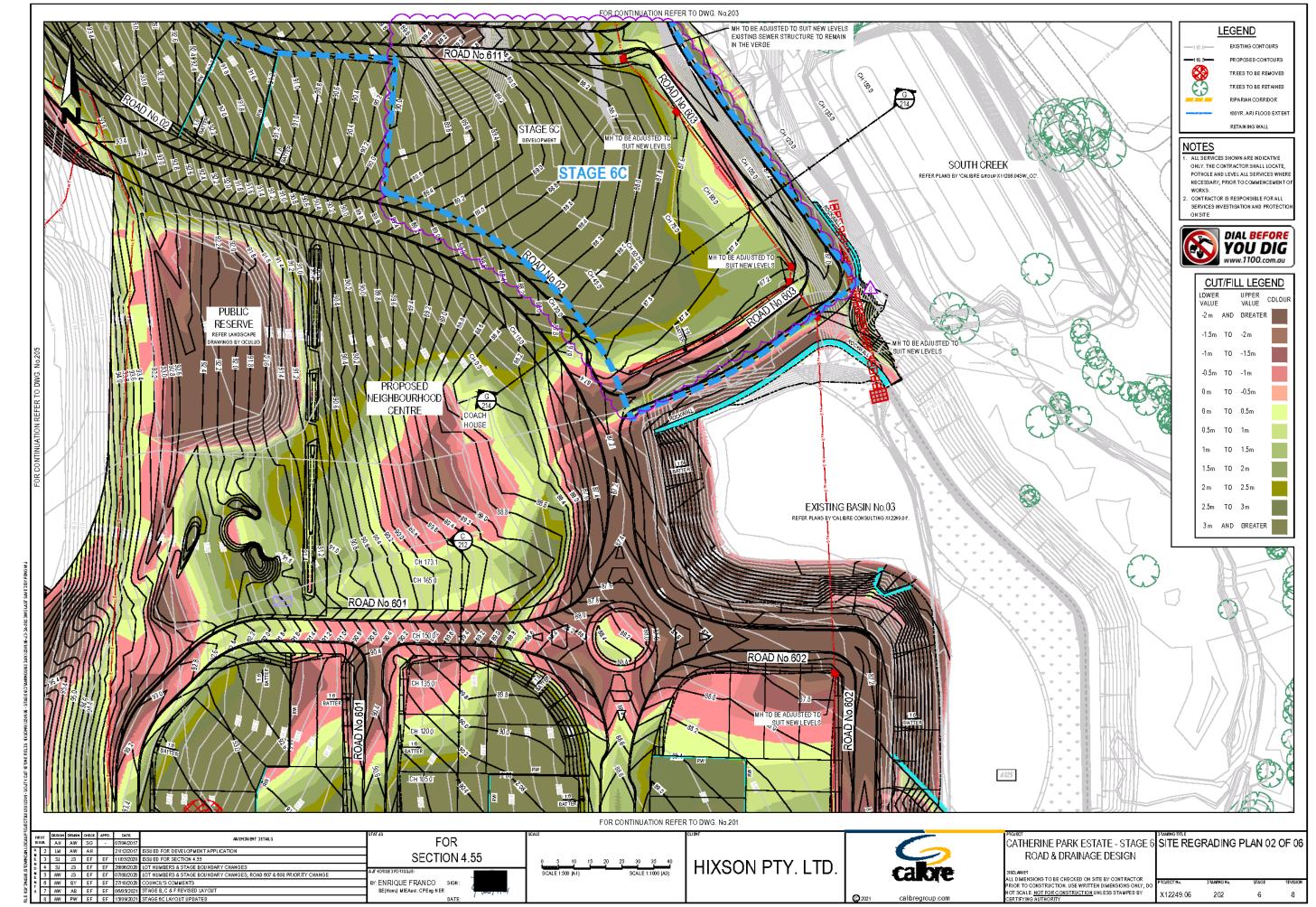
AMENDMENT DETAILS FOR ISSUED FOR DEVELOPMENT APPLICATION SECTION 4.55 SJ JS EF EF 26/06/2020 LOT NUMBERS & STAGE BOUNDARY CHANGE i AW JS EF EF 07/08/2020 LOT NUMBERS & STAGE BOUNDARY CHANGES, ROAD 607 & 608 PRIORITY CHANGE :ENRIQUE FRANCO DUNCIL'S COMMENTS FAGE B,C & FREVISED LAYO BE|Hans) MIEAust.CPEng NER AW AB EF EF 06/05/2021

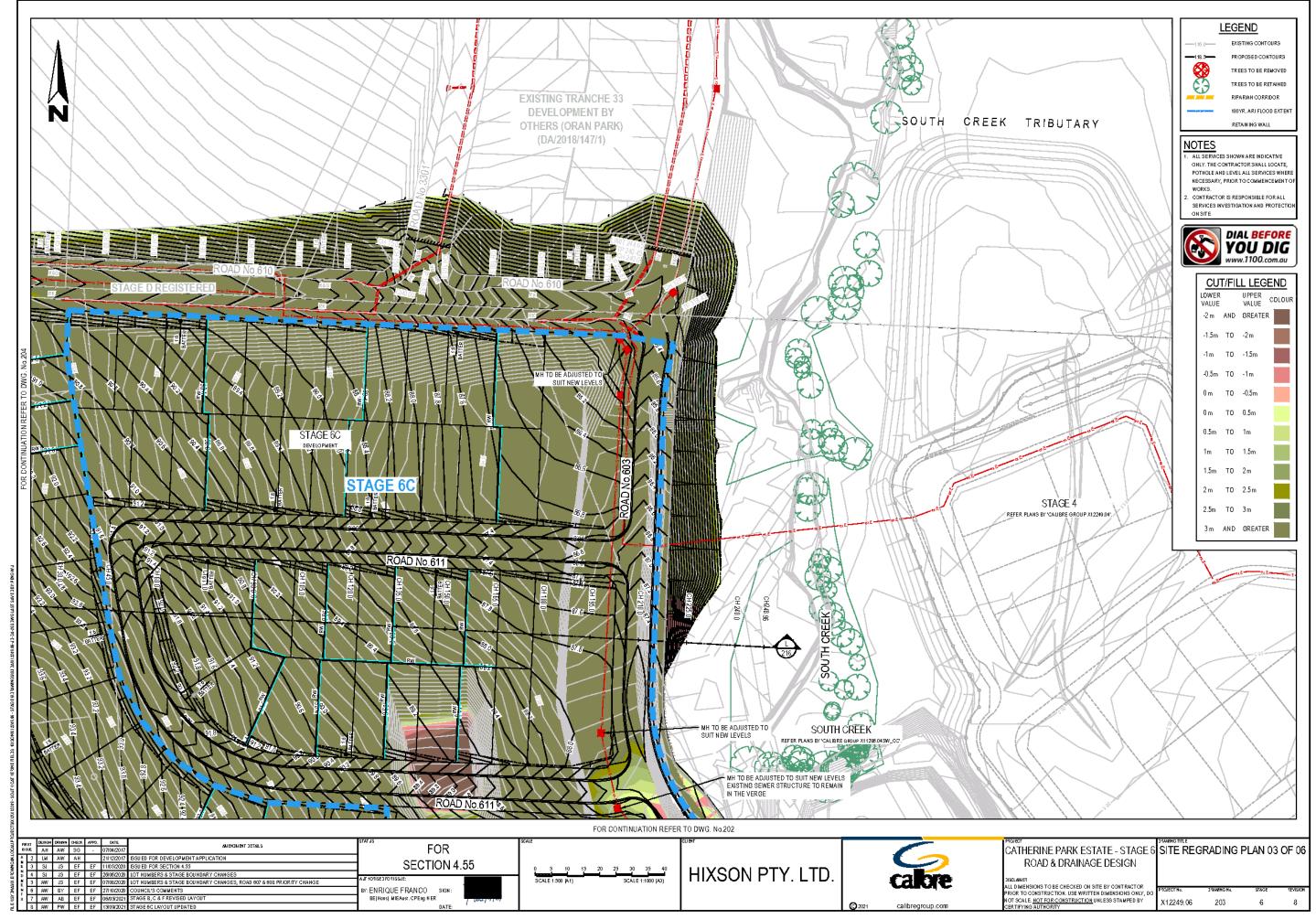
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DIAL BEFORE

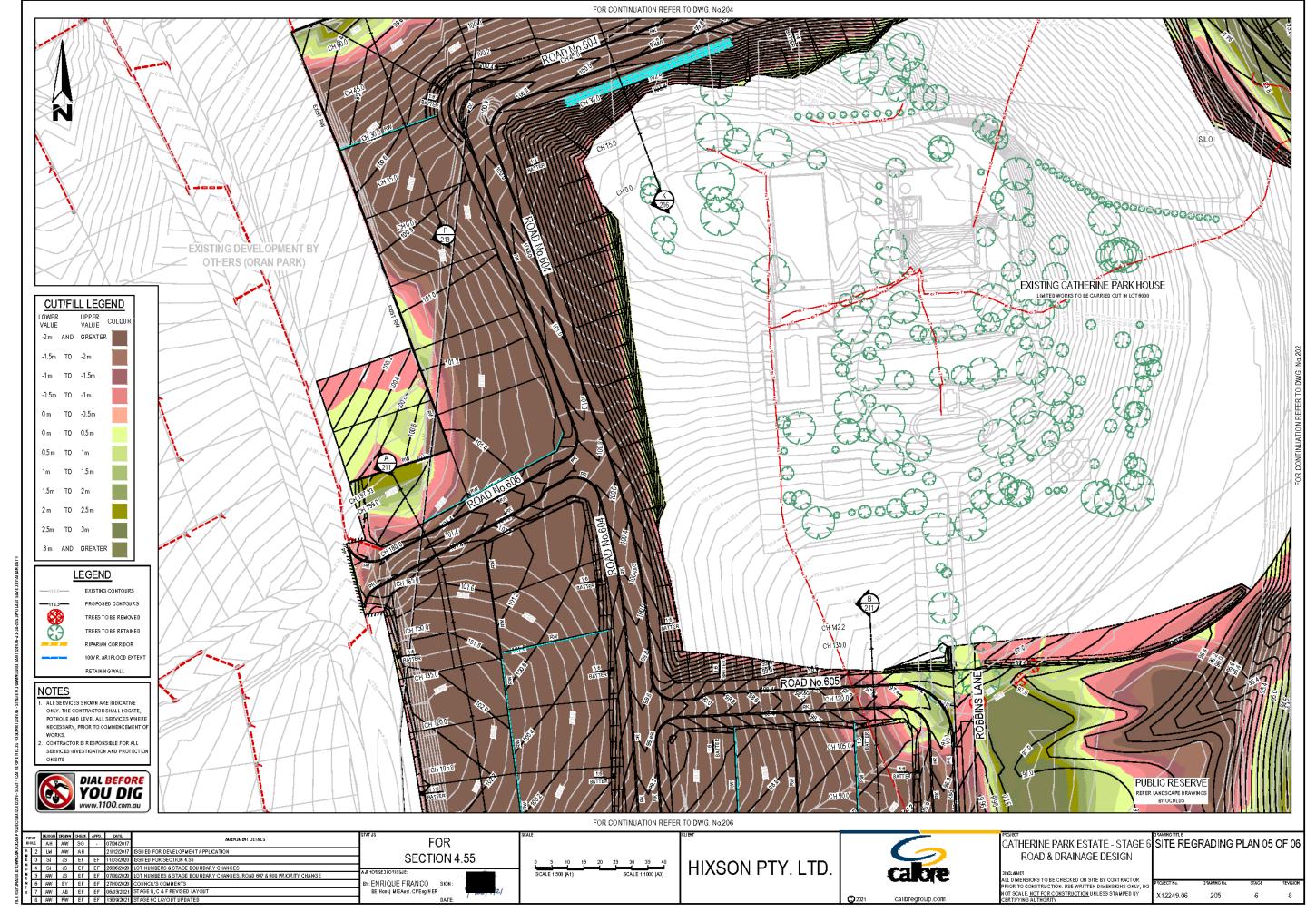




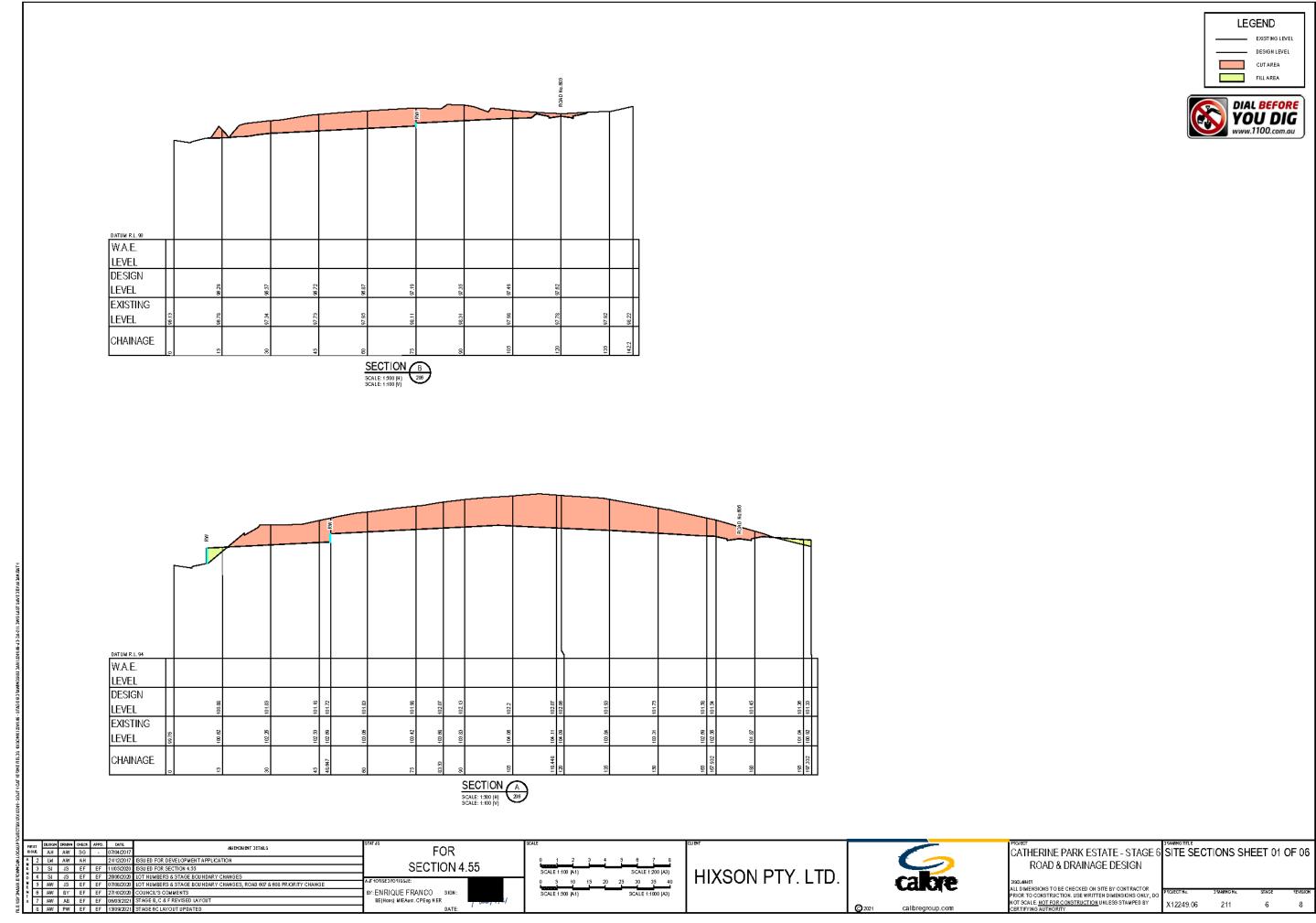


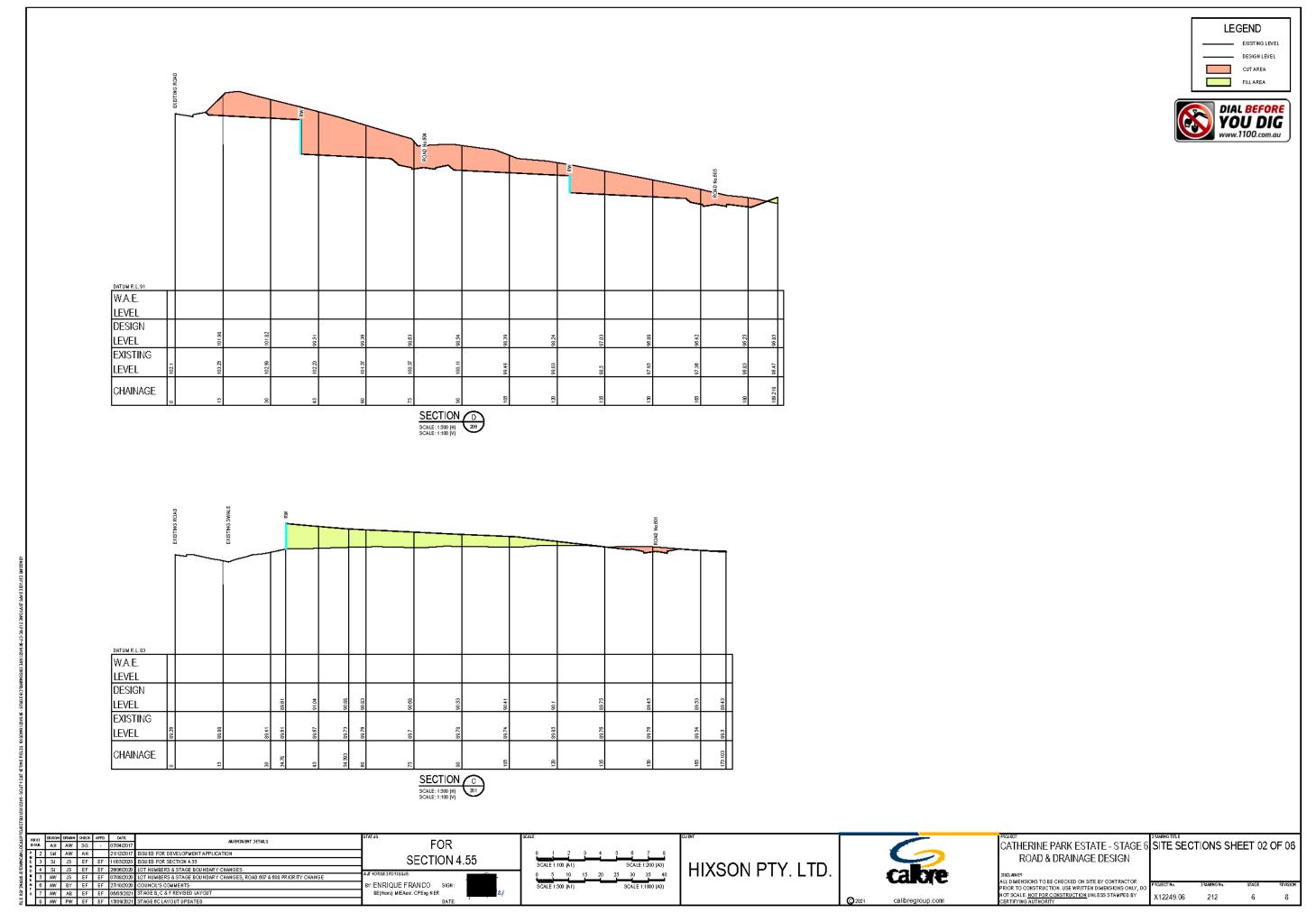


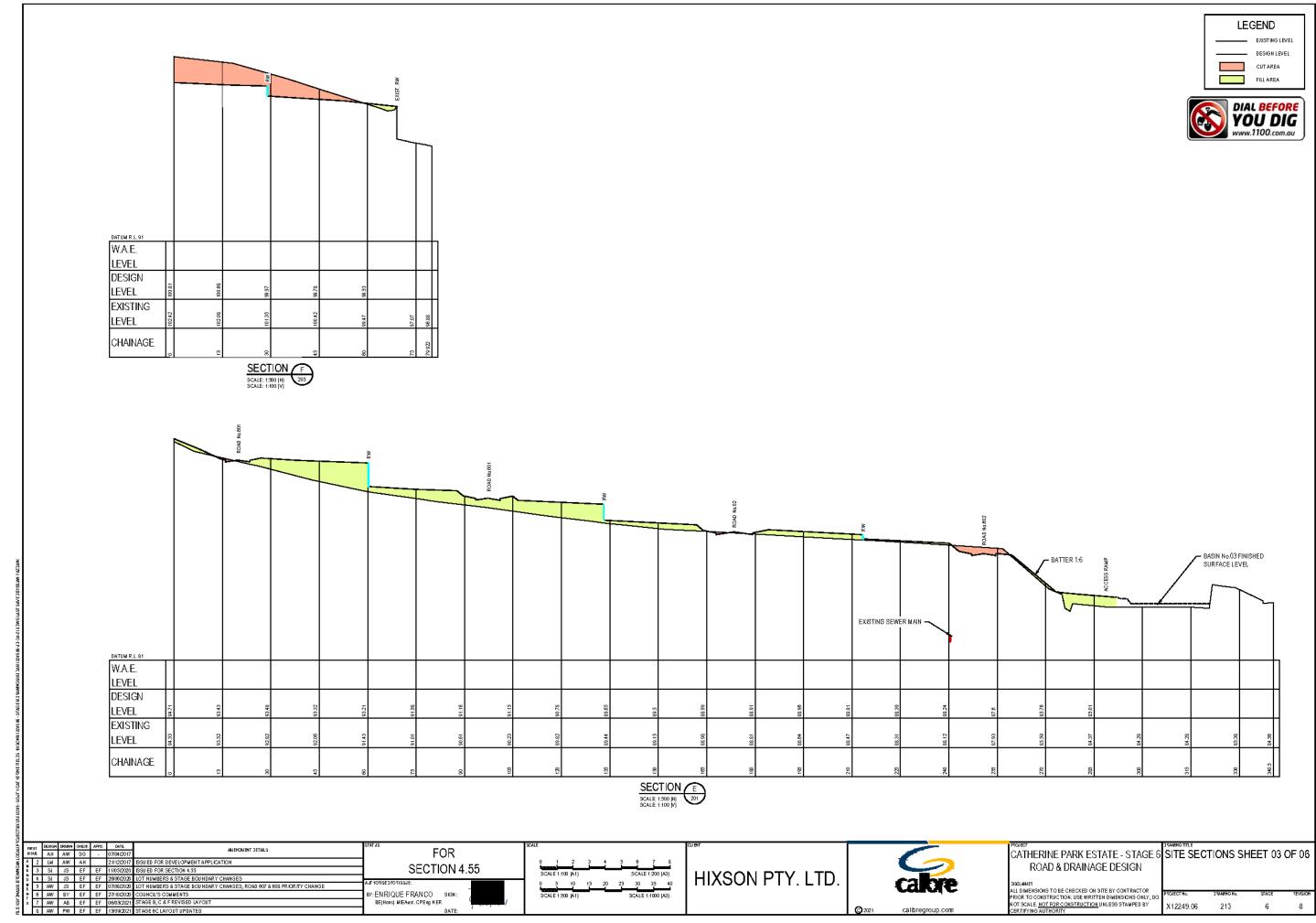




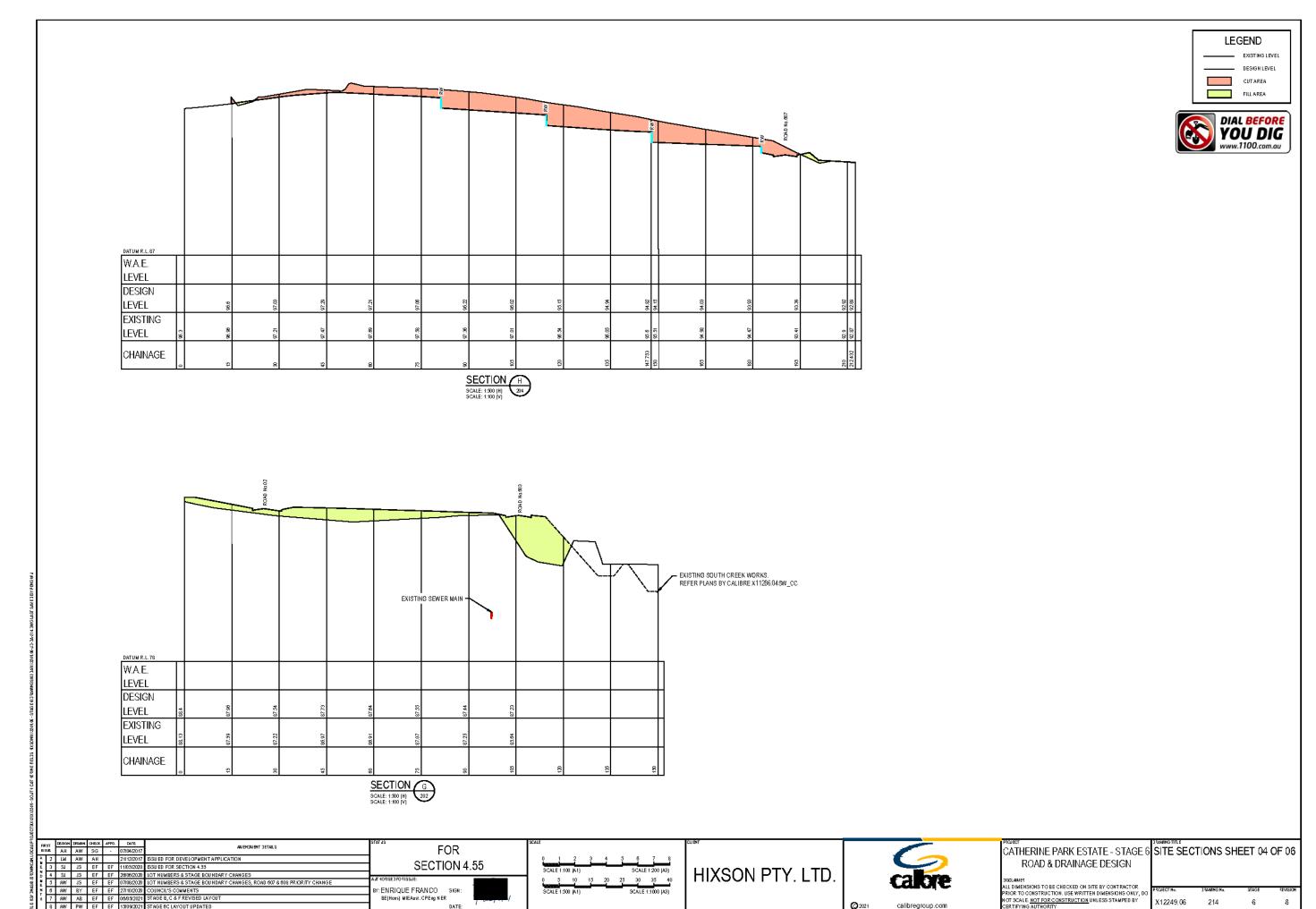


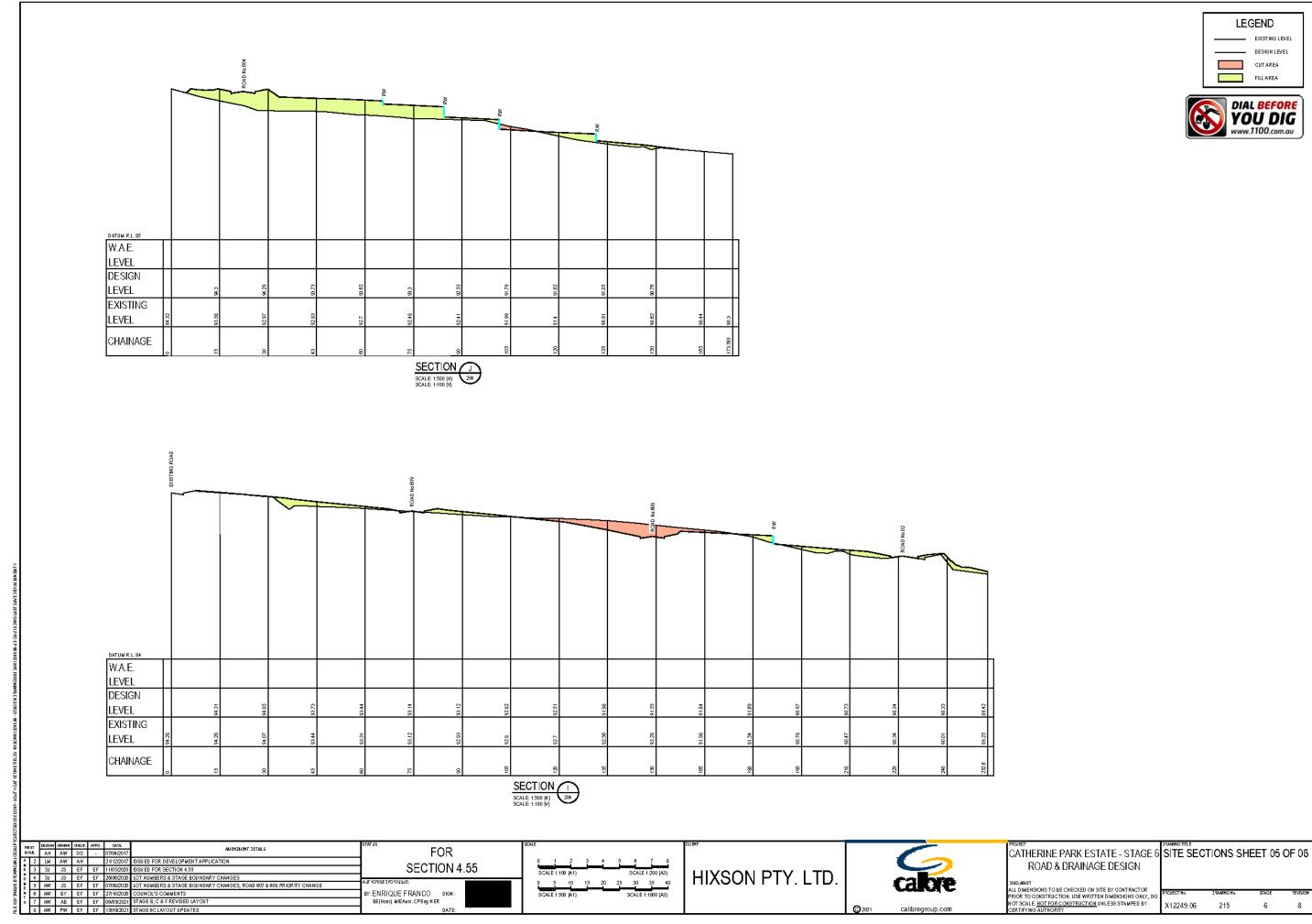


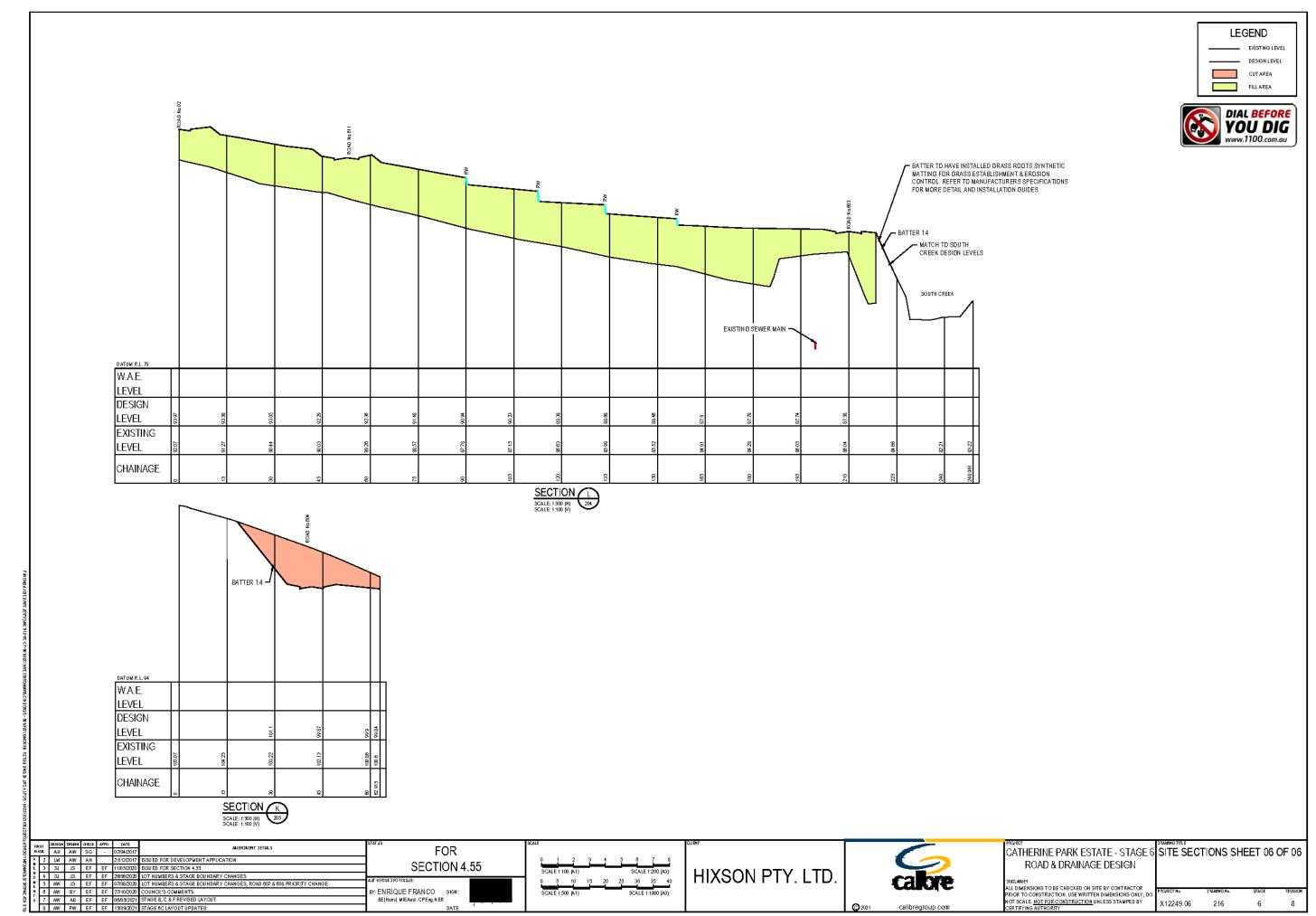


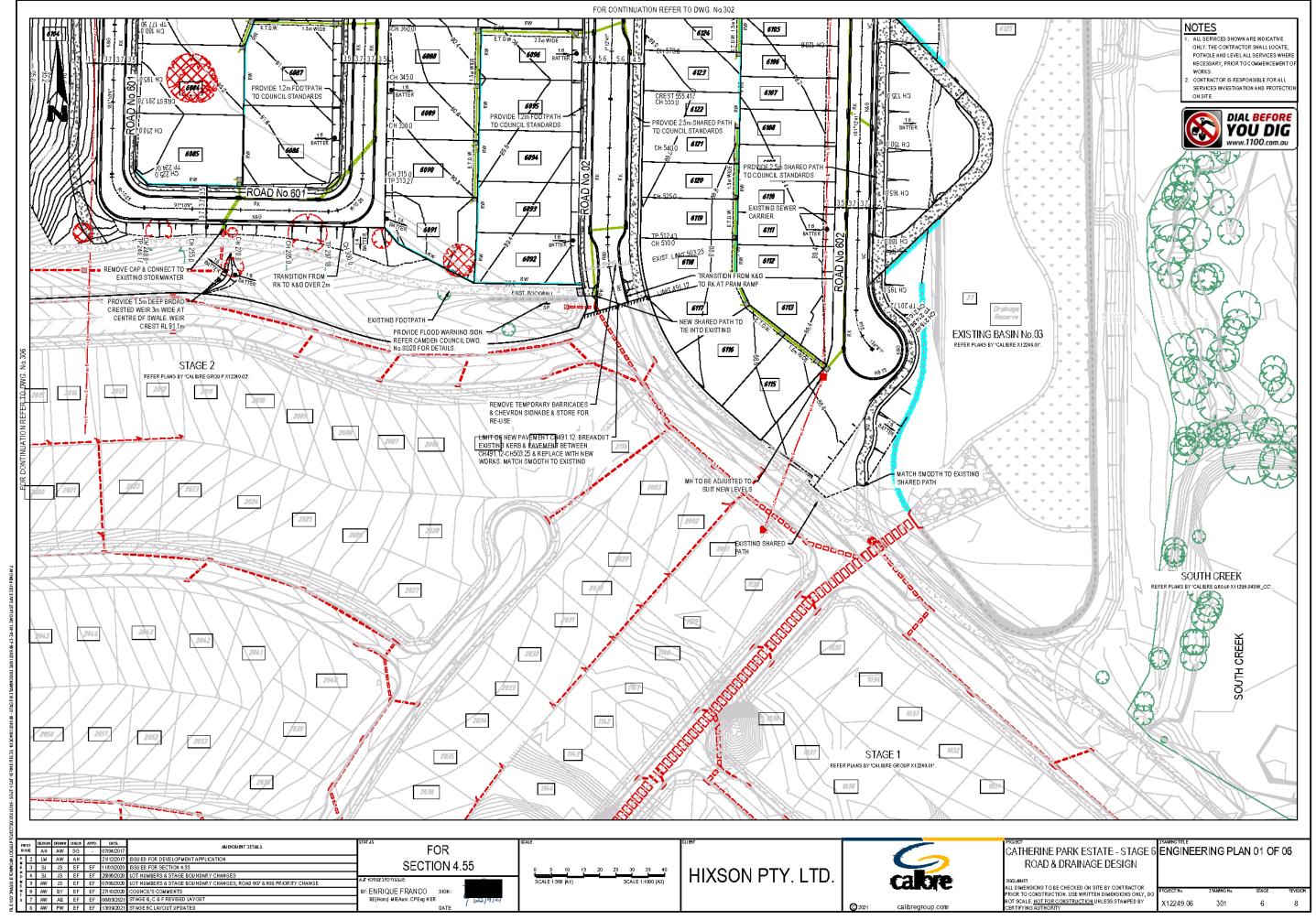


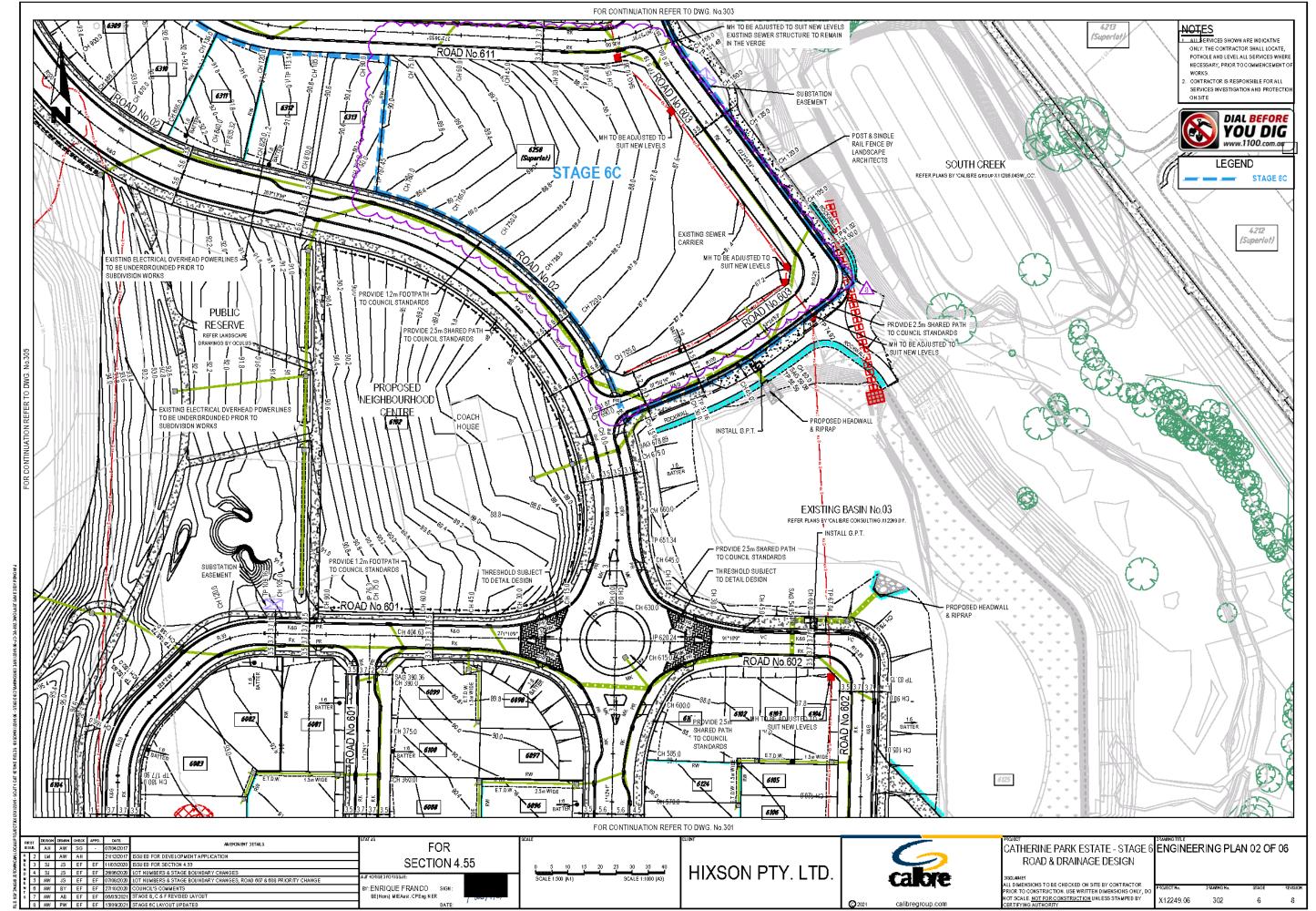
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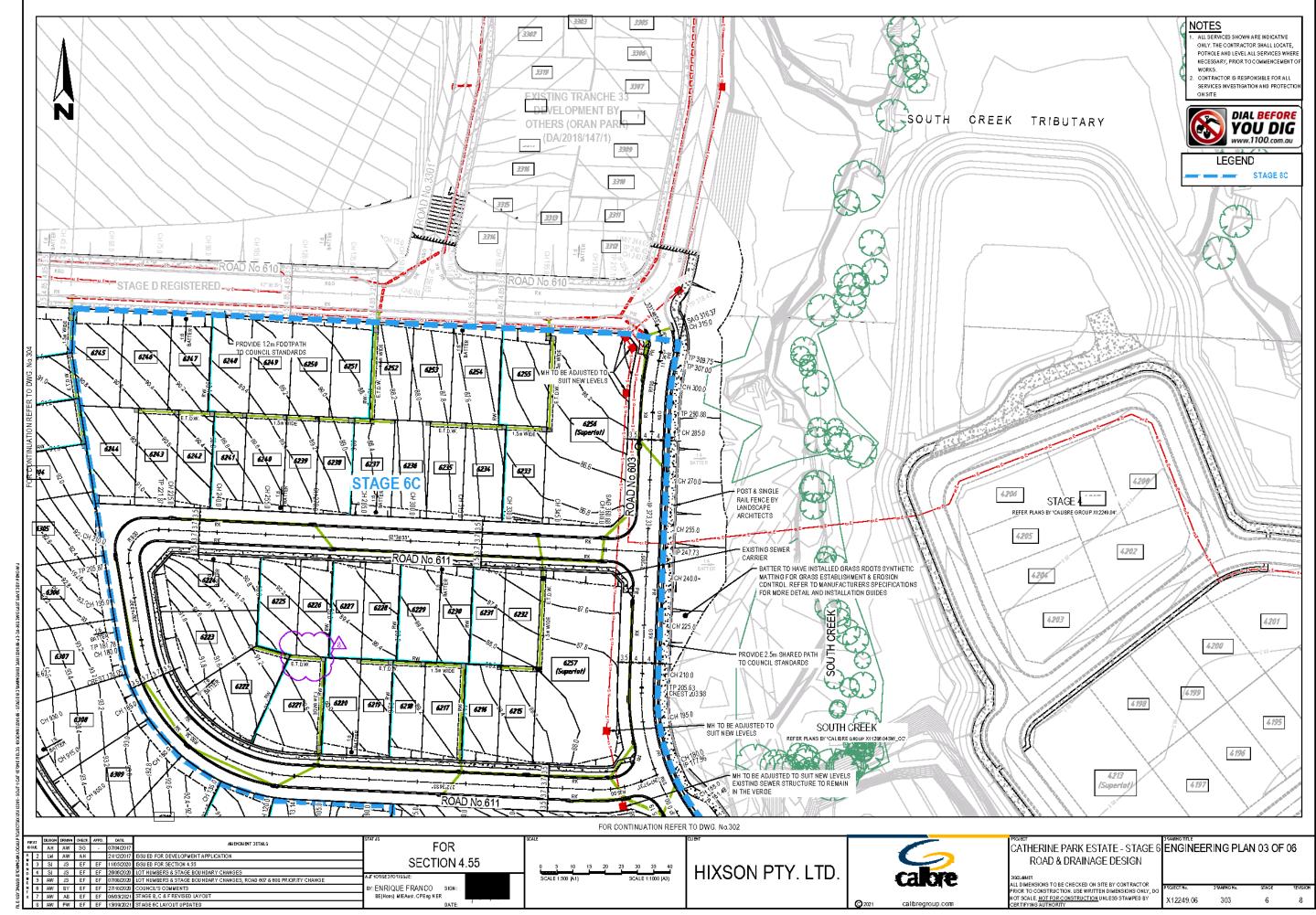


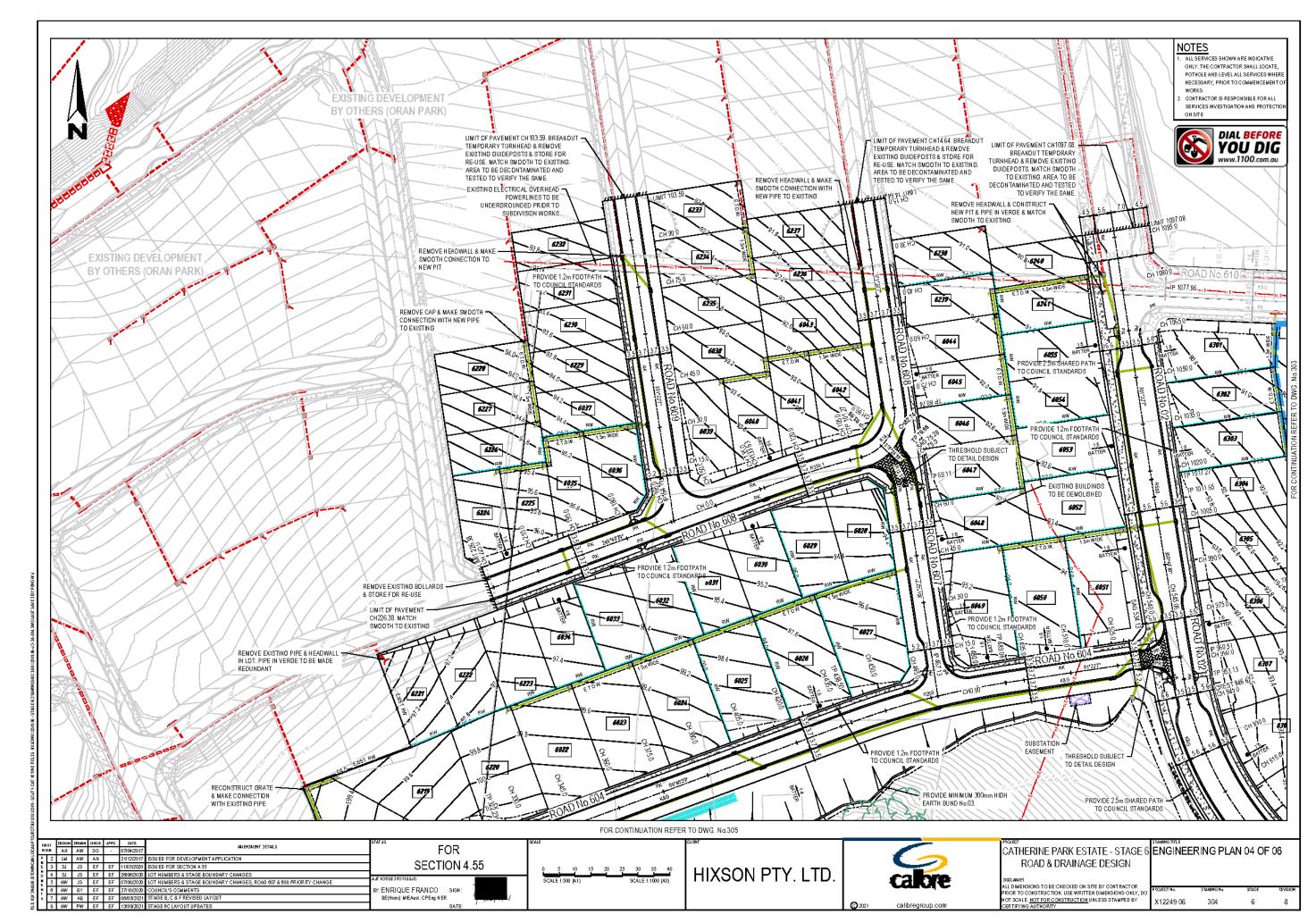


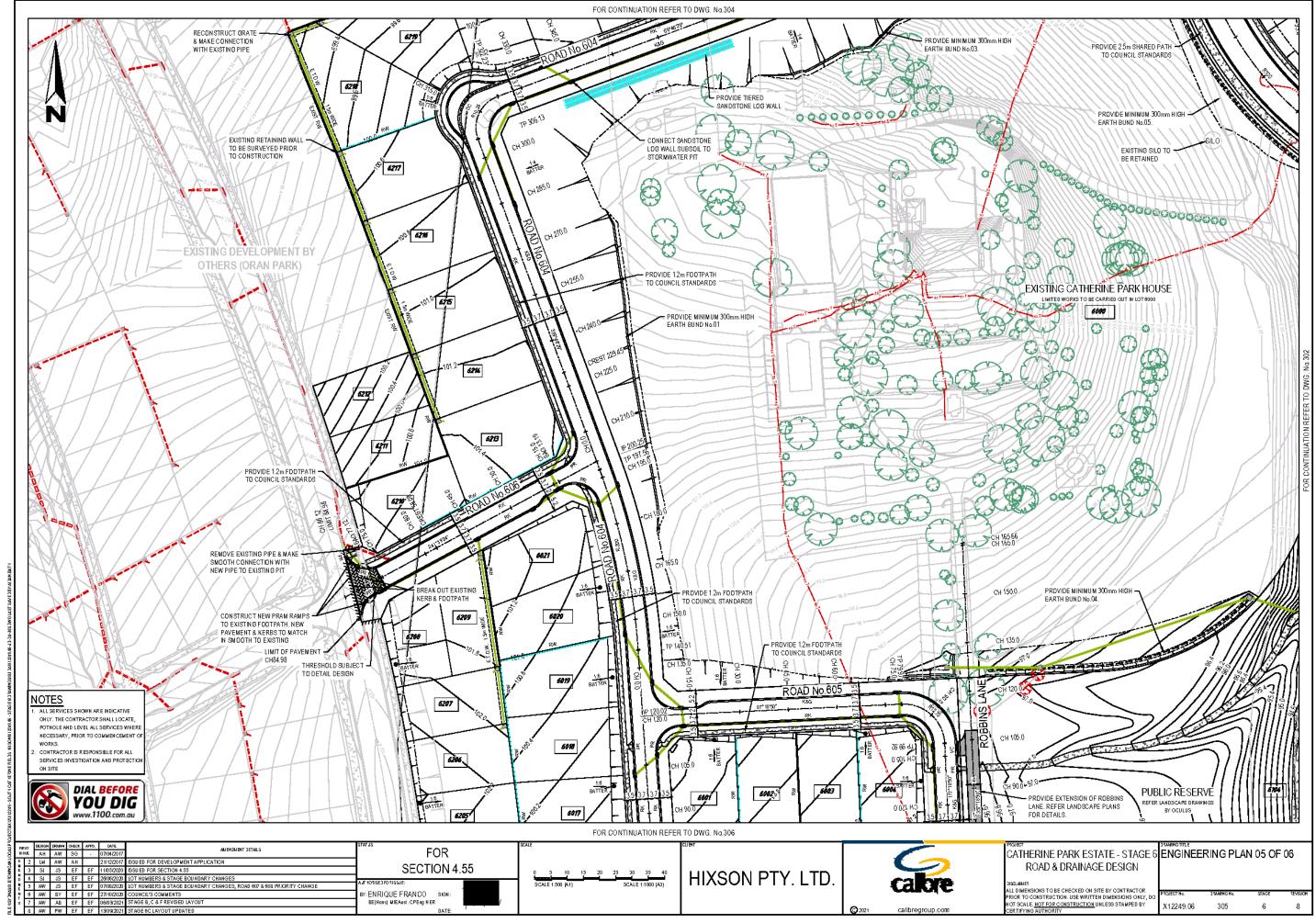


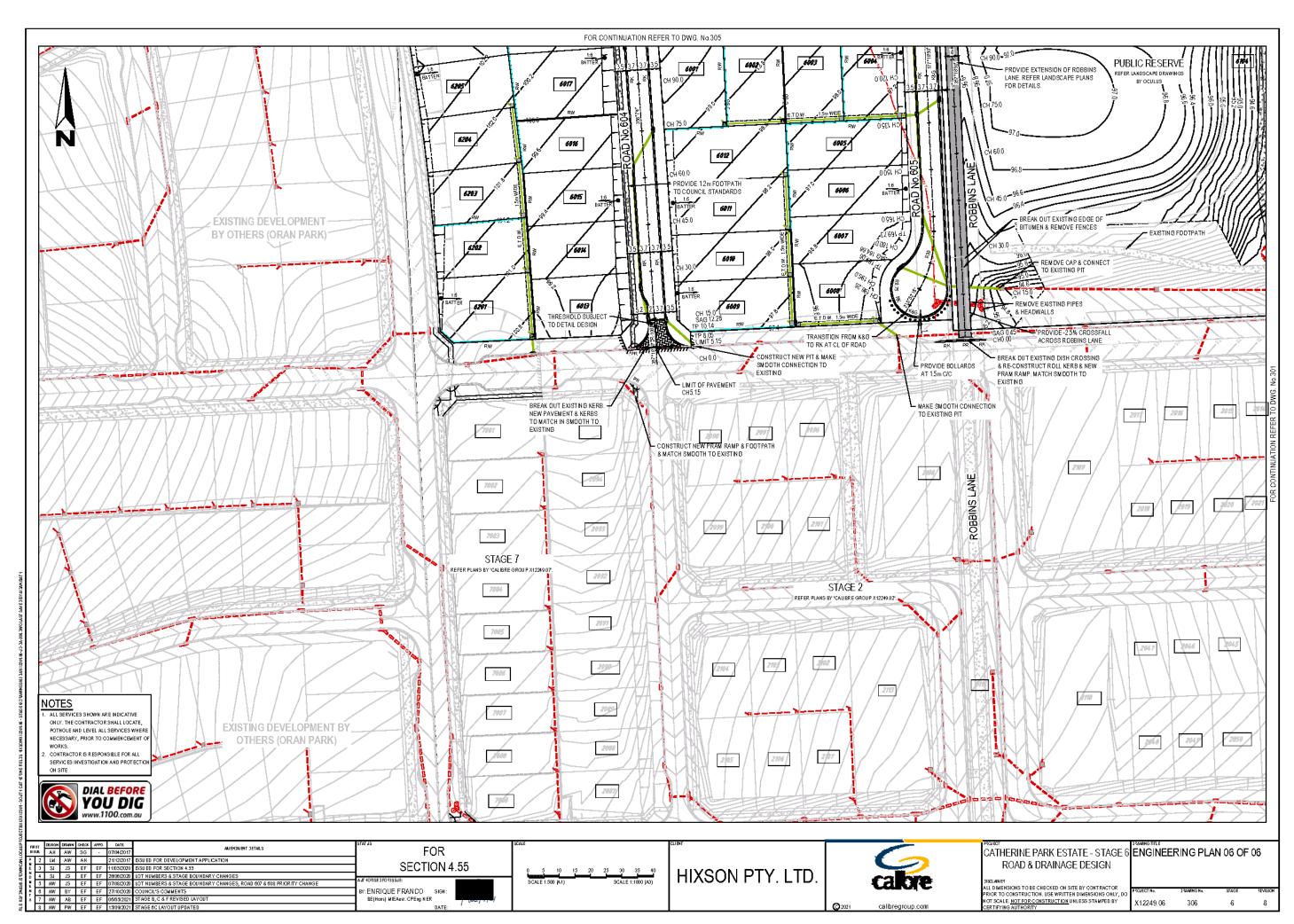


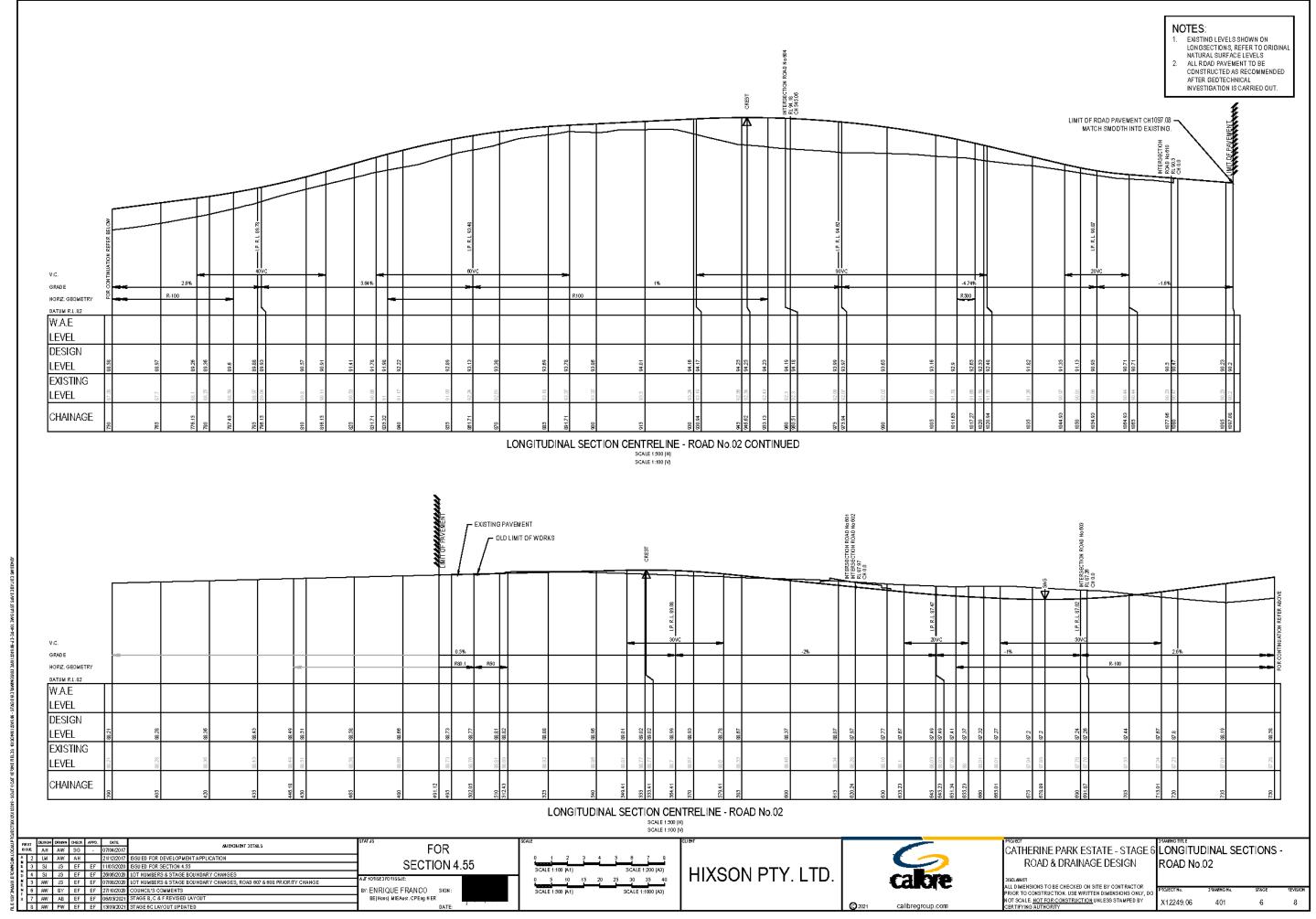


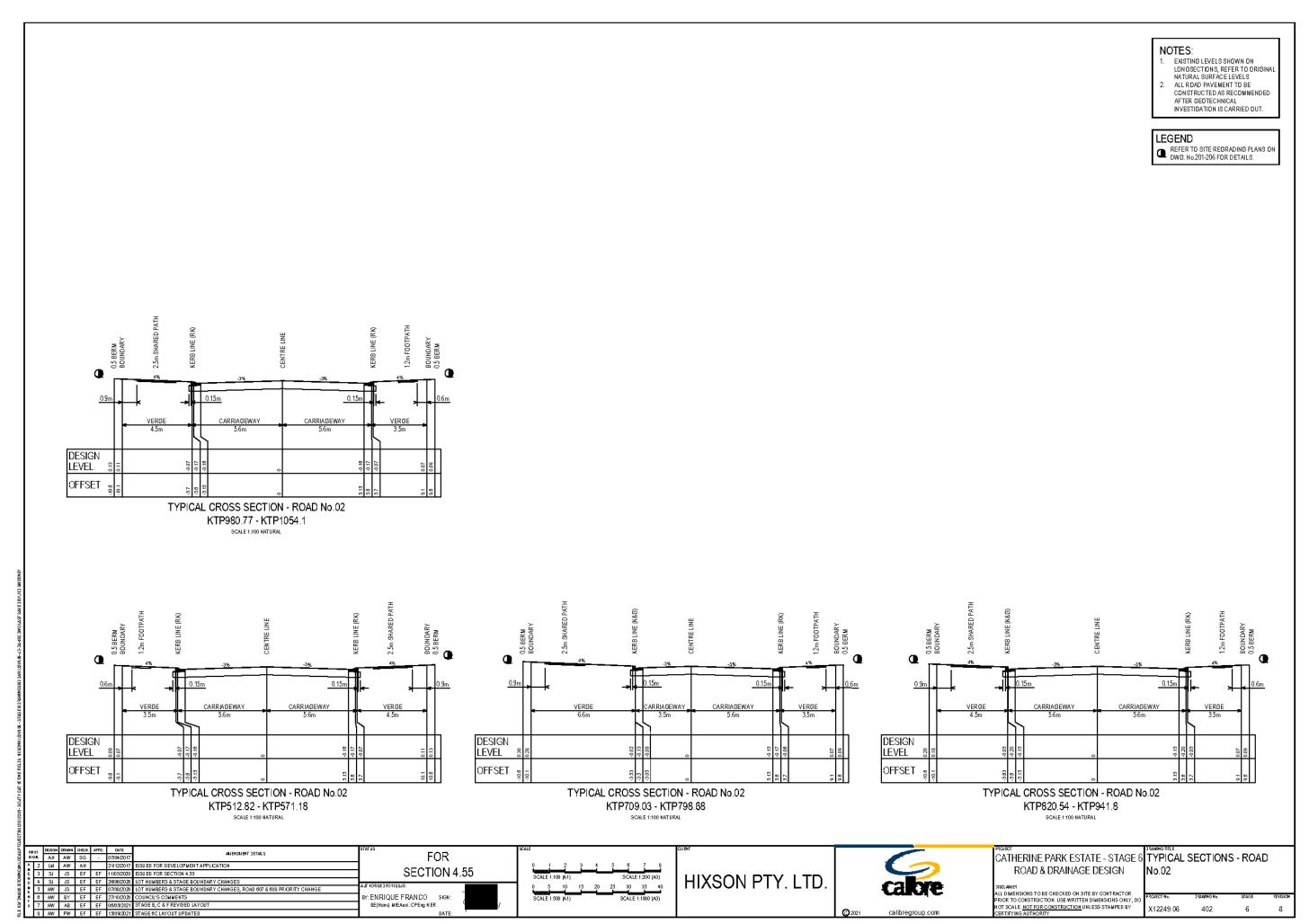


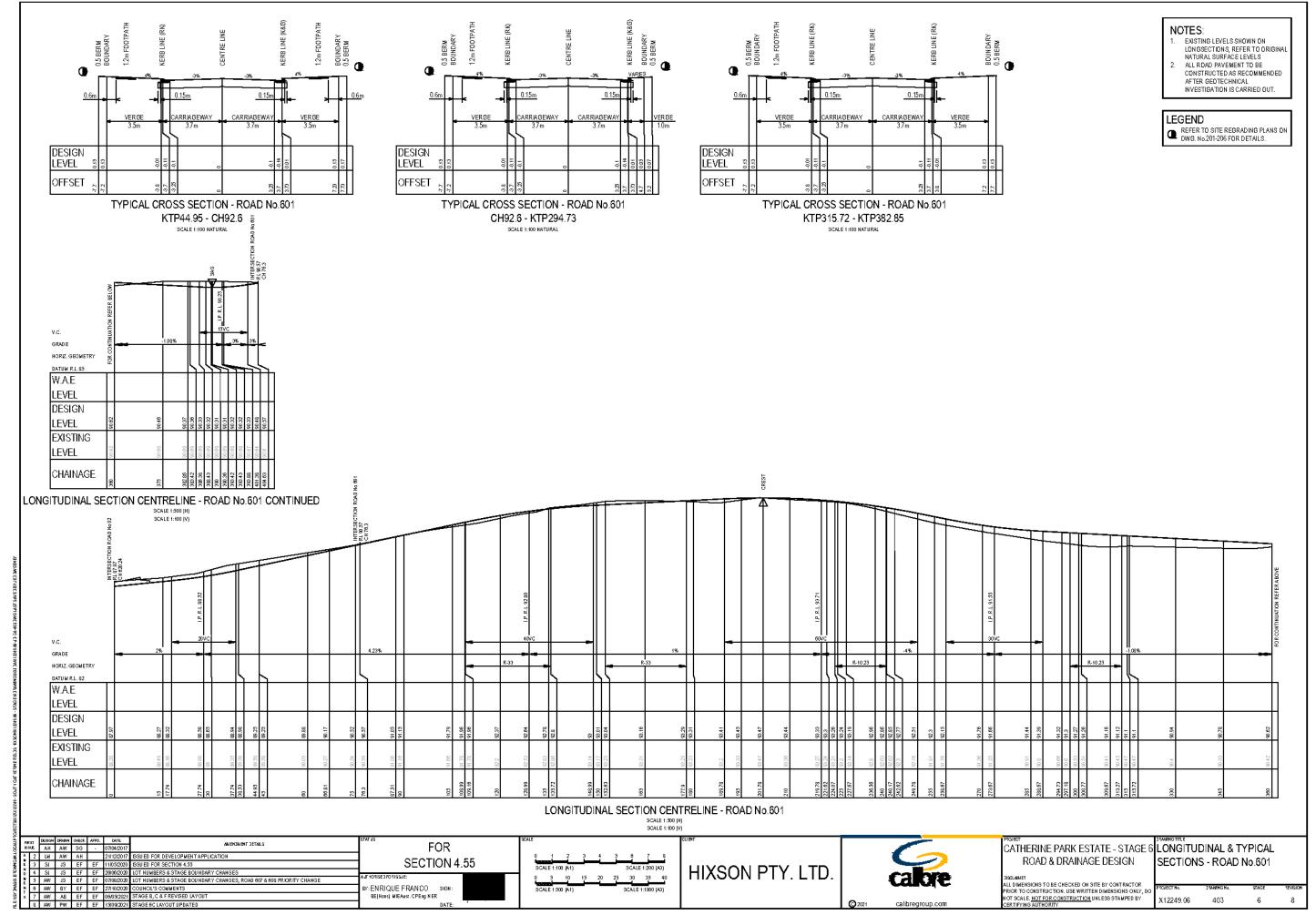












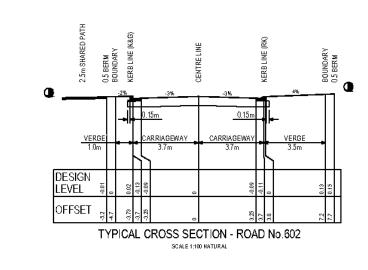
- NOTES:

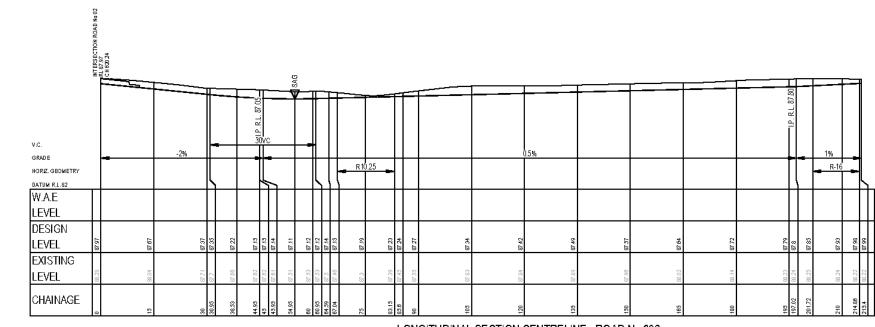
  1. EXISTING LEVELS SHOWN ON LONGSECTIONS, REFER TO ORIGINAL NATURAL SURFACE LEVELS

  2. ALL ROAD PAVEMENT TO BE CONSTRUCTED AS RECOMMENDED AFTER GEOTECHNICAL INVESTIGATION IS CARRIED OUT.

# LEGEND

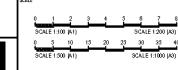
REFER TO SITE REGRADING PLANS ON DWG. No.201-206 FOR DETAILS.





### LONGITUDINAL SECTION CENTRELINE - ROAD No.602

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z 2	2	LM	AW	AH		21/12/2017	ISSUED FOR DEVELOPMENT APPLICATION	35051011455		
Ē	3	SJ	9	EF	EF	11/05/2020	ISSUED FOR SECTION 4.55	SECTION 4.55		
D	4	SJ	3	EF	EF	26/06/2020	LOT NUMBERS & STAGE BOUNDARY CHANGES	AUTHORISED FOR ISSUE:	_	
N E	5	AW	JS	EF	EF	07/08/2020	LOT NUMBERS & STAGE BOUNDARY CHANGES, ROAD 607 & 608 PRIORITY CHANGE	Aut 104/SEU FO 4/SSUE:		
Ņ	6	AW	BY	EF	EF	27/10/2020	COUNCIL'S COMMENTS	BY:ENRIQUE FRANCO SIGN:		
8	7	AW	AB	EF	EF	06/05/2021	STAGE B,C & FREVISED LAYOUT	BE Hans) MIEAust.CPEng NER		
	8	AW	PW	EF	EF	15/09/2021	STAGE 6C LAYOUT UPDATED	DATE:		



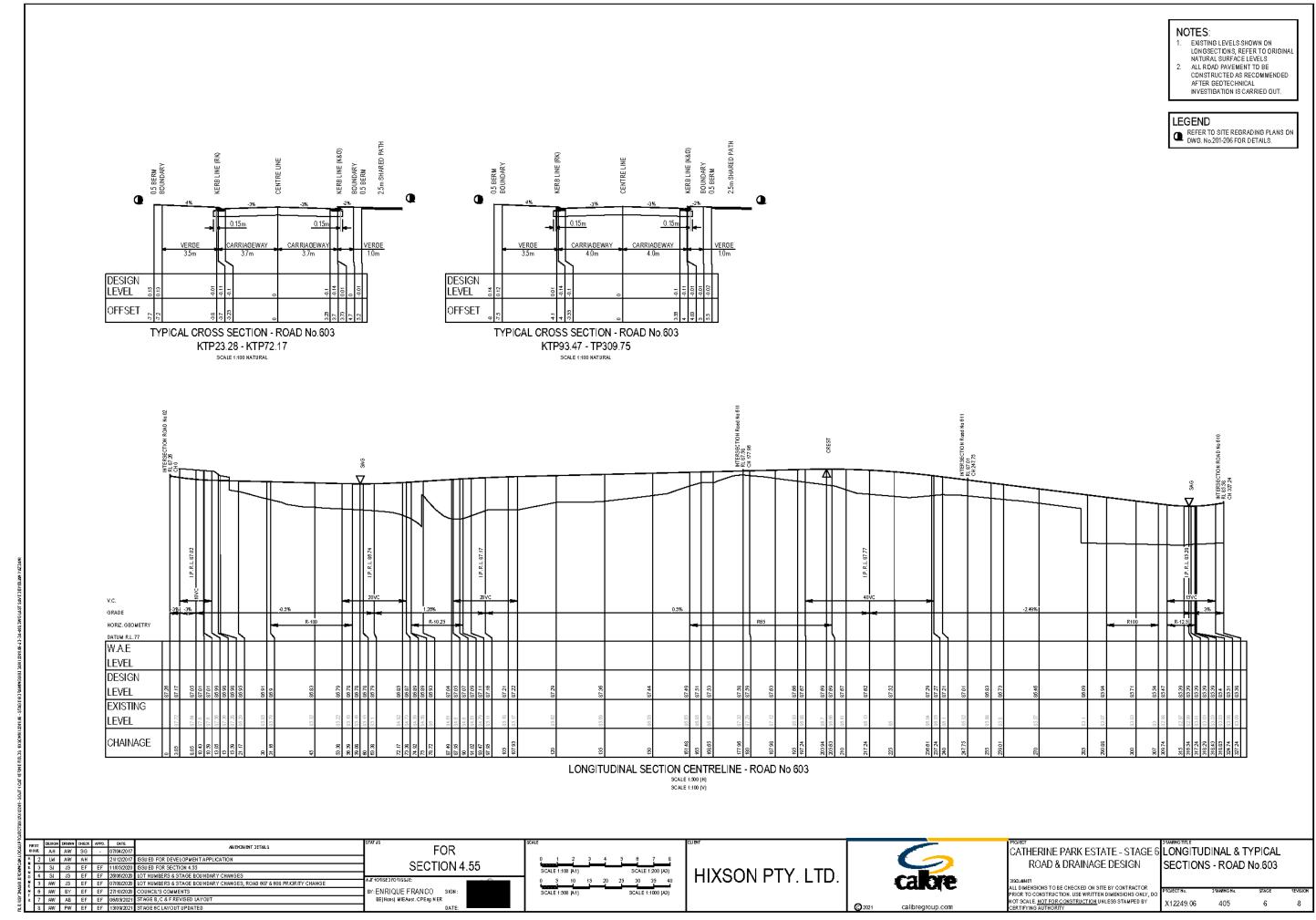
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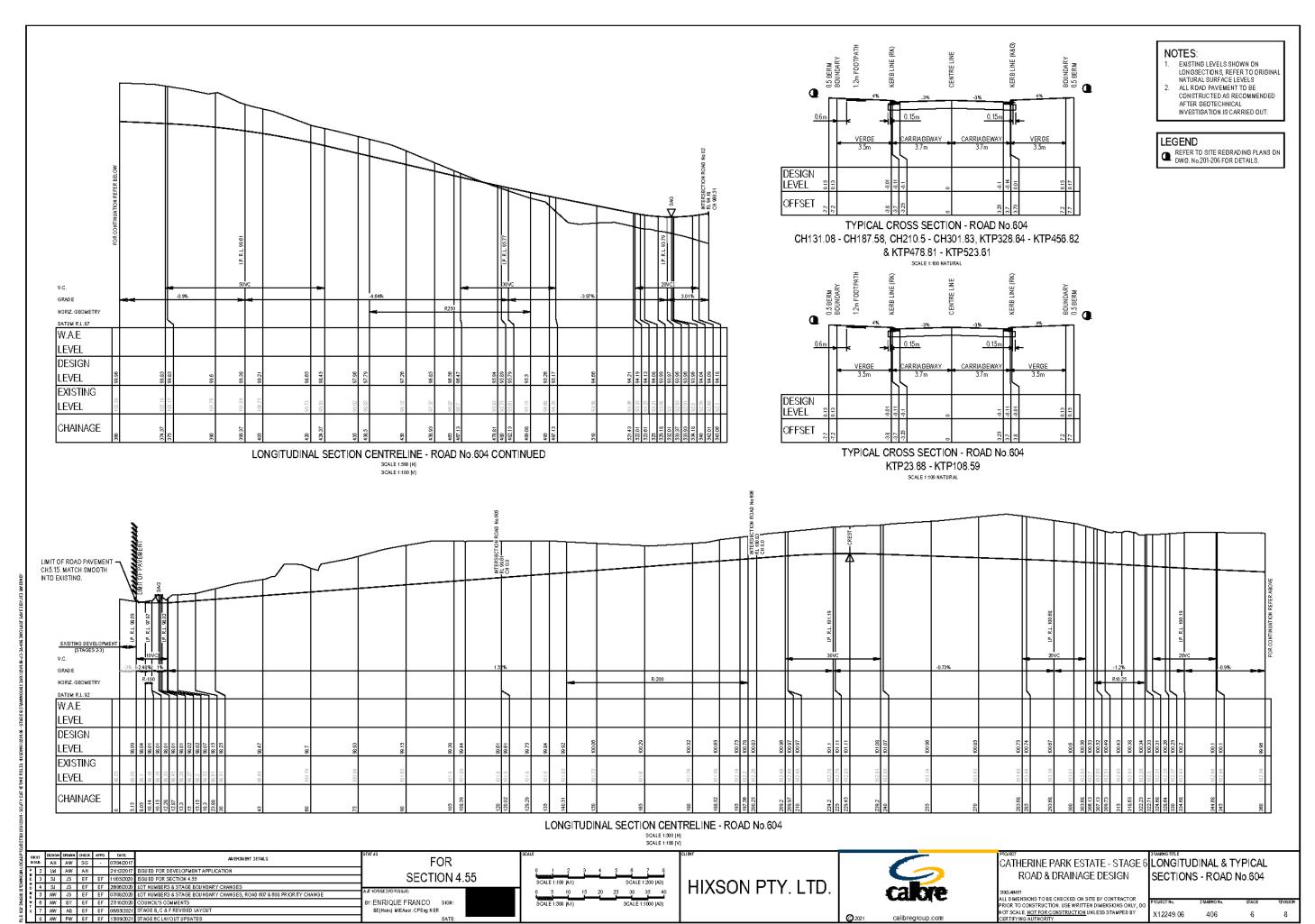


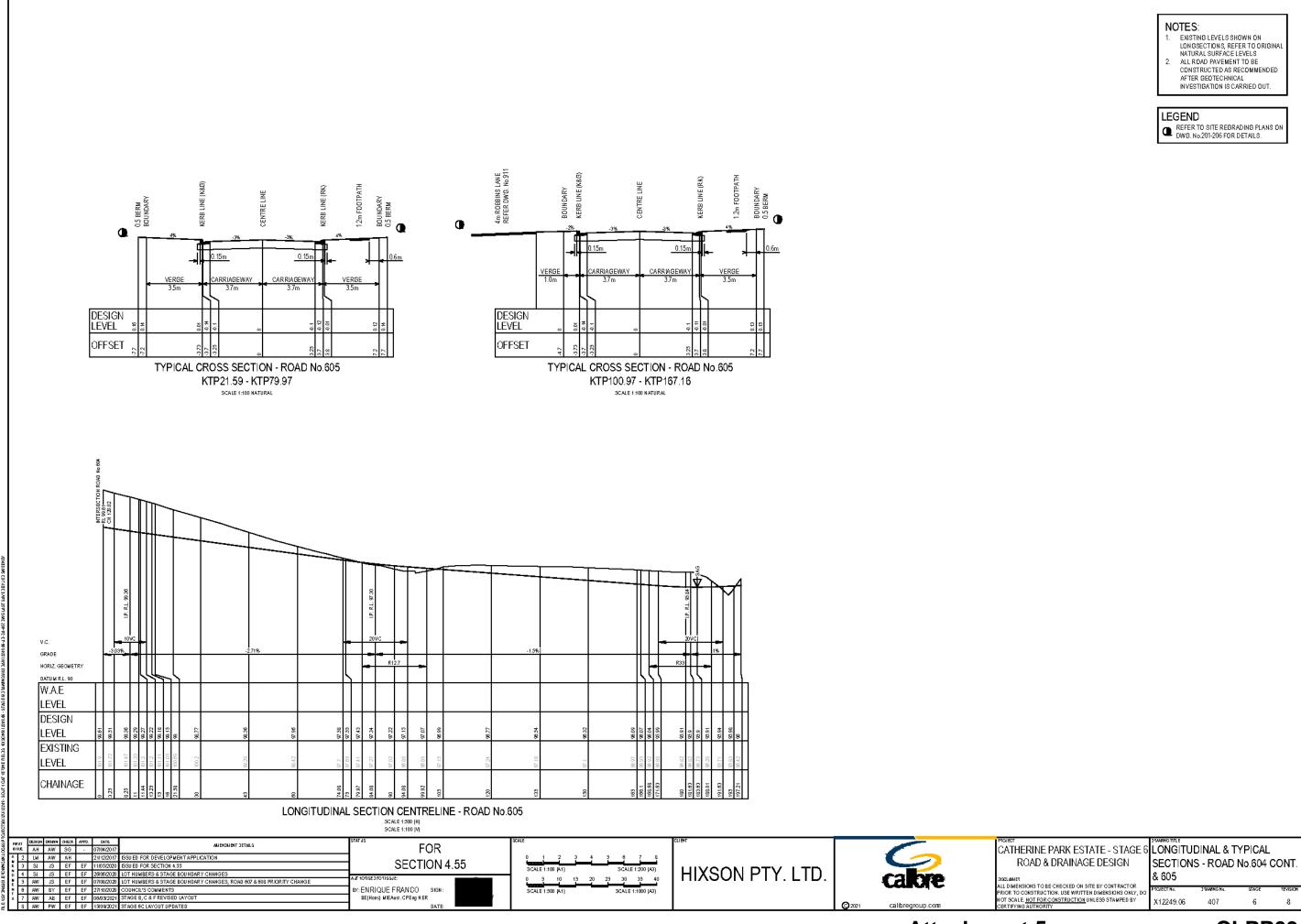
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	CATHERINE PARK ESTATE - STAGE 6	LONGITUDINAL & TYPICAL
		SECTIONS - ROAD No.602
	JISCI AMES	

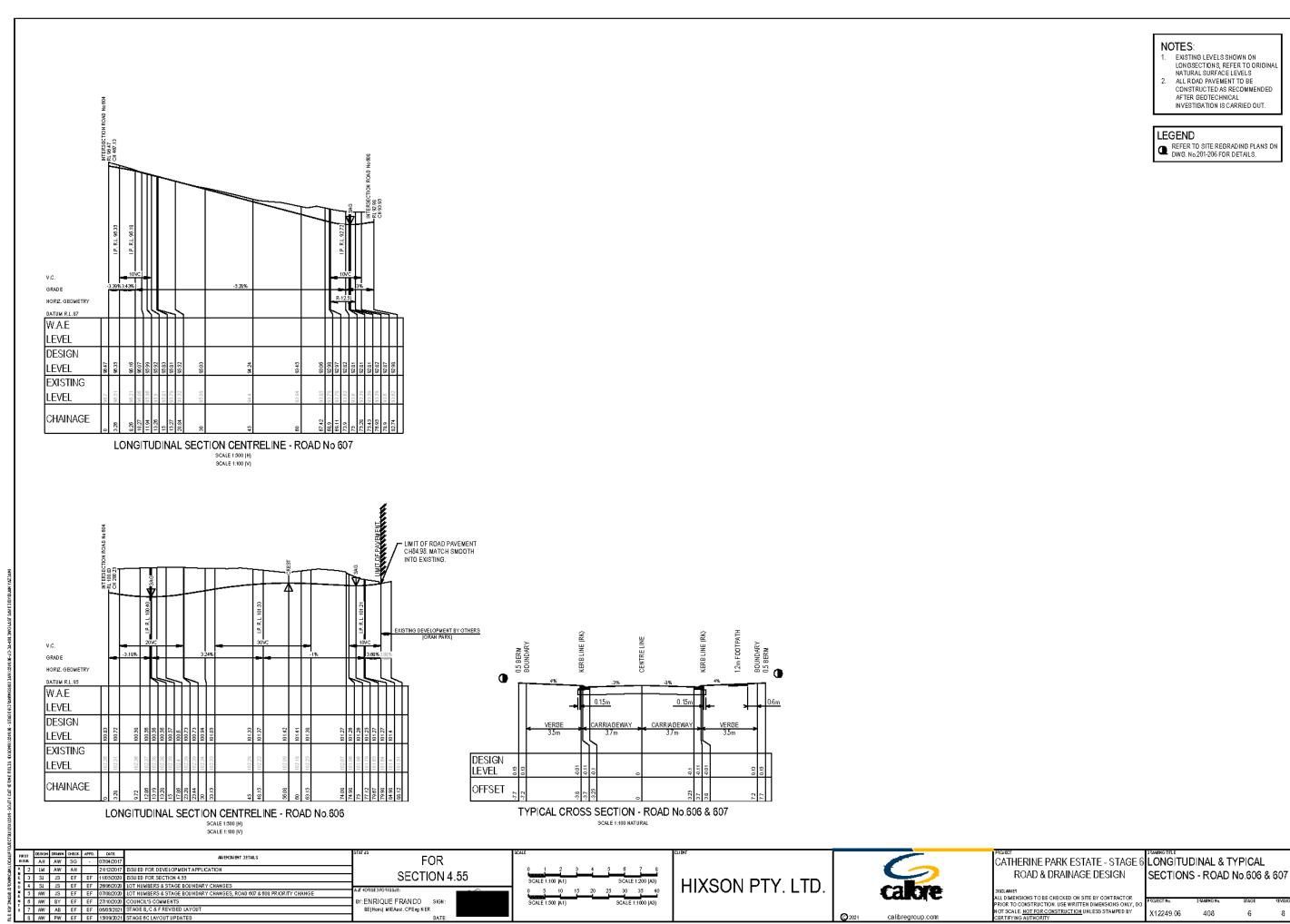
JISCLAMER
ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR
PRIOR TO CONSTRUCTION. USE WRITTEN DIMENSIONS ONLY,
NOT SCALE. <u>NOT FOR CONSTRUCTION</u> UNLESS STAMPED BY
CERTIFYING AUTHORITY.

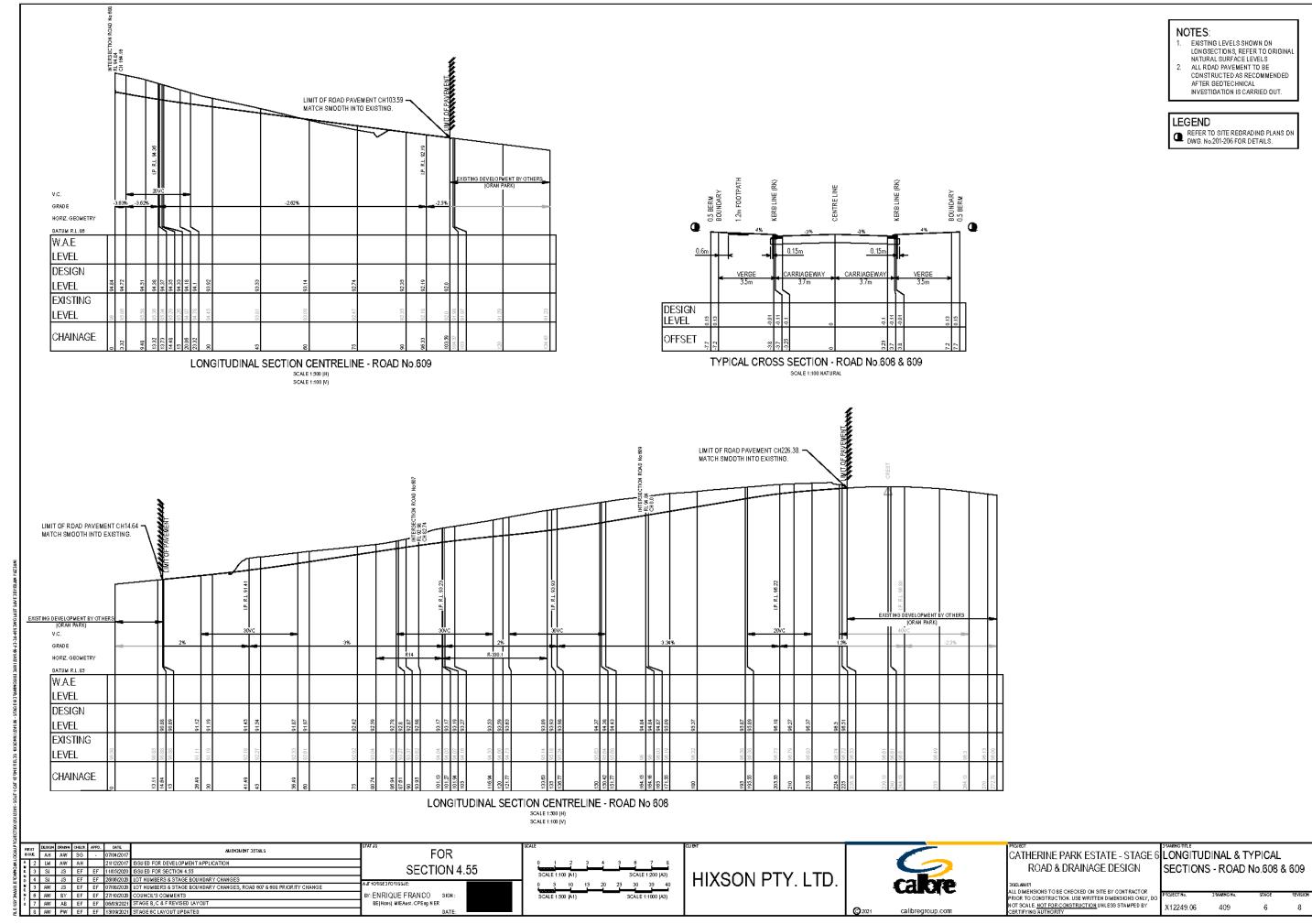
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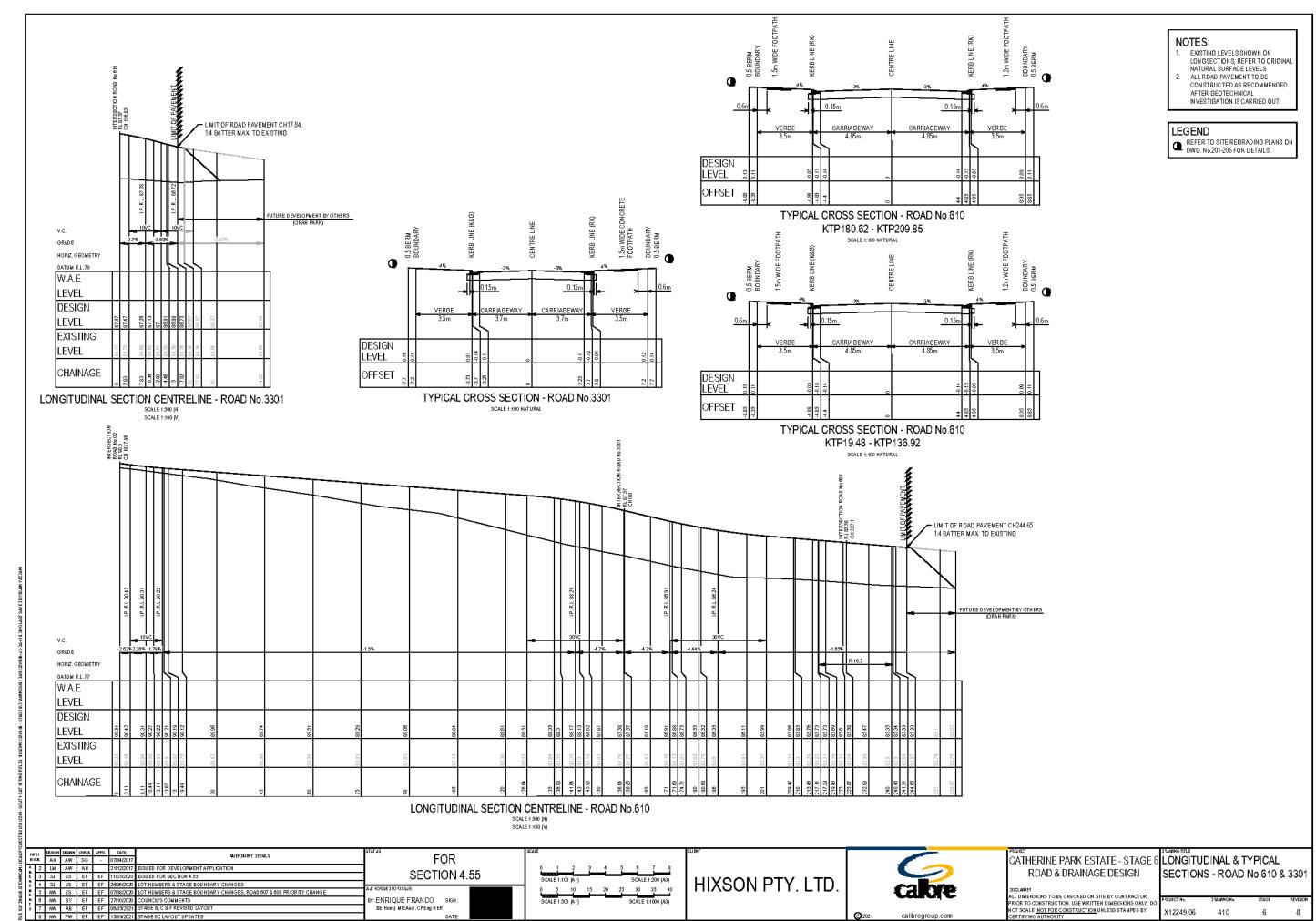


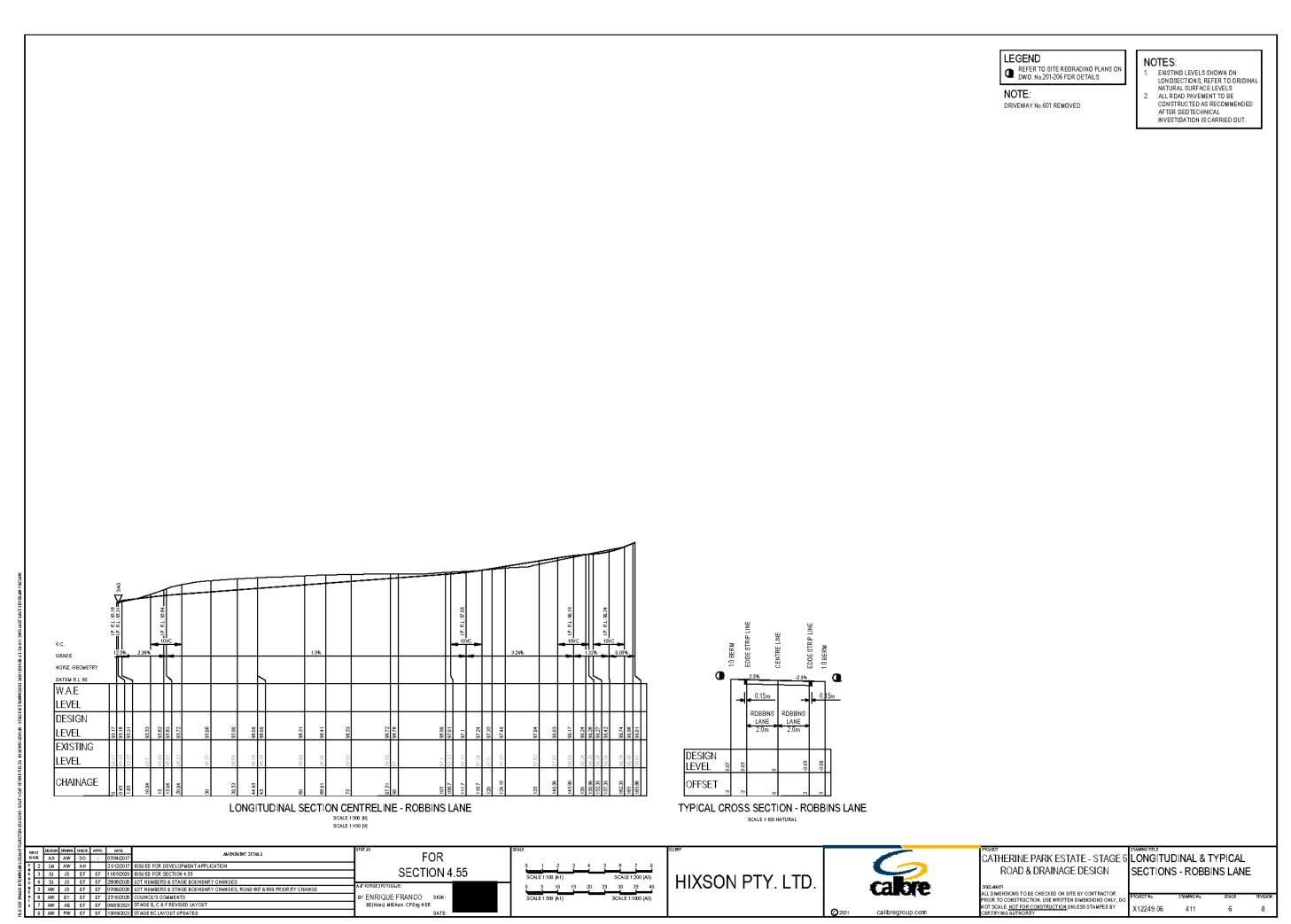


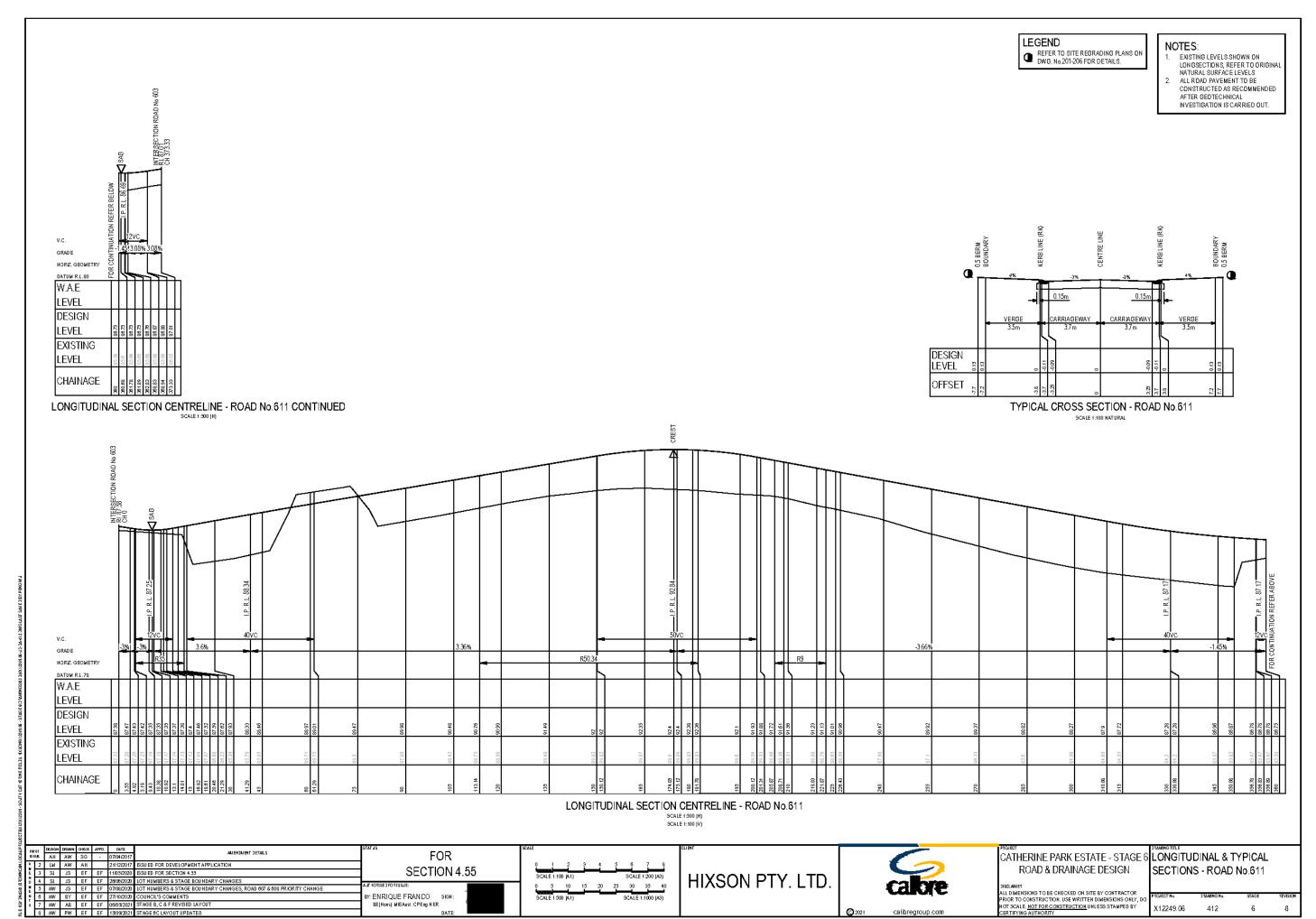


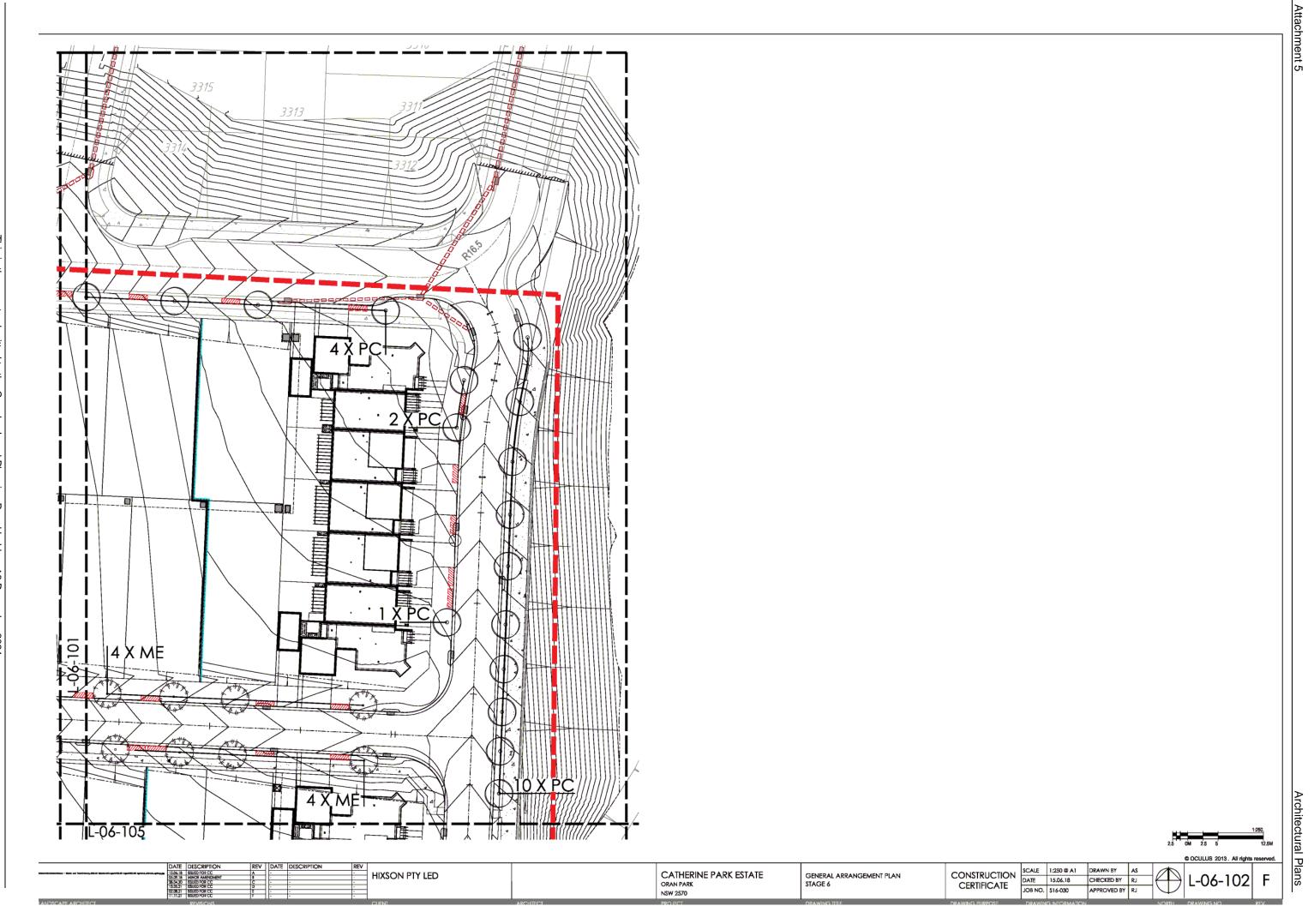






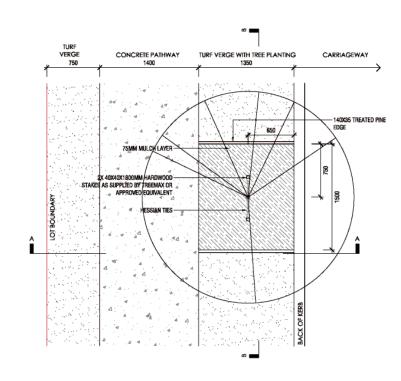


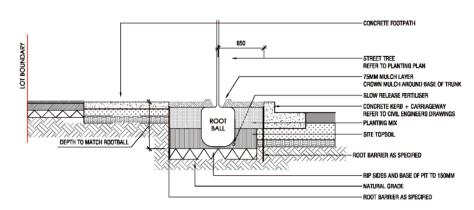


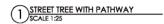


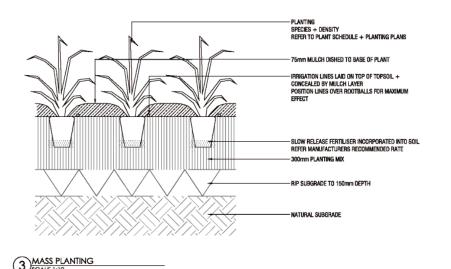
Submitted to the Camber Local Flaming Faire Held on To December 2021

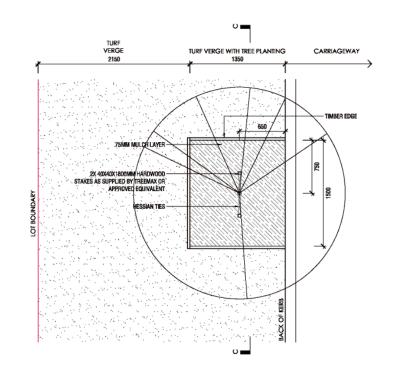
Attachment 5

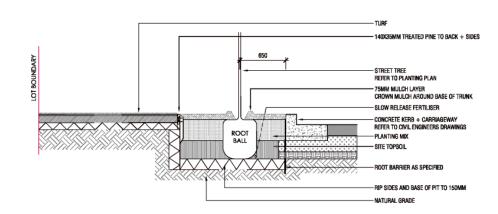




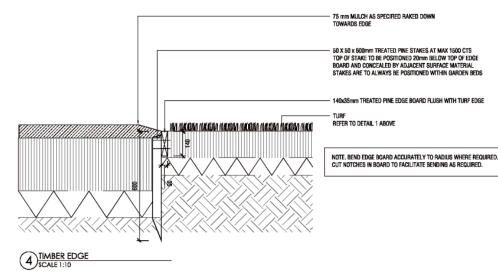












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# **CAMDEN LOCAL PLANNING PANEL**

CLPP04

SUBJECT: DA/2021/285/1 - INTERNAL AND EXTERNAL ALTERATIONS TO

REPAIR FIRE AND WATER DAMAGE IN THE WHITEMAN'S BUILDING

- 76-100 ARGYLE STREET, CAMDEN

**TRIM #:** 21/610154

DA Number:	2021/285/1
Development:	Internal and external alterations to repair fire and water damage in the Whiteman's building
Estimated Cost of Development:	\$1,000,000
Site Address(es):	76-100 Argyle Street, Camden
Applicant:	Mr Neil Mackenzie
Owner(s):	Wolin Investments Pty Ltd
Number of Submissions:	None
Development Standard Contravention(s):	None
Classification:	Local development
Recommendation:	Approve with conditions
Panel Referral Criteria:	Partial demolition of a heritage item
Report Prepared By:	Annabelle Jones, Town Planner

### **PURPOSE OF REPORT**

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for internal and external alterations to repair fire and water damage in the Whiteman's building at 76-100 Argyle Street, Camden.

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

### **SUMMARY OF RECOMMENDATION**

That the Panel determine DA/2021/285/1 for internal and external alterations to repair fire and water damage in the Whiteman's building at 76-100 Argyle Street, Camden pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions **attached** to this report.



### **EXECUTIVE SUMMARY**

Council is in receipt of a DA for internal and external alterations to repair fire and water damage in the Whiteman's building at 76-100 Argyle Street, Camden.

On 12 February 2021, the Panel approved DA/2020/1054/1 which permitted the replacement of the roof and internal structural works to the fire damaged building. A Construction Certificate has been issued by Council; however, these works are not yet completed.

This DA proposes to further rectify damaged building elements to both ground and first floor tenancies, including the re-fit of the first floor restaurant known as "Upstairs at Fred's". Make good works are also proposed to various ground floor tenancies, including the premises marked as "Shop 1, 90-100 Argyle Street" on the submitted architectural plans. This tenancy is the subject of separate DA/2021/847/1 for a change of use and internal fit-out for an Anytime Fitness 24-hour gymnasium.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 29 March to 12 April 2021 and no submissions were received.

There are no development standard contraventions or DCP variations proposed.

The submitted plans and documents, including a Statement of Heritage Impact, have been reviewed and are supported by both Council's Heritage Officer and an external heritage consultant who peer reviewed the DA (City Plan Heritage Pty Ltd). The proposed alterations necessitate a Building Code of Australia (BCA) 2019 and fire safety upgrade for the building, including the installation of a new commercial lift shaft near the front, north-western entrance. Given the building's age, full BCA compliance is not achievable and therefore several alternative solutions have been proposed, which are generally supported by Council's Team Leader – Building Certification. Some further details are required in order to finalise the BCA assessment prior to the issue of a Construction Certificate, as detailed in the recommended conditions.

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



### **AERIAL PHOTO**



### **THE SITE**

The subject site is known as 76-100 Argyle Street, Camden and is legally described as Lot 1 in DP 1027952. The site also has a secondary frontage to Hill Street.

The site is in the commercial centre of Camden on land zoned B2 Local Centre. The site contains a number of attached, two-storey commercial buildings which form part of the "Whiteman's" heritage listing within Camden's Heritage Conservation Area. A significant portion of the building in the north western corner of the site has been destroyed by fire and is currently unroofed, although a Construction Certificate for the roof replacement has recently been issued in association with DA/2020/1054/1.

The site and it's built form are a valuable contribution to the Heritage Conservation Area and the streetscape of Argyle Street. The building is representative of a turn-of-the-century landmark retail building prominent in the main street of Camden. It was established as "F. C. Whiteman and Sons" in 1878 by C.T. Whiteman and is locally significant as one of the oldest and longest running retail stores in Camden. It is a key building in the streetscape of Argyle Street due to its size and presence.



# **SITE PHOTOGRAPHS**

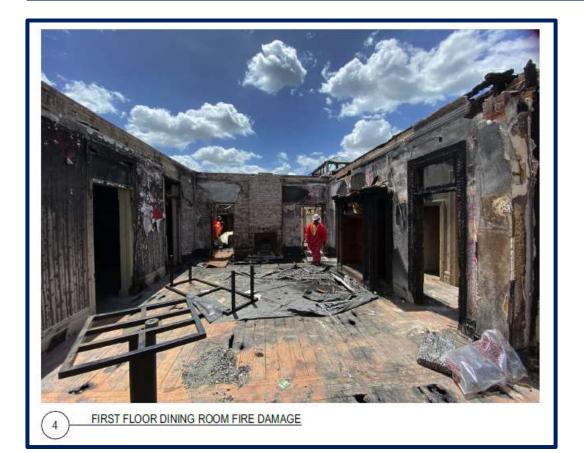




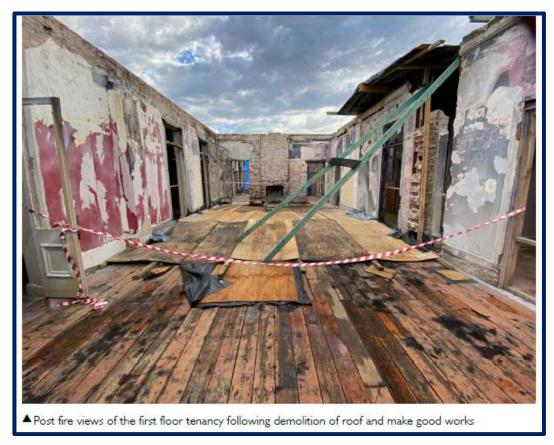
















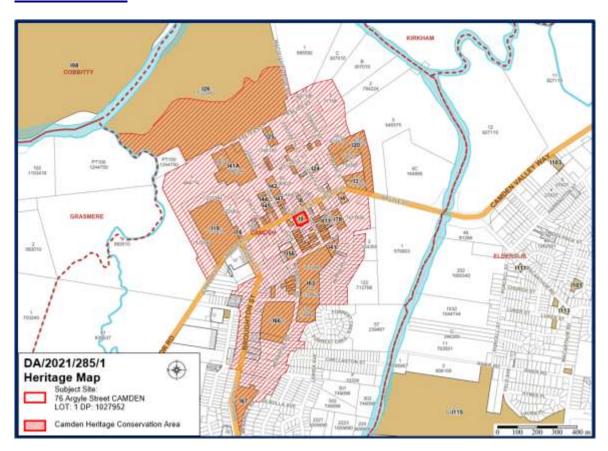


# **ZONING PLAN**





# **HERITAGE MAP**



# **HISTORY**

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

Date	Development
1889	C.T. Whiteman built and opened the store on the corner of Argyle and Hill Streets.
22 December 2006	DA/2005/231/1 approved the fitout and use of the first floor for a restaurant with a new balcony awning including restaurant seating.
5 March 2007	DA/2007/151/1 approved the use of the first floor balcony as a restaurant.
5 September 2013	DA/2012/1194/1 approved internal alterations to create a retail arcade comprised of five units.
23 May 2017	DA/2016/1190/1 approved the use of the rear, unroofed upper deck area to accommodate 100 patrons associated with the existing restaurant including fit out of toilets, erection of acoustic screens and associated site works.
18 September 2020	The subject building was significantly damaged by fire. The roof collapsed as a result. An Emergency Order under Section 124 of the <i>Local Government Act 1993</i> was issued to the owner of the site requiring an immediate inspection by a Structural Engineer,



	implementation of a formal exclusion zone, asbestos assessment, installation of safety fencing and to make the site safe.
26 October 2020	An additional Emergency Order under Section 124 of the <i>Local Government Act 1993</i> was issued to the owner to undertake works in accordance with the recommendations of the asbestos assessment. All make safe works and asbestos removal occurred between September and November 2020.
12 February 2021	DA/2020/1054/1 approved alterations and additions for the roof replacement, including removal of fire damaged roof structure, replacement of timber flooring, removal of internal wall materials, construction of a new galvanised metal orb roof, reconstruction of windows and doors and internal plastering. A Construction Certificate has been issued by Council and these works are currently underway.
Currently Assessing	DA/2021/847/1 proposes a change of use of Suites 1 and 3 (marked as Shop 1, 90-100 Argyle Street on the subject plans) to a recreation facility (24/7 Anytime Fitness gymnasium), including internal fit-out and signage.

### **THE PROPOSAL**

DA/2021/285/1 seeks approval for internal and external alterations to repair fire and water damage. Specifically, the development involves:

- Demolition, refurbishment or replacement of fire and water damaged building elements, including walls, ceilings, floors, windows, doors, skirtings and architraves to various ground and first floor tenancies;
- Re-fit bar and restaurant area on the first floor (known as "Upstairs at Fred's");
- Initial make good works for Suites 1 and 3 (marked as "Shop 1, 90-100 Argyle Street" on the submitted architectural plans). This tenancy is subject to a separate assessment under DA/2021/847/1 for a future 24-hour gymnasium fit-out for Anytime Fitness. The initial works to be carried out in this tenancy under the subject DA/2021/285/1 include repainting of existing steel beams, replacement of timber and plasterboard ceiling and removal/closing in of a former skylight, which was a later commercial addition installed to the building before fire, and did not contribute to the heritage significance of the site; and
- Installation of various BCA and fire safety upgrade measures, including a new lift shaft and stairs from the ground to first floor near the north western front entrance into the building.

The estimated cost of the development is \$1,000,000.

### <u>ASSESSMENT</u>

### Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:



### (a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

### State Environmental Planning Policy No.55 – Remediation of Land

After the fire, the owner of the site was issued with an Emergency Order under Section 124 of the *Local Government Act 1993* requiring inspection by a Structural Engineer, implementation of a formal exclusion zone, asbestos assessment and installation of safety fencing to make the site safe. An additional Emergency Order under Section 124 of the *Local Government Act 1993* was issued to the owner to undertake works, in accordance with the recommendations of the asbestos assessment.

All make safe works and asbestos removal occurred between September and November 2020. Certificates have been issued by an Occupational Hygienist for the site and the building is now suitable for people to occupy in order to complete the works outlined in this application. For the purposes of the proposed base building rectification works, the site is suitable.

### Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)

SREP 20 seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

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

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

#### Site Zoning

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

### Land Use/Development Definitions

The proposed development does not involve any changes to the use of land, but it will facilitate the recommencement of use of the site as a "commercial premises" and a "restaurant" as defined by the Camden LEP, once all works are complete and the site is rendered fit for occupation.

### Permissibility

The recommencement of the use of the site as a "commercial premises" and a "restaurant" is permitted with consent in the B2 zone pursuant to Clause 2.6 and the land use table of the Camden LEP.



### Planning Controls

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

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

### Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

# <u>Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)</u>

The development is consistent with the Draft Remediation SEPP as certificates have been issued by an Occupational Hygienist stating that the site / building is suitable for people to occupy in order to complete the works outlined in this application.

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

### Camden Development Control Plan 2019 (Camden DCP)

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

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

# (a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions **attached** to this report.

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

As demonstrated by the above assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.



The proposal will allow for several commercial tenancies to return to trading and contribute to the vibrancy of the town centre. All works are sympathetic to the heritage values of the site and locality and will contribute positively to Camden Town Centre Heritage Conservation Area.

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

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 29 March to 12 April 2021 and no submissions were received.

### (e) the public interest

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

### **EXTERNAL REFERRALS**

No external referrals were required for this DA however, the DA was peer reviewed by an external heritage consultant who recommended approval subject to the conditions **attached** to this report.

### FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

### **CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions **attached** to this report.

### **RECOMMENDED**

That the Panel approve DA/2021/285/1 for internal and external alterations to repair fire and water damage in the Whiteman's building at 76-100 Argyle Street, Camden, subject to the conditions attached to this report.

### **REASONS FOR DETERMINATION**

 The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No. 55 -Remediation of Land; Sydney Regional Environmental Plan No. 21 (Hawkesbury-Nepean River); and Camden Local Environmental Plan 2010.



- 2. The development is consistent with the objectives of Camden Development Control Plan 2019.
- 3. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
- 4. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

### **ATTACHMENTS**

- 1. Camden LEP Assessment Table
- 2. Camden DCP Assessment Table
- 3. Architectural Plans
- 4. Recommended Conditions

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

Clause	Assessment	Compliance
2.3 Zone objectives and land use table The consent authority must have regard to the objectives for development in a zone when determining a development application in	The proposed alterations are consistent with the zone objectives as they will enable commercial tenancies to be reinstated in the	Yes
respect of land within a zone.  The objectives for the B2 Local Centre zone are:	Whiteman's building, which complements Camden's town centre.	
<ul> <li>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</li> <li>To encourage employment opportunities in accessible locations.</li> <li>To maximise public transport patronage and encourage walking and cycling.</li> <li>To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.</li> <li>To minimise conflict between land uses within the zone and land uses within adjoining zones.</li> <li>To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone.</li> </ul>		
2.7 Demolition requires development consent  Development consent is required to demolish a building or work (unless the demolition is exempt or complying development under another environmental planning instrument).	The proposal includes demolition works, however significant demolition has already occurred from the fire itself and under the subsequent emergency works order previously issued by Council to make the site safe. Further demolition and construction works have also commenced for the roof and first floor structure under DA/2020/1054/1.	Yes
4.3 Height of buildings The maximum building height for this site is 7m.	No changes to the previously approved building height are proposed.	N/A
4.4 Floor space ratio Maximum floor space ratios must not exceed the floor space ratio shown on the Floor Space Ratio Map.	No floor space ratio applies to the subject site.	N/A
5.10 Heritage conservation Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed	The subject site is listed under Schedule 5 of the Camden Local Environmental Plan 2010 as Item 9 "Commercial Building - Whiteman's".	Yes

Page 1

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

development on the heritage significance of the item or area concerned.  The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the item or heritage conservation area concerned. The submission of a heritage conservation management plan may also be required.	and its structures has been considered for the purposes of the proposed development. The proposal will contribute to the	
Development consent may be granted for any purpose of a building that is a heritage item or the land on which such a building is erected, or for any purpose on an Aboriginal Place of Significance is the consent authority is satisfied as to a number of matters listed by this clause; including if the conservation of the item or place is facilitated by the granting of consent.	building is able to be preserved and can continue to be used for	
5.21 Flood planning Development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied to a number of matters listed by this clause; including compatibility with the flood hazard of the land.	The development is above the flood planning level. The proposal will not change the floor levels for the existing building.	Yes

Control	Assessment	Compliance
2.3 Water Management All development must demonstrate compliance with the relevant provisions of Council's Engineering Specifications.	No changes are proposed to the existing stormwater system. The assessment of the previous DA (2020/1054/1) for the replacement of the roof has already ensured that roofwater will be disposed of in accordance with Council's Engineering Specifications, or as deemed appropriate. The replacement toilets, kitchen and bar area proposed on the first floor will utilise existing sewer connections.	Yes
2.9 Contaminated and Potentially Contaminated Land Management An assessment is to be made under SEPP No. 55 – Remediation of Land.	All make safe works and asbestos removal occurred between September and November 2020. A hygiene certificate has also been issued for the relevant parts of the site and the building is suitable for people to enter.	Yes
2.14 Waste Management A Waste Management Plan (WMP) must be submitted for all new development, including demolitions, construction and the ongoing (or change of) use.	A waste management plan accompanied the DA addressing all waste likely to be generated by the proposed demolition and construction works.	Yes
2.16.3 Environmental Heritage New work must be easily identified as such and is required to be sympathetic to the heritage place.	The proposed alterations to the building generally follow the original architectural styles of the building.	Yes
When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.	The previous modern (now damaged) bathrooms, kitchen and bar upstairs will be replaced (in new locations) with contemporary materials and fittings to complement the restaurant.	Yes
Where significance permits modification, alterations to the original room layout of a heritage item is permissible provided the original details such as joinery, plasterwork and wall nibs and can still be interpreted. The significant internal and external fabric and building elements of the principal building are to be retained and conserved.	Various changes are proposed to the internal layout of the building. Prior to the fire, the ground floor finishes had already been altered for commercial purposes; however, the first floor restaurant contained many original architectural details. All salvageable floors, ceilings, walls, doors, skirtings and architraves will be retained or refurbished where possible. Where the damage is too severe, replacement materials to match the existing will be sourced, in accordance with the submitted Statement of Heritage Impact. Efforts have been made in the design to retain the first floor internal openings and bulkheads so that the	Yes

Page 1

	original floor layout can be recognised. A condition is recommended for the preparation of an Interpretation Plan/Strategy, to consider additional ways the building's history can be represented. Conditions are also recommended for the preparation of a specifications report and for all works be undertaken in the presence of a heritage professional.	
Alterations and additions to a heritage item or within a conservation area will be sited and designed to retain the intactness and consistency of the streetscape and the significance of the conservation area.	The proposed alterations will not be highly visible from Argyle Street (with the exception of a replacement fire door to the ground floor entry lobby and refurbished or replacement timber French doors/windows to the first floor balcony) and therefore will not impact the intactness of the conservation area. The previous DA/2020/1054/1 for the roof replacement included a detailed assessment of the external bulk, form, materials and finishes to ensure compatibility with the streetscape.	Yes
Where there is a uniform building front setback, new development must recognise this.	No changes are proposed to the existing front setback or building line.	
The existing informal and irregular pattern of rear property building alignments is to be retained.	No changes are proposed to the existing rear setback, except for the relocation of a cool room (3m shift away from side boundary) and the reconstruction of an existing, non-	Yes
	compliant, rear balcony. These first floor elements do not contribute to the overall pattern of rear setbacks.	Yes
The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area must be retained.	No further changes are proposed to the roof, as previously approved under DA/2020/1054/1.	
Original verandas and balconies are not to be removed, altered or enclosed.	No changes are proposed to the existing front balcony, except for refurbishment or replacement of door/window openings opening out to this area.	N/A
		Yes
The significant original internal elements of a building, such as distinctive joinery, fireplaces, decorative plasterwork are generally to be retained and conserved in	As noted above, all salvageable elements will be retained, refurbished or replaced appropriately.	

Page 2

heritage places. recommended condition is Yes heritage specifications to be provided to Council's heritage officer prior to the Colour schemes on heritage items issue of a Construction Certificate. No be appropriate and changes to the existing green and sympathetic to the building type cream external colour scheme have period and architectural style. been proposed. Yes Appropriate external lighting may be used to highlight the architectural No changes to the existing lighting features of significant buildings. scheme are proposed. air conditioning units, Skylights, No new service infrastructure is solar panels, satellite antennas, proposed that will be visible from Argyle dishes etc. must not be visible from Street. the street. N/A The demolition of a heritage place is The demolition components are contrary to the intent of heritage considered absolutely necessary to the listing. It will only be considered as survival of the building. Parts of the a last resort, where a Heritage Yes building have been damaged beyond Impact Statement is submitted repair and are required to make the covering the following: building safe or to support restoration works. A Heritage Impact Statement all Documentation that was submitted with the application to Yes alternatives for retention have support the proposal and provides been investigated and ruled out. recommendations for completing the b. It be satisfactorily works in an appropriate demonstrated that the building sympathetic manner. does not satisfy the criteria for listing established by the NSW Heritage Branch. c. It has been sufficiently documented and justified that structure is considered incapable of repair. consent is issued for demolition, or part demolition, of a detailed photographic archival heritage place a comprehensive recording of the building was prepared diagrammatic and photographic association with the archival record is to be made of the DA/2020/1054/1 and resubmitted in structure to be demolished. This support of the subject application. A must be submitted to Council's condition is recommended which satisfaction prior to commencement requires further photographs to be of any demolition works. A heritage taken during and post-construction consultant experienced in the works and submitted to Council prior to Yes preparation of an archival recording the issue of any Occupation Certificate. required to undertake the recording.

Page 3

2.16.4 Camden Heritage Conservation		
<u>Area</u>		
Views associated with the St John's Church spire must not be compromised.	Views to the St John's Church Spire will be maintained as they have been historically.	Yes
Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive reuse opportunities can be used to facilitate the conservation of these buildings.	The proposed alterations will facilitate the reinstatement of the commercial use of the building and its associated conservation.	Yes
A two storey height limit must prevail except for significant architectural features incorporated into the design of buildings in significant locations.	No additional storeys are proposed to the existing two storeys.	Yes
Development of the flood affected fringes of the town must not compromise the prevailing character.	The site falls outside of the flood affected areas.	N/A
In commercial areas where historical evidence exists, awnings and/or veranda's must be provided on the front elevation and must complement existing awnings and verandahs on adjacent buildings	The existing veranda and balcony is proposed to be retained.	Yes
2.17.1, 2.17.2 and 2.17.4 – Signs Various design controls.	No changes are proposed to the existing "Whiteman's Arcade" sign on the front verandah façade.	N/A
2.18 Off Street Car Parking Rates/Requirements Various rates for commercial uses and restaurants.	No increase in gross floor area is proposed, therefore the proposal does not generate any additional demand for parking.	N/A
5.3.1 Camden – B2 Local Centre		
New development should complement or reinforce the retail functions of the centre, particularly along Argyle Street frontages and associated pedestrian accessways.	The proposed works will enable the damaged building to contribute to the retail function of the town centre.	Yes
Buildings should maintain and enhance the historic character of Argyle, Hill and John Streets in the town centre.	The existing window and door openings on the front elevation match those that were damaged in the fire and reflect how the façade was previously seen from Argyle Street.	Yes
Buildings fronting Argyle Street should incorporate awning structures	The existing balcony is proposed to be	

Page 4

into their front facades in a manner consistent with the prevailing character of existing buildings. These awnings will convenient and sheltered access for pedestrians at the frontage of the premises.	retained and restored where necessary.	Yes
Development within the B2 Local Centre zone at Camden must be consistent with the Camden Town Centre Urban Design Framework.	The proposal does not result in any departure from the Camden Town Centre Urban Design Framework.	Yes

# DEVELOPMENT APPLICATION - GROUND & FIRST FLOOR POST FIRE REMEDIATION, INTERNAL WORKS & BCA UPGRADE







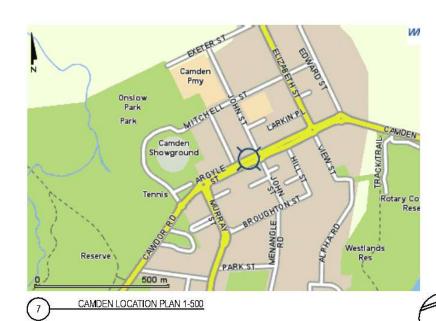


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DA01	TITLE PAGE & LOCATION PLAN	02	
DA02	SITE PLAN 500	02	
DA03	GROUND FLOOR EXISTING PRE FIRE PLAN	02	
DA04	GROUND FLOOR DEMOLISION PLAN	02	
DA05	GROUND FLOOR REMEDIATION PLAN	03	
DA06	GROUND FLOOR REMEDIATION REFLECTE	03	
DA07	FIRST FLOOR EXISTING PRE FIRE PLAN	02	
DA08	FIRST FLOOR DEMOLISION PLAN	02	
DA09	FIRST FLOOR REMEDIATION PLAN	04	
DA10	FIRST FLOOR REMEDIATION REFLECTED C	02	
DA11	RESTAURANT ELEVATIONS	01	
DA12	RESTAURANT ELEVATIONS 01	01	
DA13	EXISTING TYPICAL DETAILS	02	





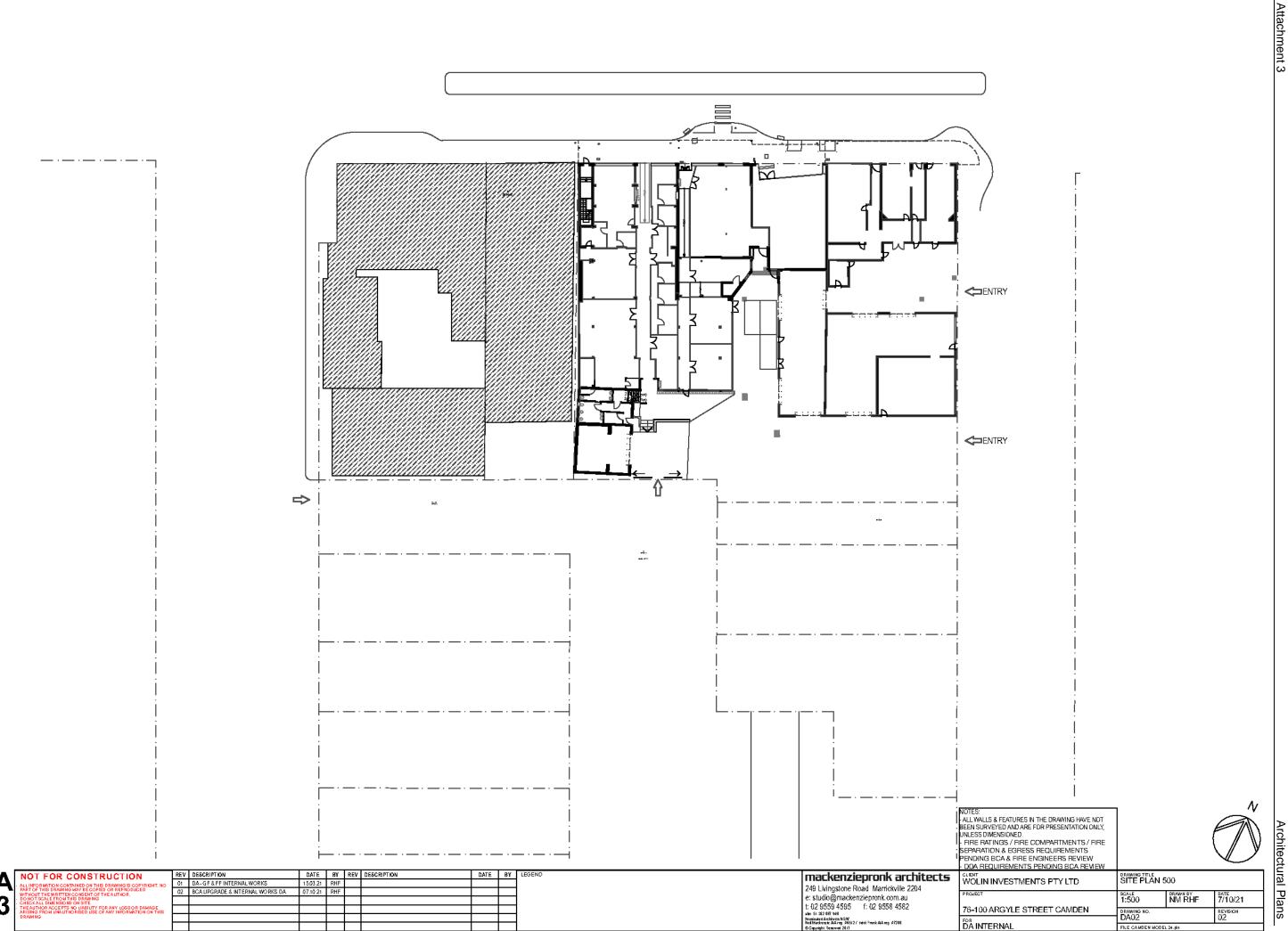




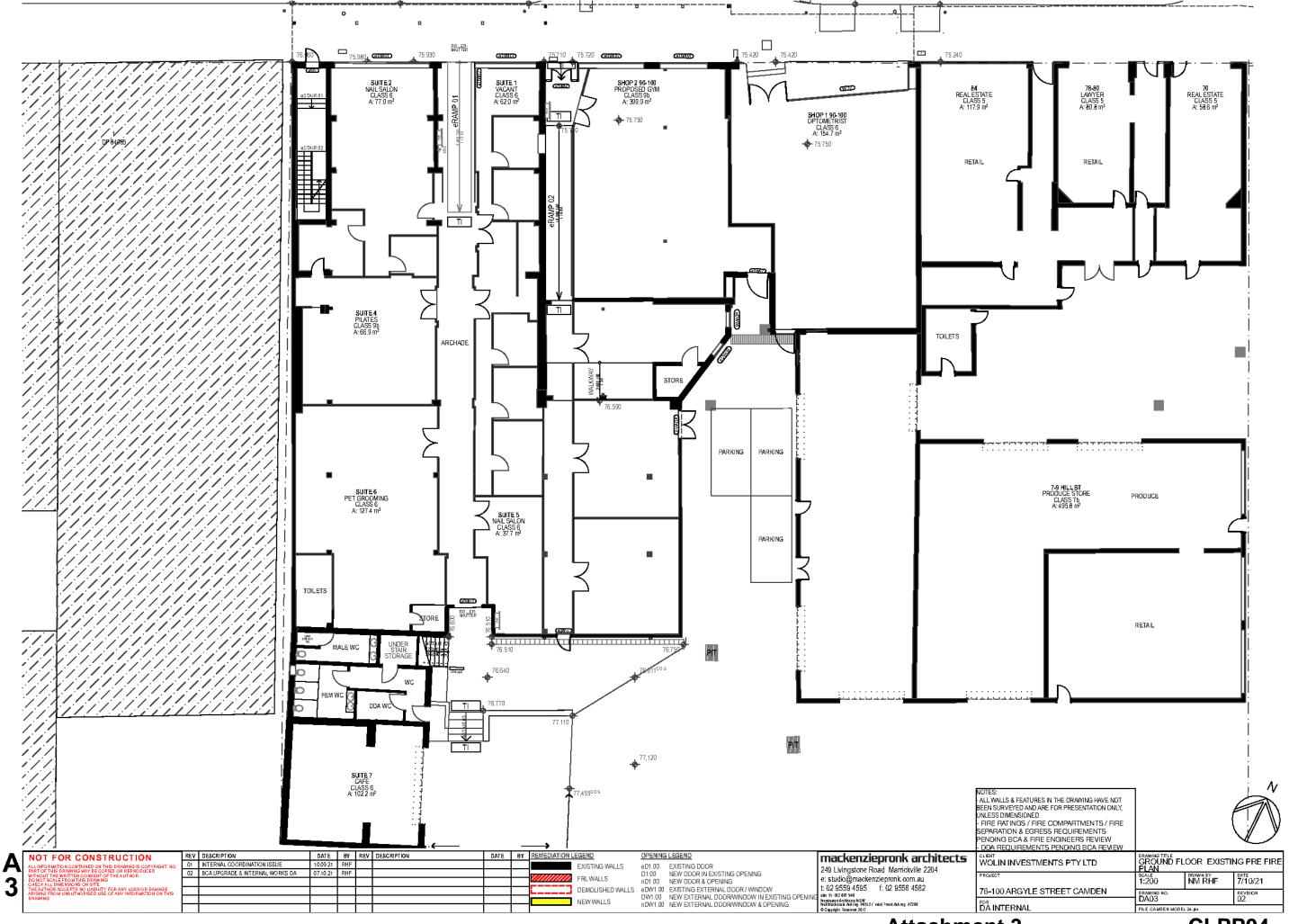
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Architectural Plans

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DATE BY REMEDIATION LEGEND

EXISTING WALLS

FRLWALLS

OPENING LEGEND

eD1.00 EXISTING DOOR
D1.00 NEW DOOR IN EXISTING OPENING
nD1.00 NEW DOOR & OPENING

DEMOLISHED WALLS eDW1.00 EXISTING EXTERNAL DOOR/WINDOW DW1.00 NEW EXTERNAL DOOR/WINDOW IN EXISTING OPENING NEW EXTERNAL DOOR/WINDOW & OPENING

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DEMOLISH NON-COMPLIANT

DOORWAY

**Attachment 3** 

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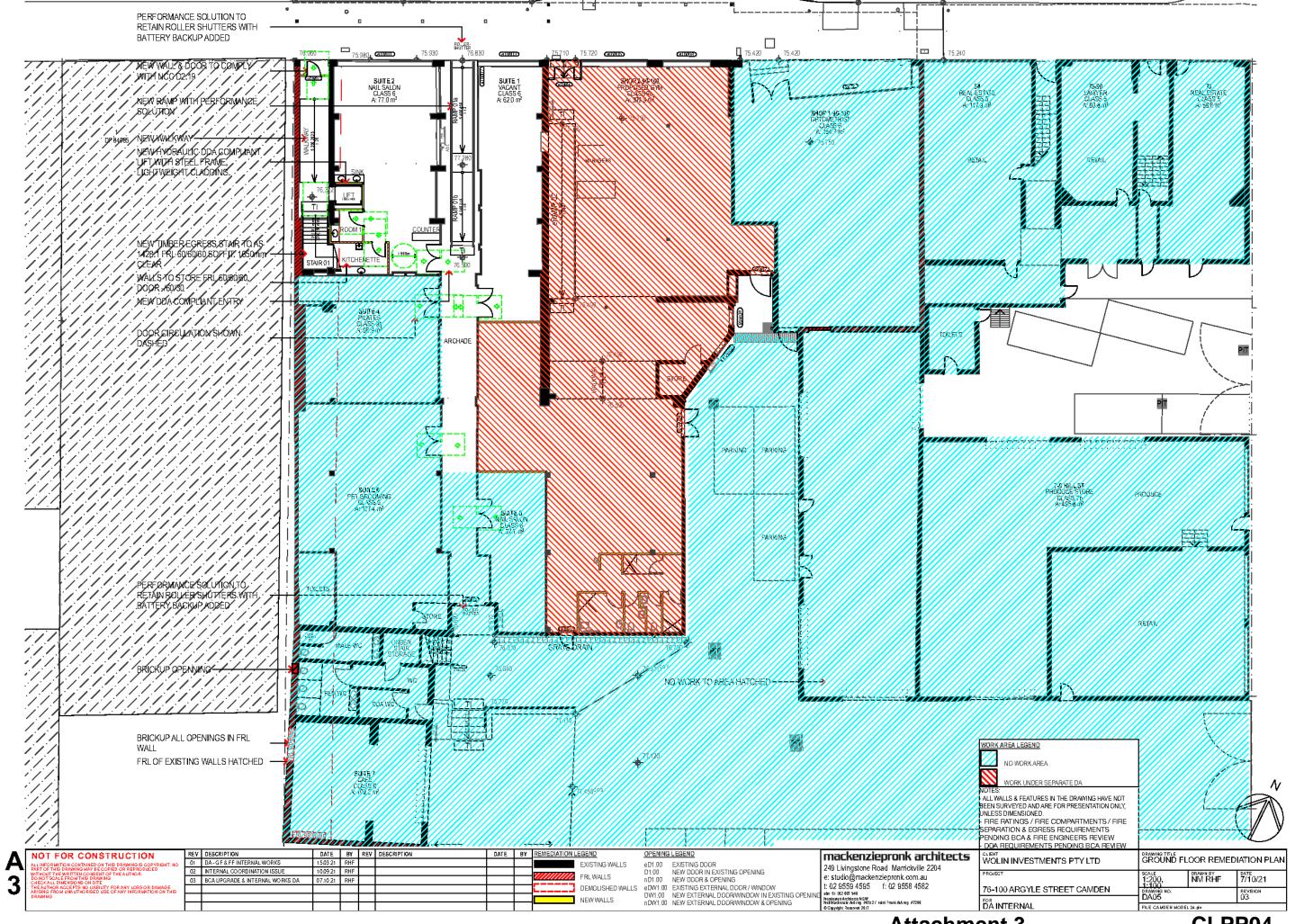
Plans

WOLIN INVESTMENTS PTY LTD GROUND FLOOR DEMOLISION PLAN NM RHF

7/10/21 76-100 ARGYLE STREET CAMDEN DA04 DA INTERNAL

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REV DESCRIPTION



Panel held on

16 December

Attachment 3

CLPP04

7/10/21

NM RHE

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76-100 ARGYLE STREET CAMDEN

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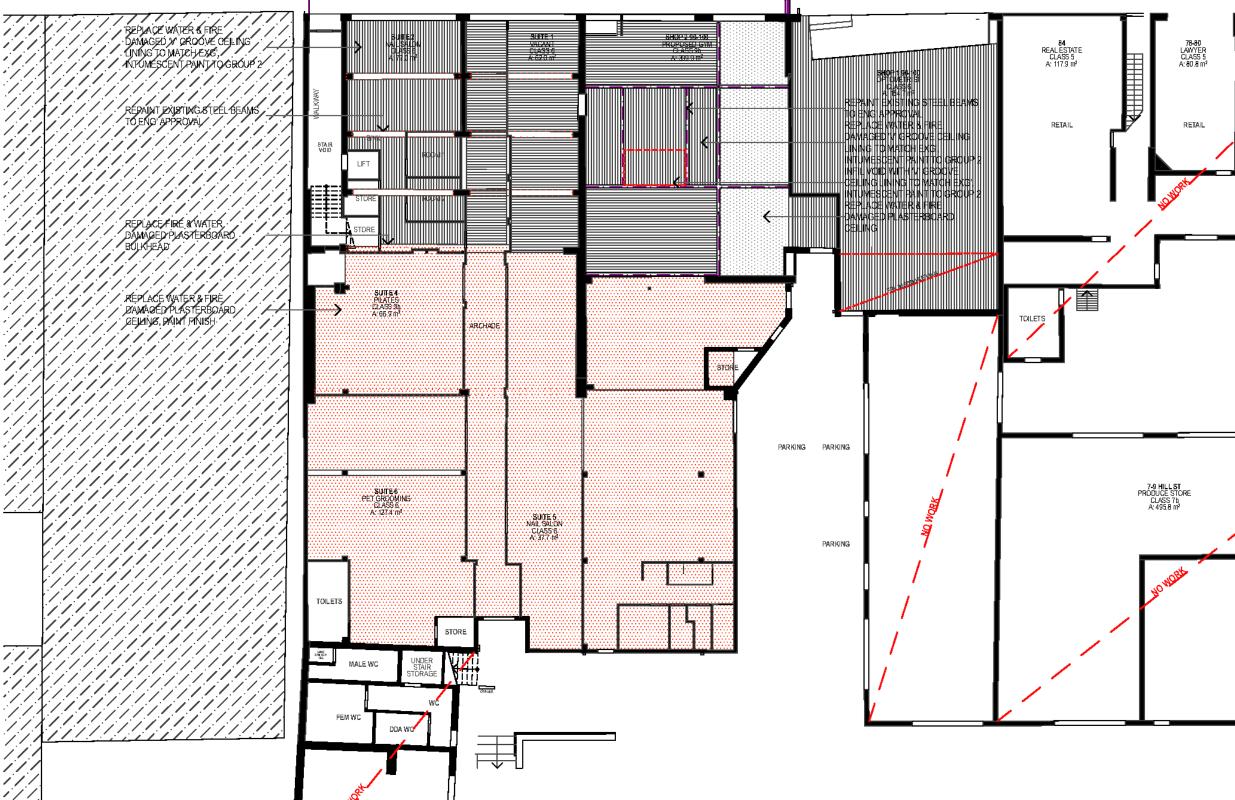
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mackenziepronk architects

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t: 02 9559 4595 f: 02 9558 4582

**Attachment 3** 



DATE BY REMEDIATION LEGEND

EXISTING WALLS

FRLWALLS

OPENING LEGEND

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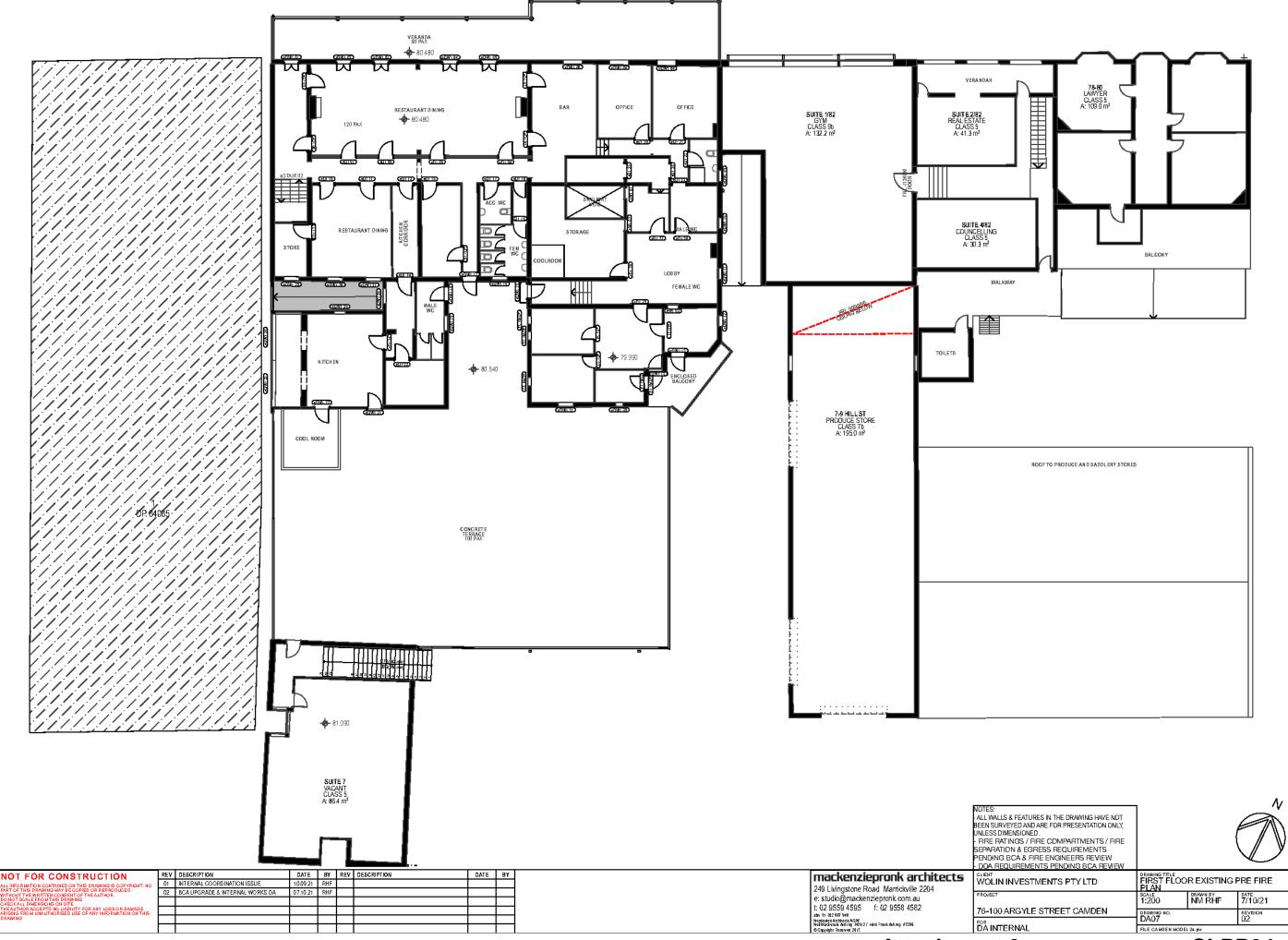
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02 INTERNAL COORDINATION ISSUE

03 BCA UPGRADE & INTERNAL WORKS DA

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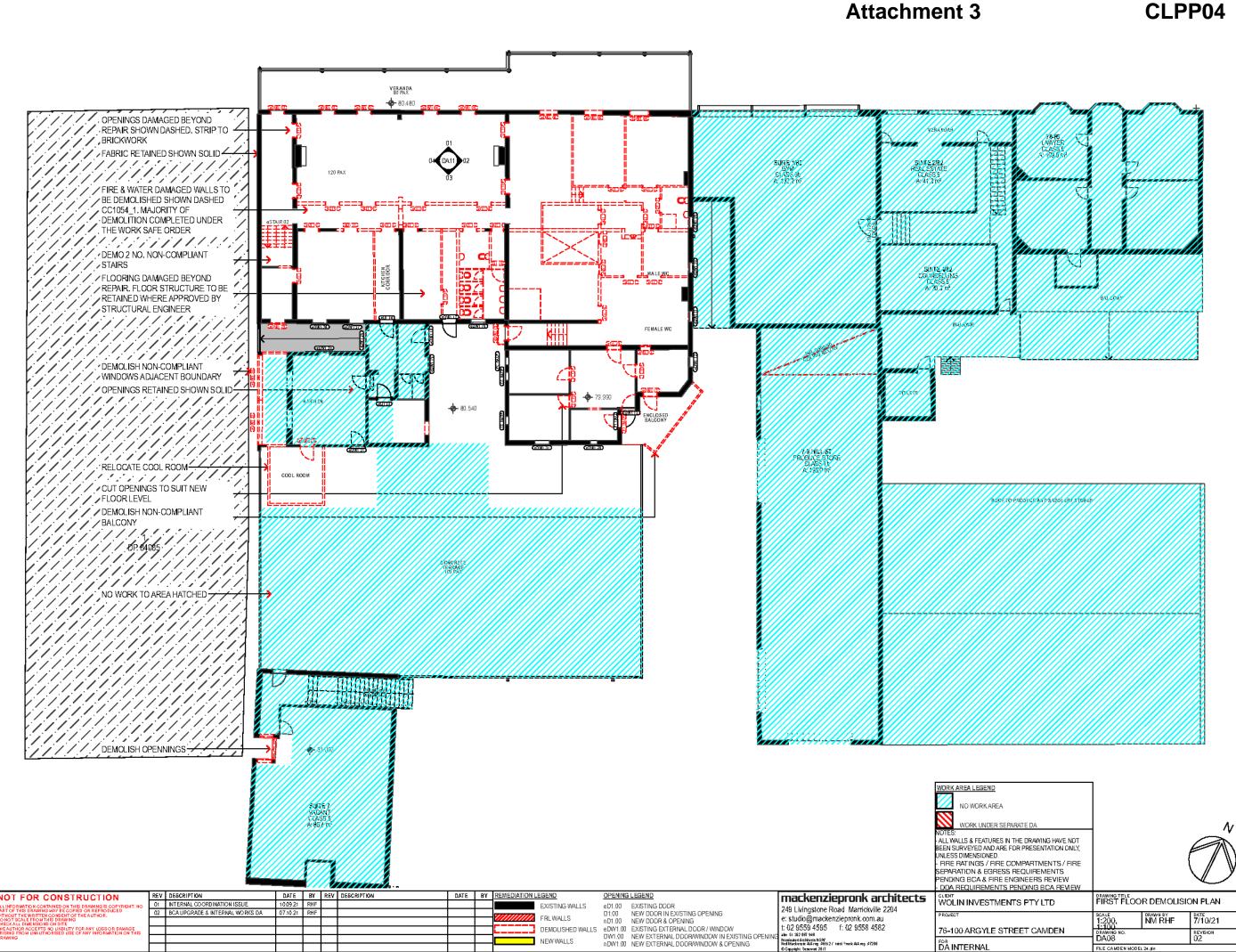
Page 297



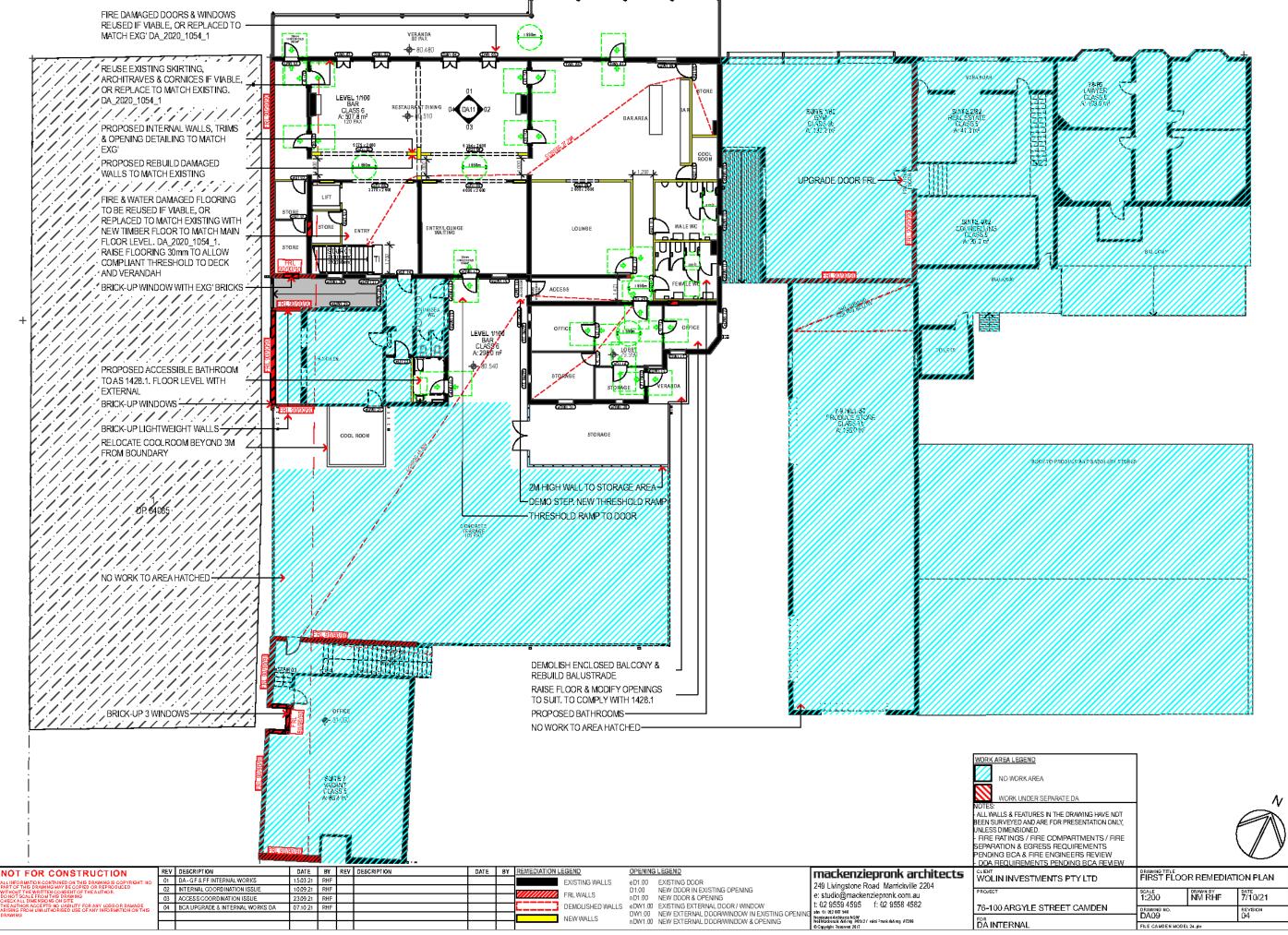
Architectural Plans

**Architectural** 

Plans



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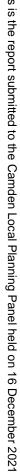


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Attachment 3

Architectural Plans

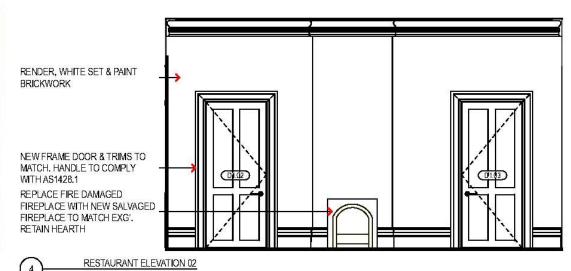




POST MAKE SAVE SITE STATUS-01

RE-BUILD DIVIDING WALL IN FRAMING. SET TO LEVEL 5, PAINT FINISH PLASTER CORNICE TO MATCH EXISTING, PAINT FINISH RENDER, WHITE SET & PAINT BRICKWORK DW1.02 (DW1.04) FIXED HEIGHLIGHT TO MATCH EXG'. CLEAR GLAZING TO AS1288 RE-MILLED TYPICAL PINE ARCHITRAVES TO MATCH EXG', PAINT FINISH RETAIN FRAMES WHERE FEASIBLE, OR REPLACE TO MATCH EXG'. PAINT FINISH CLEAN & REUSE EXG' HARDWARE-REFURBISH IF FEASIBLE, OR REPLACE TO MATCH EXG'. GLAZING UPGRADED TO COMPLY WITH AS1288 RE-MILLED PINE SKIRTING TO MATCH EXG'. PAINT FINISH RETAIN BRICK NIB-

POST MAKE SAVE SITE STATUS-02

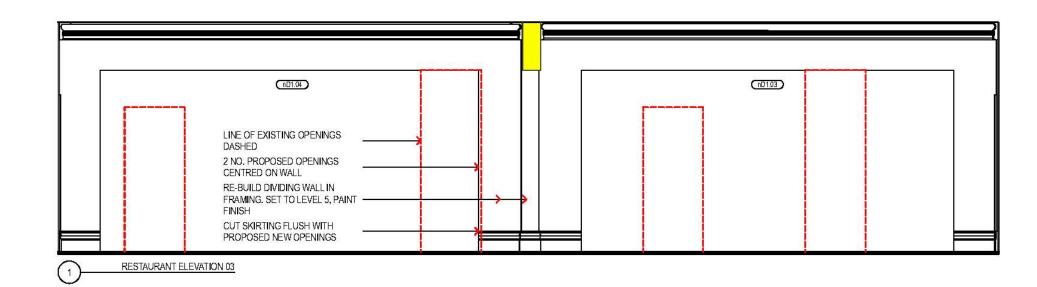


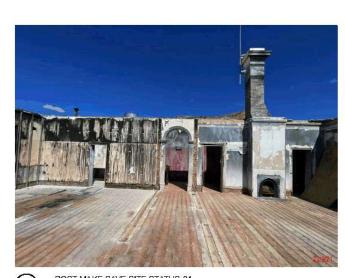
RESTAURANT ELEVATION 01

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- SEPARATION & EGRESS REQUIREMENTS
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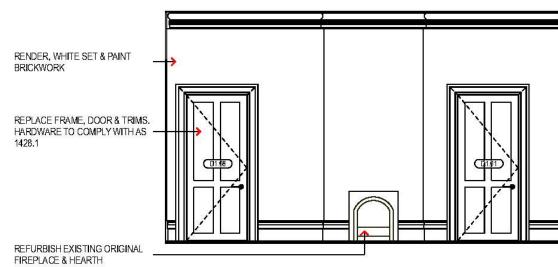
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Architectural Plans





POST MAKE SAVE SITE STATUS-04



RESTAURANT ELEVATION 04



	PENDING BCA & FIRE ENGINEERS REVIEW  DDA REQUIREMENTS PENDING BCA REVIEW
1	WOLIN INVESTMENTS PTY LTD

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ab 5: 32 967 948
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Architectural Plans



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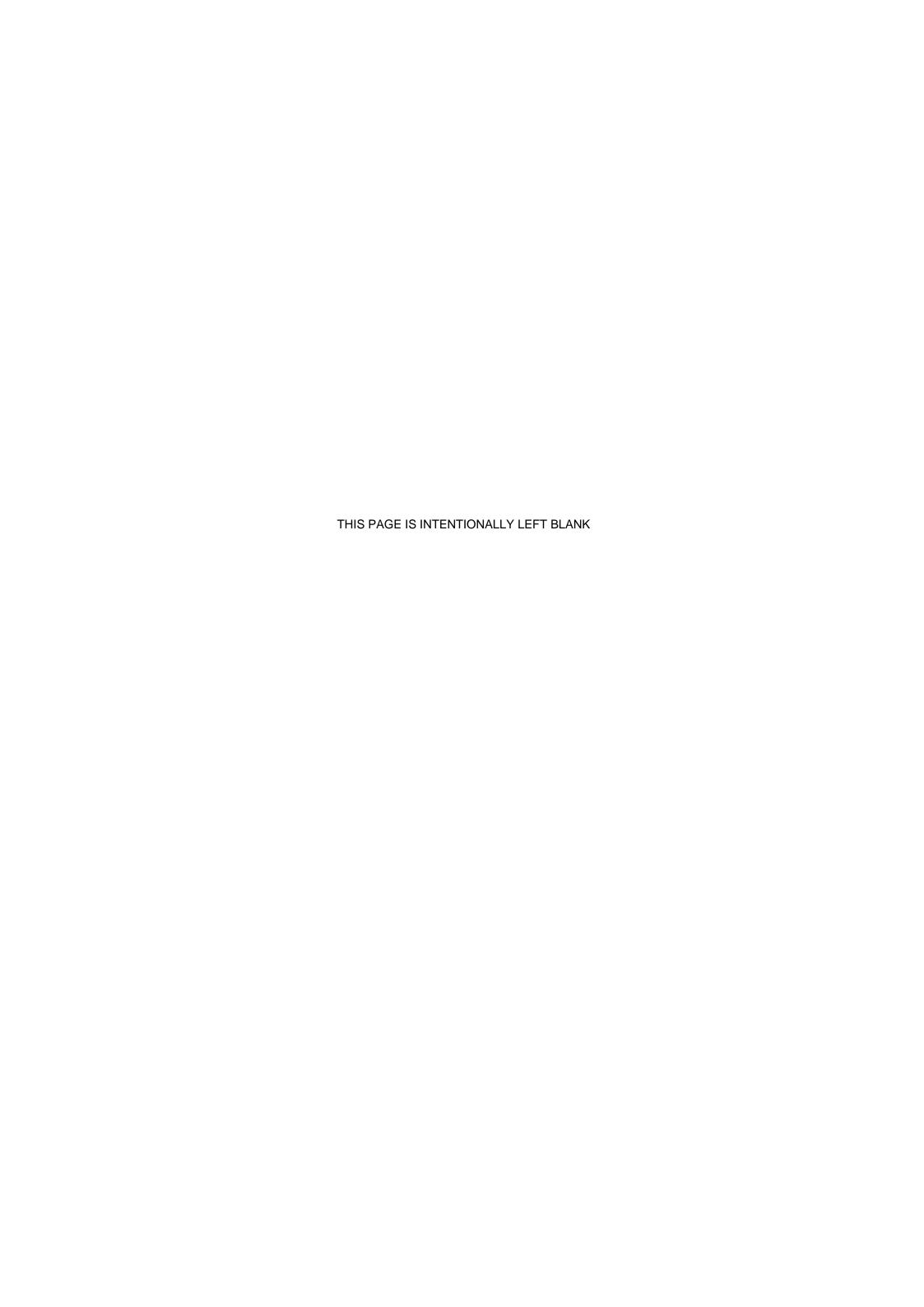
76-100 ARGYLE STREET CAMDEN

7/10/21

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NOT FOR CONSTRUCTION



# **Recommended Conditions**

# 1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Drawing No.			
DA01, Rev.02	Title Page and	McKenzie Pronk	7/10/2021
D 4 0 0 D 0 0	Location Plan	Architects	7/40/0004
DA02, Rev.02	Site Plan 500	McKenzie Pronk Architects	7/10/2021
DA03, Rev.02	Ground Floor	McKenzie Pronk	7/10/2021
	Existing Pre-Fire Plan	Architects	
DA04, Rev.02	Ground Floor	McKenzie Pronk	7/10/2021
DA 05 D 00	Demolition Plan	Architects	7/40/0004
DA05, Rev.03	Ground Floor Remediation Plan	McKenzie Pronk Architects	7/10/2021
DA06, Rev.03	Ground Floor	McKenzie Pronk	7/10/2021
	Remediation	Architects	
	Reflected Ceiling Plan		
DA07, Rev.02	First Floor	McKenzie Pronk	7/10/2021
B, 107, 1101.02	Existing Pre-Fire	Architects	1710/2021
	Plan		
DA08, Rev.02	First Floor	McKenzie Pronk	7/10/2021
	Demolition Plan	Architects	
DA09, Rev.04	First Floor	McKenzie Pronk	7/10/2021
	Remediation Plan	Architects	
DA10, Rev.02	First Floor	McKenzie Pronk	7/10/2021
	Remediation	Architects	
	Reflected Ceiling Plan		
DA11, Rev.01	Restaurant	McKenzie Pronk	7/10/2021
	Elevations	Architects	
DA12, Rev.01	Restaurant	McKenzie Pronk	7/10/2021
	Elevations 01	Architects	
DA13, Rev.02	Existing Typical	McKenzie Pronk	7/10/2021
	Details	Architects	

Document Title	Prepared by	Date
Waste Management Plan	McKenzie Pronk Architects	23/12/2020
Statement of Heritage Impact	Julie Mackenzie	March 2021

# 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) Heritage Specifications A Heritage Specifications Report to support the proposed Schedule of Conservation Works is to be prepared by a suitably qualified heritage consultant experienced in built heritage detailing the extent of works, the conservation methodology, specifications, and details of replacement materials and finishes. The Specifications Report together with the Schedule is to be submitted to and approved by the Council's heritage advisor prior to commencement of the works and issue of any Construction Certificate.
- (2) Heritage Interpretation A Heritage Interpretation Strategy/Plan shall be prepared and submitted for approval by the Council's heritage advisor prior to the issue of any Construction Certificate. The Strategy/Plan should detail the historical themes that will be represented in the interpretation and recommendation on the type, nature and locations of interpretive media with particular attention to the former uses of the site and it's recent fire damage.
- (3) **Food Premises** The design, construction, fit-out, use and ongoing operation of the first floor 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 2015;
  - Food Standards Australia and New Zealand Food Standards Code 2003;
  - d) Council's Food Premises Code;
  - e) AS 1668.1-2015 and 1668.2-2012;
  - f) the BCA; and
  - g) AS 4674-2004 Design, construction and fitout of food premises.

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

- (4) **Upgrade with the BCA** Pursuant to Clause 94 of the EP&A Regulation 2000, the existing building is to be upgraded in the following manner to bring the building into compliance with the BCA:
  - The external walls, internal walls and the internal timber floors (if considered necessary by the structural engineer) are to be upgraded to achieve the required Fire Resistance Levels to meet the meet the Deemed to Satisfy requirements of Clause C2.8 of the BCA 2019 or a Performance Solution is to be developed demonstrating compliance with CP1 & CP2 of the BCA by a Registered Certifier – Fire Safety.
  - 2. (a) The external walls (including the associated supporting floor structure) of "Fire Compartment #1" are to be upgraded (as necessary) to ensure they achieve an FRL of not less than 60/60/60 in accordance with Clause C3.3(a) and Table C3.3 of the BCA;

- (b) The external openings located in the external walls of "Fire Compartment #1" are to be protected externally in accordance with Clause C3.3(b) and Table C3.3 of the BCA; and
- (c) The external openings located in the external walls of "Fire Compartment #2" are to be protected externally in accordance with Clause C3.3(b) and Table C3.3 of the BCA; or
- (d) A Performance Solution Report is to be prepared by a Registered Certifier Fire Safety demonstrating compliance with Performance Requirements CP2 and CP8 of the BCA.
- A Performance Solution is to be developed by a Registered Certifier Fire Safety (Office of Fair Trading) demonstrating that the exits & paths of travel of the part of the building that is the subject of these rectification works are capable of complying with Performance Requirements DP4, DP6 and EP2.2 of the BCA.
- 4. The existing roller shutters serving the discharge points of the ground floor level (Arcade) are to be replaced with roller shutters that will be subject to a Performance Solution as discussed in "DA letter for Fire Engineering" by Clynton Halstead of Code Performance - 21166F DA Capability Statement R1.1, dated 9 September 2021.
- 5. Doors serving as required exits must swing in the direction of egress, unless it serves a part of the building that is less than 200m<sup>2</sup>.

Details demonstrating compliance must be provided to the certifier's satisfaction 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) Hazardous Building Materials Assessment A hazardous building material assessment shall be undertaken on all buildings and structures to be demolished that identifies all hazardous components on site. A HBMA report shall be provided to the principal certifier and Council.
  - Once hazardous components are identified, all demolition works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant SafeWork NSW and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.
- (2) Public Liability Insurance The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (3) Notice of Principal Certifier Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with 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;
- the registered number and date of issue of the relevant development consent;
- d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
- e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and

a telephone number on which the principal certifier may be contacted for business purposes.

- (4) 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;
  - a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied;
  - f) the date on which the work is intended to commence.
- (5) **Construction Certificate Required** In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
  - a) a Construction Certificate has been issued by a certifier;
  - a principal certifier has been appointed by the person having benefit of the development consent;
  - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
  - the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (6) Site is to be Secured The site shall be secured and fenced.

- (7) Demolition Work Consent is granted for the demolition of fire and water damaged building elements currently existing on the property, subject to compliance with the following conditions:
  - a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site;
  - b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address;
  - c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied;
  - d) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services;
  - e) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times;
  - f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the principal certifier for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials;
  - g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.
  - h) The burning of any demolished material on site is not permitted and offenders will be prosecuted; and
  - i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.

(8) **Dilapidation Report – Adjoining Property –** A dilapidation report prepared by a suitably qualified person, including a photographic survey of the following adjoining properties shall be prepared.

a) Lot 1, DP 84085, 102A Argyle Street, Camden.

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

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

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

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

- (10) **Sign of Principal Certifier and Contact Details** A sign shall be erected in a prominent position on the site stating the following:
  - a) that unauthorised entry to the work site is prohibited;
  - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
  - c) the name, address and telephone number of the principal certifier.

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

#### 4.0 - During Works

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

- (1) Heritage Consultant A Heritage Consultant suitably qualified and experienced in built heritage conservation shall be engaged to oversee the implementation of the endorsed conservation works, based on regular inspection and technically sound and appropriate construction methods.
- (2) Hazardous Building Materials Assessment All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the hazardous building material assessment. All

material not suitable for recycling or reuse must be disposed of at a licenced waste facility authorised to accept that waste.

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

unless approved in writing by Council.

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

# 5.0 - Prior to Issue of an Occupation Certificate

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

- (1) Heritage Statement of Completion The Heritage Consultant shall submit a Statement of Completion report at the completion of the works documenting the construction phase incorporating the following as a minimum:
  - Signing off on compliance with the approved Schedule of Conservation Works;
  - Ongoing archival recording photographs taken during the works and at the completion;
  - Any detailing or drawings/sketches and site instructions given in the resolution of detailing (such as for any departures due to the condition of the fabric), during the implementation of the approved works.
- (2) Food Premises The following notifications shall occur:
  - a) Council shall be re-notified that the first floor premises is to recommence use 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; and
  - 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) **Upgrade with the BCA** All building upgrade measures required to be installed pursuant to Clause 94 of the EP&A Regulation 2000, shall be certified prior to use of the building for the purposes approved by this consent.
- (4) **Fire Safety Certificates** A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the EP&A Regulation 2000.



# CAMDEN LOCAL PLANNING PANEL

CLPP05

SUBJECT: DA/2021/847/1 - CHANGE OF USE TO AN INDOOR RECREATION

FACILITY (24-HOUR GYM) INCLUDING FIT OUT AND SIGNAGE -

SUITES 1 AND 3, 76-100 ARGYLE STREET, CAMDEN

**TRIM #:** 21/610236

DA Number:	2021/847/1
Development:	Change of use to an indoor recreation facility (24-hour gym), including fit out and signage
Estimated Cost of Development:	\$80,000
Site Address(es):	Suites 1 and 3, 76-100 Argyle Street, Camden
Applicant:	Prestige Town Planning Pty Ltd
Owner(s):	Wolin Investments Pty Ltd
Number of Submissions:	One
Development Standard Contravention(s):	None
Classification:	Local development
Recommendation:	Approve with conditions
Panel Referral Criteria:	Partial demolition of a heritage item
Report Prepared By:	Annabelle Jones, Town Planner

# **PURPOSE OF REPORT**

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for a change of use to an indoor recreation facility (24-hour gym), including fit out and signage in ground floor Suites 1 and 3 of the Whiteman's building at 76-100 Argyle Street, Camden.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, the proposed works include the partial demolition of a local heritage item.

#### **SUMMARY OF RECOMMENDATION**

That the Panel determine DA/2021/847/1 for a change of use to an indoor recreation facility (24-hour gym), including fit out and signage in ground floor Suites 1 and 3 of the Whiteman's building at 76-100 Argyle Street, Camden, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions **attached** to this report.



# **EXECUTIVE SUMMARY**

Council is in receipt of a DA for a change of use to an indoor recreation facility (24-hour gym), including fit out and signage in ground floor Suites 1 and 3 of the Whiteman's building at 76-100 Argyle Street, Camden.

In September 2020, the building suffered fire and subsequent water damage and an emergency safety order was issued. On 12 February 2021, the Panel approved DA/2020/1054/1 for the replacement of the roof and internal structural works. A Construction Certificate has been issued and those works are now underway, however are not yet completed.

DA/2021/285/1, which is being concurrently assessed and determined, proposes further internal and external alterations to the base building and reinstatement of the restaurant known as "Upstairs at Fred's" on the first floor. Suites 1 and 3 for the subject DA previously contained a retail premises known as "Inspirations on Argyle". Much of the further rectification and conservation works for this premises are proposed under DA/2021/285/1 for the base building works, including sensitive reconstruction of timber slat and plasterboard ceilings, rust-proof and painting of existing structural beams, removal of damaged walls, repainting and in-filling a former skylight which was damaged in the fire. The existing heritage safe and internal fire door will be retained.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019 (Camden DCP). The exhibition period was from 1 June to 14 June 2021 and one submission was received, objecting to the proposal. The concerns raised in the submission relate primarily to potential traffic and acoustic impacts, which are discussed later in this report.

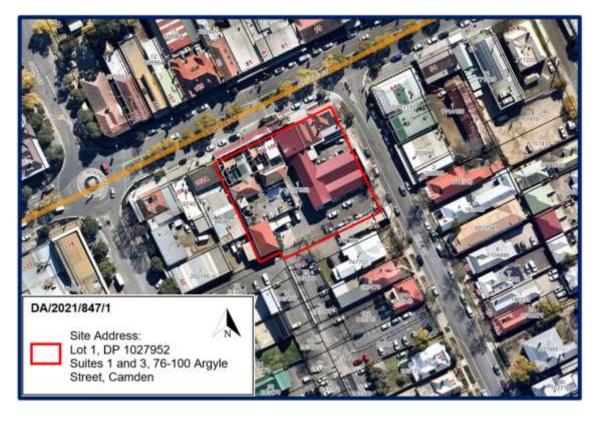
Although there is no increase in gross floor area, the proposed change of use from a retail premises to a gym attracts a higher base rate for parking calculation and the proposal is unable to provide any additional off-street parking, due the site's existing built form and heritage constraints. As discussed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

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

Conditions are recommended which prohibit the issue of a Construction Certificate (CC) for the proposed gym fit out until a CC has been issued for the base building rectification works proposed under DA/2021/285/1. Construction works for all three DAs (including the roof works already approved under DA/2020/1054/1) may occur concurrently, however it is recommended that the gym be prohibited from receiving an Occupation Certificate (OC) until OCs have been issued for both of the base building DAs (i.e. DA/2020/1054/1 and DA/2021/285/1). This will ensure that all necessary structural and BCA/fire safety upgrade works have been finalised for the building, prior to gym being frequented by patrons.



# **AERIAL PHOTO**



# **THE SITE**

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

The site is in the commercial centre of Camden on land zoned B2 Local Centre and has a secondary frontage to Hill Street. The site contains a number of attached, two storey commercial buildings which form part of the site's 19 "Whiteman's" heritage listing within the Camden Heritage Conservation Area. Direct pedestrian entry to Suites 1 and 3 will be provided via double doors along the tenancy's frontage to Argyle Street, using personal security fobs. A secondary members' entrance/lobby (also security controlled) is proposed at the rear of the gym, also enabling direct access from the public car park at the rear of the site.

The surrounding area is comprised of a mix of retail and business uses, including another 24-hour gym (Plus Fitness) approximately 50m to the east, on the opposite side of Hill Street; and a further gym (Curves) on the first floor of a separate building on the subject Whiteman's site, which did not experience any fire damage.



# **SITE PHOTOGRAPHS**











Figure 63: Subject tenancy looking away from Argyle Street, Former lightwell at centre.

Source: Mackenziepronik architecta 2021.



Figure 64: Subject tenancy looking towards Argyle Street along ramp. Former lightwell at centre. Sliding fire door on left hand side.

Figure 65: Rear of subject tenancy, Source: Mackenziepronk architects 2021.



Figure 66: Sliding fire door, Source: Mackenziepronk architects.



Figure 67: Safe to be retained. Source: Mackenstepronk architects.



Figure 68: Rear of subject tenancy.



Figure 69: Recent walls proposed to be removed.



# **ZONING PLAN**



# **HERITAGE MAP**





# **HISTORY**

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

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

# **THE PROPOSAL**

Initial "make safe" works for the subject tenancy have been completed. Further rectification works are proposed to be carried out separately under DA/2021/285/1 (pending determination by the Panel).

The subject DA/2021/847/1 seeks approval for the change of use of Suites 1 and 3 from a retail shop ("Inspirations on Argyle" homewares) to a 24-hour gym ("Anytime Fitness") and its associated internal fit out.

Specifically, the development involves:



- Internal fit out works including demolition of existing internal shopfront and nonstructural internal (fire/water damaged) intertenancy walls and fittings, installation of new partitions/glazing to create a manager's area, fit out of toilet and shower amenities and installation of rubber acoustic flooring, gym equipment and a CCTV security system;
- Employment of up to four staff, although not all will be present on site regularly;
- 24-hour access for members, seven days per week, with on-site staff presence during the following hours:
  - Monday to Wednesday: 10am to 7pm;
  - Thursday: 10am to 6pm;
  - Friday: 10am to 4pm;
  - Saturday: 10am to 2pm; and
  - Sunday: Unstaffed.
- Average patronage is expected to be 10 15 members, with an absolute maximum
  of 20 25 persons. Whilst the gym will be permanently accessible, the majority of
  users at other Anytime Fitness franchises typically visit during peak hours of 5am to
  9am and 5pm to 8pm;
- Use of existing on-street parking in Argyle and Hill Streets, the nearest public car park to the rear of the site which contains 117 spaces and alternative public car parks located in close proximity to the site; and
- Installation of one new top hamper business identification sign (backlit acrylic or aluminium lettering) above the front entry door on the Argyle Street frontage; vinyl window decals for member privacy on the glazed front façade and a backlit entry frame around the front entry doors.

The estimated cost of the development is \$80,000.

#### **ASSESSMENT**

#### Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

# (a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River.
- State Environmental Planning Policy No. 55 Remediation of Land.
- State Environmental Planning Policy No. 64 Advertising and Signage.
- Camden Local Environmental Plan 2010.



# Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (SREP 20)

SREP 20 aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development.

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

After the fire, the owner of the site was issued with an Emergency Order under Section 124 of the *Local Government Act 1993* requiring inspection by a Structural Engineer, implementation of a formal exclusion zone, asbestos assessment and installation of safety fencing to make the site safe. An additional Emergency Order under Section 124 of the *Local Government Act 1993* was issued to the owner to undertake works in accordance with the recommendations of the asbestos assessment.

All make safe works and asbestos removal occurred between September and November 2020. Certificates have been issued by an Occupational Hygienist for the site and the building is now suitable for people to occupy in order to complete the works outlined in this application.

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

SEPP 64 aims to ensure that signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations and is of high-quality design and finish.

Clause 8 of SEPP 64 requires the consent authority to be satisfied that signage is consistent with the objectives of SEPP 64 and the assessment criteria specified in Schedule 1.

Council staff are satisfied that the signage is consistent with SEPP 64's objectives in that it is compatible with the desired amenity and visual character of the HCA, will provide effective communication by displaying the development's name - "Anytime Fitness", will be of a high quality design and finish, and will be appropriately illuminated, in keeping with the surrounding signs in Argyle Street.

# Camden Local Environmental Plan 2010 (Camden LEP)

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

#### Site Zoning

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

#### Land Use/Development Definitions

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



#### Permissibility

The proposed use of the site as a 'recreation facility (indoor)' with ancillary 'signage' is permitted with consent in the B2 zone pursuant to Clause 2.6 and the land use table of the Camden LEP.

#### Planning Controls

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

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

# <u>Draft Environment State Environmental Planning Policy (Draft Environment SEPP)</u>

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

# <u>Draft Remediation of Land State Environmental Planning Policy (Draft Remediation SEPP)</u>

The development is consistent with the Draft Remediation SEPP as certificates have been issued by an Occupational Hygienist stating that the site / building is suitable for people to occupy in order to complete the works outlined in this application.

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

#### Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an **attachment** to this report. The variation identified in that table is further addressed below:

#### Car Parking

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

- Existing retail premises (credit) = 1 space per 22m<sup>2</sup>
- Proposed gymnasium = 7.5 spaces per 100m<sup>2</sup> (GFA)

Based on the rates described above, the previously existing retail premises generated a demand for 18.4 car parking spaces, while the proposed gymnasium generates a demand for 30.3 spaces. While the car parking rate for gymnasiums (as stipulated in the Camden DCP) is based on GFA, it is considered appropriate to exclude common areas and amenities and calculate the actual car parking demand on the active areas (i.e. the cardio area, strength training area, weight training area and functional area).



The proposed gym, excluding the common areas and amenities, has an area of 295m<sup>2</sup> thereby generating a demand for 22.125 spaces.

Based on the above, the proposed development results in a variation of four additional car parking spaces.

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

 There is space for approximately five vehicles to informally park behind the subject building(s) without impacting on turning circles in the existing driveway. Given the current informal arrangement, this area would most likely be used for staff vehicles; however, would still reduce demand on the public parking available in the vicinity. The informal parking areas around the site are shown below:









• There is 1 and 2 hour on-street parking available on both sides of Hill and Argyle Streets, in addition to a 117-space public car park directly adjoining the rear of the site. Various sections of this car park have no time limit, while others have a 3-hour limit. There are larger public car parks also nearby, including John Street and Larkin Place which are within a 100m – 150m walking distance from the site; in addition to a public bus stop on John Street, 70m from the site;



- The DCP's prescribed gym rate (7.5 spaces per 100m²) is typically applied for larger gyms which have more equipment and offer multiple group classes at any given time. The scale of the subject premises lends itself to more individual and one-on-one training sessions, or small groups, thus lessening demand for parking by large groups at any one time;
- Similarly, the proposed 24-hour operations will distribute patron visits over a longer period than gyms with more typical business hours;
- The peak visitation times experienced at other Anytime Fitness 24-hour gyms is generally between 5am to 9am and 5pm and 8pm, generally outside of the peak hours of operation for the surrounding commercial and retail businesses;
- As the premises is close to businesses, offices and residential properties, the local workers and nearby residents will likely comprise a significant portion of the membership base and walk or cycle to the facility, reducing demand for vehicular parking;
- Similarly, member visits may occur before or after work or other multi-purpose trips around the town centre, thus reducing demand for parking immediately at the premises;
- The subject gym does not include extended facilities such as swimming pools, child minding facilities or cafes, therefore lessening demand for group or extended visits.

Consequently, it is recommended that the Panel support this proposed variation to the Camden DCP.

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

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

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions **attached** to this report.

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

As demonstrated by the above assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

The proposal is an appropriate commercial use of the site which, once rectified from its recent fire and water damage, will contribute to the vibrancy of the town centre. All works are sympathetic to the heritage values of the site and locality and will contribute



positively to the HCA by providing a recreation facility and employment opportunities for people living, working and visiting in the locality.

Appropriate parking facilities exist in proximity to the site and conditions are recommended to ensure acoustic impacts and safety for patrons accessing the premises during the proposed 24-hour operations will be appropriately managed to ensure there are no adverse impacts to any surrounding businesses or residents.

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

As demonstrated by the above assessment, the site is suitable for the development.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2019. The exhibition period was from 1 June to 14 June 2021 and one submission was received, objecting to the proposal.

The following discussion addresses the issues raised in the submission.

1. The proposal does not include any additional parking and the new use will result in a shortfall and place pressure on existing public car parks and on-street car parking. The development does not comply with the DCP's minimum car parking rates for gymnasiums and insufficient justification has been provided.

#### Officer comment:

This variation has been considered in the main body of this report. As noted in the above assessment, there is sufficient public parking available in the vicinity of the site to cater for the development, based on the particular scale and hours of operation proposed. The development is not likely to create any unreasonable parking impacts on the locality.

2. The number, type and location of free-weights and pin-loaded machines is unknown, however has the potential to cause significant acoustic and vibration impacts on the subject and adjoining tenancies. Any acoustic mitigation works could also impact on the original fabric of the heritage building.

#### Officer comment:

Mirrors are proposed to the majority of internal walls, therefore the proposed gym machines and work out spaces are setback internally, away from these walls. A large part of the perimeter does not adjoin any other tenancies (either car park or hallways). Where it does, the walls are constructed of brick/solid material. Various acoustic measures are proposed for the development, including low volume background music controlled from a locked manager's office, inbuilt screens and headphones on cardio equipment, high impact rubber flooring, non-operable windows with air conditioning and education and management of patrons. The installation of these measures will have a limited impact on the remaining built fabric of the premises, which has experienced fire and water damage. The remaining components of heritage significance are proposed to be retained, refurbished or sensitively replaced. Council's Specialist Support Environmental Health Officer has reviewed the proposal and raised no objection, subject to the imposition of appropriate conditions of consent.



3. The proposed development seeks to amalgamate multiple tenancies into one, requiring the removal of internal walls, new bathrooms and an office area. The Statement of Environmental Effects refers to a Heritage Impact Statement (HIS), however this was not available to view on Council's website and it is not clear whether the proposal will have an impact on heritage significance.

Council staff were not satisfied with the degree of detail contained within the originally submitted HIS. At the request of Council staff, a more thorough HIS was provided which adequately assesses the site's history and the schedule of works proposed. Council's Heritage Officer, as well as an external heritage consultant who peer reviewed the proposal, are satisfied that the proposal will not adversely impact on the heritage significance of the Whiteman's site or the surrounding HCA. The revised HIS was made available for public viewing on Council's DA tracker.

## (e) the public interest

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

#### **EXTERNAL REFERRALS**

The DA was referred to the NSW Police (Camden Local Area Command) for comment due to the proposed 24-hour operations, however no response was received.

There are similar 24-hour gyms operating in the locality with no known complaints or public safety issues. The applicant has submitted a Plan of Management (**attached**) for the development which sufficiently details appropriate security measures for the premises to protect staff, patrons and adjoining businesses. These include:

- Onsite staff during general business hours;
- Personal fob keys for each member to access the premises outside of staffed hours;
- A CCTV system with continual 24-hour surveillance and remote viewing capabilities. Cameras will be placed at each member's entrance and internally to view all areas of the gymnasium, except for the bathrooms. The system includes "tail gate detection" which will set off a beeping alarm to alert the member that they have been followed. The security camera is then triggered to record at a higher timeframe to capture clearer video and the security company is alerted;
- Members visiting during non-staffed hours are also required to wear lanyards equipped with emergency button to trigger an alarm and response from the security company to assist a patron with health or safety issues;



- All gym equipment has been designed to not require a "spotter" for safe use. Induction training is also provided to members including how to use equipment safely and manage health emergencies, locations of first aid equipment, defibrillator etc. Air conditioning is maintained at a constant temperature in the locked manager's office and therefore cannot be tampered with by members;
- Members are also required to abide by "club rules" and respect the amenity of other patrons and adjoining businesses.

#### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

# **CONCLUSION**

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions **attached** to this report.

#### **RECOMMENDED**

That the Panel approve DA/2021/847/1 for a change of use to an indoor recreation facility (24-hour gym), including fit out and signage in ground floor Suites 1 and 3 of the Whiteman's building at 76-100 Argyle Street, Camden subject to the conditions attached to this report.

#### **REASONS FOR DETERMINATION**

- 1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 55 Remediation of Land; Sydney Regional Environmental Plan No. 20 (Hawkesbury-Nepean River); and Camden Local Environmental Plan 2010.
- 2. The development is consistent with the objectives of Camden Development Control Plan 2019.
- 3. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
- 4. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

# **ATTACHMENTS**

- 1. Camden LEP Assessment Table
- 2. Camden DCP Assessment Table
- Architectural Plans
- 4. Recommended Conditions
- 5. Plan of Management

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

Clause	Assessment	Compliance
2.3 Zone objectives and land use table	The proposed change of use,	Yes
The consent authority must have regard to the	building alterations and signage are	
objectives for development in a zone when	consistent with the zone objectives	
determining a development application in	as they will enable a commercial	
respect of land within a zone.	use to be reinstated in the ground floor of the Whiteman's building,	
The objectives for the B2 Local Centre zone	which will complement the Camden	
are:	town centre and assist in activating	
	the street frontage.	
To provide a range of retail, business,	Ü	
entertainment and community uses that		
serve the needs of people who live in, work		
in and visit the local area.		
To encourage employment opportunities in		
accessible locations.		
To maximise public transport patronage and		
encourage walking and cycling.		
To ensure that mixed use developments present an active frontage to the street by		
locating business, retail and community		
uses at ground level.		
To minimise conflict between land uses		
within the zone and land uses within		
adjoining zones.		
To enable other land uses that are		
complementary to and do not detract from		
the viability of retail, business, entertainment		
and community uses within the zone.		
2.7 Demolition requires development	The proposal includes some minor	Yes
consent	demolition works, however	
Development consent is required to demolish	significant demolition has already	
a building or work (unless the demolition is	occurred due to the fire damage and	
exempt or complying development under	as approved under other DAs	
another environmental planning instrument).	associated with the rectification of	
	the base building. The proposed	
	removal of the existing intertenancy	
	partitions does not pose any structural safety risks.	
4.3 Height of buildings	No changes to the previously	N/A
The maximum building height for this site is	approved building height are	
7m.	proposed.	
4.4 Floor space ratio	No FSR is identified for the subject	N/A
Maximum floor space ratios must not exceed	site.	
the floor space ratio shown on the Floor Space		
Ratio Map. 5.10 Heritage conservation	The subject site is listed under	Yes
Before granting development consent in	Schedule 5 of the Camden Local	169
respect of a heritage items or a heritage	Environmental Plan 2010 as	
conservation area, the consent authority must	'Commercial Building "Whiteman's"	
consider the effect of the proposed	Item 9.	
development on the heritage significance of		
the item or area concerned.		

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

The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the item or heritage conservation area concerned. The submission of a heritage conservation management plan may also be required.  Development consent may be granted for any purpose of a building that is a heritage item or the land on which such a building is erected, or for any purpose on an Aboriginal Place of Significance is the consent authority is satisfied as to a number of matters listed by this clause; including if the conservation of the item or place is facilitated by the granting of consent.	proposal will contribute to the restoration of the building and its future conservation. All works are considered appropriate and necessary to enable the adaptive re-use of the subject tenancy.  The proposal will ensure that the building is able to be preserved and continue to be used for commercial purposes, as it has been		
5.21 Flood planning Development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied to a number of matters listed by this clause; including compatibility with the flood hazard of the land.	The development is above the flood planning level. The proposal will not change the floor levels for the existing building.	Yes	

Control	Assessment	Compliance
2.9 Contaminated and Potentially	Refer to SEPP 55 assessment in main	Yes
Contaminated Land Management An assessment is to be made	report. The site has been made safe for the carrying out of construction works	
under SEPP No. 55 - Remediation	and the reinstatement of various	
of Land.	commercial uses.	
2.12 Acoustic Amenity	Council's Specialist Support	Yes
An acoustic report may be required.	Environmental Health Officer has	
	reviewed the proposal and raised no objection to the development subject to	
	the imposition of appropriate conditions.	
	and imposment appropriate containent.	
Non-residential buildings are to be designed to minimise the impact of noise.	Each of the tenancy walls are	Yes
designed to minimise the impact of noise.	constructed of brick or solid material,	
	except for the functional training room	
	which has stud frame walls. Various acoustic measures are proposed for the	
	development. These include low	
	volume background music controlled	
	from a locked manager's office, inbuilt	
	screens and headphones on cardio	
	equipment, high impact rubber flooring, non-operable windows with air	
	conditioning and education and	
	management of patrons, as outlined in	
Noise emissions from commercial	the submitted plan of management.	
development must be assessed in	Various conditions are recommended to	
accordance with the Noise Guide for	Various conditions are recommended to ensure that compliance with all relevant	Yes
Local Government and must be consistent with the methodology	noise criteria is maintained.	
within the NSW EPA NPfl.		
2.13 Air Quality and Odour	Air conditioning will be provided to the	Yes
Odour impacts and emissions to be	premises as part of the rectification	
considered and environmental amenity to	works proposed under DA/2021/285/1,	
be protected.	in accordance with the relevant Australia Standards to maintain air	
	quality and amenity for gym patrons.	
	This will have the added benefit of	
	maintaining acoustic amenity for nearby	
2.14 Waste Management	businesses.  A waste management plan	Yes
A Waste Management Plan (WMP)	A waste management plan accompanied the DA addressing all	162
must be submitted for all new	waste likely to be generated by the	
development, including demolitions,	proposed demolition and construction	
construction and the ongoing (or	works and ongoing use of the premises.	
change of) use.	Waste and delivery vehicles can access the rear of the premises via the existing	
	car park. Conditions are recommended	
	for waste management.	
2.16.3 General Heritage Provisions	Prior to the fire, various commercial	Yes
New work must be easily identified	alterations had already impacted the	
as such and is required to be sympathetic to the heritage place.	integrity of the built fabric. The initial "make safe" works removed damaged	
sympathetic to the heritage place.	make sale works removed damaged	

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	asbestos walls and other components affected by black mould from the subsequent water damage. Further rectification and conservation works are proposed under DA/2021/285/1. The new fit out works proposed for the gym are limited to the entry lobby and manager's office, toilet and shower amenities, gym equipment (including TV screens and CCTV) and signage. These new works will be discernible from the existing shell and will not detract from the heritage significance of the site.	
When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.	The proposed demolition of non-load bearing intertenancy partitions will not impact on the site's heritage significance.	Yes
Where significance permits modification, alterations to the original room layout of a heritage item is permissible provided the original details such as joinery, plasterwork and wall nibs and can still be interpreted. The significant internal and external fabric and building elements of the principal building are to be retained and conserved.	The preservation of salvageable heritage elements in the existing premises has been considered in the assessment of DA/2021/285/1. The existing steel riveted ceiling beams will be restored and the safe room and heritage fire door will be retained.	Yes
Where there is a uniform building front setback, new development must recognise this.	No changes are required to the existing shop front facing Argyle Street, except for the signage and illuminated entry frame around the double doors. These elements are supported by Council's heritage officer, subject to the recommended conditions.	Yes
The existing informal and irregular pattern of rear property building alignments is to be retained.	No changes are proposed to the existing rear setback or façade, except for a new fob/security entry for gym patrons and additional lighting.	Yes
The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area must be retained.	No changes are proposed to the existing roof under this DA. The closing in of the former skylight is proposed under DA/2021/285/1.	N/A
Original verandas and balconies are	No changes are proposed to the	N/A

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not to be removed, altered or enclosed.

existing balcony/verandah.

Contemporary materials are permitted where their proportions, detailing and quantities are compatible with the character of the area. Large expanses of glass and reflective wall and roof cladding are not appropriate.

No increase is proposed to the existing shopfront glazing. The extent of privacy decals originally proposed on the windows has been reduced at the request of Council staff to increase passive surveillance of Argyle Street by gym patrons. Their reduced size and soft grey colour are considered appropriate for the HCA.

Yes

Colour schemes on heritage items must be appropriate and sympathetic to the building type period and architectural style.

No changes are proposed to the existing external colour palette. The proposed signage colours are acceptable (black, white and grey).

Yes

Appropriate external lighting may be used to highlight the architectural features of significant buildings.

Lighting for patron safety is proposed around the front entrance door on Argyle Street, and near the back entrance. While this is not specifically to highlight heritage features, it will assist in safety and is not inconsistent with other tenancies in Argyle Street. A condition requiring all external illumination to comply with the relevant Australian Standards is recommended.

Yes

Skylights, air conditioning units, antennas, solar panels, satellite dishes etc. must not be visible from the street.

All air conditioning units and waste storage areas will be located at the rear of the premises, to avoid adverse visual impacts to Argyle Street. The former skylight is proposed to be closed in under DA/2021/285/1.

Yes

The demolition of a heritage place is contrary to the intent of heritage listing. It will only be considered as a last resort, where a Heritage Impact Statement is submitted covering alternatives for retention have been investigated and ruled ou, confirmation that the building does not satisfy the criteria for listing established by the NSW Heritage Branch and/or where the structure is considered incapable of

The intertenancy walls proposed to be demolished have undergone fire and water damage and were not original to the building. Their removal is supported by Council's heritage officer.

Yes

Where consent is issued for demolition, or part demolition, of a heritage place a comprehensive

repair.

A post-fire detailed photographic survey was prepared for the whole building in previous DAs. Conditions have been

Yes

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diagrammatic and photographic archival record is to be made of the structure to be demolished. This must be submitted to Council's satisfaction prior to commencement of any demolition works. A heritage consultant experienced in the preparation of an archival recording is required to undertake the recording.	recommended for DA/2021/285/1 which require additional photographs to be taken during and at completion of the further base building rectification and conservation works. No further photographs are required following the fit out of the commercial gym.	
2.16.4 Camden Heritage Conservation Area  Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive reuse opportunities can be used to facilitate the conservation of these buildings.	The proposed change of use and fit out for a 24 hour gym represent an appropriate adaptive re-use of the site. Whilst the premises traditionally supported retail uses, the proposed gym will re-instate activation and passive surveillance of the streetscape. The reinstatement of a commercial use within the premises will contribute to the overall viability and conservation of the Whiteman's building.	Yes
In commercial areas where historical evidence exists, awnings and/or veranda's must be provided on the front elevation and must complement existing awnings and verandahs on adjacent buildings.	No changes a proposed to the existing awning/verandah.	N/A
2.17.1 General Requirements for Signs The location, quantity, type, colour, design and size of all signage must not detract from the amenity and character of the land or building to which it relates.	The proposed signage will not detract from the amenity or character of the Whiteman's building or the HCA. A condition is recommended for the "Anytime Fitness" lettering (Sign 1) to be backlit, rather than internally illuminated by LEDs, consistent with that of the existing "Whiteman's Arcade" sign on the timber verandah fascia. Similarly, the door frame lighting shall be white or grey, as opposed to the brighter corporate colours, such as purple.	Yes
All signage must be consistent with the scale of the building or the property on which it is located.	The proposed size of the sign (2.7m long x 900mm high) above the existing entry door transom is appropriate for the scale of the building and will be partially obscured by the overhanding balcony and timber fascia, therefore having less impact.	Yes
All signage must align with an approved or exempt land use being	Consent is being sought concurrently for the change of use.	Yes

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conducted on the land to which the sign is displayed. Signs or banners approved by Council under <i>Policy 2.8 Signs and Banners</i> are exempted.		
All signage must remain within the property boundary except in the case of a sign attached to an awning over the footpath.	The signs will be attached to the shopfront, inside the lot boundary	Yes
2.17.2 Signs in Commercial and Mixed Use Zones  The total combined signage area on a building elevation must not exceed 20% of that building elevation that is visible from a public place.	The front elevation currently only has one other building sign, being the "Whiteman's Arcade" sign on the timber fascia. This, combined with the proposed top hamper sign and vinyl window decals, will only represent approximately 5% of the façade area.	Yes
With the exception of under awning signs, all signs must be located wholly within the property boundaries.	All signs will be directly on the building façade.	Yes
All Illumination signage must comply with AS 1158 - Lighting for Roads and Public Spaces and AS 4282 - Control of the Obtrusive Effects of Outdoor Lighting.	A condition is recommended for compliant illumination.	Yes
Window signs must be affixed to the inside of the window. The total combined window signage area must not exceed 20% of the visible window area.	The vinyl graphics will be installed in the inside of the window and will not exceed 20% of the visible window area.	Yes
A maximum of one pole or pylon sign per street frontage, not exceeding 6m above existing ground level is permitted.	There are no pole signs existing or proposed.	N/A
In multiple tenancy developments:		
- Not more than one business identification sign per tenancy must be permitted;	Only 1 business identification sign is proposed for the subject tenancy.	Yes
- Such signage may only display the business name, unit number, address and/or any associated logos or graphics;	The top hamper sign will only display the business name and "running man" logo.	Yes
- Signage must not exceed 20% of the visible wall area of the	The signage will not exceed 20% of the	Yes

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primary elevation of the unit or tenancy;	primary elevation of the tenancy.	
- All signage visible from a public place must be of a complementary size, shape and style throughout the development;	It is anticipated that any new uses in tenancies fronting Argyle Street will propose similar signage.	Yes
- Directory board signage for the tenancies must be designed using one pole or pylon sign not exceeding 6m above ground level.	There are no directory board signs existing or proposed.	N/A
2.17.4 Signage on Heritage Items or in Heritage Conservation Areas	The proposed signage is well integrated into the building form, being located	Yes
All signage must be integrated into the architectural form and building elements.	directly on the building façade underneath the existing awning/verandah.	
Signage and environmental graphics should not adversely detract from significant views or vistas to and from heritage items.	The signage design will not detract from views or vistas of any heritage items.	Yes
Signage is permitted for the purpose of business identification for any retail, restaurant, commercial or banking use that has an active street or town square frontage. The provision of signage for each tenancy must comply with the following:		
- Where a unit or tenancy is visible from a public place, not more than one business identification sign per unit or tenancy is permitted;	Only one top hamper sign identifying the business name is proposed.	Yes
- Signage must only identify the business name, unit number, address and/or any associated logos or graphics;	The top hamper sign only includes the business name and logo. The proposed window decals display abstract stipes for privacy and a figure that is appropriate for the proposed use.	Yes
- Signage must not exceed 20% of the visible wall area of the primary elevation of the unit or tenancy;	The combined signs and window graphics will not exceed 20% of the visible wall area.	Yes
- All signage visible from a public place must be of a complimentary		

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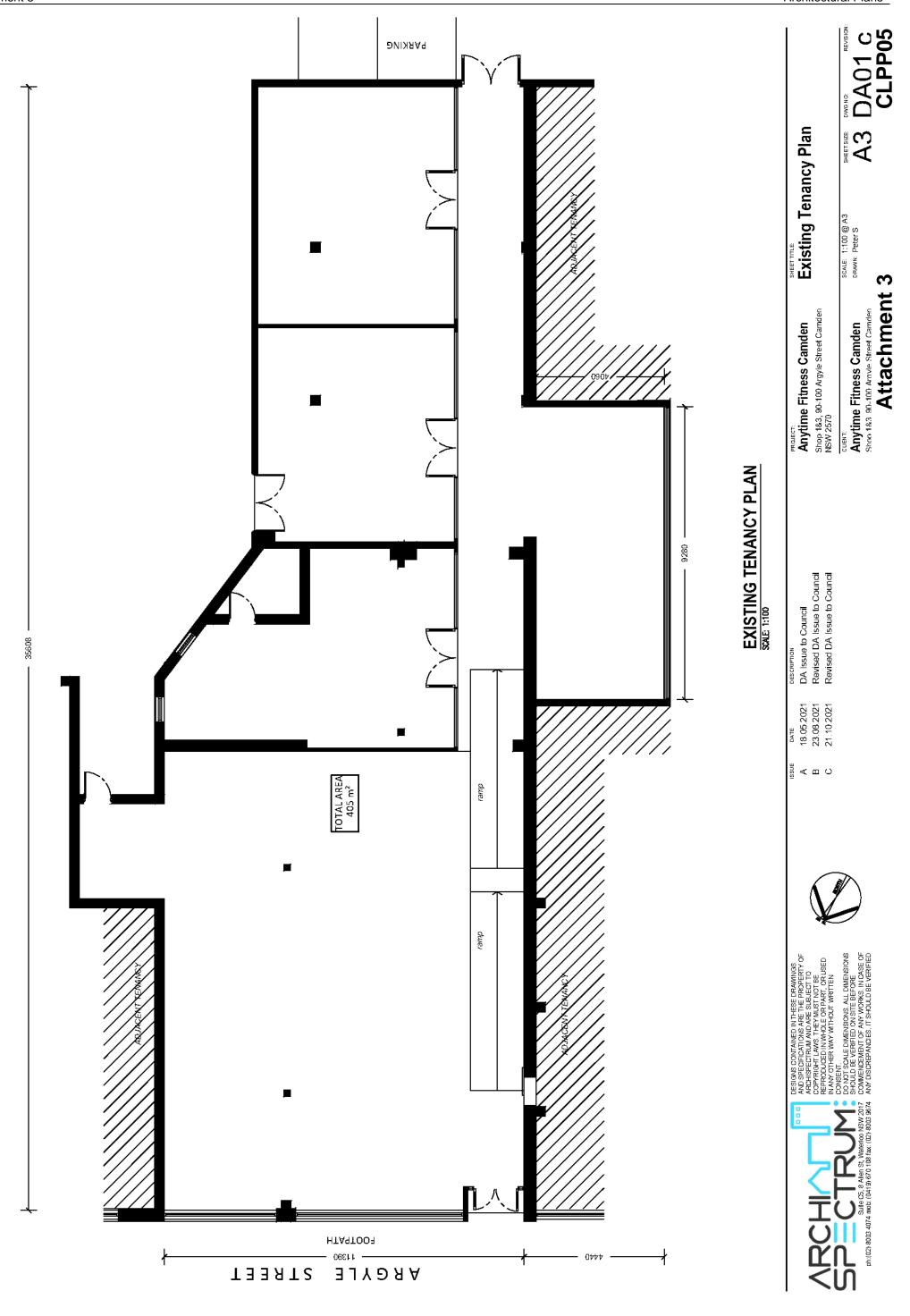
size, shape and style throughout the development.	The top hamper sign is consistent with other commercial signs Along Argyle Street.	Yes
2.18.2 Off Street Car Parking Rates/Requirements The DCP prescribes various rates for indoor recreation facilities. Typical gymnasiums require 7.5 car parking spaces per 100m <sup>2</sup> of gross floor area (GFA).	There is no increase in GFA proposed.  Suites 1 and 3 were previously used as a retail space generating a demand for 18.4 parking spaces (under the rates contained in the Camden DCP).	No, refer to main assessment report for further discussion.
(GITY).	The proposed gym generates a demand for 30.3 spaces, based on the GFA of the tenancy. While the car parking rate for gymnasiums (as stipulated in the Camden DCP) is based on GFA, it is considered appropriate to exclude common areas and amenities and calculate the actual car parking demand on the active areas (i.e. the cardio area, strength training area, weight training area and functional area). The proposed gym, excluding the common areas and amenities, has an area of 295m² thereby generating a demand for 22.125 spaces.	
	Based on the above, the proposed development results in a variation of four (4) additional car parking spaces. The proposed variation is considered reasonable for the reasons outlined in the main body of the report.	
5.3.1 Camden – B2 Local Centre		
New development should complement or reinforce the retail functions of the centre, particularly along Argyle Street frontages and associated pedestrian accessways.	The proposed works will enable the premises to contribute to the commercial functions of the town centre, as it has historically.	Yes
Buildings should maintain and enhance the historic character of Argyle, Hill and John Streets in the town centre.	No changes are proposed to the existing front façade, except for the signage and door entry, which is supported by Council's heritage officer.	Yes
Buildings fronting Argyle Street should incorporate awning structures into their front facades in a manner consistent with the prevailing character of existing buildings. These awnings will convenient and sheltered access for pedestrians at	The existing awning is proposed to be retained and restored where necessary under DA/2021/285/1 and DA/2021/1054/1.	Yes

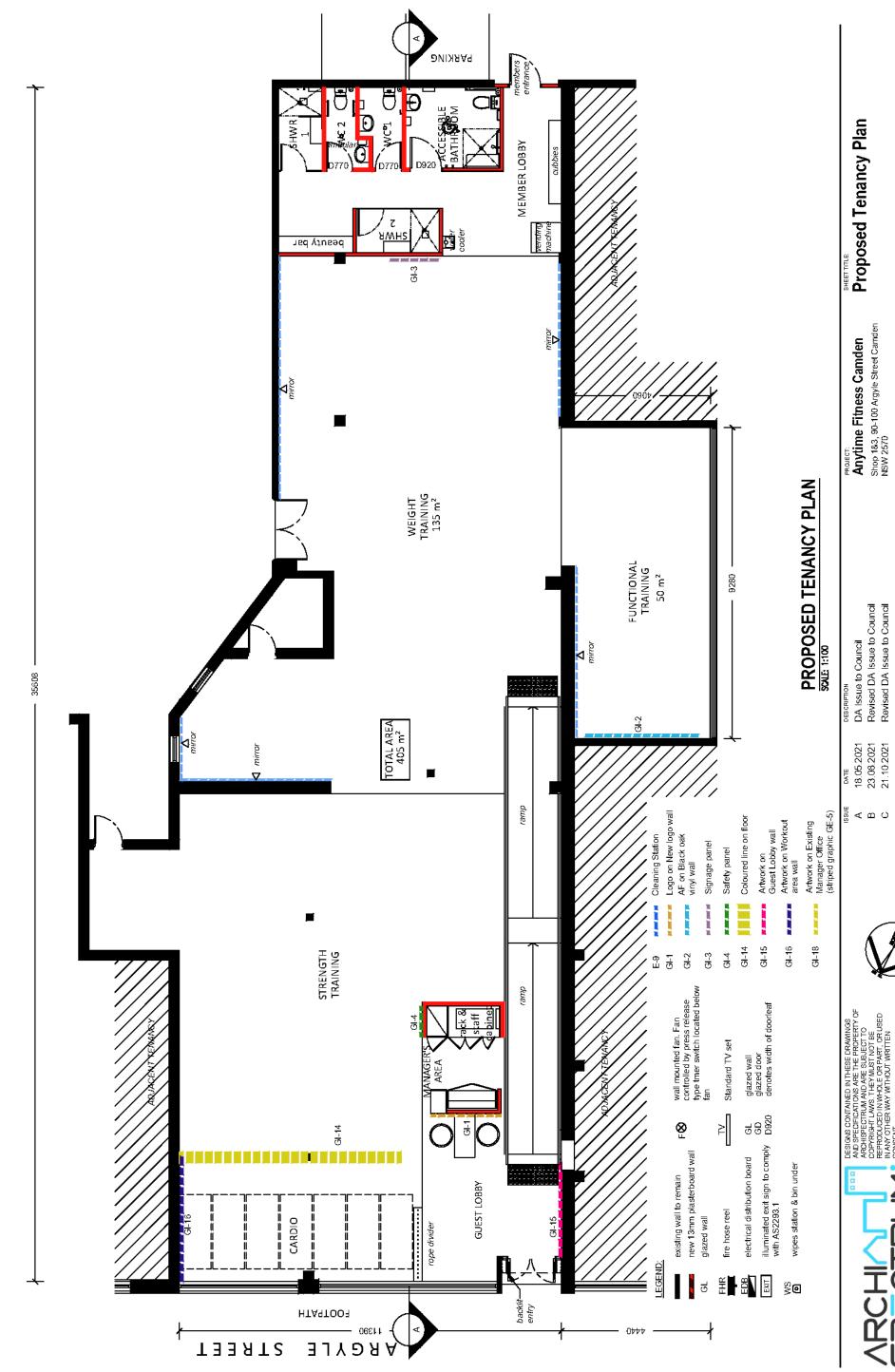
Page 7

the frontage of the premises.		
Development within the B2 Local Centre zone at Camden must be consistent with the Camden Town Centre Urban Design Framework.	LITE NIUNUSAL UUES HULTESUH IILAHVI	Yes



Attachment 3 Architectural Plans





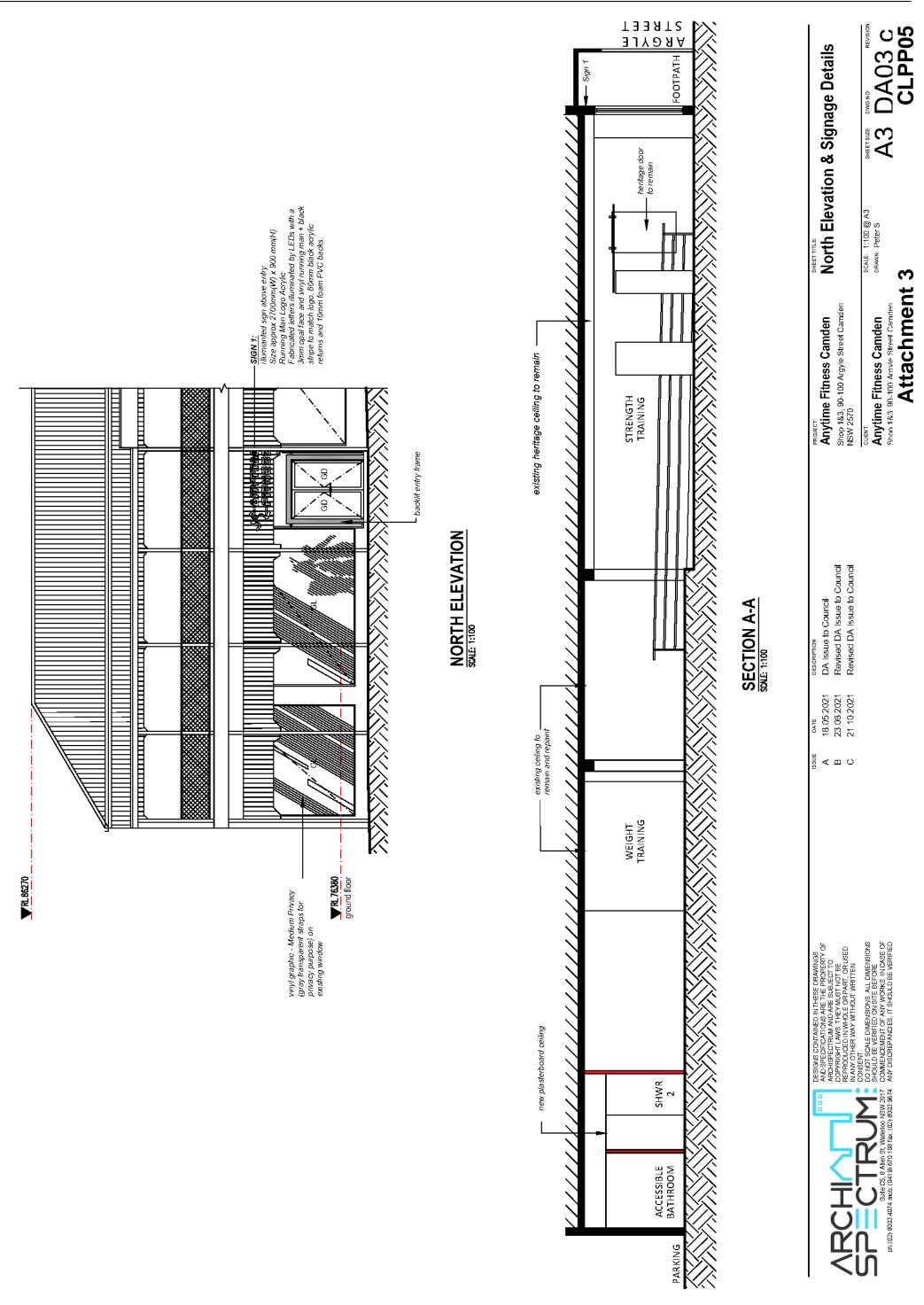
Architectural Plans

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SCALE: 1:100 @ A3 DRAWN: Peter S

> Anytime Fitness Camden Shop 183, 90-100 Argyle Street Camden

Attachment 3 Architectural Plans



Attachment 3

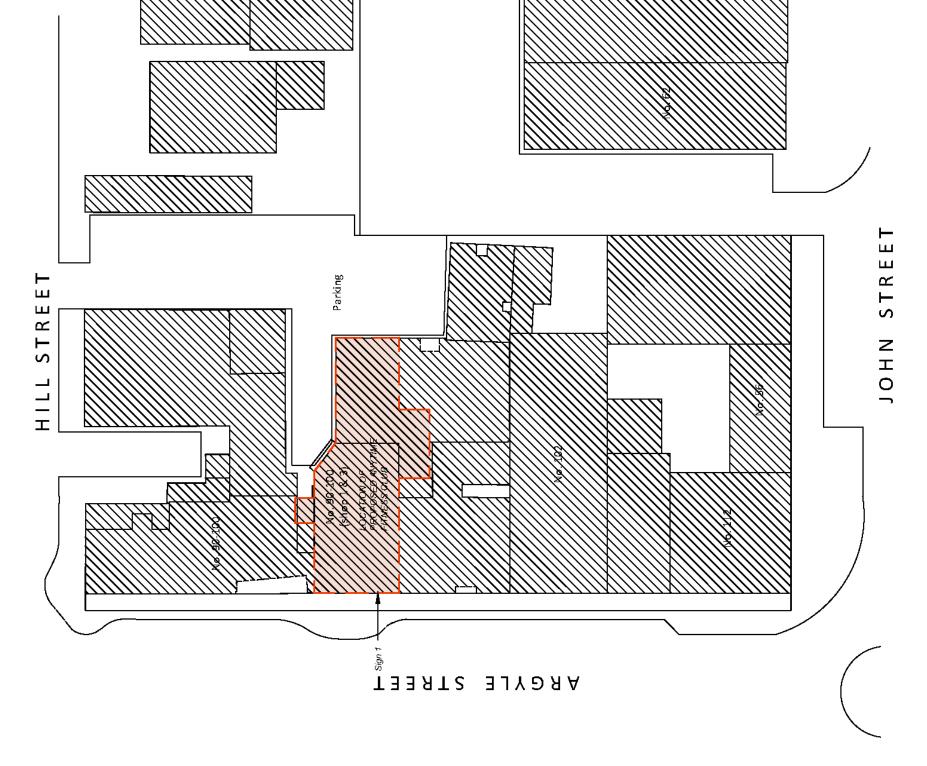
DA ISSUE to Council
Revised DA Issue to Council
Revised DA Issue to Council

DATE 18.05.2021 23.08.2021 21.10.2021

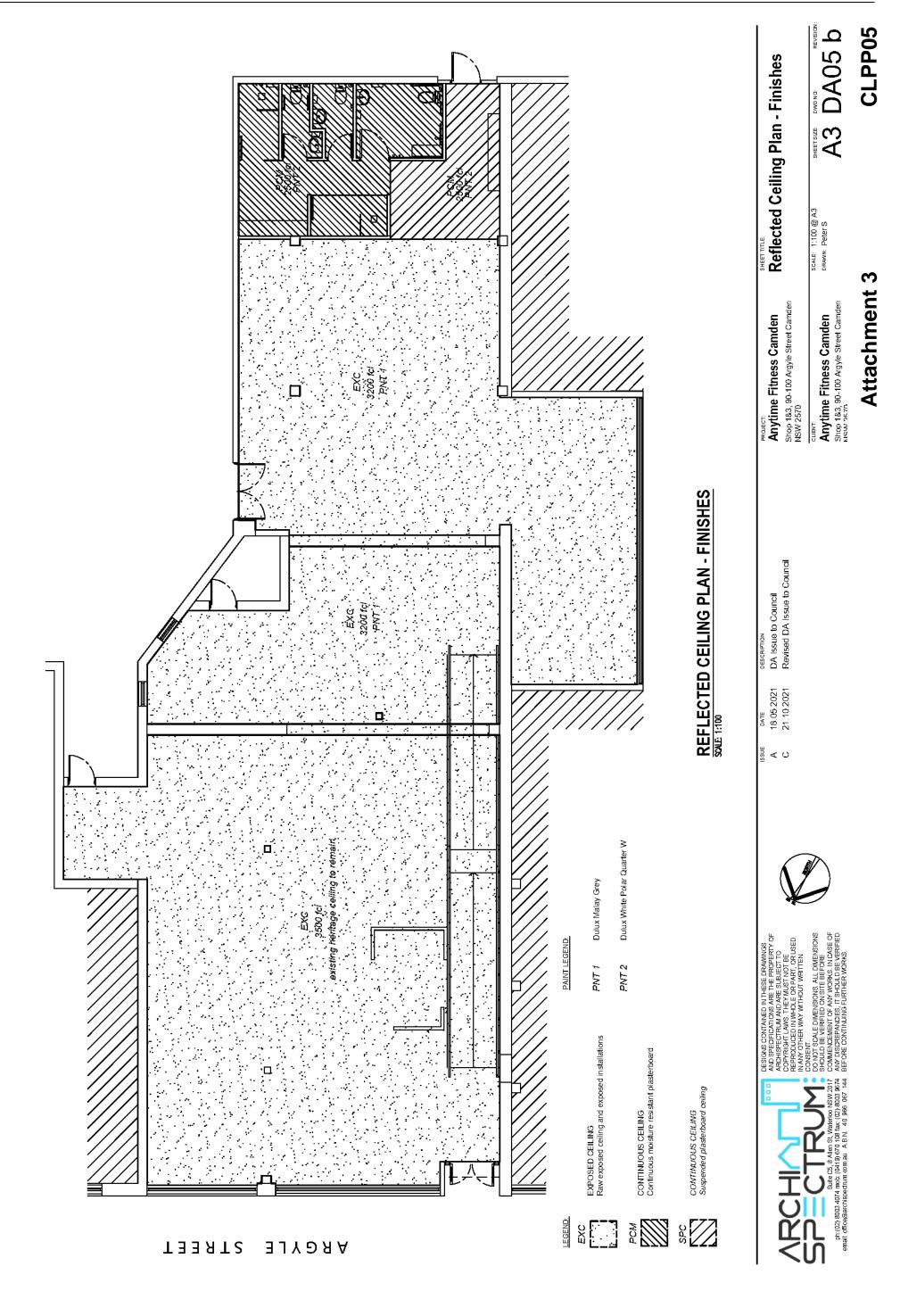
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SITE PLAN SCALE 1:500

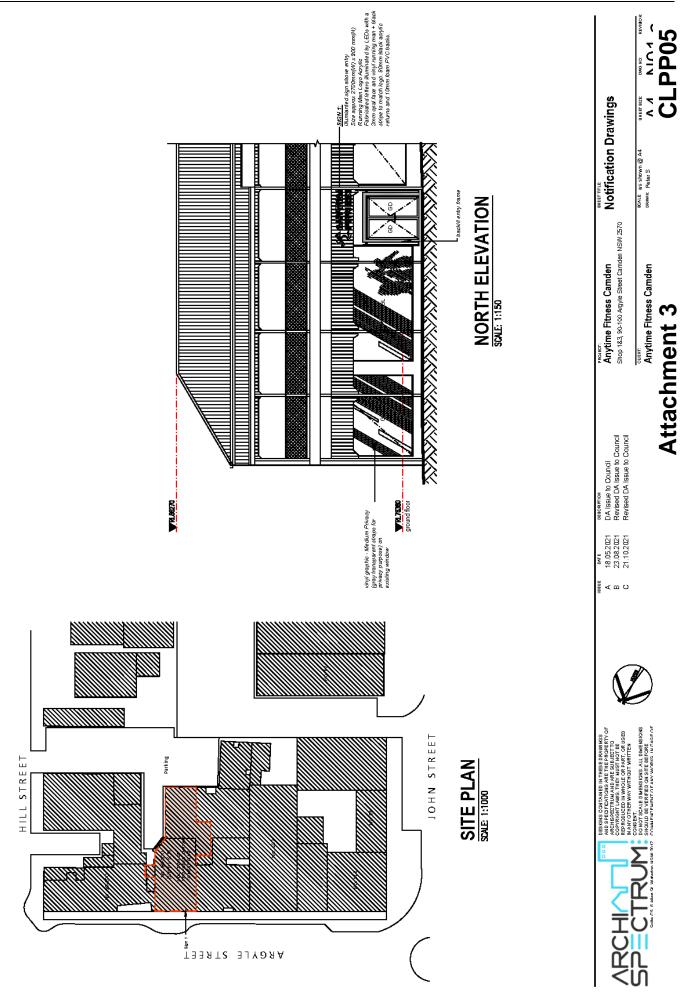


Attachment 3 Architectural Plans





Attachment 3 Architectural Plans



#### Recommended Conditions

#### 1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DA01, Rev. C	Existing Tenancy Plan	Archi Spectrum	21/10/21
DA02, Rev. C	Proposed Tenancy Plan	Archi Spectrum	21/10/21
DA03, Rev. C	North Elevation and Section A-A	Archi Spectrum	21/10/21
DA04, Rev. A	Site Plan	Archi Spectrum	21/10/21
DA05, Rev. B	Reflected Ceiling Plan - Finishes	Archi Spectrum	21/10/21
N01, Rev. C	North Elevation Signage Plan to be amended as per Condition 1.0(2)	Archi Spectrum	21/10/21

Document Title	Prepared by	Date
Waste Management Plan	N/A	N/A
Plan of Management	Prestige Town Planning and Anytime Fitness	20/5/21
Statement of Heritage Impact	Julie Mackenzie	October 2021

- (2) Modified Documents and Plans The development shall be modified as follows:
  - a) The labelling text for Sign 1 on the North Elevation Signage Plan (drawing no. N01, Rev. C, dated 21/10/21) shall be amended to ensure that it is clear that Sign 1 is to be located directly above the door transom on the front building facade, beneath the existing awning/verandah. No signs are to be placed on the existing timber fascia.
  - b) In addition, Sign 1 is not to be illuminated with internal LEDs. The sign is to be acrylic or aluminium lettering, with external backlighting, similar to the existing Whiteman's Arcade sign on the timber fascia. The selected font, business name and logo can be consistent with corporate branding.
  - c) The backlit frame around the double entry doors is to be illuminated in white or soft grey lighting, not corporate purple or any other colour that is not harmonious with the heritage conservation area.
  - d) If not already existing, sufficient external lighting and CCTV surveillance shall be provided externally to the rear member's entrance area.
  - e) All external illumination and/or lighting intensity (for signage or direct lighting) shall comply with AS 1158 and AS 4282.

- f) Light fittings are to be suspended, rather than recessed in the front portion of the tenancy where the ceilings are timber lined. Fittings are to be minimised in this area as the reconstructed timber will have an intumescent paint finish.
- g) No fittings are permitted to be fixed to the original riveted steel beams.
- h) Joinery must be installed in a reversible manner.
- The original heritage safe and sliding fire door must not be altered in any way.

Amended plans and / or documentation demonstrating compliance must be provided to the certifier and Council prior to the issue of any Construction Certificate.

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

#### 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) Construction Certificate for Base Building Works - Prior to the issue of a Construction Certificate for the alterations and fit out of the gymnasium approved by this Development Consent, a Construction Certificate is to have been issued for the rectification and heritage conservation works approved under DA/2021/285/1 and DA/2021/1054/1.

#### 3.0 - Prior to Commencement of Works

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

- (1) Public Liability Insurance The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with 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 principal certifier, and of the person by whom the principal certifier was appointed;

e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and

a telephone number on which the principal certifier may be contacted for business purposes.

- (3) Notice of Commencement of Work Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with 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;
  - the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - the date on which the work is intended to commence.
- (4) **Construction Certificate Required** In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
  - a) a Construction Certificate has been issued by a certifier;
  - a principal certifier has been appointed by the person having benefit of the development consent;
  - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
  - the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** A sign shall be erected in a prominent position on the site stating the following:
  - a) that unauthorised entry to the work site is prohibited;
  - the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
  - c) the name, address and telephone number of the principal certifier.

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

- (6) Site is to be Secured The site shall be secured and/or fenced.
- (7) **Dilapidation Report Council Property** A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

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

## 4.0 - During Works

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

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

unless approved in writing by Council.

- (2) **Compliance with BCA** All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Noise During Work** Noise levels emitted during works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW Environment Protection authority's Environmental Noise Control Manual.

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

Noise levels emitted during works must comply with:

Construction period of 4 weeks and under:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks and not exceeding 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

Construction period greater than 26 weeks:

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

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

(4) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.

#### 5.0 - Prior to Issue of an Occupation Certificate

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

- (1) Occupation Certificate (Base Building) Prior to the issue of any Occupation Certificate for the gymnasium approved under this Development Consent, Occupation Certificates are to have been issued for the base building rectification and heritage conservation works approved under DA/2021/285/1 and DA/2021/1054/1.
- (2) **Fire Safety Certificates** A Fire Safety Certificate must be provided to the principal certifier in accordance with the requirements of the EP&A Regulation 2000.

## 6.0 - Ongoing Use

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

- (1) Occupation Certificate Required An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) Air Conditioning Units The operation of air conditioning units shall operate as follows:
  - a) be inaudible in a habitable room during the hours of 10pm 7am on weekdays and 10pm to 8am on weekends and public holidays; and
  - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
- (3) Amenity The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.
- (4) Offensive Noise and Noise Compliance The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (5) Music and/or Amplifiers Music and other amplified sound, including recorded or

broadcast programmes or the like, played on the premises, shall be controlled so as not to cause any distraction or disturbance to nearby or adjacent residents, pedestrians or motorists, and shall not exceed 45dB(A) leq 15 mins measured within the adjacent commercial properties.

- (6) Display of Goods on Footpath No goods are to be displayed outside the confines of the building.
- (7) **Hours of Operation** The property can be used for the purpose approved within the following hours:

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

- (8) Waste and Delivery Vehicles Operating Hours Waste and delivery vehicles servicing the site shall only occur during the between the hours of 7am 10pm.
- (9) Approved Signage Maintenance The approved sign shall be maintained in a presentable and satisfactory state of repair. The level of illumination and/or lighting intensity used to illuminate the sign/s shall remain compliant with AS 1158 and AS 4282.
- (10) Plan of Management The gym is to be managed in accordance with the document titled Plan of Management, prepared by Prestige Town Planning and Anytime Fitness, dated 20 May 2021. The policies and procedures contained within the Plan of Management are to be reviewed on an annual basis, following complaints or as new information arises through the operation of the facility.



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# **PLAN OF MANAGEMENT**

# **Anytime Fitness Camden**

Tenancies 1 & 3, 90 – 100 Argyle Street, Camden, NSW, 2570 – Lot 1/-/DP1027952

20 May 2021

Prepared for submission to Camden City Council by Prestige Town Planning Pty Ltd on behalf of Anytime Fitness Camden.

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## Introduction

This Plan of Management has been prepared by Prestige Town Planning Pty Ltd to accompany the Development Application for the change in land use of the ground-floor level Tenancies 1 and 3 located at 90 - 100 Argyle Street, Camden from a former "Retail Shop" to a "Recreation Facility - Indoor (Anytime Fitness Gymnasium), operating 24 hours a day, 7 days a week, including internal fit-out and associated business identification signage.

#### Purpose of this Plan of Management

The purpose of this Plan of Management is to describe the operational details of the business and outline measures that should be implemented in order to mitigate any potential impacts on adjoining properties. Details in the plan include the number and hours of staff that is to be employed on the premises at any one time, security and access arrangements as well as noise and patron management.

#### Anytime Fitness Operation Overview

Anytime Fitness is designed to operate differently to a traditional gymnasium whereby the premises are generally much smaller in nature and scale and are accessible on a 24-hours a day, 7 days a week basis. Members can come and go whenever they please with the implementation of unique security access systems. Members are able to let themselves in with a personal access fob and therefore provides a service to those unable to attend typical gymnasiums during their regular business hours. Due to the size, design and general low intensity operation of the Anytime Fitness brand, car parking demand is relatively low.

#### **Hours of Operation**

The trading hours of the facility will be 24 hours a day, Monday to Sunday, including all public and bank holidays.

#### **Staffing**

The premises would generally operate with 3-4 staff members (Manager, Assistant and/or Personal Trainers).

The facility is to be staffed during the following hours:

Monday - Wednesday: 10:00am - 7:00pm
 Thursday: 10:00am - 6:00pm
 Friday: 10:00am - 4:00pm
 Saturday: 10:00am - 2:00pm

Sunday: Unstaffed

Staffing hours are subject to change as required by demand.

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## The Site

The site address relates to the ground-floor level Tenancies 1 & 3 located at 90 - 100 Argyle Street, Camden, NSW, 2570 and is legally registered as Lot 1/-/DP1027952. The property is situated on the South-Western corner of Argyle and Hill Streets with main pedestrian access from the Southern footpath along Argyle Street. Secondary access is provided via the rear access lane from Hill Street which leads to the adjacent public parking lot at 23 Hill Street, Camden. The property is further positioned within a B2 – Local Centre Zone and known as Item No. I9 - 'Whiteman's Arcade' on the Environmental Heritage Schedule 5, pursuant to the Camden Local Environmental Plan 2010. The subject tenancies are further surrounded by predominantly commercial orientated land use developments in what is deemed to be the local town centre.



Locality Map - NSW ePlanning Portal - Accessed May 2021

The property is considered to be sited in a convenient, sustainable and accessible location, with good access to public transport amenities and ample availability to car parking within the vicinity.

## Access, Safety and Security

#### Personal Access Cards and Safety

Access to the facility by patrons will be granted through the use of personal access fobs, uniquely assigned to each member. Only patrons with an active membership fob will be able to access the club outside of staffed hours.

The fob has a unique identity for each member, allowing the tracking of member attendance and preventing access to all non-members outside of staffed hours, with entry being conditional upon an active access fob.

#### Closed Circuit Television Cameras

A CCTV system will be utilised with continual 24-hour digital video recording and remote viewing capabilities. High resolution cameras will be positioned at the member's entrance with a number of cameras strategically positioned throughout the facility to maximise the observation of access points as well as reasonable locations within the premises. The facility has been designed with the security of members, staff and guests as a top priority and the premises have been designed to securely operate as a 24-hour facility, not requiring staff to be present. This is done by a state-of-the-art system encompassing the use of CCTV cameras, intrusion detection system, remote monitoring, tail-gate detectors and Crime Prevention through Environmental Design (CPTED) design principles. There will be a number of high-resolution CCTV cameras installed throughout the facility. These cameras will cover all areas of the gymnasium - apart from the bathrooms - including the immediate entrance.

These cameras will be continuously recording, and all video recorded will be stored for a minimum of 28-days for review if an incident occurs and needs to be reviewed for investigation. The CCTV footage will also be available to the hired security company as well as the owner of the facility from any computer via a secure log-in over the internet. This offers a great deal of immediacy, be there a security or safety issue at the gymnasium. During unstaffed hours, it is important to note that the facility can be accessed by signed members only who are in possession of an active swipe fob. People who do not hold a membership to an Anytime Fitness club are not able to access the gymnasium outside un-staffed hours. To ensure that active members of Anytime Fitness are not 'tail-gated' by intruders trying to use the facility, or trying to sneak non-members in, a state of the art 'tail gate detection' system will be installed at the member's entrance. This system monitors the entrance to ensure that only one person enters per member swipe. The facility uses laser sensors placed at each side of the doorway to detect the number of people entering.

This works in conjunction with a dedicated high-resolution camera facing the entrance. If a 'tail-gate' is detected the system will set off a beeping alarm to alert the member that they have been followed, the security camera is then triggered to record at a higher framerate to capture clearer video. The security company is then also alerted and will make a visit to the site. This system is in place to ensure the safety of members, and information can be recorded as to show who is in the facility at any given time.

CLPP05

Lanyards equipped with emergency buttons are also available for use by members during all hours of operation. The emergency button on these lanyards triggers an alarm and response from the security company to assist a patron with safety or health issues. It is company policy that members must wear one of these devices if they are in the gymnasium alone during unstaffed hours. Members are made aware of this through the induction process as well as signage present through the front entrance. Staff will ensure that these lanyards are always working through routine tests and battery replacement.

There will also be a number of emergency points installed throughout the gym where patrons will be able to activate an alarm and call for help. These stations in conjunction with the personal lanyards, continual CCTV monitoring and recording, the tail-gate detection and the CEPTED principles incorporated into the facility's design, all work in conjunction with one another, ensuring the facility is safe and secure at all times, whether it be staffed or unstaffed. This facility too will offer the latest in all these security technologies.

#### Safety

The operation of a gymnasium without staff present can lead to perceptions regarding personal safety from injury and health related issues during or post-exercise. Anytime Fitness fully recognises the two issues of health and safety and have put in place a number of measures in order to minimise the occurrence of such issues and to cater for the needs of a member if an issue were to arise. During late night or early morning hours, it is not uncommon for there to be a single member using the facility. Anytime Fitness caters for people such as shift workers or students who have irregular working hours. Because of this, all fitness equipment has been designed to be operated by its user without the need for a 'spotter' or supervisor. This is a unique feature of all Anytime Fitness gymnasiums and minimises potential issues of personal safety and or injury.

The facility would further be equipped with air-conditioning keeping the gym at a constant temperature, with fresh air entering the facility at all times. The controls for the air-conditioning system are located within the manager's office and cannot be accessed by members during unstaffed hours.

In the case of a medical emergency, either through injury or a health problem, there is equipment within the facility to deal with these emergencies. There is a first aid kit on site and all members will be shown the location of this kit when they sign up to the facility.

There is also an Automatic External Defibrillator installed at each Anytime Fitness facility, including this one. There will be simplified instructions on the wall adjacent to the defibrillator detailing how and when to use the machine on a patient with heart ailments. An emergency phone will also be installed in plain view on a wall of the facility. This phone will automatically call the security company when picked up for members to explain the situation and the security company will then engage the appropriate response. This phone will be labelled "EMERGENCY".

## Noise

#### **Operational**

With regards to the audio system, it is confirmed that the proposed facility will not produce amplified music, not internally nor externally, with no large speaker system to be installed. The fit-out of the facility will include televisions with speakers to support the visuals, generating low level background music only which is to be pre-set to an acceptable volume. The internal layout of the facility has also been designed in such a manner as to keep areas with potential for noise generation as far away from neighbouring tenancies and any sensitive land uses as possible.

#### In addition:

- Access to the facility outside of staffed hours is limited to members only.
- Data from similar and surrounding Anytime Fitness Facilities during the hours of midnight-0400hrs suggests likely usage to be as low as 1 visitor per hour.
- The data also suggests that numbers are so low that groups of visitors coming and going together, a scenario much more likely to give rise to disturbance, is not likely.

#### Member Orientation:

In accordance with the Membership Contract, new members will undergo a member orientation session as specified under section 5.3 of the Membership Contract. The following points are covered during this orientation:

- Members are made aware of the need to remain respectful when entering and leaving the gym, especially during the early hours.
- Education on the appropriate use of each piece of equipment on the gym floor. This
  includes the way equipment is used in a controlled manner as to maintain a quiet and
  courteous environment.
- Weight training is restricted to areas allocated for such use i.e. where appropriate acoustic impact absorbing rubber flooring has been installed.
- Introduction to security systems including education on 24-hour video surveillance for all gym areas both internally and externally as specified under section 6 of the Membership Contract.
- Full overview of Gym Rules and Regulations including penalties, should any rules not be adhered to.

#### Gym Rules:

In accordance with the Terms and Conditions of the membership contract, patrons must at all times abide by the "Club Rules" as specified under section 5.6 of the membership Contract. Anytime Fitness Camden will also set out their own gym rules and regulations. Should any member breech these rules, an immediate Membership Suspension or Termination may apply.

These rules and regulations include:

- Members must respect the amenity of nearby uses when entering and leaving the gym, especially during the early hours.
- Members must at all-times ensure that equipment is used in a correct and controlled manner so that no unnecessary noise is created e.g. unnecessary dropping of weights.

#### Internal and external signage

Anytime Fitness Camden will invest in adequate signage both internally and externally for the attention of all members. The signage would reinforce the need for entering and exiting in a quiet and courteous way and appropriate use of the gym and its equipment.

#### This includes:

- Members shall be constantly reminded not to make any excessive noise when arriving, using or departing the premises.
- The appropriate manner in which to use weights and equipment as to limit any potential noise generation.
- Weight training is to be restricted to areas allocated for such uses only (where appropriate impact absorbing rubber flooring has been installed).
- Members are to be made aware that the dropping of weights is strictly prohibited in all areas of the facility and members should refrain from performing any exercises that could potentially generate excessive noise.
- Way finding signage.

#### Complaint Resolution

Management will maintain a complaint register to record any complaint made by police, Council and surrounding business owners or residents and will endeavour to fully address any reasonable concerns expressed by such persons.

Management will endeavour to fully address all reasonable concerns of people in the surrounding area or other third parties without the involvement of Council or the New South Wales Police Service and will meet with any complaints and endeavour to completely address all reasonable concerns. Details of the owner will also be made available for complaints to be directed to.

## Maintenance, Cleaning and Waste Management

It is anticipated that the volume of waste generated by the gym will be minimal. Bins will be provided for patrons within the premises. All waste will be stored in proper containers before being removed for disposal by appropriate private contractors. Gym equipment will be maintained in good working order and serviced on a regular basis. Any equipment identified as faulty or requiring repair will be removed from use or clearly identified as 'Out of order'.

Cleaning of the premises and equipment will be carried out on a daily basis including the cleaning of all cardio machines, weight machines, showers, toilets and general gym area. Signage will also be placed on the premise indicating to patrons that they must use personal towels and cleaning fluid. Disposable wipes will also be provided throughout the facility for the use of cleaning equipment.

## Conclusion

In order to satisfy Council that the facility can operate on a 24-hour basis, the mitigation measures discussed in this report are to be undertaken on a daily basis as to ensure that the proposed development would not adversely affect the surrounding premises in the locality:

These measures include:

- · Access, Safety and Security
  - Personal Access Cards
  - o Closed Circuit Television Cameras
  - o General Safety
- Noise
  - o Operational
  - o Member Orientation
  - Gym Rules
  - o Internal and external signage
  - o Complaint Resolution
- Maintenance, Cleaning and Waste Management

Through the implementation of the aforementioned mitigation measures, the facility would not create any adverse impacts for any neighbourhood or surrounding land uses.