

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

ORDER OF BUSINESS – DEVELOPMENT COMMITTEE

APOLOGIES.....	3
DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST.....	3
DEVELOPMENT COMMITTEE PUBLIC ADDRESSES.....	3
1. Construction of Alterations and Additions to an Existing Building for Use as a 68 Place Child Care Centre, No 16 (Lot 2 DP 590368) Burnett Avenue, Mount Annan.....	4
2. Construction of Commercial/Office/Industrial Units at No 31 [Lot 160 DP 1020427] Cawdor Road, Camden.....	15
3. Request for a Review of a Development Consent Condition, DA785/2004 – No 10 (Lot 2 DP 202695) Hill Street, Camden	40
4. Proposed Modification to the Car Parking Arrangement at Camden Hospital, No 80 (Lot 2 DP 530480) Broughton Street, Camden	46
5. Proposal for Additional Poker Machines at Camden RSL, 23 Cawdor Road, Camden.....	51
6. Petition Re Development Application No 760/2004 for the Continuation of the Existing Motor Vehicle Auction Centre at 3A Stewart Street, Harrington Park	53
7. Draft Development Control Plan Somerset Avenue, Narellan - Interim Development Guidelines.....	55

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Present: Cr Anderson (Mayor/Chairperson), Cr Dewbery, Cr Elliott, Cr Kernohan, Cr Campbell, Cr Whiteman, Cr Cagney, Cr Funnell
Cr Johnson.

Staff: General Manager, Director Development & Environment,
Director Governance & Outcomes, Director Works & Services,
Manager Development, Manager Outcomes, Manager
Environment & Health, Senior Governance Officer.

APOLOGIES

There were no apologies.

**DECLARATION OF PECUNIARY OR CONFLICT OF
INTEREST**

Cr Johnson declared a interest in Item 1 of the Development Committee as a client of his accounting practice approached Cr Johnson on this matter.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

(Cr Johnson left the meeting during Public addresses in relation to Item 1 of the Development Committee – the time being 5.35pm).

Mr L Whitehead addressed the Committee in relation to Item 1.

MOTION

Moved Cr Kernohan, seconded Cr Campbell that the additional speakers Mrs B Stokes and Mrs Randell be permitted to address the Committee in relation to Item 1 of the Development Committee.

DC109/04 THE MOTION ON BEING PUT WAS **CARRIED.**

Mrs Benice Stokes then addressed the Committee in relation to Item 1 of the Development Committee.

Mrs Randell also addressed the Committee in relation to Item 1 of the Development Committee.

(Cr Johnson returned to the Chamber – the time being 5.45pm).

Mr J Estephan addressed the Committee in relation to Item 3 of the Development Committee.

Mr R Newport addressed the Committee in relation to Item 2 of the Development Committee.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

1. Construction of Alterations and Additions to an Existing Building for Use as a 68 Place Child Care Centre, No 16 (Lot 2 DP 590368) Burnett Avenue, Mount Annan

File No: DA1160.160-2 (Director, Development & Environment Division)
DA No: 190/2004
Owner: Mr M Martin
Zoning: 2 (d) Residential "D" (Release Areas)

Purpose of Report

This matter was originally considered by Council at its Development Committee Meeting of 9 August, 2004. At that meeting the Committee resolved that the matter be deferred and heard at the Development Committee Meeting of 13 September, 2004, with a site inspection to be carried out prior to the meeting.

Summary of Recommendation

It is recommended that the Development Application (DA 190/2004) be refused.

Background

A Development Application has been received for the establishment of a 68-place Child Care Centre at 16 Burnett Avenue, Mount Annan. The matter was notified to neighbours and a number of submissions were received. The applicant was advised of the matters raised in the objections and Council's concerns. The applicant responded with a number of amended reports, which did not substantially change the application.

A meeting was held between Council staff, the applicant and his consultant. At that meeting all the issues raised by the applicant in his address to Council were discussed, and it was agreed that the applicant would submit an amended plan, to clarify points of confusion.

A telephone conversation was held between Council staff and Mr Whitehead. Mr Whitehead is the objector who spoke at Council's 9 August, 2004 meeting. Mr Whitehead outlined his concerns and these are discussed later in this report.

Council has received five (5) additional written submissions relating to the development application, these will be discussed later in this report and **were distributed to Councillors under separate cover (Item 1).**

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

The Site

The subject site is known as No 16 (Lot 2 DP 590368) Burnett Avenue, Mount Annan and is located on the southern side of Burnett Avenue, between Dore Place and Channel Place. The property has an area of 2115m², with a 36.3m frontage to Burnett Avenue.

An older style single storey weatherboard dwelling is erected to the front of the property whilst still being well behind the established building line.

The front boundary is elevated above Burnett Avenue with a slight rise to the rear. A stone wall acts as a retaining wall for the front of the property and a Murraya hedge is located on top of the stone wall. A large eucalyptus tree is located at the rear and to the west of the dwelling, and is to remain as part of this Development Application. **A location plan of the proposed development is provided at the end of the report.**

The Proposal

The Development Application seeks to construct an extension to the existing dwelling and use the existing dwelling and the proposed extension for the purpose of a 68-place Child Care Centre. The Centre is proposed to cater for the following number of children:

- 0-2 years old - 10
- 2-3 years old - 28
- 3-6 years old - 30

The Child Care Centre is proposed to operate from 7am to 6pm, Monday to Friday. The majority of children will be dropped off at the site between 7am and 9am and picked up between 4pm and 6pm.

The Development Application proposes to use the existing 6m wide vehicle accessway along the western boundary of the site, leading to 17 car parking spaces (11 adjacent to the western side of the building, and 6 along the rear boundary of the site). The Development Application proposes that the front and rear south eastern section of the property be used as a child play area. A plan of the proposed development was provided with the last report. The plans have been amended by the applicant since that time and **a copy of the new plans were included at the end of this report.**

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Notification

In accordance with Council's Development Control Plan 116 – Notification, Advertisements and Mediation, the application was notified from 22 March, 2004 to 5 April, 2004. 18 persons were notified.

53 responses were received, as well as 5 petitions containing 180 signatures. Overall 115 signatures were received.

Planning Controls

The following planning instruments are relevant in the determination of this development application.

- Camden 2025
- Camden Local Environmental Plan No 47 (CLEP 47).
- Camden Scenic and Cultural Landscape Study
- Development Control Plan No 101 Child Care Centre policy (DCP 101).

Amended Plan

As a result of the comments made by the applicant at the Development Committee Meeting of 9 August, 2004, the applicant was invited to meet with Council staff to discuss his concerns. The meeting was held on 19 August, 2004 and all the applicant's concerns were discussed.

The outcome of this meeting was that an amended plan would be submitted by 23 August, 2004. The applicant also advised that he would obtain a valuation detailing the impact of the proposed child care centre on adjoining properties.

A new plan was presented to Council on 1 September, 2004. The amended plan is essentially the same as the previous plan and for this reason has not been renotified. The plan submitted is provided below.

The variation between the two plans are as follows:

- (a) The proposed new building (additions) has been moved 2.5m to the east;
- (b) The car parking plan has been amended by the inclusion of two parking spaces in front of the building, one additional car parking space has been provided, those parking spaces located along the side of the building have been moved approximately 1.5m further away from the western boundary;
- (c) A 1m wide landscaping strip has been provided between the driveway and the western boundary;

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (d) The walkway from the road to the office has been removed;
- (e) 3 additional trees will be required to be removed;
- (f) The sand pit has been moved from the front to the rear play area;
- (g) Fences have been changed from a metal fence to a lapped and capped 1.8m high fence.

Comments from a registered valuer were received on 3 September, 2004.

The report states "I note that Starr Partners have given an opinion that the adjoining western property would see the diminish instantly of up to 10% of the value of that holding. Such a bland statement cannot be substantiated and has not been evidenced by any sales.

From my experience over a 35 year period in the Macarthur region, it is my opinion that there would be minimal affectation on properties adjacent to Child Care Centres.

In summary I would note that a similar matter occurred in the Camden area with the Land and Environment Court indicating the impossibility of determining affectation and devaluation on adjacent and adjoining residential homes and retirement village by approval of the present Shell Service Station fronting Remembrance Drive at South Camden." A copy of the correspondence **was distributed to Councillors under separate cover.**

Assessment of Amended Plan

The impact of the abovementioned changes are assessed below:

- (a) The proposed new building has been moved 2.5m to the east.

Assessment

This amendment will have no impact on the previous assessment of the centre.

- (b) The car parking plan has been amended by the inclusion of two parking spaces in front of the building, one additional car parking space has been provided, those parking spaces located along the side of the building have been moved approximately 1.5 m further away from the western boundary. Council's DCP requires the provision of 17 spaces and the amended plans allow for 18 spaces.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Assessment

The two car parking spaces in front of the building will be amongst the most used spaces in the centre, and their location in front of the building will place them in a position further away from the adjoining dwelling than the previous plan. This will lessen the impact on that dwelling.

The amended parking layout requires the removal of a tree, which is considered worthy of retention. If Council resolves to grant approval to this application, a condition should be imposed requiring the amendment of the car parking plan to show car parking space number 3 as a landscaped area. The resultant number of car parking spaces would be 17 which complies with the requirements of the DCP.

Parking spaces 3-13 have been moved approximately 1.5m further away from the western boundary. This will marginally lessen the impact of the car parking spaces on the adjoining residence.

- (c) A 1m wide landscaping strip has been provided between the driveway and the western boundary.

Assessment

A 1m wide landscaping strip is proposed along the western boundary, as opposed to none in the previous plan. This will increase the distance between the driveway and the residence by one metre however is not expected to mitigate noise. The strip, if well-maintained, would provide visual relief along the fence.

- (d) The walkway from the road to the office has been removed.

Assessment

A separate walkway was previously provided from the property boundary to the office adjacent to the driveway crossing, which is not shown on amended plans. It is important that this walkway be provided to facilitate access by persons who may walk to the premises. If Council resolves to grant approval to this application, a condition should be imposed requiring the provision of a walkway from the roadway to the office.

- (e) The sand pit has been moved from the front to the rear play area.

Assessment

The removal of the sand pit from the front play area to the rear play area removes Council's concern relating to

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

the impact of the proposed child care centre on the streetscape by removing the structure, however does not address the issues associated with children playing immediately adjacent to the footpath as this entire area will be used as a play area.

- (g) Fences to the side and rear boundaries have been changed from a metal fence to a lapped and capped 1.8m high fence.

Assessment

All the present fences are lapped and capped timber fences. Some are already 1.8m high and some are 1.5m high. It is proposed to erect 1.8m high fences around the entire site. The provision of these fences would lessen the impact of the development on the adjoining residence.

Overall it is considered that the amended plan is a better proposal than the previous plan. However the proposal still does not comply with the noise requirements of DCP 101.

Submissions

The matter has been discussed with Mr Whitehead who addressed the Development Committee Meeting of 9 August, 2004. Mr Whitehead expressed an opinion that information in the reports submitted to Council as part of the application contained errors. In particular the number of staff to be employed in the centre, inadequacies in the noise report, concerns with the car parking design. All of these matters had been recognised by Council staff. Mr Whitehead also expressed an opinion that 68 children were too many for the site and stated that some councils placed a cap on the number of children that could attend a child care centre.

Five additional submissions have been received since the meeting of 9 August, 2004. All of these are from persons who made submissions previously. From these submissions two additional concerns were raised:

- (a) Persons driving west along Burnett Ave of an afternoon would be looking directly into the setting sun during the period when children would be being picked up.

Comment from Council Officers

This submission is not refuted, however is not considered a reason on which to base the refusal of the application.

- (b) A number of amphibious wild life frequent this area, and concern is raised that the additional traffic generated by

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

the child care centre may increase the possibility of harm coming to these animals.

Comment from Council Officers:

Ducks have been observed wandering Burnett Ave, well away from the waterways, however the possibility of one of these ducks or any other animal being hit by a person attending the pre school is considered to be low and again is not a reason to refuse an application.

Noise

Clause 6 of Council's Development Control Plan 101 - Child Care Centres provides:

- 6.1 In residential areas child care centres should be located on allotments which have minimal common boundaries with residential properties so as to lessen the effects of noise and reduce privacy impacts on adjoining residents.
- 6.2 Consideration must be given to the location of adjoining dwellings when locating outdoor play areas.
- 6.3 Council will require all development applications for the establishments of child care centres to be supported by a noise report prepared by a qualified practising acoustic consultant. Such report must have regard to the ambient noise levels for the area and the potential for the proposed Child Care Centre to produce offensive noise levels at adjoining properties. In this regard reference shall be made to the Noise Control Act, 1975 and the provisions of the Environmental Noise Control Manual published by the Environmental Protection Authority.

The Noise Control Act referred to in the DCP has been superseded in this instance by the Industrial Noise Policy (INP) of the EPA.

The INP provides that a noise source may generally be considered acceptable if the noise from a source measured over a 15 minute period, does not exceed the background noise level measured in the absence of the noise source by more than 5dB(A).

In this instance the background noise level is 39dB(A), which means that the allowable noise criteria from the source must be 44dB(A).

The reports submitted by the applicant noise consultant states:

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

ASSESSMENT OF NOISE IMPACT DUE TO INTERNAL NOISE LEVELS

“The activities occurring inside the building will generally consist of quiet play and learning activities. On occasions, the internal noise levels will rise to about 73dB(A) for extended periods”.

ASSESSMENT OF NOISE IMPACT TO OUTSIDE PLAY AREA ACTIVITIES

“It will not be possible to achieve the noise limit of 44dB(A) at the boundary from the play area along the eastern boundary during boisterous play. When the children are in these play areas, they will require close supervising and be encouraged to play quietly. This is the preferred means of noise control in outdoor play area”.

ASSESSMENT OF NOISE IMPACT DUE TO VEHICLE MOVEMENT IN PARKING AREA

“Measurements of various activities associated with car movements in a parking area have been undertaken. At a distance of about 5 metres, the opening and closing of car doors would typically produce maximum noise levels of 70 to 75dB(A)

Vehicle start up would typically produce noise levels of 60 to 65dB(A) at 5 metres. Similar noise levels could be expected for vehicles driving at low speed.

If there were no intervening fences between the properties, the maximum noise levels should be about 70 to 75dB(A) for the opening and closing of car doors and about 60 to 65 dB(A) for vehicle start up at the nearest residences along the western and southern boundaries. Similar noise levels should occur due to vehicles on the driveway.

To enhance the performance of the fence, the existing wood paling fence should be clad on the car park side of the fence with profile metal deck cladding. This should provide a noise reduction of about 7 to 10 dB(A) to the residences in the southern and western directions when the vehicles are moving close to the fence or parking up to the fence as at the rear of the site.”

Comment from Council Officers:

In relation to the outside play area the noise consultant has admitted that the noise control requirements cannot be complied with and that the best way to manage boisterous play is by close supervision.

The noise consultant has provided an anticipated noise level of 73dB(A) for indoor activities, but has not provided any figures for outdoor activities. It can be assumed that the noise levels

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

for outdoor activities would be similar to those for indoor activities, which is in excess of the required 44dB(A)

In relation to traffic, the consultant has anticipated that the noise level at the adjoining residence will be in the range of 50 to 55dB(A) for traffic noise and between 60 and 65dB(A) for the closing of car doors, which is in excess of the required 44dB(A).

The noise report submitted refers to the original plan. No information has been received relating to the amended plan. However from the information provided it can be assumed that the noise level from traffic would still exceed the allowable 44dB(A).

Conclusion

The noise reports submitted with the development application provides no quantitative information indicating that the child care centre complies with the required noise level, or by how much the required noise levels are likely to be achieved.

Whilst it is accepted that the amended plan for the child care centre will have less adverse impact on the adjoining residence and the street scape than the previous plan, the proposal still exceeds the noise requirements contained in Council's DCP 101. For this reason, it is recommended that the application be refused.

Recommended: That:

- (i) Development Application No 190/2004 to establish a Child Care Centre at No 16 (Lot 2 DP 590368) Burnett Ave, Mount Annan be refused for the following reasons:
 - (a) the proposal does not comply with objectives (b) and (e) of Development Control Plan No 101 – Child Care Centres;
 - (b) the proposal will have an adverse impact on the amenity of the adjoining residents, in particular the residents of 14 Burnett Ave, Mount Annan;
 - (c) the proposed development does not comply with the provision of Development Control Plan – 101 Child Care Centres which prohibits the establishment of play areas within the front boundary setback;
 - (d) the proposed development will generate a possible security problem by the establishment of a child play area in front of the dwelling;

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

(e) the proposed development does not comply with the noise requirements of Development Control Plan no 101 – Child Care Centres.

(ii) That the objectors be advised of Council’s determination.

(Cr Johnson, having previously declared a pecuniary interest in the matter took no part in discussion or voting on the matter, and left the Chamber – the time being 5.55pm)

MOTION

Moved Cr Elliott, seconded Cr Campbell that

(i) *Development Application No 190/2004 to establish a Child Care Centre at No 16 (Lot 2 DP 590368) Burnett Ave, Mount Annan be refused for the following reasons:*

(a) *the proposal does not comply with objectives (b) and (e) of Development Control Plan No 101 – Child Care Centres;*

(b) *the proposal will have an adverse impact on the amenity of the adjoining residents, in particular the residents of 14 Burnett Ave, Mount Annan;*

(c) *the proposed development does not comply with the provision of Development Control Plan – 101 Child Care Centres which prohibits the establishment of play areas within the front boundary setback;*

(d) *the proposed development will generate a possible security problem by the establishment of a child play area in front of the dwelling;*

(e) *the proposed development does not comply with the noise requirements of Development Control Plan no 101 – Child Care Centres.*

(f) *the proposed development does not provide safe entry and exit by vehicles from Burnett Avenue.*

(g) *Council considers the proposal would cause serious traffic congestion and could cause traffic and pedestrian conflict.*

(h) *the applicant has failed to demonstrate the works would not adversely impact the heritage aspects of the site.*

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

(ii) *That the objectors be advised of Council's determination.*

DC110/04 THE MOTION ON BEING PUT WAS **CARRIED**.

(Cr Funnell voted against the Motion).

***(Cr Johnson returned to the Chamber – the time being
6.21pm).***

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

**2. Construction of Commercial/Office/Industrial Units at
No 31 [Lot 160 DP 1020427] Cawdor Road, Camden**

File No: DA1500.315 (Director, Development &
Environment Division)
DA No: 555/2001
Owner: K & M Joseph
Applicant: J & M Kachapilly
Zoning: 3 [f] Town Centre Support pursuant to Camden
LEP 45

Purpose of Report

The purpose of this report is to seek Council's determination of a Development Application for a commercial building. The application is referred to Council due to the land being affected by the 1% flood event.

Summary of Recommendation

It is recommended that the application be approved subject to standard conditions of consent.

Background

On 28 March 2001 Council received an application for construction of Commercial /Office Units & Subdivision at No 31 [Lot 160 DP 1020427] Cawdor Road, Camden. The application (DA555/2001) was determined by Council's Development Committee on 9 September, 2002 and approved subject to conditions of consent. The consent is still current although construction of the proposed development has not commenced.

A new application was submitted on 25 June, 2004, for construction of a building incorporating commercial, industrial and office units, which due to the land being affected by flooding is now before Council for consideration.

The Proposal

The application proposes construction of a two storey, pre cast concrete building with a colorbond roof and a maximum height of 9.5m from ground level to the roof apex. The four-unit development is intended to accommodate a car tyre retail outlet and an industrial unit on the ground floor, with 2 office units on the top floor and provision for 12 car park spaces (**see plan attached to report**).

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

The Site

The 1004m² site is vacant land located on the eastern side of Cawdor Road opposite Bicentennial Park, adjacent to the Caltex Service Station. The land is affected by a 6m wide Right of Carriage Way (ROW) which connects the land to the east with Cawdor Road. **A copy of the locality plan was attached.**

The site, which slopes from the rear of the property towards Cawdor Road, has a grade of approximately 1 in 20 varying from RL67.5-65.0. The 1% Annual Exceedance Probability [AEP] flood level determined by Council for the site is RL 71.3 metres AHD. The depth of flooding varies between 3.7m and 5.8m during the 1% flood event. The 5% AEP flood level for the site is 69.4 AHD. Part of the site is classified flood storage and the remainder flood fringe.

Notification

The new proposal was notified in accordance with Council's Development Control Plan 116 'Notification, Advertisements and Mediation'. At the conclusion of the exhibition period no submissions were received.

Planning Controls

The following plans and policies have been considered in the assessment of the application:

- Camden 2025
- Camden LEP 45
- Draft Scenic and Cultural Landscape Study.
- Nepean River Flood plain Management Study and Plan
- Flood Policy for Camden Township
- SREP 20 Hawkesbury – Nepean River
- Safer by Design
- Development Control Plan No 97 – Car Parking

Assessment

The proposed development has been assessed in accordance with section 79C of the Environmental Planning & Assessment Act. The following comments are provided with respect to the critical aspects of the assessment.

- [a] **The provision of any local environmental plan, development control plan or draft instrument**

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Camden 2025

The proposed development responds to the Strategic Plan for Camden by providing a local activity, which services the needs of the growing community while contributing to the opportunity for business and employment.

Camden LEP 45

The land is zoned 3 [f] Town Centre Support pursuant to Camden LEP 45. The proposed development is permissible with the consent of Council. The LEP seeks to 'encourage development that supports or complements the primary office and retail functions of the Town Centre zone'. The proposal is considered to satisfy the objectives of the LEP.

Clause 14 of the LEP relates to height of buildings. A building 'shall not be greater than 2 storey or 7m above ground level unless the Council is satisfied that the building will not unnecessarily or unreasonably intrude upon:

- [a] an item of environmental heritage.
- [b] the existing character of buildings in the locality,
or
- [c] significant streetscapes or vistas'.

The main body of the building, on average, achieves a height of approximately 7.5m from ground level to roof ridge. An architectural feature of the design raises the western apex of the roofline to a height of 9.5m at a single point.

The nearest heritage item is the AH & I Hall at Camden Showground. A distance of approximately 250m ensures that the development does not adversely impact upon the heritage item, nor will the development impact upon the character of existing buildings in the immediate vicinity. Whilst the adjacent Caltex Service Station may be of less height (8.2m) than the proposed development, the service station does not have any character or quality that may be detrimentally affected. On this basis the proposed building and apex heights are considered acceptable. The recently completed retail development which incorporates the Target shop and specialty retailing is also a high building with an average height of 8m and therefore the height of the proposed building is not inconsistent with adjacent development.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Draft Scenic and Cultural Landscape Study

Council's Draft Cultural and Scenic Landscape Study with reference to Camden Town, encourages "the giving of careful consideration to the mass, form, style, setbacks, materials and colours of infill or redevelopment buildings in order to harmonise with the characteristic buildings already present".

Due to a drainage easement and a Right of Carriageway, which traverse along the northern length of the land, the building would be located along the property's southern boundary. When viewed from the street this provides an open distance of at least 6m between the building and the northern boundary which would create a sense of separation between potential future development on the adjoining land to the north. The separation, in conjunction with the orientation of the building, refrains from creating an imposing façade to the street front.

Further, with the use of sympathetic colours, it is considered that the development would not have a detrimental impact on the vistas associated with the adjoining flood plains.

Nepean River Flood Plain Management Study and Plan

The subject site is classified as High Hazard – Flood Storage. The 1% AEP flood level is 71.3m AHD. Given that the lowest ground floor level of the proposed development is at 66.0m AHD, the floor will be 5.3m beneath the flood level during the 1% flood event. During the 5% AEP flood event the flood level will be 69.4m AHD, which is slightly below the first floor level of the building located at 69.5m AHD.

It should be noted that the velocity of water flowing over the site is negligible. The building has been designed and certified by a Structural Engineer with regard to the structural stability of the building during periods of flooding.

The applicant has provided an Evacuation Plan, which based on advice from the State Emergency Services, anticipates provision of 6 to 8 hours notice of flooding. Under the requirement of a positive covenant the owner of Unit 1 would be responsible for giving evacuation notice to all other occupants. During this period any potential pollutants or valuable goods would be removed to flood free storage.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

As Development Applications are submitted for the occupancy of each unit it is anticipated that a more detailed evacuation plan be submitted, outlining the provisions for storage during a flood event. Conditions of consent can address the need for this information to be included in any development application for use of the units.

SREP 20 Hawkesbury – Nepean River System

SREP 20 provides that Council shall not grant consent to any application to carry out development which drains to the Hawkesbury – Nepean River system, unless it has taken into consideration the effect that development will have on the river system. The proposed development will have suitable sedimentation control measures in place during the construction phase to ensure disturbed soil does not leave the site. All sanitary facilities associated with the building will be connected to the sewer of Sydney Water. Consequently the development is not expected to have any significant impact on the river system.

Council Policy - Development of flood affected land within the Camden Town Centre.

The policy adopted by Council contains several criteria for developing flood-affected land. Buildings must be constructed of flood compatible materials capable of withstanding the impact of floodwaters, debris and buoyancy. The policy also requires each business to develop a flood evacuation strategy that includes provision for the storage of goods above the 1% flood event.

Due to the constraints of the site, compliance with the policy for the provision of flood free storage would necessitate the construction of a third floor [which is not permitted by LEP 48] and an increase in the overall height of the building.

It is recommended that during an extreme flood event, ie 1:100 year and PMF, pollutants and merchandise be removed from the premises and stored off site. A detailed flood evacuation strategy would be required by each business, prior to occupation, satisfying the provision of relocation and flood free storage.

Safer by Design

The development design includes an alcove which creates an area suitable for concealment. The use of the

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Right of Carriageway to the land adjoining the rear boundary would contribute to the provision of surveillance of the premises.

The provision of after hours security grilles restricting access to the area between Units 1 & 2, will further reduce the potential for criminal activity or vandalism. This matter is addressed as a condition of the consent.

Development Control Plan No 97 – Car Parking

The proposal is affected by the provisions of Development Control Plan 97 (DCP 97) which provides guidelines to ensure adequate parking is available relevant to the land use. Based on the following calculations:

- 6 spaces per work bay for the car tyre retail outlet,
- 1 space per 50m² floor area for the industrial unit, and,
- 1 space per 35m² floor area for the office units, plus 1 space per 500m² for courier/service vehicles

The car parking requirements equate to 17 parking spaces.

The application proposes provision of 15 spaces, of which 3 are located within the tyre fitting bay. In addition the applicant has included a submission requesting exemption to the number of required spaces. The request is based on the present number of clientele attending his current business in Little Street, Camden, which has an average attendance of 5 vehicles per day, generally by appointment.

Evaluation of the request has determined that consideration must be given to the potential growth of the business and the subsequent increase in demand for parking. The intended provision of parking spaces within the work bay is not considered feasible given that the bay is a work area, therefore the effective number of car park spaces is 12. Further, adequate clearance for access to the fire hose reel should also be maintained and an area is required to be available for loading within the building as no area is available on site for this purpose.

The DCP provides for monetary contributions pursuant to S94 to be paid in lieu of off-street parking being provided. Accordingly the applicant should be required by condition of development consent to pay contributions for the shortfall of 5 spaces.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

[b] Likely impact of the development on both the natural and built environment

The applicant will be required to comply with various environmental constraints during the construction phase of the development such as sedimentation control, hours of operation and noise generation. Proposed conditions of development consent will ensure that all waste generated by the occupation of the units is appropriately treated and disposed of. Utilisation of Council's or a private waste collection service and connection of all sanitary facilities to Sydney Waters' sewerage system will ensure that the impact upon the natural environment is minimised.

[c] Suitability of the site

The subject site is fully serviced in that water, sewer, electricity and telephone services are readily available. The site has good access to Cawdor Road in terms of sight lines and motorist / pedestrian safety. The level of flood affectation lends the property to development of this nature that does not incorporate any residential component.

Conclusion

Given the constraints of the site, the proposed development has merit and in terms of flood risk is considered to be an improvement over the approved development. The new proposal has less overall height and bulk and is subsequently less imposing than the previously approved building.

The application generally complies with Council policy and development guidelines, apart from its height. Where non-compliance is recognised, conditions of consent may be imposed to satisfy the relevant requirements.

Recommended: That Development Application No 658/2004 for construction of a two-storey industrial/office building at No 31 [Lot 160 Deposited Plan 1020427] Cawdor Road, Camden be approved subject to draft conditions of development consent shown below.

Draft Conditions of Consent
Construction of Commercial Building for Use as
Office/Industrial Space
Lot 160 DP 1020427 (No 31) Cawdor Road, Camden.
DA 658/2004

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Details of Conditions:

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by J - Designs Architectural Drafting Services, dated 6/03/2004.

The development must also comply with the conditions of approval imposed by Council hereunder.

Amendments – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended Development Application” form pursuant to section 96 of the Environmental Planning & Assessment Act 1979.

- (2) **Use of Units**- This approval is given for the following:

- construction of a building comprising of 4 industrial/office/retail units;
- the use of unit 1 for a car tyre retail outlet.

The use of individual units is subject to a separate Development Application being lodged with the Consent Authority prior to occupation.

- (3) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.

- (4) **Bundling Of Work And Storage Areas** - All works and storage areas where spillage may occur must be bunded. The size of the area to be bunded must be calculated as being equal to 110% of the total volume stored or equal to the largest storage container, whichever is the greater. All bunded areas must be graded to a pit/sump so as to facilitate emptying and cleansing. All pipework from the enclosed tanks and/or pumps must be directed over the bund wall and not through the wall. Hose couplings for the tanks enclosed within the bund must be placed such that all leaks and spillages are contained within the bund. Where possible the bunded area should be roofed.

- (5) **Graffiti** – The finishes of structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed or repaired.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (6) **Use of Unit 2** – The use of unit 2 shall be for industrial purposes only. A Development Application shall be submitted for the initial use.

Any change of use will be subject to Development Approval and may require additional provisions for car parking.

2.0 - Construction Certificate Requirements

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

- (1) Pursuant to **Camden Contributions Plan** adopted in November 2003, a contribution must be paid to Council of \$7.65 per square metre, total \$4,660.00 for **Community Facilities**.

The contribution must be indexed by the methods set out in Paragraph 2.4 of the plan paid prior to issue of the Construction Certificate.

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

- (2) Pursuant to **Camden Contributions Plan** adopted in November 2003, a contribution must be paid to Council of \$26,117.10 per car space, total \$130,586.00 for **Car Parking**.

The contribution must be indexed to the Consumer Price Index and paid prior to issue of the Construction Certificate.

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

- (3) **Fire Safety Measures** – The following information must be submitted with any application for a Construction Certificate:

- A list of any fire safety measures that are **proposed** to be implemented in the building or on the land on which the building is situated, and

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (4) **Alternative Solution** – Where the application for a Construction Certificate involves an alternative solution to meet the performance requirements of the Building Code of Australia, the application must be accompanied by:
- Details of the performance requirements that the alternative solution is intended to meet, and
 - Details of the assessment methods used to establish compliance with those performance requirements.
- (5) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Councils Engineering Works Development Control Plan and associated guidelines and are to be submitted **for approval to the Principal Certifying Authority prior to the Engineering Construction Certificate being issued.**
- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
 - under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.
- Note:** the developer must obtain a Construction Certificate prior to commencement of any physical site works.
- All works associated with the subdivision are to be undertaken at no cost to Council.
- (6) **Speed Control** - Speed humps or similar measures must be provided along the internal driveway(s) at sufficient intervals so as to discourage the travel of motor vehicles within the development at unreasonable speed.
- (7) **Car Parking Design** - The design, construction details of the parking spaces, access thereto and all other external hardpaved areas must conform to the Consent Authority's (ie Camden Council) standard, and documentary evidence of compliance of above condition must be submitted by a Accredited Certifier/suitably qualified person/Council or the Principal Certifying Authority **prior or the Construction Certificate being issued.**

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

A work-as-executed plan and/or documentary evidence of compliance with the above conditions must be provided by an Accredited Certifier or Council **prior to the Occupation Certificate being issued.**

For the purpose of this condition a parking space must only be used for the parking of motorcycles, sedans, utilities, vans and similar vehicles up to two (2) tonne capacity.

- (8) **Development Branch Fees** - Where Council has been nominated as the Principle Certifying Authority the following fees must be paid to Council **Prior To A Construction Certificate Being Issued:**

- (a) Council Engineering inspection fee \$319.23
- (i) Small development

These fees are applicable during the 2003/2004 financial year and are adjusted annually by Council.

The payment must be deposited in Account No. 4650 1072 267. All works associated with the development are to be undertaken at no cost to Council.

- (9) **Civil Engineering Plans** - Indicating drainage, roads, driveways, carparking areas, pavement design and details of linemarking, and traffic management details must be prepared strictly in accordance with Camden Councils Engineering Works Development Control Plan and associated guidelines and submitted for approval to Principal Certifying Authority **prior to the Engineering Construction Certificate being issued.** The fees for the Engineering Construction Certificate fixed at \$351.23 for 1st submission and \$128.03 for 2nd submission and hourly rate \$74.16 for any subsequent submissions. The payment must be deposited in Account No. 4650 1071 267. All works associated with the development are to be undertaken at no cost to Council.
- (10) **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Councils Engineering Works Development Control Plan and the Guidelines for engineering design specification.
- (11) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety minimise effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

accordance with AS 1742.3 1985 and to the requirements and approval of Council. Plans and proposals **must be approved by Council prior to the Construction Certificate being issued.**

- (12) **Public Risk Insurance Policy** - Council will require the owner or contractor to take out Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a copy of such policy must be submitted to the Council **prior to the release of the Construction Certificate.**
- (13) **Drainage Design** - A stormwater management plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This Plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.
- (14) **Stormwater Detention** - The capacity of the existing stormwater drainage system must be checked to ensure its capability of accepting the additional run-off from this development. If necessary an on-site detention system must be provided to restrict stormwater discharges from the site to pre-development flows. The system is to provide for all storms up to and including the 1% AEP event. Engineering details and supporting calculations must be prepared by a qualified Hydrology Engineer and submitted to the PCA for approval with the Construction Certificate.

On completion of the on-site detention system, Works-as-Executed plans are to be prepared by a registered surveyor or the design engineer and submitted to the Principal Certifying Authority. If Camden Council is not the Principal Certifying Authority, a copy is to be submitted to the Council **prior to the issue of the Occupation Certificate.** The plans are to be certified by the designer and are to clearly make reference to:

- the works having been constructed in accordance with the approved plans,
- actual storage volume and orifice provided,
- the anticipated performance of the system with regard to the design intent.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

The developer must prepare a Section 88B Instrument for approval by the Principal Certifying Authority which incorporates the following easements and restrictions to user:

Restriction as to user indicating that the on-site detention basin must be maintained at all times to a level sufficient to ensure efficient operation of the basin, and that the Consent Authority (ie Camden Council) must have the right to enter upon the burdened lot with all necessary materials and equipment at all reasonable times and on reasonable notice (but at any time and without notice in the case of an emergency) to:

- (i) view the state of repair of the basin;
 - (ii) to execute any work required to remedy a breach of the terms of this covenant if the proprietor has not within fourteen (14) days of the date of receipt by the proprietor of written notice from the Council, requiring remedy of a breach of the terms of this covenant, taken steps to remedy the breach and without prejudice to the Council's other remedies the Council may recover as a liquidated debt the cost of such remedial work from the proprietor forthwith upon demand.
 - (iii) Restriction as to user indicating that the on-site detention basin must not be altered, or removed in part, or structures erected thereon without the prior consent of Council.
- (15) **On-Site Detention Tanks** - All proposed on-site detention tanks shall be provided with appropriate screening in the form of mounding and landscaping. **Details are to be provided to the Consent Authority prior to the issue of the Construction Certificate.**

All discharge lines shall be connected to the kerb with steel box sections. All redundant laybacks shall be restored with kerbs.

- (16) **Structural Engineer's Certificate** - A certificate must be prepared by a practising structural engineer and must be submitted to Council attesting that the building design is capable of withstanding the effects of water and water pressure due to flooding **prior to the Construction Certificate being issued.**
- (17) **Evacuation Plans Required** - Development Applications for the use of individual units shall be accompanied by detailed evacuation plans indicating that measures are

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

incorporated in the development to ensure the timely, orderly and safe evacuation of people and potential pollutant material from the buildings on-site, during periods of flood.

- (18) **Free Flow Of Water** - The location and design of the proposed doors must allow free access and escape of floodwaters without causing damage to the building.

Details shall be evident in the Construction Certificate application.

- (19) **Water Resisting Construction** - All external and internal partitions, framework, services and flooring must be constructed using flood compatible material.

Details shall be evident in the Construction Certificate application.

- (20) **Soil Erosion And Sediment Control Plans** - Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (ie Camden Council) "Soil Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of the undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued:**

- (a) existing and final contours
- (b) the location of all earthworks including roads, areas of cut and fill and re-grading
- (c) location of impervious areas other than roads
- (d) location and design criteria of erosion and sediment control structures
- (e) location and description of existing vegetation
- (f) site access (to be minimised)
- (g) proposed vegetated buffer strips
- (h) catchment area boundaries
- (i) location of critical areas (vegetated buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
- (j) location of topsoil or other stockpiles
- (k) signposting

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (l) diversion of uncontaminated upper catchment around areas to be disturbed
 - (m) proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
 - (n) procedures for maintenance of erosion and sediment controls
 - (o) details for staging of works
 - (p) details and procedures for dust control.
- (21) **Pre-Treatment Of Surface Water** - The external ground surface of the site must be graded to a collection system and covered with a suitable hard surface. The drainage system must flow to a suitable pre-treatment device prior to discharge. The applicant is advised to contact the Appropriate Regulatory Authority for the design criteria.
- (22) **Collection Of Accidental Spillages** - The stormwater drainage system must be designed and installed to contain all pollutants on the property. All stormwater outlets from the property must contain a remote control valve capable of being closed off from a conspicuous position. The installation of this valve will enable the stormwater system to be isolated in the event of an accidental discharge of pollutants.
- (23) **Compu-Tyre Retail Outlet General Requirements**
- (a) The premises shall only be used for tyre fitting, wheel alignments and battery replacement and associated sales in accordance with the details provided to Council in this development application. Further development approval is to be sought from Council prior to undertaking any other activities including mechanical repairs at the premise.

Please Note: All activities associated with the development must be carried out within the unit, and must be carried out in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operation Act 1997.
 - (b) **Spill Kit** - A spill kit must be provided for accidental spills. The spill kit must contain sufficient suitable materials and equipment to clean up spillages of all chemicals stored that the premises.
 - (c) **Waste Management Plan** - The proponent must prepare and submit to Council a waste

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

management plan that details the proposed method of disposal and/or recycling of all wastes generated at the premises (including tyres and batteries). The waste management plan must be submitted to and approved by Council **PRIOR TO A CONSTRUCTION CERTIFICATE BEING ISSUED.**

- (24) **Landscaping Bond** – A cash bond or bank guarantee for the sum of \$2,000.00 must be lodged with the Consent Authority (ie Camden Council) prior to the issue of a Landscaping Compliance Certificate, to ensure the effective installation, establishment and maintenance of the approved landscaping.

The bond or guarantee will be returned on the following basis;

- 50% upon the satisfactory completion of the landscaping works (ie the Practical Date of Completion) in accordance with the Consent Authority (ie Camden Council) approved Landscaping Compliance Certificate. A Practical Date of Completion of the landscaping works will be determined by the Consent Authority (ie Camden Council) upon satisfactory completion of the approved landscaping works, and
- 50% upon the satisfactory completion of the landscaping maintenance period. The 12 month landscaping maintenance period shall commence from the agreed Practical Date of Completion of the landscaping works.

Should the applicant dispose of the property within the predetermined maintenance period, suitable arrangements must be made between the parties to ensure the maintenance of landscaping is not neglected.

NOTE 1: A Council administration fee of \$110 for processing Cash Bonds and/or a Council administration fee of \$220 for processing Bank Guarantees will apply. This fee is a non-refundable charge against the applicant

NOTE 2: Council will not release the maintenance bond to the vendor unless a suitable bond is received from the purchaser of the property.

- (25) **Security Grilles** – To comply with the principles of Crime Prevention Through Environmental Design, after-hours security grilles shall be provided to the stairwell and balcony area between the units. The grilles shall

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

comply with the Building Code of Australia, Class 2 to 9 Buildings, section D.

Specifications of the grilles detailing construction and compliance with the BCA shall be submitted prior to the release of the Construction Certificate.

- (26) **Roller Door** – A roller door shall be provided to Industrial Unit 2 to facilitate delivery and services. The door shall be indicated on the plans submitted with the Construction Certificate application.

3.0 - Prior To Works Commencing

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

- (1) **Signs To Be Erected On Building And Demolition Sites** - A sign must be erected in a prominent position in the erection or demolition of a building that is being carried out:
- (i) stating unauthorised entry to the site is **prohibited**; and
 - (ii) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- building work carried out inside an existing building, or
- building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

- (2) **Toilet Facilities** - Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided:

- (a) must be standard flushing toilet, and
- (b) must be connected:
 - (i) to a public sewer, or

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
- (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

In this clause:

accredited sewage management facility means a sewage management facility to which Division 4A of Part 3 of the Local Government (Approvals) Regulation 1993 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 95B of the Regulation.

approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government (Approvals) Regulation 1993.

public sewer has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

sewage management facility has the same meaning as it has in the Local Government (Approvals) Regulation 1993.

- (3) **Notice Of Commencement Of Work** – Notice in the form prescribed by the Environmental Planning and Assessment Regulation 2000 shall be lodged with the Consent Authority (Camden Council) **at least 2 days prior** to commencing building works. The notice shall provide details relating to any Construction Certificate issued by a certifying authority and the appointed Principal Certifying Authority.
- (4) **Construction Certificate Before Work Commences** - This consent does not allow site works, building or demolition works to commence nor does it imply that the plans attached to this consent comply with the specific requirements of Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.
- (5) **Provide A Truck Shaker** - An approved truck shaker must be provided at the construction entry point, in accordance with Council's standards **Prior To Commencement Of Work** to prevent dust, dirt and mud

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

falling on roadways. Ingress and egress from the site must be limited to this single access point only.

4.0 - During Construction

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

- (1) **Hours Of Operation** - All construction and demolition work must be restricted to between:
 - (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am to 4pm Saturdays, if construction noise is inaudible to adjoining residential properties, otherwise 8am to 4pm;
 - (c) work on Sundays and Public Holidays is prohibited.
- (2) **Damaged Assets** - All engineering works and public utility relocation shall incur no cost to Council. Any damage to Council's assets shall be made good prior to commencement of use/occupation.
- (3) **Site Management** - To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:

The delivery of material shall only be carried out between the hours of 7 am - 6pm Monday to Friday and between 8am - 4pm on Saturdays.

Stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site.

Builders 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.

Builders waste must not be burnt or buried on site, nor should wind blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot.

A waste control container shall be located on the development site.

- (4) **Don't Change Footpath Levels** - The ground levels of the footpath area within the road reserve (between the

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.

- (5) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The applicant must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, the council agrees to the commencement inspection to be combined with the first required inspection.

- (a) **Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided prior to footings being poured with concrete.
- (b) **Slab On Ground** – When steel reinforcement and associated form-work has been provided prior to the slab being poured with concrete.
- (c) **Formwork and Steel Placement** - When formwork and reinforcement of structural components (viz: concrete lintels, beams, columns, walls, swimming pools, etc) have been completed prior to pouring of concrete.
- (d) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed prior to internal lining.
- (e) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (f) **Stormwater Line-work** - When stormwater drainage lines have been laid and connection to a street kerb or, drainage easement prior to backfilling.
- (g) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

Note: That the Environmental Planning and Assessment Act 1979 and Regulation may prescribe

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

other mandatory inspections of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

- (6) **Support For Neighbouring Buildings** - If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made
- (a) must preserve and protect the building from damage, and
 - (b) if necessary, must underpin and support the building in an approved manner, and
 - (c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, **allotment of land** includes a public road and any other public place.

- (7) **Protection Of Public Places** – If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - building involves the enclosure of a public place,

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

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (8) No changes to site levels, or any form of construction shall occur within any drainage easements that may be located within property boundaries.
- (9) **Site Management - No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.

5.0 - Prior To Issue Of Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an "interim" Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

- (1) **Occupation Certificate** - An Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. The Principal Certifying Authority must submit a copy of the Occupation Certificate to the Consent Authority (ie Camden Council) within seven (7) days from the date of determination together with all relevant documentation including the Fire Safety Certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may render the applicant/owner liable to legal proceedings.

- (2) **Works As Executed Plan - prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (3) **Landscape Work** - Where applicable, works associated with the Council approved Landscaping Plan must be carried out by a qualified and licensed landscape contractor. Upon completion, the work shall be inspected and certified by Council's Landscape Development Officer and a practical date of completion determined for the landscaping works.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (4) Prior to the issue of the Occupation Certificate, and/or the release of any Landscaping bond monies applicable, held by Camden Council, a Landscaping Compliance Certificate shall be obtained from the Landscaping Consent Authority (ie Camden Council).

The Landscaping Compliance Certificate shall not be issued until the Landscaping works have been completed in accordance with the approved Landscaping Plan.

6.0 - Operational Conditions

- (1) **General Requirement** - The use must at all times be conducted without nuisance and in particular so as not to give rise to emission of air impurities in contravention of the Protection of the Environment Act, 1997. All air ventilation/extraction systems must have adequate filters provided and maintained thereto.
- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (3) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.

Written evidence from Sydney Water regarding compliance with requirements for wastewater disposal is to be submitted to Council Prior to the occupation certificate being issued.

- (4) **General Requirements** - The storage of goods and materials must be confined within the building. At no time must goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.
- (5) **Construction Standards** - All civil engineering work associated with the development must be carried out strictly in accordance with Camden Councils Engineering Works Development Control Plan and the guidelines for Construction specification for roadworks drainage and other works associated with subdivisions and other developments.
- (6) The following works must be constructed **Prior To The Issue Of The Subdivision/Occupation Certificate** and

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

under the Roads Act 1993 must be approved by Camden Council:

- provision of a heavy duty industrial gutter crossing at all points of ingress and egress

All works must be carried out strictly in accordance with Camden Councils specifications. **Prior to works commencing** the applicant must contact Council on (02) 4654 7777 to arrange payment of fees and inspection of the works.

(7) **Civil Engineering Inspections** - Where Council has been nominated as the Principle Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:

- (a) prior to installation of sediment and erosion control measures;
- (b) prior to backfilling pipelines and subsoil drains;
- (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
- (d) proof roller test of subgrade and sub-base;
- (e) roller test of completed pavement prior to placement of wearing course;
- (f) prior to backfilling public utility crossings in road reserves;
- (g) prior to placement of asphaltic concrete;
- (h) final inspection after all works are completed and "Work As Executed" plans have been submitted to Council.

Where Council is not nominated as the Principle Certifying Authority, documentary evidence in the form of Compliance Certificates, stating that all work has been carried out in accordance with Council's Engineering Works DCP and associated guidelines must be submitted to Council **prior to the issue of the Subdivision Certificate.**

(8) All services (water, sewer, electricity, telephone and gas) (including the provision of service conduits and stub mains) are to be installed within the proposed public roads before final inspection of the engineering works.

Prior to the issue of the Subdivision Certificate/ Construction Certificate the following service authority clearances must be obtained and submitted to the Principal Certifying Authority:

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- (a) a section 73 Compliance certificate under the Sydney water Act 1994 shall be obtained from Sydney Water
- (b) application must be made through an authorised Water Servicing Co-Ordinator. Please refer to "Your Business" section of Sydney Water's web site www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-Ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Notice must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

The section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/release of the plan of subdivision.

- (c) a letter from Integral Energy stating that all its requirements and any conditions of this consent have been satisfied.
- (d) a letter from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development

If the applicant proposed to provide services within public reserves or laneways written permission must be received by Camden Council prior to commencing construction.

- END OF CONDITIONS -

MOTION

Moved Cr Funnell, seconded Cr Cagney that the recommendation be adopted subject to deletion of condition 2 (2)(Carparking Contribution).

DC111/04 THE MOTION ON BEING PUT WAS **CARRIED.**

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

**3. Request for a Review of a Development Consent
Condition, DA785/2004 – No 10 (Lot 2 DP 202695)
Hill Street, Camden**

File No: DA3950.30 (Director, Development &
Environment Division)

DA No: 785/2004

Applicant: J Estephan, Energy Efficient Homes

Purpose of Report

The purpose of this report is to inform Council and to seek Council's determination of a request to remove condition 3 of section 2.0 of Development Consent DA785/2004, which relates to contribution for car parking pursuant to the Camden Contributions Plan.

Background

On 12 July, 2004, Council received a Development Application from the owners of a property at 10 Hill Street, Camden for alterations to an existing shop, including the construction of a new mezzanine level and a change of use from a medical centre to an architectural and interior design studio.

The application was assessed in accordance with the Environmental Planning and Assessment Act, 1979 (the Act) and evaluated under Section 79C of the Act. Conditional consent to the application was issued on 20 August, 2004 (a copy of the Development Consent **was attached at the end of this report**. Plans of the proposed building work follow.

On 30 August, 2004, Council received a request from the applicants (also the owners) to have condition 3 of section 2.0 of the Development Consent withdrawn from the consent. This condition requires the applicant to contribute an amount of \$52,055.00 to car parking in accordance with the Camden Contributions Plan, adopted by Council in November 2003 and Section 94 of the Act. Section 94 of the Act allows Council to seek monetary contribution for the provision of services required by a development.

Section 82A of the Act allows an applicant to seek a review of a Development Application determination from Council. In accordance with the resolution of Council, all such reviews must be determined by Council as opposed to officers under delegation.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Main Report

There are three pertinent documents associated with the inclusion of condition 3 of Section 2.0 of the Development Consent. These are Section 94 of the Act, Council's Development Control Plan (DCP) 97 – Car Parking and Camden Contributions Plan (adopted November 2003). Each of these are considered in turn below:

Section 94 of the Act

Sub-section 1 of Section 94 of the Act says:

If a consent authority is satisfied that a development, the subject of a development application or of an application for a complying development certificate, will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant consent to that application subject to a condition requiring:

- (a) the dedication of land free of cost, or*
- (b) the payment of a monetary contribution, or both.*

It is considered the addition of the mezzanine level within the existing building will require the provision of or will increase the demand for parking in the Camden CBD, as this addition provides an opportunity to increase the number of offices within the building and therefore the occupancy of the building. This is particularly relevant to staff levels as staff will need long term parking within close proximity to the site.

DCP 97 – Car Parking

DCP 97 requires that for commercial/office development, an additional parking space is required for each 35m² of office space or part thereof. The approved development proposes 51m² of new office space as a result of the addition of the mezzanine. This equates to an additional car parking requirement of two spaces.

The current development does not provide any on-site parking spaces and cannot provide for any additional parking on-site. Therefore the parking spaces required to meet the additional floor space must be provided for by contribution in lieu.

Camden Contributions Plan

The Camden Contributions Plan (CP) was adopted by Council in November 2003. The plan was the result of a realistic determination of the actual cost to Council to provide additional car parking in the Camden CBD. The plan sets the

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

appropriate developer contribution at \$26,027.35 per car parking space.

The provision of such parking is extremely expensive and is influenced by the factors such as the need to acquire land, additional traffic facilities which result from the provision of car parks and the cost of car park construction. The last factor increases significantly if multi-level car parks are being considered. As the Camden LGA continues to grow and given the dominant transport modes in this area, the need for additional car parking in Camden CBD will need to be addressed. Council has committed to the construction of a decked parking area in the CBD and the purpose of the Section 94 plan is to defray the costs of its construction. It is therefore necessary to ensure that Council applies the parking contributions where applicable otherwise it will not be able to deliver all works envisaged under the CP.

A review of the original determination has been carried out to ensure Section 94 of the Act, Council's Development Control Plan (DCP) 97 – Car Parking and Camden Contributions Plan have all been interpreted and applied correctly. All documents have been appropriately applied.

Submission

The applicant has provided a written submission supporting the request. This submission **was provided as an attachment at the end of the report.**

The following grounds were provided for the request:

A reduction on requirements (for car parking) for multiple use may be considered.

Comment from Council Officers:

The hours of operation of the approved land use are 8:30am to 5:30pm (Monday to Saturday) and closed Sundays and Public Holidays. There will be no staggering of the land use. All occupation of the building will be concurrent and therefore so too will the demand for parking.

The existing Medical Centre consists of 4 consulting rooms which are to be changed to an Architectural and Interior Design Office and Display and we believe this would be a reduction in parking demand.

Comment from Council Officers:

It would be expected that each medical patient would spend less time on the premises than would say architectural and

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

interior design clients. However the demand for car park spaces would be the same. Under the current use, the occupation would be by a greater number of different people than the proposed use, however the amount of use (hours that the car parks are occupied) would be expected to be the same. The mezzanine area has the potential to accommodate a number of workstations and therefore staff, and whilst the initial occupancy is proposed to be three staff, this could increase as the business grows.

Under DCP 97, the car park requirements for a medical centre mean 11 parking spaces are currently required. Under DCP 97, the car parking requirements for the architectural and interior design offices is 4.3

Comment from Council Officers:

As detailed above, the calculation of 4.3 spaces becomes 5 whole spaces. The existing development has been given a "historical credit" when considered as a commercial office, of three spaces. That is, the existing building (99m²) would have required 3 spaces under DCP 97. It is assumed to have been given credit for these in the past. The new parking need of 2 spaces generated by the mezzanine has not been provided in the past and therefore is being sought now. In this circumstance it is appropriate for Council to seek a contribution from the developer for the outstanding 2 spaces.

We anticipate our clients to be people passing by, coming in off the street with no increase in parking required.

Comment from Council Officers:

The clients attending the offices of an Architectural and Interior Design office are unlikely to be passing pedestrian traffic. This type of traffic is generated by newsagents, cafes, clothes stores and general retail outlets. The clients of the proposed business are expected to be arriving at the site for the purpose of discussing architecture and interior design and will be seeking car parking.

Some clients will prefer non business hours for meetings that may take place in the office, and as this will be outside normal business hours, parking should not be an issue within the street.

Comment from Council Officers:

The Development Consent which has been issued for the proposal sets operating hours at 8:30am to 5:30pm (Monday to Saturday) and closed Sundays and Public Holidays. Therefore there should not be after hours meetings within the office, and

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

as a result there will not be any relief from parking congestion as a result of the development.

During my research of parking in Hill Street, I found that there is ample car parking facilities throughout Hill Street and the adjoining car park.

Comment from Council Officers:

Previously discussed in the section of this report titled "Camden Contributions Plan". The availability of existing parking in Hill Street or nearby is a temporary remedy. As Camden continues to grow, car parking needs will have to be provided for. These parking spaces are time restricted and therefore will not meet the needs of staff of the business who will need all day parking. Such parking will be available within the carparking structure to be built by Council with the Section 94 contributions and loan funding.

The matters raised by the applicant in their letter to Council have been discussed in person and by telephone. Based on this, a review of the determination and an assessment of the written submission from the applicant, it is considered that consent condition 3 of Section 2.0 of the Development Consent, requiring a developer contribution of \$52,055.00 for two car park spaces is appropriate and is recommended to remain.

Conclusion

The applicant for a Development Application to change the use of an existing building and add a mezzanine at 10 Hill Street, Camden has applied under Section 82A of the Act to have the condition (3 of Section 2.0), requiring a developer contribution for 2 car park spaces removed from the Development Consent. The application has been supported by a written submission. The submission, as well as the original determination and the relevant CP, DCP and parts of the Act have been reviewed. It is recommended the Development Consent remain unchanged.

Recommended: That

- (i) Development Consent DA 785/2004, for a new commercial-shop fitout and mezzanine at Lot 2 DP 202695 (10) Hill Street, Camden remain unchanged.
- (ii) The applicant be advised that their request to have consent condition 3 of Section 2.0 of the Development Consent withdrawn by Council is unsuccessful.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

MOTION

Moved Cr Johnson, seconded Cr Elliott that Development Consent DA 785/2004 for a new commercial-shop fitout and mezzanine at Lot 2 DP 202695 (10) Hill Street, Camden be modified by deleting condition 3 of Section 2.0 (Camden Contributions Plan – Carparking).

DC112/04 THE MOTION ON BEING PUT WAS **CARRIED.**

**4. Proposed Modification to the Car Parking
Arrangement at Camden Hospital, No 80 (Lot 2 DP
530480) Broughton Street, Camden**

File No: DA1125.920-2/3 (Director, Development &
Environment Division)

DA No: 5822/1998

Owner: South Western Sydney Area Health Service

Zoning: Special Use 5(a) Hospital – LEP 46

Purpose of Report

The purpose of this report is to seek a determination from Council of an application to modify a condition of Development Consent (DA5822/1998) being the redevelopment of Camden Hospital. The amendment seeks the reduction of the provision of off-street parking due to the reduction of services and staff at Camden Hospital.

Summary of Recommendation

That the application for modification of the original development consent be approved subject to conditions.

Background

Council issued the conditional development consent on 15 June, 1999 for the development application (DA5822/1998) for the redevelopment of Camden Hospital.

The redevelopment of Camden Hospital has already been completed, except for the provision of off-street parking. Based on the traffic consultant's report prepared in 1998 for the original application, the development proposed to provide a total of 188 off-street parking spaces to meet the demand of the hospital.

A recent review of the Hospital facility in terms of the reduced number of staff, visitors and beds suggests that the parking demand has been over-estimated.

Based on the current level of service, number of beds and staff levels, the total number of off-street parking spaces required is 128. However a further 12 spaces will ultimately be provided making a total of 140 parking spaces available.

The Site

The site is No 80 (Lot 2 DP530480) Broughton Street and is located at the corner of Menangle Road and Broughton Street. The proposed parking area is to be constructed at the southern

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

end of the premises. Vehicular access is to be provided off Menangle Road. **The location map of the proposed site was provided.**

The Proposal

The proposal is to provide a total of 128 off-street parking spaces to meet the current parking demand at this time. There are 78 off-street parking spaces available on the eastern side of Menangle Road. The additional 50 spaces are proposed at the southern end of the hospital premises, including the disabled access to the main building. A further 12 parking spaces will be provided at a later date making for a total of 140. Provision of the additional 12 spaces is contingent upon the construction of a cul-de-sac. Funding for this work is not available at the present time.

The vehicular access to the car park will be provided from Menangle Road and pedestrian access from the car park to the hospital (main building), including disabled access will be provided internally to the site. A drop off facility will be provided at the northern end of the car park by forming a cul-de-sac. A pedestrian access to the car park from Broughton Street is also provided. **A proposed concept plan for parking was provided.**

The car park will be provided with appropriate lighting to Australian standards and to satisfy Safer by Design considerations. The landscaping of the car park will be carried out by a local community group when the construction is completed. This will be done in consultation with Council staff.

Notification

The proposal was notified to affected residents in Menangle Road and Broughton Street, and also advertised in the local paper. A total of 49 persons and organisations have been notified with two (2) submissions received. Copies of these submissions **were distributed to Councillors separately.**

One submission indicated that there is no objection to the proposal and the other submission advised that whole day parking at the restricted parking zone in front of the subject residences was causing problems. This submission was taken to be an objection to the proposal.

Planning Controls

The following documents have been considered with respect to Council's assessment of the Section 96 application:

- Camden Local Environmental Plan No 46

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

- Development Control Plan No 97 (Car Parking)

Assessment

The subject application has been assessed in accordance with Section 79C of the Act.

Local Environmental Plan

The site is zoned Special Uses 5(a) under Camden Local Environmental Plan No 46. The development is permissible with consent under this zoning and the construction of the carpark was a condition of the consent for the upgrading of the hospital.

Development Control Plan No 97 – Car Parking

Estimated Parking Demand 1998

The Traffic Report submitted at the time of the proposed redevelopment of the hospital (1998) estimated the parking demand of 188 spaces based on the staff of 178 and outpatients and visitors of 66.

However a separate assessment based on DCP97 resulted in a parking demand of 114, which indicated that the proposed parking was 74 spaces in excess of the DCP requirements.

Estimated Parking Demand 2004

The traffic consultant's reassessment done in December 2003 indicated that the parking demand has been reduced to 128 spaces based on the current staff level of 94 and the combined estimate of outpatients and visitors of 46.

However a separate parking assessment based on DCP97 indicates that only 82 spaces are required. The provision of 128 parking spaces therefore indicates 46 spaces in excess of the DCP requirements.

The existing parking on the eastern side of Menangle Road is 78, therefore the provision of 50 more spaces will give a total of 128 spaces in the long term. Further, the Hospital proposes to provide a further 12 spaces in the future, providing a total of 140 parking spaces.

Council's Parking Survey

Council's Transport Section also carried out a survey of on-street parking utilisation in the vicinity of Camden Hospital in Broughton Street, Menangle Road and Gilbulla Avenue in June 2004. The results of the survey indicated that out of the 75 available unrestricted (all day) on-street parking spaces, 37 spaces were recorded with vehicle parking for a period of 6-7 hours. It is very likely that these 37 spaces are used by staff from the hospital.

Therefore, the construction of the 50 space car park in the hospital premises is expected to free up 37 spaces for all day parking and also allow for some visitor parking. There are a total of 75 spaces of all day parking available in the vicinity of the hospital.

The reduction of the car parking from the originally approved 188 spaces to 140 spaces (128+12), will still be in excess of the DCP requirements. The 75 all day parking spaces and 26 restricted parking spaces (2 hour) in the vicinity of the hospital would cater for the parking demand of the hospital and residents.

If any "fee paying" parking were introduced, it would have an impact on the on-street parking provisions. However the development consent requires that unless separate approval is granted by Council, car parking is to be made available, free of charge, for staff and visitors to the site at all times. At this stage, there is no proposal to charge for parking on the site.

Lighting of the Car Park

The proposed car park will be provided with lighting to comply with the Australian Standard AS1158 and also to satisfy the consideration of 'Safer by Design' principles. The pedestrian access including the disabled access is provided at the northern end of the car park. The design and selection of lighting have ensured the development will have no impact due to spillage of light.

Conclusion

The South West Area Health Service proposes to amend the approved Development Application. The effect of the proposed amendment to the development consent is to provide a total of 140 carparking spaces in the hospital, rather than the originally approved 188 car park spaces. This will satisfy the demand for staff and visitor parking under the present circumstances.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

It is proposed that the application be approved subject to amendment to condition No 23 of Development Consent DA 5822/1998.

Recommended: That:

- (i) The Section 96 application to amend the parking requirement at No 80 (Lot 2 DP 530480) Broughton Street, Camden, be approved subject to replacing condition 23 of DA Development Consent 5822/1998 with the following:

“Parking Spaces – A minimum of 140 car parking spaces must be provided on site. All new car parking spaces and associated access driveways and manoeuvring areas must conform with Camden Council’s Car Parking Code (Development Control Plan No. 97), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority ‘s (ie Camden Council) standard.”

- (ii) Those persons who made submissions in respect of the proposal be notified of Council’s decision.

Resolved on the Motion of Cr Johnson, seconded Cr Whiteman that:

- (i) *The Section 96 application to amend the parking requirement at No 80 (Lot 2 DP 530480) Broughton Street, Camden, be approved subject to replacing condition 23 of DA Development Consent 5822/1998 with the following:*

“Parking Spaces – A minimum of 140 car parking spaces must be provided on site. All new car parking spaces and associated access driveways and manoeuvring areas must conform with Camden Council’s Car Parking Code (Development Control Plan No. 97), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority ‘s (ie Camden Council) standard.”

- (ii) *Those persons who made submissions in respect of the proposal be notified of Council’s decision.*

DC114/04 THE MOTION ON BEING PUT WAS **CARRIED.**

(Cr Elliott, Cr Campbell, Cr Kernohan and Cr Johnson voted against the Motion).

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

**5. Proposal for Additional Poker Machines at Camden
RSL, 23 Cawdor Road, Camden**

(File No: PF1500.230) (Director, Development & Environment
Division)

Purpose of Report

The purpose of this report is to seek Council's direction in relation to an application to install an additional 9 poker machines at the Camden RSL.

Background

Camden RSL currently has approval from the Department of Gaming and Racing to operate 50 poker machines within the Club. They have submitted an application and social impact assessment to increase the number of machines by 9 from 50 to 59.

Main Report

The Gaming Machines Act 2001 attempts to control gambling in NSW by limiting the number of approved amusement devices (poker machines and other gaming devices) and imposing restrictions on the form that gambling, advertising and management must take place.

Under the Act, a State cap of 104,000 machines has been imposed and each club is limited to a maximum of 450 machines. Applications to obtain additional machines must include a Social Impact Assessment (SIA) that justifies the installation of the machine will not cause harm and meets statutory requirements. A copy of the SIA submitted with the application to the Department **was delivered to Councillors under separate cover.**

The issue of gambling and its social effects has been well documented, however to date Camden Council has not entered into the issue of poker machine allocation. Undoubtedly as the population continues to increase, so too will the desire of clubs and hotels to meet this growth with additional gaming machines. From a Council's perspective it is important to ensure that its community is not being disadvantaged by the proliferation of machines without proper controls and mechanisms imposed by the clubs and hotels to cater for problem gamblers. To date Council is not aware of any significant issues in relation to gambling within the area, however this is not to say that problem gambling may not seriously impact some families.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Conclusion

Council has been notified of the application in accordance with the provisions of the Gaming Machines Act and may lodge a submission to the Liquor Administration Board should it so desire.

Recommended: That Council determine whether it wishes to make a submission to the Liquor Advisory Board in relation to the application by Camden RSL to increase the number of poker machines from 50 to 59, and in the event that it is proposed to make a submission to determine the grounds of that submission.

MOTION

Moved Cr Johnson, seconded Cr Funnell that Council not make a submission on this proposal.

DC114/04 *THE MOTION ON BEING PUT WAS **CARRIED.***

(Cr Cagney voted against the Motion).

6. Petition Re Development Application No 760/2004 for the Continuation of the Existing Motor Vehicle Auction Centre at 3A Stewart Street, Harrington Park
(File No: DA7450.75) (Director, Development & Environment)

Council is in receipt of a petition regarding a development application for the continued use of the site at 3A Stewart St, Harrington Park as a motor vehicle auction centre. In accordance with Council policy, this report brings the petition before Council for information purposes.

The petition states:

This area of Harrington Park is a secluded isolated small group of residences with limited access through one point onto Camden Valley Way. This area is not attached to the Harrington Park new housing development by way of a road access.

The development that has impacted on the area over the last twenty or so years has been small in nature and carefully controlled by Council to ensure the quiet enjoyment of this small residential area by the residents.

The site 3A Stewart Street, (Narellan Auctions) that is proposed for a Motor Vehicle Auction site is situated directly in the middle of the area known as Struggle town it impacts on every resident and land owner. The zoning for the area as pointed out in the study was not intended for this type of usage, but by the fact that the existing auction house had been established there for many years continuance was allowed.

The 1998 approval by Council was given under very strict conditions in recognition that this was not the style of development appropriate for the area, but Council was constricted by the current usage. Council at the time would also have considered keeping a tight control over the volume of vehicles available for sale so that this area of business was kept to a small proportion of the overall activities of the Auction House.

Council wisely at the time put a time restraint on the proposal, which is another indication that it gave permission with some reluctance.

Much has changed since 1998 and the wise decision by the Council at that time in giving conditional approval has proved to be the correct decision, as now in 2004 with the massive development of the area it is very obvious that an extension of the previous approval for Motor Vehicle Auctions on this site is inappropriate. The expansion of this type of business in an area that is not at all suitable should be out of the question.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

We would hope that this Council would also consider the pressure that will be placed on the roads, Sharman Close and Stewart Street, which are very small local streets not suitable to carry the extra traffic or the heavy vehicles that will be attracted by this development. These are very narrow roads that have already been substantially damaged by heavy vehicles in the development of Harrington Park. The extra traffic and trucks needed to service the development would be of great danger to the residents of Sharman Close and Stewart Street.

The petition contains 12 signatories and following staff's assessment of the proposed development application, the matter will be submitted to Council for determination.

Recommended: That:

- (i) The concerns expressed by the residents in relation to the application be noted.
- (ii) The lead petitioner be provided with a copy of this report.

Resolved on the Motion of Cr Funnell, seconded Cr Johnson that:

- (i) *The concerns expressed by the residents in relation to the application be noted.*
- (ii) *The lead petitioner be provided with a copy of this report.*

DC115/04 THE MOTION ON BEING PUT WAS **CARRIED.**

**7. Draft Development Control Plan Somerset Avenue,
Narellan - Interim Development Guidelines**
(File 4371/4) (Director Governance and Outcomes)

Purpose

This report seeks to obtain Council endorsement to the exhibition of Interim Development Guidelines for lower Somerset Avenue, Narellan (north eastern side), as outlined in **Annexure 1 was provided at the end of the report.**

Background

Council adopted the Narellan Township Masterplan at its meeting of 9 February 2004 and resolved to prepare a Local Environmental Study, draft Local Environmental Plan and Development Control Plan (DLEP/DCP) in order to provide for the orderly development of the Township. The Draft Development Control Plan will provide a finer grained level of development guideline and address inconsistencies in the built form controls for the area.

The adopted Masterplan aims to achieve a safe and accessible place for people to meet, do business and shop; it also aims to achieve a quality and consistent built form with reasonable access to parking and opportunities for the relatively safe movement of pedestrians and cyclists. The current Development Control Plan for Somerset Avenue, namely Development Control Plan 89, was prepared with a different background development philosophy and is somewhat inconsistent with the Masterplan. This is particularly so for the northeastern side of Somerset Avenue and is leading to confusion.

To guide development (ie. until the comprehensive DCP is complete) in the interim it is considered necessary to amend the prevailing DCP as it applies to the northeastern precinct.

Draft DCP 127 - Somerset Ave Interim Development Guidelines

Council has received a number of enquiries from owners and developers seeking guidance in preparing their development proposals for the northeastern precinct and are confused and frustrated by the present inconsistency between the Masterplan and the prevailing DCP – and the timeframe for having a comprehensive suite of planning documents. It is therefore considered necessary to revise the development guidelines to be consistent with the Masterplan, as an interim measure, until further planning work is complete.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

These Guidelines will repeal that part of the prevailing DCP (DCP 89) as it applies to the subject land.

The draft plan (**was located at the end of the report**) provides guidelines for development of commercial properties fronting Somerset Avenue, Narellan. Specific guidelines are provided for the following:

- Urban Design
 - Built Form
 - Floor Space Ratio
 - Building Footprint
 - Building Height
 - Awning Treatments
 - Garbage Storage
 - Signage
 - Landscaping
 - Storm Water Quality Management, and
 - Storm Water Quantity Management

- Accessibility
 - Vehicles Access
 - Car Parking
 - Pedestrian Access, and
 - Footpath Treatment

The draft DCP proposes that all carpark areas be consolidated and dedicated to Council. This will enable Council to better manage carpark usage, ensure timely maintenance and provide an opportunity for Council to install a deck structure should the need arise in the future. Council has purchased Nos. 4, 6, & 8 Doncaster Avenue (**Annexure 1 was provided at the end of the report**) using Section 94 contributions for future car parking.

In order to achieve this the draft DCP proposes two temporary vehicle access points with rights of carriageway in place, refer to **Annexure 2 was provided at the end of the report**. These access points will become 'pedestrian only' when vehicular access is available from an alternative source. The temporary vehicle access will be required to be designed and constructed in a manner suitable for conversion to a pedestrian walkway once it is no longer required for vehicular access.

Community Consultation

The objectives proposed in the draft DCP have been widely promoted in the Statement of Desired Future Character for the Somerset and Doncaster Avenue area, previously exhibited by Council and are consistent with Council's adopted Masterplan. The General Design Principles were adopted with the Masterplan and have been further documented having regard

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

to the characteristics sought in the precinct. The land is currently zoned for redevelopment as business uses and the owners of the land are keen to commence.

It is important that Council move relatively swiftly to ensure consistency of Masterplan and development guidelines to counter submission of proposals which are consistent with the new vision for Somerset Avenue.

To this end a 28 day exhibition period is proposed which includes:

- Notification to owners, occupiers and adjoining owners affected by the draft DCP.
- A meeting with affected owners and occupiers to discuss the draft DCP.
- An advertisement placed in Council's newspaper column on at least 2 occasions during the exhibition period.
- Reference to the Narellan Township LES Community Reference Group.

Conclusion

Draft Development Control Plan 127 Somerset Avenue, Narellan - Interim Development Guidelines are necessary for Council to provide owners and developers with consistent direction regarding development in the northeastern area of Somerset Avenue, Narellan. The draft Plan will ultimately be incorporated into the overall LEP/DCP for the Narellan Township expected in 2005.

Exhibiting the Draft DCP for 28 days and associated consultation will provide owners, occupiers and the community with an opportunity to provide comments to assist Council in its future deliberations.

Recommended: That Council:

- (i) Place on public exhibition the draft Development Control Plan 127 - Somerset Avenue, Narellan - Interim Development Guidelines for a period of 28 days and consult in the manner outlined in this report.
- (ii) Report findings of the exhibition/consultation to Council at the earliest opportunity.

**MINUTES OF DEVELOPMENT COMMITTEE MEETING
HELD 13 SEPTEMBER, 2004 CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

Resolved on the Motion of Cr Elliott, seconded Cr Johnson that Council:

- (i) Place on public exhibition the draft Development Control Plan 127 - Somerset Avenue, Narellan - Interim Development Guidelines for a period of 28 days and consult in the manner outlined in this report.*
- (ii) Report findings of the exhibition/consultation to Council at the earliest opportunity.*

*DC116/04 THE MOTION ON BEING PUT WAS **CARRIED.***

(Cr Cagney, Cr Anderson and Cr Whiteman voted against the Motion).

The Meeting closed at 7.30pm.