

CAMDEN COUNCIL

MINUTES OF THE DEVELOPMENT COMMITTEE

23 JANUARY 2006

PRESENT

Cr Anderson (Chairperson/Mayor), Cr Cagney, Cr Dewbery, Cr Elliott, Cr Funnell, Cr Whiteman.

STAFF

General Manager, Acting Director Governance (Manager Corporate Services), Director Development and Health, Director Works and Services, Manager Development, Acting Manager Strategic Planning (Senior Projects Officer), Manager Community Services, Senior Governance Officer.

SITE INSPECTION - TWO STOREY DWELLING, NO 17 (LOT 3204 DP 1081414)
DODONEA CIRCUIT, MOUNT ANNAN

DC01 APPLICATION FOR TWO STOREY DWELLING AT LOT 3204 DP 1081414 (NO.17) DODONEA CIRCUIT, MOUNT ANNAN

Resolution:

MOTION

Moved Councillor Funnell Seconded Councillor Cagney.

That Council approve DA No.822/2005 subject to standard conditions.

THE MOTION ON BEING PUT WAS **LOST**.

(Councillors Whiteman, Anderson, Dewbery and Elliott voted against the motion)

FURTHER MOTION

Moved Councillor Whiteman Seconded Councillor Elliott.

That Council refuse DA No 822/2005 for non-compliance with DCP No 58 in relation to setbacks and upper floor variations and Restriction No 9 of the 88B instrument that applies to the lot.

DC04/06 THE MOTION ON BEING PUT WAS **CARRIED** ON CASTING VOTE OF
MAYOR.

(Councillors Cagney, Funnell and Anderson voted against the motion)

DC02 FRONT FENCE NO.42 (SP 71058) OLD HUME HIGHWAY, CAMDEN

Resolution:

That Development Application No. 1133/2005 for the construction of a 1.5m front boundary fence at No.42 (SP 71058) Old Hume Highway, Camden, be approved subject to the draft conditions of consent.

Moved Councillor Funnell, Seconded Councillor Dewbery that the recommendation as above be adopted.

DC05/06 THE MOTION ON BEING PUT WAS **CARRIED** ON CASTING VOTE OF MAYOR.

(Councillors Elliott, Whiteman and Cagney voted against the motion.)

DC03 FREESTANDING GARAGE WITH CARPORT NO 29 (LOT 116 DP 31406) PINDARI AVENUE, CAMDEN

Resolution:

That Development Application 9/2006 for a free standing garage with attached carport at No 29 Pindari Avenue, Camden, be approved subject to the conditions of consent.

Moved Councillor Funnell, Seconded Councillor Whiteman that the recommendation as above be adopted.

DC06/06 THE MOTION ON BEING PUT WAS **CARRIED**

DC04 REVIEW OF DCP 101 - CHILD CARE CENTRE

Resolution:

That :

- (i) Draft DCP 101 – Amendment No 1 be endorsed for the purpose of being publicly exhibited for one month.
- (ii) Following its exhibition and consideration of any submissions received the draft DCP be reported back to Council with a recommendation to include any appropriate amendments deemed necessary.

Moved Councillor Elliott, Seconded Councillor Whiteman that the recommendation as above be adopted.

DC07/06 THE MOTION ON BEING PUT WAS **CARRIED**

DC05 MOUNT ANNAN CHRISTIAN LIFE CENTRE - LAND & ENVIRONMENT COURT DETERMINATION OF DA 1096/2003 FOLLOWING AN APPEAL TO COUNCIL'S REFUSAL

Resolution:

That Council note the successful defence of its determination of Development

Application No. 1096/2003 in an appeal to the NSW Land and Environment Court.

Moved Councillor Whiteman, Seconded Councillor Dewbery that the recommendation as above be adopted.

DC08/06 THE MOTION ON BEING PUT WAS **CARRIED**

DC06 DEMOLISH AND REPLACE EXISTING LIVESTOCK SALES RING BUILDING AT 30 EDWARD STREET CAMDEN - LOT 104 DP 825839

Resolution:

MOTION

Moved Councillor Funnell, Seconded Councillor Elliott that:

- (i) Development Application No. 715/2005 for the demolition and the replacement of the existing livestock sales ring building at 30 Edward Street Camden (lot 104 DP 825839) be approved as a deferred commencement subject to the conditions contained in the report and the following amendments:

2.0 - Construction Certificate Requirements

- (2) **Performance Bond** - Prior to the issue of the Construction certificate a performance bond of **\$5,000** must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council and the maintenance bond (if required) has been lodged with Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

- (5) **Delete (a)** Working drawings of each elevation of the building shall be prepared by a qualified draftsman.

6.0 Operational Conditions - Frontage Works -

- (2) - a 1.5 metre wide **crushed aggregate** footpath across the full frontage of the site.

- (ii) The Camden Historical Society be thanked for their submission and be advised of Council's determination.

DC09/06 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillor Anderson voted against the motion)

DC07 METROPOLITAN STRATEGY

Resolution:

- A. That Council provide the Department of Planning with a response to the Metropolitan Strategy for Sydney on the basis of the details of this report and the

attached detailed discussion paper as a basis for continuing collaborations in the development of a subregional plan for South West Sydney.

- B. That the Minister for Planning, the State Members for Camden, Campbelltown, Macquarie Fields, Liverpool and Southern Highlands and the General Managers of Campbelltown, Liverpool and Wollondilly Councils be provided with a copy of Council's response to the Department.

Moved Councillor Elliott, Seconded Councillor Whiteman that the recommendation as above be adopted.

DC10/06 THE MOTION ON BEING PUT WAS **CARRIED**

Meeting closed at 6.55pm.

DEVELOPMENT COMMITTEE

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

That a request for a leave of absence be received from Councillors Campbell, Patterson and Johnson.

Moved Councillor Funnell, Seconded Councillor Whiteman that:
the recommendation as above be adopted.

THE MOTION ON BEING PUT WAS **CARRIED**

DC01/06

DEVELOPMENT COMMITTEE

SUBJECT: DECLARATION OF INTEREST

Council Policy requires Councillors who have a Pecuniary Interest in an item on the Agenda to declare the Interest at this stage and to leave the Meeting during consideration of the item.

Councillors may also use this opportunity to disclose any non-pecuniary interests and to identify how they will be dealing with those interests.

RECOMMENDED

That the declarations be noted.

RESOLUTION

There were no declarations to be noted.

DC02/06

DEVELOPMENT COMMITTEE

SUBJECT: PUBLIC ADDRESSES

The Public Address segment in the Development Committee and Ordinary Council Meeting provides an opportunity for people to speak publicly on an item listed for consideration by the Council at the meeting. Speakers must book in with the Council office by 4.00pm on the day of the meeting and only 7 speakers can be heard at any meeting.

Speakers may make a statement only and not direct questions to councillors or staff and only one speaker for and one speaker against any item are permitted. A second speaker for and against will be allowed, if time permits. All speakers are limited to 4 minutes and a 1 minute warning is given to speakers prior to the 4 minute time period elapsing.

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

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

RECOMMENDED

That the public addresses be noted.

RESOLUTION

There were no public addresses to be noted.

DC03/06

DEVELOPMENT COMMITTEE

DC01

SUBJECT: APPLICATION FOR TWO STOREY DWELLING AT LOT
3204 DP 1081414 (NO.17) DODONEA CIRCUIT, MOUNT
ANNAN
FROM: Director Development and Environment
FILE NO: DA2327.170

PURPOSE OF REPORT

The purpose of this report is to provide Councillors with information relating to the determination of several development applications for dwellings previously approved within the Garden Gates Estate, Mount Annan. This report should be read in conjunction with the previous report prepared for Council's meeting of 12 December 2005. It has been prepared to assist Council when undertaking the site inspection which it resolved to undertake prior to determining the Development Application for a two storey dwelling at the site.

BACKGROUND

During Council's meeting of 12 December 2005, it was resolved that a site inspection be conducted prior to determining a Development Application for a two storey dwelling at 17 (Lot 3204 DP 1081414) Dodonea Circuit, Mount Annan. The site inspection is scheduled to be held prior to this meeting. That application also requested that Council vary Development Control Plan (DCP) No.58 in relation to certain matters. These matters were detailed in the report considered by Council on 12 December 2005.

The applicant wrote a letter to Council, dated 7 December 2005, in which they identified several other variations to DCP No.58 that have been approved for dwellings located at the following addresses.

- Lot 3108 No.285 Mount Annan Drive
- Lot 3126 No.284 Mount Annan Drive
- Lot 3354 No.19 Goodenia Road
- Lot 28 No.126 Holdsworth Drive

Although not requested, the approved development at Lot 3120 No.272 Mount Annan Drive, will also be elaborated on, as the applicant identified it as another alleged example of a DCP 58 variation in a previous submission to Council.

MAIN REPORT

DCP 58 allows for minor variations to be made where the intent of the plan is met. The Mount Annan South subdivision, being smaller allotments, many with considerable fall, has challenged many builders in devising a design that suits the site and complies with DCP58. Landcom the developer of the subdivision, has recognised these challenges and has introduced a requirement that plans are approved by their advisers prior to submission to Council. Council staff have met with Landcom with a view to developing more site specific criteria for the land that could be incorporated into DCP 58 however this has not evolved to a stage where it can be reported to Council.

The applicant has raised a number of examples where variations to DCP 58 have been allowed. A description of each is described below for the lots identified: **Plans of each dwelling have been provided separately to Councillors.**

Dwelling No.1

Location: Lot 3108 No.285 Mount Annan Drive, Mount Annan
Applicant: Nu-Era Homes Pty Ltd
Proposal: Two Storey Display Home

Applicant's concern: The length of the two storey portion of the dwelling exceeds Council's requirements in the same way as the subject proposal.

DCP 58 requirement/s: 'Two Storey walls should not exceed 30% of the length of side boundaries'

Council Assessment

The dwelling approved at the above address has a first floor length of 16.475m adjacent to the southern boundary, which is 37m in length. This means that the first floor is approximately 44.5% of the length of the side boundary, which is a 14.5% variation to the requirement identified in DCP No.58.

The variation was granted on the following grounds:

- The dwelling has substantial architectural merit in that a variety of materials have been used in the construction such as face brick and timber cladding and the facade of the building has been broken up considerably using multiple roof pitch variations.
- The area of the first floor is only 88.89m² and contains only four bedrooms and two bathrooms. This smaller upper floor space significantly reduces the bulk of the building.
- The first floor component and the lower floor below is setback 3.4m from the side boundary, reducing the impact of that building on the adjoining property.
- The plans have been stamped approved by Landcom's architect.
- The plans complied with all other requirements of DCP No.58.

Comparison to Proposal at 17 Dodonea Circuit

Council assessment

- The proposed dwelling has a first floor length of 16.475m adjacent to the southern boundary, which is 34.34m in length. This means that the first floor wall is approximately 48% of the length of the side boundary, which is an 18% variation to the requirement identified in DCP No.58.
- The dwelling has minimal architectural merit as the first floor is the same size as the ground floor creating a 'box' like effect. The dwelling is also considered excessive in bulk and scale, which has been elaborated on in the previous report prepared for Council's meeting of 12 December 2005.
- The area of the first floor of the proposed dwelling is 201m² and contains four bedrooms, two bathrooms, a leisure room, a computer room and a separate WC.
- The plans have not been stamped approved by Landcom's architect.
- The plans also do not comply with the requirement of DCP No.58 which states that

a minimum setback of 5.0m from the northern boundary shall be achieved for a distance of not less than 50% of the length of the boundary when measured from the rear.

- The dwelling setback to the northern side boundary varies between 2.19 and 3.155m and a 1.5m setback to the southern boundary is provided.

Dwelling No.2

Location: Lot 3126 No.284 Mount Annan Drive, Mount Annan
Applicant: Astina Homes Pty Ltd
Proposal: Two Storey Display Home

Applicant's concern: The dwelling will receive less solar access than the subject proposal

DCP 58 requirement/s: 1. A minimum setback of 5.0m from the northern boundary for a distance of not less than 50% of the length of the boundary itself when measured from the rear

2. 5m x 5m courtyard area adjacent to living areas to receive minimum 3 hours sunlight between 9am to 3pm during midwinter.

Council Assessment

The dwelling approved at the above address receives more than 3 hours of sunlight to the required 5m x 5m courtyard between 9am to 3pm during midwinter. The dwelling also has the required minimum side boundary setback of 5.0m with the exception of a small dining room area, which encroaches on the 5.0m by approximately 750mm which gives that minor section of building a setback of 4.56m.

The variation was granted on the following grounds:

- The plans complied with all other requirements of DCP No.58
- The plans have been stamped approved by Landcom's architect.
- The encroachment was not seen as one that would negatively impact on the intent of this requirement due to its minor nature and its connectivity to the large area of private open space provided on the site.

Proposal at 17 Dodonea Circuit

Council assessment

- The proposed encroachment is considered excessive at 2.91m in lieu of the required 5.0m and would set an undesirable precedent for future development in the area. Additionally, this may impact the amount of solar access available to the dwelling's north facing solar collectors when future development is constructed at the adjacent lot to the north, lot 3205 Dodonea Circuit.

Dwelling No.3

Location: Lot 3354 No.19 Goodenia Road, Mount Annan
Applicant: Westminster Homes Pty Ltd
Proposal: Two Storey Dwelling

Applicant's concern: The dwelling has a three-car garage, which contravenes Council's DCP No.58.

DCP 58 requirement/s: 'Combined width of roller doors must not exceed 40% of the total width of the dwelling's facade'

Council Assessment

The dwelling approved at the above address contains a three-car garage with the third space being set back 3.2m from the front of the other two garage spaces. The combined width of the garage roller doors-7.5m, in relation to the dwelling's overall facade of 16m equates to 46.8%, a variation of 6.8% above the DCP requirement of 40%.

The variation was granted on the following grounds:

- The third garage space was amended to be set back 3.2m from the front of the other two garage spaces, lessening the impact on the streetscape and effectively reducing the potential bulkiness of the dwelling.
- Suitable landscaping was shown on the approved plans to screen the third garage space from the street.
- The variation was not undesirable due to the above amendments being incorporated into the dwelling's overall design and the minor nature of the variation.
- The garage is a single storey component to the two storey building and reduces the bulk and scale of the building when viewed from the roadway.
- The additional garage does not impact on the provision of private open space.

Proposal at 17 Dodonea Circuit

Council assessment

The proposed garage roller door is a single panel door 5.5m wide, in relation to the dwelling's overall facade of 12m equates to 45.8%, which also does not comply with Council's DCP No.58 requirement of 40%. It was considered however, that as the intent of the requirement was to ensure that garages do not dominate the streetscape, the 5.8% variation was deemed to be acceptable and therefore did not warrant amendment. The report to Council's meeting of 12 December 2005 did not highlight this variation as a reason for refusal of the application.

Dwelling No.4

Location: Lot 28 No.126 Holdsworth Drive, Mount Annan
Applicant: Allworth Homes Pty Ltd
Proposal: Two Storey Display Home

Applicant's concern: The same house as the proposed has been approved at this address on a similar size block

DCP 58 requirement/s: 1. A minimum setback of 5.0m from the northern boundary for a distance of not less than 50% of the length of the boundary itself when measured from the rear.

2. 'Two storey walls should not exceed 30% of the length of the side boundary'.

Council Assessment

This display home approved by Council is not located within the Garden Gates (Mt Annan South) estate whereas the previously described three dwellings are. It is located within a well established part of Mount Annan approaching the border of Narellan Vale. The home is identical to the dwelling proposed by the applicant at 17 Dodonea Circuit, however, the block is larger, at 629m². The subject lot is only 550.2m². Accordingly, the floor space ratio of the Holdsworth Drive block is only 0.63:1 where the subject dwelling is 0.72:1.

There are two issues that are relevant in comparing the homes. The 5m setback for 50% of the length of the block' requirement within DCP No.58 does not apply to the display home as the lot is orientated north-south. The requirement only applies to east-west orientated sites such as the one in question at 17 Dodonea Circuit.

Once again the roller door calculation was varied by 5.8% for the same reasons as that described for dwelling No.3 of this report. Additionally this area is well established and there are many dwellings of this type already existing. Similar consideration of this issue has been given to the subject application.

Proposal at 17 Dodonea Circuit

Council Assessment

- The proposed dwelling is situated on an east-west orientated lot so the 5m northern setback requirement applies to 17 Dodonea circuit.
- The proposed dwelling is to be located within a 'new release area' and in varying the requirements of DCP No.58 to the extent requested, would set an undesirable precedent for future development in the area.

Dwelling No.5

Location: Lot 3120 No.272 Mount Annan Drive, Mount Annan
Applicant: Gavan & Shallala Homes Pty Ltd
Proposal: Single Storey Dwelling

Applicant's concern: The dwelling does not comply with the 5m northern setback requirement of Council's DCP No.58.

DCP 58 requirement/s: 1. A minimum setback of 5.0m from the northern boundary for a distance of not less than 50% of the length of the boundary itself when measured from the rear

Council Assessment

The approved dwelling complies with Council's DCP No.58 with the exception of the following requirement:

A minimum setback of 5.0m from the northern boundary for a distance of not less than 50% of the length of the boundary itself when measured from the rear'

The dwelling has a section (5.03m) which encroaches on the required setback by approximately 2.1m. This is a similar size encroachment to that proposed by the applicant, however the approved dwelling is only of single storey construction and has

a larger alternate area (8.53m) on the northern side of the dwelling where the minor encroachment is offset, with this section of the building being setback some 8m from the northern boundary.

Proposal at 17 Dodonea Circuit

Council assessment

- The dwelling is proposed to be two storey construction which would have a greater negative impact on the proposed side boundary encroachment compared to that of a single storey dwelling.
- The proposed dwelling does not have an alternate area on the northern side to offset the encroachment.

CONCLUSION

It is evident that there have been minor variations granted to Council's DCP No.58. Councillors are reminded that all purchasers of land within the estate were made aware of the need to comply with the provisions of DCP 58 through the 88B instrument on the title of the land.

It is considered that this report shows that there is good justification for approval of the five dwellings nominated by the applicant, particularly those within the Garden Gates Estate. For each of the approved variations, the objectives of DCP 58 have been maintained while at the same time achieving an outcome that is justified and sustainable.

RECOMMENDED

That Council refuse DA No 822/2005 for non-compliance with DCP No 58 in relation to setbacks and upper floor variations and Restriction No 9 of the 88B instrument that applies to the lot.

RESOLUTION

MOTION

Moved Councillor Funnell Seconded Councillor Cagney

That Council approve DA No.822/2005 subject to standard conditions.

THE MOTION ON BEING PUT WAS **LOST**.

(Councillors Whiteman, Anderson, Dewbery and Elliott voted against the motion)

FUTHER MOTION

Moved Councillor Whiteman Seconded Councillor Elliott

That Council refuse DA No 822/2005 for non-compliance with DCP No 58 in relation to setbacks and upper floor variations and Restriction No 9 of the 88B instrument that applies to the lot.

THE MOTION ON BEING PUT WAS **CARRIED** ON CASTING VOTE OF MAYOR.

(Councillors Cagney, Funnell and Anderson voted against the motion)

DC04/06

DEVELOPMENT COMMITTEE

DC02

FRONT FENCE NO.42 (SP 71058) OLD HUME HIGHWAY, CAMDEN

FROM:	Director Development and Environment
FILE NO:	5950.390.0
DA NO:	1133/2005
OWNER:	The Proprietors of Strata Plan 71058
APPLICANT:	The Proprietors of Strata Plan 71058
ZONING:	2(b) Residential
APPLICABLE PLANNING INSTRUMENT:	LEP 46

PURPOSE OF REPORT

The purpose of this report is to enable Council to determine a Development Application for a 1.5m front fence at the site. The matter has been referred to Council in accordance with its delegations, as the applicant seeks a variation to the requirements of Residential Development Control Plan 58.

SUMMARY OF RECOMMENDATION

That Development Application No. 1133/2005 for the construction of a 1.5m front fence at No.42 (Lot 0 SP 71058) Old Hume Highway Camden, be approved subject to conditions of consent.

BACKGROUND

On 15 November 2005, Council received an application for the construction of a 1.5m high, steel picket front fence at No.42 Old Hume Highway Camden. Following initial assessment of the application it was established that the fence height did not comply with Council's Residential Development Control Plan 58 (DCP 58), which permits front fencing to a height of 1.0 metre. Council staff contacted the applicant with a view to reducing the height of the fence. However, the applicant stated that they wished to proceed with the application for the fence at 1.5 metre in height. As a consequence, Council's determination of the application is sought.

THE SITE

The land is identified as No.42 (Lot 0 SP 71058) Old Hume Highway, Camden, and is situated on the northern side of the road in close proximity to Rosalie Avenue. The property has direct access to the road and contains four two storey town houses. Traditional residential development surrounds the site with a similar town house development adjacent to the southern boundary. **A location plan is provided at the end of this report.**

THE PROPOSAL

The applicant seeks consent to construct a 1.5m high, steel picket fence with green

palings and beige posts along the front boundary of the land. **A copy of the plans is provided at the end of this report.**

NOTIFICATION

The proposal was notified to adjoining residents 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 documentation has been considered with respect to Council's assessment of the subject application:

- Camden Local Environmental Plan 46
- Residential Development Control Plan 58
- Safety by Design Guidelines

ASSESSMENT

The Development Application has been assessed in accordance with section 79C of the Environmental Planning & Assessment Act 1979. The following points are provided in relation to the critical aspects of Council's assessment:

- (a) the provision of any planning instrument, development control plan or matter prescribed by the regulations

Camden Local Environmental Plan 46

The site is zoned 2(b) Residential under the provisions of Camden Local Environmental Plan 46 (LEP 46). The development is permissible with Council consent under this zoning.

The fence would comply with the aims of LEP 46 by maintaining the aspects of traditional lifestyle while demonstrating a regard for the quality of the surrounding environment.

Residential Development Control Plan 58

The objective for fencing in Residential Development Control Plan 58 (DCP 58) is 'to maintain or create a streetscape character'.

The fence would comply with the objectives of DCP 58 by maintaining the harmony of the street theme.

DCP 58 also seeks to limit the height of front boundary fences to 1.0m. The applicant seeks approval for a fence 1.5m high. In this regard, a variation from DCP 58 is required to be approved by Council.

Safer by Design Guidelines

The applicant states that the fence is sought, following experiences with anti-social behaviour, which included vandalism and littering. The fence would comply with Safer by Design Guidelines by:

- 'providing a clear distinction between public and private space;

- establishing an area that appears well protected and cared for;
- achieving a high level of passive security, while
- still allowing natural surveillance from and to surrounding land uses.

CONCLUSION

Council has received a Development Application for a front boundary fence. The application was necessary as the applicant seeks to have a fence height approved which is greater than the stated maximum in DCP 58. The proposed height of the fence would be 1.5m, which exceeds the 1.0m height limitation of DCP 58 by 500mm. The applicant seeks the 500mm increase in height as an added deterrent to anti-social behaviour, such as littering, graffiti and loitering, which the occupants have experienced in the past.

The fence generally complies with the design criteria of the DCP by providing an open, ornamental presentation, which does not restrict vision or obstruct natural stormwater flow, and minimises the potential for graffiti. The proposed fence complies with LEP 46 and the Safer by Design Guidelines. The applicant has sought to provide security for the property while maintaining regard for the harmony of the streetscape.

The application has been assessed on its merits and it is considered that the fence would be appropriate for the intended use and contributes favourably to the traditional aspect of the locality and the residential characteristics of The Old Hume Highway, at Camden.

RECOMMENDED

That Development Application No. 1133/2005 for the construction of a 1.5m front boundary fence at No.42 (SP 71058) Old Hume Highway, Camden, be approved subject to the following draft conditions of consent.

Details of Draft Conditions:

1.0 - General Requirements

- (1) **Approved Plans** - The development must be carried out strictly in accordance with the plans prepared by the Owners of SP 71058, dated 29/9/2005.

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

2.0 - Construction Certificate Requirements

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

Construction Certificate.

nil

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) **Survey Peg Out** - Prior to commence of work the location of the fence must be set out by a registered surveyor and a survey report detailing the siting of the fence in relation to the allotment boundaries submitted to Council or an accredited certifier prior to the erection of the fence.
- (2) **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.

4.0 - During Construction

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

- (1) **Hours Of Operation** - All 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) **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.
 - Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
 - Builder's 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.
- (3) **Building Inspections** - The Principal Certifying Authority (PCA) which may be Council or an Accredited Certifier, must determine when inspections and

DC05/06

DEVELOPMENT COMMITTEE

DC03

FREESTANDING GARAGE WITH CARPORT NO 29 (LOT 116 DP 31406) PINDARI AVENUE, CAMDEN

FROM:	Director Development and Environment
FILE NO:	6325.310-2
DA NO:	9/2006
OWNER:	M & M Gorst
APPLICANT:	Aberfoyle Homes
ZONING:	2(a) Residential
APPLICABLE PLANNING INSTRUMENT:	LEP 46

PURPOSE OF REPORT

The purpose of this report is to enable Council to determine a Development Application for a garage and carport at the site. The matter has been referred to Council in accordance with its delegations as the land is affected by flooding in the 1% Annual Exceedance Probability (AEP) storm event.

SUMMARY OF RECOMMENDATION

That the application be approved subject to conditions of consent.

BACKGROUND

On 5 January, 2006, Council received a Development Application for the construction of a freestanding garage and attached carport to be located at 29 (Lot 116 DP 31406) Pindari Avenue, Camden. The application has been considered on its merits and is referred to the Development Committee for determination.

THE SITE

The site has an area of approximately 835m² and is located on the western side of Pindari Avenue with direct frontage to the road. A single storey dwelling currently occupies the site with similar dwellings adjoining the northern and southern boundaries. The property slopes down from the road to the rear boundary which adjoins open, undeveloped rural land. **A location plan is provided at the end of this report.**

The rear half of the land is affected by the 1% AEP flood event, with an expected flood level of Reduced Level (RL) 71.2m Australian Height Datum (AHD). The impact of flooding and the level of inundation is assessed and discussed further in this report under the section entitled Upper Nepean River Floodplain Management Study and Plan

THE PROPOSAL

The application proposes construction of a freestanding single garage with an attached

single carport to be located to the rear of the land. The plans, as submitted indicate a timber frame building with hardiplank cladding and a colorbond roof. However, the structural engineer engaged by the applicant has advised that the structure needs to be constructed with a steel frame so that it can withstand floodwaters.

The level of inundation and the impact of floodwaters are discussed further in this report under the heading of Draft Flood Risk Management Policy. **A proposal plan is provided at the end of this report.**

NOTIFICATION

In accordance with Council's Development Control Plan No 116 'Notification, Advertisements and Mediation', notification of the application was not required.

PLANNING CONTROLS

The following documentation has been considered with respect to Council's assessment of the subject application:

- Camden Local Environmental Plan 46
- Residential Development Control Plan 58
- Upper Nepean River Floodplain Management Study and Plan
Draft Flood Risk Management Policy

ASSESSMENT

The subject application has been assessed in accordance with section 79C of the Environmental Planning & Assessment Act 1979. The following points are provided in relation to the critical aspects of Council's assessment:

(a) the provision of any planning instrument, development control plan or matter prescribed by the regulations

Camden Local Environmental Plan No 46

The land is zoned Residential 2(a) under Camden Local Environmental Plan 46. The proposed development meets the aim of the LEP, which seeks to 'promote development suitable to particular localities' and also takes into consideration the traditional, urban character of the locality. The proposed development is permissible in the zone and would meet the provisions of the LEP, relevant to the proposal.

Clause 21 in the LEP, which refers to flood prone land, states that Council may refuse an application to carry out any development that is subject to flooding if in the opinion it will:

- (a) affect the flood level at any point above or below the development;
- (b) increase, to a substantial degree, the flow of water on any adjoining flood liable lands;
- (c) cause soil erosion, siltation or destruction of river bank vegetation;
- (d) affect the water table of any adjoining land; or
- (e) adversely affect river bank stability.

The development is not expected to have any of these effects.

Residential Development Control Plan No 58

The submission meets the development guidelines of the Residential Development Control Plan No. 58 (DCP 58) with regard to form and scale.

The design of the building reflects the character of the area and maintains the traditional, residential aspect of the locality.

Upper Nepean River Floodplain Management Study and Plan

The rear half of the site is affected by the 1% flood event, located at RL 71.2m AHD, and is categorised in accordance with the Upper Nepean River Floodplain Management Study and Plan (FMP) as high hazard – flood fringe.

The proposed location for the garage may be affected by floodwaters, described as very slow moving, to a depth up to 1.7m during a 1% flood event.

The applicant's Structural Engineer has certified that the structure would be capable of withstanding the impact of floodwater subject to the provision of steel framing and vents for the escape of floodwaters. This would be addressed as a condition of development consent.

Draft Flood Risk Management Policy

Consideration of the Draft Flood Risk Management Policy has determined that the development is considered to be compatible with the indicated flood hazard of the land and minimises financial and personal risk to the community.

The proposal facilitates the secure parking of vehicles. Parking of vehicles in this location would be legal and require no development consent were a garage and carport not proposed. As a result, the proposal does not add to the existing flood damage risk on the site. Conditions of development consent would ensure that the storage of valuable goods, other than a motor vehicle does not occur inside the proposed garage.

(b) Likely impacts of the development, including impacts on both natural and built environment including social and economic impacts.

The proposed development is consistent with the zoning and amenity of the locality and is of a type which could be reasonably expected in the contemporary development of the local area. Conditions shall be imposed on the consent to reduce site disturbance and minimise the potential for impact on the environment.

(c) The suitability of the site for the development

Despite the level of flood affectation, the proposal would be consistent with the existing use of the site, which is fully serviced (i.e. water, electricity, sewer and phone) and is in close proximity to the Camden town centre.

CONCLUSION

The development proposal has been considered in accordance with the Environmental Planning and Assessment Act. In particular, the proposed development would comply with the objectives of the Floodplain Management Plan.

The development would meet the requirements of the Upper Nepean River Floodplain Management Study and Plan and the Draft Floodplain Management Policy while effectively utilising the land. Flood hazard has been managed in a sound and sustainable manner.

It is considered the proposal would make a positive contribution to the residential characteristics of the area and based on its merits, is therefore recommended for approval.

RECOMMENDED

That Development Application 9/2006 for a free standing garage with attached carport at No 29 Pindari Avenue, Camden, be approved subject to the following conditions of consent:

Details of Conditions:

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by Aberfoyle Homes, dated 16/12/2005.

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) **Durable Timber Selection** - Timber exposed to weather which supports structural or live loads such as cantilevered balconies, posts and the like must be of natural durability, Class 1 or 2, or preservative treated to a hazard level of 3 or better in accordance with AS1684.
- (3) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.

2.0 - Construction Certificate Requirements

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

nil

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) **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.

- (2) **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 the 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.

4.0 - During Construction

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

- (1) **Principal Certifying Authority (PCA) Signs** - where Camden Council is appointed as the PCA, a sign (minimum size of 300mm x 400mm) shall be displayed for the duration of the Construction works including the following details:

- (i) PCA is Camden Council
- (ii) DA No 9/2006
- (iii) Builder's Name
- (iv) Builder's contact telephone numbers.

- (2) **Flood Compatible Construction** – The garage shall be constructed in accordance with the recommendations of D & M Consulting, dated 11/1/2006, Reference No.05370.

- (3) **Electrical Fittings** - All electrical fittings and appliances shall be adequately flood proofed by a qualified electrician.

- (4) **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.

- (5) **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.
- Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
- Builder's 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.
- (6) **Roofwater Destination** - The roof of the subject building(s) must be provided with guttering and down pipes and all stormwater conveyed to:
- (a) the drainage easement located on the allotment;
 - (b) the street gutter;
- Note:** Only Council approved stormwater "connection adaptors" must be used to connect line-work to the street gutter.
- (c) an approved water storage tank;
 - (d) such other method(s) as approved by Council.
- (7) **Connect Downpipes** - Stormwater from roof areas must be connected to a Council approved stormwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority must not permit construction works beyond the frame inspection stage until this work has been carried out.
- (8) **Building Inspections** - The Principal Certifying Authority (PCA) which may be Council or an Accredited Certifier, must determine when inspections and compliance certificates are required. Where the Consent Authority (ie Camden Council) is nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.
- (a) **Slab On Ground** – When steel reinforcement and associated formwork has been provided prior to the slab being poured with concrete.
 - (b) **Wall & Roof Framing** - When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brickwork complete and the roof covering fixed prior to internal lining.
 - (c) **Stormwater Line-work** - When stormwater drainage lines have been laid and connection to a street kerb, drainage easement, or rubble pit prior to backfilling.
 - (d) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

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) **Compliance with Conditions** - 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 and include all relevant documents and certificates that are asked for as conditions of development approval.

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 make the applicant/developer liable to legal proceedings.**

6.0 - Operational Conditions

- (1) **Use Limitations** - Garden sheds, carports, garages, outbuildings, rural sheds and the like must not be adapted, converted or used for commercial, industrial or residential purposes without the prior approval of Council.

7.0 - Fire Safety Schedule

nil

8.0 - Subdivision Certificate

nil

END OF CONDITIONS

ATTACHMENTS

1. Location Plan
2. Proposal Plan

Location Plan Proposal Plans

RESOLUTION

That Development Application 9/2006 for a free standing garage with attached carport at No 29 Pindari Avenue, Camden, be approved subject to the conditions of consent.

Moved Councillor Funnell, Seconded Councillor Whiteman that the recommendation as above be adopted.

THE MOTION ON BEING PUT WAS **CARRIED**

DC06/06

DEVELOPMENT COMMITTEE

DC04

SUBJECT: REVIEW OF DCP 101 - CHILD CARE CENTRE
FROM: Director Development and Environment
FILE NO: 4868

PURPOSE OF REPORT

To adopt draft DCP 101 – Amendment No 1, the result of a comprehensive review of the current DCP which was workshopped by Council in 2005, and for it to be placed on public exhibition for 28 days. **A copy of the draft policy was provided to Councillors on 2 December 2005 to allow review prior to bringing the matter to Council for consideration.**

BACKGROUND

The current DCP was adopted by Council on 5 March, 1997. Several recent determinations, both approvals and refusals of development applications for child care centres, have highlighted the need for more detailed and updated guidelines to ensure that any proposed childcare centre does not adversely impact on the surrounding developments. Also, the Department of Community Services (DoCS) has changed its referral process in assessing development applications as received by Council. The current DCP makes reference to the need to submit DoCS approval to the number of children proposed with the application and it is not possible for the applicant to gain such approval until after Council has consented to the application.

Additionally Council has indicated that it should be proactive in defining the most acceptable locations for these important facilities, and more specifically identify several reserved sites within new release areas that will meet the criteria required for a child care centre in a residential estate.

MAIN REPORT

The proposed amendments to the DCP were formulated following the review of other LGA codes, the identification of specific needs for the Camden LGA and examination of the requirements of DoCS.

Some of the main issues considered were:

- determination of site area for a childcare centre. This included defining an appropriate standard for outdoor play area, amount of car parking needed, landscaping of car park, building and play areas;
- the most suitable locations and sites for centres;
- identification of reserved sites for new release areas;
- noise implications;
- procedure to assess DA to include DoCS;
- controls for OOSH (out of school hours) care.

The aims and objectives of the DCP are:

- to ensure childcare centres are compatible with neighbouring land uses and are

- appropriately integrated into existing or new residential environments;
- to ensure child care centres are unobtrusive in terms of design, bulk and their provision of car parking;
 - to ensure child care centres are well designed with a high standard of outdoor play area and landscaping, and are integrated in appropriate locations to meet community needs;
 - to minimise adverse impacts on the environment and amenity of residential areas and other land uses, in particular noise and traffic generation from the development and operation of child care centres;
 - to provide childcare centres that will support the effective implementation of an early childhood teaching programme and assist staff in providing essential support, supervision, care and education of young children;
 - to ensure the health, safety and well being of children and staff in childcare centres.

Site Selection

It is proposed to prohibit locating childcare centres in General Industrial 4(a) zones (currently permitted) as the centres would potentially have difficulty in meeting noise criteria and conversely could place an unnecessary restriction on adjoining industrial development.

Centres are permitted with consent in Service Industrial, Commercial and Residential and Rural zones.

The DCP defines those locations where Council will not consider a childcare centre, as well as those areas where consideration will only be given if particular location criteria are satisfied. Additionally where future Masterplans are developed or existing Masterplans are being reviewed, such as Elderslie, specific sites will be required to be identified as childcare centre locations. The identification of a number of sites allows market choice and alerts buyers of adjoining land to the fact that an application for a centre is likely to be received.

Noise

Detailed Noise Risk Classification Assessment and Acoustic Design Report sections are now included in the DCP to clearly identify the issues and criteria needed to be met by a new or a proposed change to a childcare centre. The assessment and reporting for noise is to be in accordance with the Noise Assessment Requirements for "commercial premises" as per the procedures as set out in DEC's NSW Industrial Noise Policy (INP).

Car Parking

Following the Council workshop a survey was undertaken of all the child care centres within the Camden LGA to establish whether the current standard for on-site car parking was appropriate. It can be concluded from the survey that Council's current car parking policy is a reasonable standard. This conclusion is based on some respondents indicating they needed more car spaces and others indicating there were too many.

As staff parking is a significant part of the parking requirements, public transport,

particularly in early and late peak hours is poor and on street parking is not to be encouraged in order to maximise pedestrian safety on the site, the existing standard of 1 space per 4 approved child spaces is still seen to be appropriate.

CONCLUSION

The draft DCP 101 – Amendment No 1 is a more comprehensive policy designed to provide developers and Council staff with greater clarity and certainty as to what is required for the provision of child care facilities within the Camden LGA. It is recommended that Council adopt the draft DCP to enable it to be publicly exhibited for a one month period. A further report is then to be made to Council which will include any submissions received and a recommendation as to any appropriate amendments deemed necessary for inclusion.

RECOMMENDED

That :

- (i) Draft DCP 101 – Amendment No 1 be endorsed for the purpose of being publicly exhibited for one month.**
- (ii) Following its exhibition and consideration of any submissions received the draft DCP be reported back to Council with a recommendation to include any appropriate amendments deemed necessary.**

RESOLUTION

That :

- (i) Draft DCP 101 – Amendment No 1 be endorsed for the purpose of being publicly exhibited for one month.
- (ii) Following its exhibition and consideration of any submissions received the draft DCP be reported back to Council with a recommendation to include any appropriate amendments deemed necessary.

Moved Councillor Elliott, Seconded Councillor Whiteman that the recommendation as above be adopted.

THE MOTION ON BEING PUT WAS **CARRIED**

DC07/06

DEVELOPMENT COMMITTEE

DC05

SUBJECT: MOUNT ANNAN CHRISTIAN LIFE CENTRE - LAND &
ENVIRONMENT COURT DETERMINATION OF DA
1096/2003 FOLLOWING AN APPEAL TO COUNCIL'S
REFUSAL

FROM: Director Development and Environment

FILE NO: 5800.686-19/5

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the NSW Land and Environment Court's (the Court) determination to uphold Council's refusal of the Mount Annan Christian Life Centre's Development Application to construct an auditorium at 347 (Lot 2 DP 1019708) Narellan Road, Currans Hill.

BACKGROUND

At its meeting of 8 August 2005, Council's Development Committee refused a Development Application for a 2,500 seat auditorium (multi-function building) for the Mount Annan Christian Life Centre at 347 (Lot 2 DP 1019708) Narellan Road, Currans Hill.

The applicant for the development application had earlier lodged an appeal with the Court, seeking a determination of the application as a deemed refusal.

The Court was advised of Council's determination of the application and the applicant's appeal against that determination was subsequently heard.

MAIN REPORT

Before the appeal was heard, the applicant prepared an amendment to the original proposal by reducing the seating capacity from 2,500 to 1,750; reducing the height of the building from 15m to 12.4m; moving the main access road away from the site's western boundary back to its current location; providing noise barriers along the western boundary; varying the car park layout and deleting the provision for bus/coach parking.

An on-site hearing was listed for 29 November 2005, to be heard before Senior Commissioner Roseth with Council being represented by its Solicitor. Two court appointed expert witnesses provided advice to the court on planning and noise issues. The applicant also engaged its own additional expert witnesses to counter the position of the agreed court appointed expert witnesses.

Two local residents gave evidence at the on-site hearing in support of their objections to the amended application. Other objections had been received but these objectors were not able to attend the hearing. The informal approach of the Senior Commissioner to the hearing of the objectors' concerns allowed an open and frank presentation by the adjacent residents, which included existing issues with the operation of the Centre in respect to noise and behaviour incidents within the car park. After their presentation these residents were thanked for their time and commitment to appear at the Court

hearing. Formal letters of thanks have also been issued by Council.

The Senior Commissioner then inspected the site with the expert witnesses, legal representatives and two Council officers. The inspection include a visit to Currans Hill to view the proposed development from the adjoining residential estate.

The Court met formally the following day to hear the evidence from all the expert witnesses. It was clear from the on-site meeting that there were still some outstanding noise issues that needed to be considered. These included the height of the proposed noise attenuation barrier along the western boundary and the impact of traffic noise on the proposed retirement village. It should be noted that this wall did not form part of the original application and was part of the series of amendments made to the application during the course of the appeal. Other changes involved moving location of the access road, reducing the capacity of the auditorium, reduction in the height of the building and amendment to the carparking layout and capacity as well as not using buses. The court appointed expert witness for noise, with Council's Environmental Health Officer and the applicant's noise consultant were able to produce a solution that was considered reasonable if implemented to achieve the acceptable noise criteria. However, the solution was not considered to have been suitable as the noise barriers would also act as large visual barriers within the 'Environmental Protection (Scenic)' zone.

Council refused the application for four reasons:

- (i) The proposal exceeded the statutory height limit
- (ii) The proposal was inconsistent with zone objectives
- (iii) The proposal exceeded noise criteria
- (iv) The proposal was not in the public interest.

The Senior Commissioner accepted the court appointed Town Planning expert witness's evidence, "... that the scale of the proposal renders it inimical to the rural environment. It will not provide visual contrast to the urban environment. It is antipathetic to the objectives of the environmental protection zone".

The applicant had lodged an objection under State Environmental Planning Policy (SEPP) 1, which allows an applicant to seek a variation to a development standard which is normally required under a Local Environmental Plan (LEP). In this case, an objection was lodged in respect of the height control in LEP 48 ie a maximum height of 8m. The court appointed expert witness provided evidence that, ... "In her opinion, because of its large scale, the proposal was inconsistent with the underlying objectives. She considered that the Objection (SEPP 1) was not well-founded".

The Senior Commissioner accepted this evidence. "In my opinion, there is no justification for varying the 8m maximum height that applies to the site. The SEPP 1 objection is not well-founded and therefore the application must fail".

His conclusion was as follows:

"There are two difficulties with this proposal: its location within the site and the scale of the building. The location is highly visible and, because it adjoins a high-tension easement, cannot be screened from the east. I note that in the *Master Plan* indicating the future development of the site, this area was to be kept undeveloped".

"Under the heading '*The proposal and its history*', this judgement provides some statistics of the scale of the proposed building. It is interesting to note that the

proposed auditorium is considerably bigger than the Opera Theatre of the Sydney Opera House, which has 1,547 seats. It is more than three times as big as the Drama Theatre in that complex. It is much bigger than the assembly halls of schools of comparable size. In addition to the main auditorium, it has a second auditorium of nearly 500m², six seminar rooms, administration areas including 15 individual offices, communal offices, waiting and meeting room; an executive suite containing several further offices, workstations, boardroom and lounge, children's ministry, youth chapel, gym, bookshop, cafe, creche, and a parents' room. I do not think that a consent authority granting consent to a school could ever envisage that it would one day receive an application for a building of this magnitude".

"The proposal's vast scale makes it inimical to the desired rural character of the zone. If the proposal were built, the site would no longer act as a boundary to the urban edge, rather it would extend the edge".

"For the above reasons the appeal is dismissed".

Council's costs in relation to the appeal totalled \$45,195.63 of which \$22,371.77 was paid to solicitors Wilshire Webb and \$22,823.86 was paid to the Court appointed expert witnesses. In addition, staff were required to devote considerable time to review amended proposal, assess reports submitted by the applicant's experts and liaise with Council's legal team.

CONCLUSION

Council's refusal of a Development Application by Mount Annan Christian Life Centre to construct an auditorium at 347 (Lot 2 DP 1019708) Narellan Road, Currans Hill has been appealed in the Court. The appeal was heard by the Court in late November of last year. The Court's findings have now been received by Council and the Court has found in favour of Council by way of upholding its refusal of the application. The defence of this matter required considerable resources, including many hours of several Council officer's time. The assistance of residents supporting their objections to the proposal is a pleasing aspect of the appeal and shows the importance of people being willing to support Council's case.

The successful defence of Council's determination and the validation of the 'environmental protection (scenic)' zone as well as the recognition of the concerns of the adjoining residents is an excellent outcome for Council.

RECOMMENDED

That Council note the successful defence of its determination of Development Application No. 1096/2003 in an appeal to the NSW Land and Environment Court.

RESOLUTION

That Council note the successful defence of its determination of Development Application No. 1096/2003 in an appeal to the NSW Land and Environment Court.

Moved Councillor Whiteman, Seconded Councillor Dewbery that the recommendation as above be adopted.

THE MOTION ON BEING PUT WAS **CARRIED**

DC08/06

DEVELOPMENT COMMITTEE

DC06

DEMOLISH AND REPLACE EXISTING LIVESTOCK SALES RING BUILDING AT 30 EDWARD STREET CAMDEN - LOT 104 DP 825839

FROM:	Director Development and Environment
FILE NO:	2700.310-2
DA NO:	715/2005
OWNER:	W Inglis & Son Ltd
APPLICANT:	Stambe Enterprises Pty Ltd
ZONING:	Part 3(f) Town Centre Support - LEP 45 and part 1(a) Rural A (40ha) - LEP 48
APPLICABLE PLANNING INSTRUMENT:	LEP's 45 & 48

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application at 30 (Lot 104 DP 825839) Edward Street, Camden. The report is submitted to Council for consideration in accordance with its delegations as the proposal is located in the Camden flood plain. The site is also identified in a list of 'proposed new items' as an item of heritage significance and as part of the notification process, a submission was received from the Camden Historical Society.

SUMMARY OF RECOMMENDATION

It is recommended that the application be approved by way of a deferred commencement approval, subject to conditions.

BACKGROUND

The existing livestock sales ring has been operating in its current location for approximately 65 years. The building is proposed to be demolished as it is dated, has no weather protection, and is not of a sufficient size or quality to fulfil its current required use. Of particular concern is the issue of OH&S due to a potentially slippery floor within the ring area.

Council has received an application to demolish the existing sale ring and replace this with a new structure. The application has been considered on its merits and is now recommended to Council for a deferred commencement development consent.

THE SITE

The subject site, which is flood affected, is situated on the eastern side of Edward Street on the periphery of the Camden Town Centre, in an area characterised by local support industries and commercial buildings, interspersed with some residential accommodation and is known as No. 30 (Lot 104 DP 825839), Edward Street, Camden. The sales ring area forms a component of a larger site utilised specifically for the sale of livestock.

Existing improvements include a sales and administration building, the sales ring with frontage to Edward Street, an amenities building for patrons, covered pig and sheep sales and holding yards, loading and unloading areas and a number of fenced yards for the holding of livestock.

The improvements on site are generally of an older style but have been maintained in reasonable condition. **A location plan is provided at the end of this report.**

THE PROPOSAL

The proposed sales ring, which is approximately 14% larger in footprint than the existing sales ring, would be enclosed and have an earth/clay floor. The existing ring is open and has a concrete floor. This is proposed to be demolished. The new roof would double the height of the existing building and would be sited on the same street setback as the existing building. The proposed external colour scheme is to match that of the existing administration building situated to the north of the sales ring. Discussion of the proposed building finishes is provided later in this report. **Plans of the proposal are provided at the end of the report.**

NOTIFICATION

The application was notified to nine properties in the adjoining area, as well as the Camden Chamber of Commerce, CRAG and Camden Historical Society. A submission was received from the Camden Historical Society which is discussed later in the proposal's assessment. **A copy of the submission is provided in the supporting documents.**

PLANNING CONTROLS

The following plans and policies have been considered as part of Council's assessment of the application.

- Camden LEP 45
- Heritage
- Draft Flood Risk Management Policy

ASSESSMENT

The subject application has been assessed in accordance with Section 79C of the EP&A Act 1979. The following comments are provided with respect to the principle issues of the proposed development.

(a) the provision of any planning instrument, development control plan or matter prescribed by the regulations

Camden LEP 45

The land is zoned 3(f) Town Centre Support zone pursuant to CLEP 45 wherein the proposal is permissible with Council's consent.

(b) the likely impact of the development including environmental, social and economic impacts

The building proposal is a replacement of the current livestock sales ring although slightly larger in footprint and roofed, and thus will continue a long-standing tradition of

providing a rural service to the local community in the Camden area.

A Heritage Impact Statement has been prepared, which concludes that "... the proposal should assist in the ongoing use of the place as a stockyard, and is supportable in terms of potential heritage impacts". In order to support the proposed demolition the determination will be conditioned for an 'archival recording' to be undertaken by the developer and that this be lodged with the Camden Historical Society.

The proposal is to erect a tilt-slab building to match the current administration building. This is a dark blue building and not considered appropriate in terms of the historic significance of the sale ring. In this regard, the bulk of the tilt slab walls should be broken up in some way. An option may be the use of timber insets. This needs to be clarified prior to the consent becoming operative and can be addressed as part of a deferred commencement consent.

(c) the suitability of the site for the development

The proposal provides for the orderly redevelopment of the sales ring. With the new building located within the Camden flood plain, the applicant has been requested that the development be certified by an accredited engineer that the impact of the development within the flood plain will have no negative consequences on flooding and the building itself is capable of withstanding any potential flood impacts. To date this information has not been received. It is likely that some modifications will be required to the proposed building such as the use of open grilled doors in lieu of solid doors. It is proposed that the recommendation for determination is for a deferred commencement subject to the resolution of the flood issue. This will allow further assessment of finishes and flooding whilst giving the applicant certainty that the proposal can proceed.

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

One submission was received from the Camden Historical Society, which states ... "The Society ... agrees with the conclusion of the Statement of Heritage Impact, ... however request that the colours and textures of the new building be treated in such a way as to blend in with the general character of the existing building and streetscape".

Consequently it has been requested that the applicant add vertical timber planks to the proposed concrete panels to reflect the existing building form as well as incorporate a timber finish into the concrete facade to soften the overall impact of the structure. Such matter can be addressed in the deferred commencement consent that an amended final external design be submitted for referral and concurrence by Council's heritage officer, taking into account the flood issues that have not, to date, been addressed by the applicant.

(e) the public interest

The proposed development is supportive of local area employment and economic growth initiatives, which seek to vitalise and continue the sale and stockyard use in its current location.

CONCLUSION

Council has received a Development Application for the demolition of the existing Sales Ring and the construction of a replacement ring at 30 Edward Street, Camden. The proposed development seeks to maintain and improve a well established rural industry

within Camden and is therefore able to be supported. The site has been considered for listing for its heritage significance and an 'archival recording' of the existing building would be a condition of development consent. This is considered reasonable to allow the existing rural industry to continue its operation with a more appropriate building.

The proposed new building is located within the flood plain and it is important to ensure the building will not create an adverse impact on the flood regime at this location and that its finish, given the prominent location of the building at the street front, be appropriate to the heritage nature of the site. Also it is important to ensure the proposed building will be structurally sound and able to withstand a flood incident. This would be ensured by way of issuing a deferred commencement development consent, subject to the matter of the effect on flooding and the potential effect of flooding on the development, being determined to be satisfactory.

The development proposal has been considered on its merits and it is recommended that the development be approved with a deferred development consent.

RECOMMENDED

That:

(i) Development Application No. 715/2005 for the demolition and the replacement of the existing livestock sales ring building at 30 Edward Street Camden (lot 104 DP 825839) be approved as a deferred commencement subject to the following conditions.

(ii) The Camden Historical Society be thanked for their submission and be advised of Council's determination.

Details of Conditions:

This development consent shall not operate until the application satisfies the Council in accordance with the provisions of the Environmental Planning and Assessment Regulation 2000, in relation to the matters listed in Schedule A hereto. The applicant has been given a period of in which to provide evidence sufficient enough to enable it to be satisfied as to those matters. Upon submission of evidence to the Council and the applicant receiving written notification that Council is satisfied as to the relevant matters, then the consent shall become operative, subject to compliance with the conditions specified in Schedule B hereto.

If the matters listed in Schedule A are not addressed within the specified time period, this Deferred Commencement consent will be come permanently inoperative.

The conditions of Schedule A are as follows:

Deferred Commencement - The development application has been determined by the granting of a Deferred Commencement Consent pursuant to s.80(3) of the *Environmental Planning and Assessment Act 2000*. Consideration will be given to the granting of an operational consent subject to compliance with the following conditions.

(1) The receipt of an engineering plan and report to be signed by an accredited certifier with civil engineering accreditation which supports the proposal will not have an unreasonable impact on the current 1% AEP flooding and the building can withstand the impacts of flooding including debris impacts.

(2) **External Materials and Finishes** - The development shall be completed in

accordance with an approved schedule of external material, colours and finishes which is to be submitted to Council for approval following an assessment by Council's heritage consultant. Any alterations to this schedule must be submitted to the Consent Authority for consideration.

A variety of materials are to be used to assist in breaking up the built form. This may include the use of a combination of timber and masonry elements. The roof is to be corrugated iron.

All requirements listed in must be satisfied/addressed within three months of the date of this Deferred Commencement Consent. **If these matters are not addressed within the prescribed time period, the Deferred Commencement consent will lapse.**

The conditions specified Schedule B are as follows:

Details of Conditions:

1.0 - General Requirements

- (1) **Approved Plans** – The development must be carried out strictly in accordance with the plans prepared by John Lillis Associates, dated Dec 2004 and numbered 04-1006 (2 sheets) with amendments as set out in Schedule A.

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) **Amendments To Approved Plans** - The amendments indicated and described below must be incorporated in the overall development and must be reflected in any plans prepared for the purpose of obtaining a Construction Certificate.

1. the proposed roller doors are to be an open grill to allow the flow of flood waters as to be detailed in the accredited certifiers flood report.
2. external finishes are to subject to a further submission which is to be approved by Council's heritage consultant.

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

- (4) **Advertising Signs Application** - Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (ie Camden Council) prior to the erection of any advertising signs.

The design, style, colour, height and type of any advertising sign must have regard to the character of the development, any existing advertising theme and DCP 96 "Outdoor Advertising Code".

- (5) **Demolition (Tree Preservation)** - Existing trees, both on the site and adjoining

footpath reserve, must be protected with fencing to prevent damage during demolition, and retained in accordance with Council's Tree Preservation Order.

2.0 - Construction Certificate Requirements

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

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

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

(b) If the application relates to a proposal to carry out any alteration or rebuilding of, or addition to, and existing building, a separate list of those measures **currently** implemented in the building or on the land on which the building is situated.

(2) **Performance Bond** - Prior to the issue of the Construction certificate a performance bond of \$25,000 must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council and the maintenance bond (if required) has been lodged with Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

"In accordance with Council's Fees and Charges a non refundable administration fee of \$110 for cash/cheque bonds and \$220 for bank guarantees must be paid to Council upon lodgment of such bond."

Note 1: In accordance with Council's current Fees & Charges an administration fee for processing of bonds into form of cash/cheque or bank guarantees is applicable.

Note 2: It should be noted that Council will not refund/release the maintenance bond, unless a suitable replacement bond is submitted.

(3) **Development Branch Fees** - Where Council has been nominated as the Principal Certifying Authority the following fees must be paid to Council **prior to a Construction Certificate being issued:**

Council Engineering inspection fee \$339.90

These fees are applicable during the current financial year and are adjusted annually by Council.

(4) **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.**

(5) **Heritage Record** – Prior to demolition, an 'archival recording' of the building shall be made as follows:

- (a) Working drawings of each elevation of the building shall be prepared by a qualified draftsman.
 - (b) A detailed photographic record shall be taken internally and the external appearance of the building.
 - (c) Three (3) copies of the photographs and drawings shall be prepared and submitted to Council **prior to the release of a Construction Certificate**.
- (6) **Roads Act 1993 - Prior to the issue of a Construction Certificate**, consent, pursuant to s.139 of the *Roads Act 1993*, must be obtained for the design and construction of the proposed footpath, within Edward Street road reserve. Accordingly, application for such consent must be submitted to Camden Council for assessment/approval; application forms are available from Council's Customer Service Counter.

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:

- must be standard flushing toilet, and
- must be connected:
 - (i) to a public sewer, or
 - (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 the 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) **Protection Plan for Existing Trees and Vegetation On Site** – A suitably qualified and certified arborist, ecologist or environmentalist is to be contracted to undertake or manage the installation of protective fencing and/or to undertake any such other measures as that person or organisation deems appropriate to protect the subject trees /shrubs/grasses, remnant/riparian area or ecological community from any damage or detrimental impact that may be caused by this development.

The qualified and certified arborist, ecologist or environmentalist is to be retained for the entire contract period, including the initial earthworks, and that person or organisation is to undertake ongoing management and review of the trees, remnant/riparian area or ecological community, and regularly report to Council.

Details of proposed protective measures and schedule of works must be submitted to Council for approval **prior to the Building Construction Certificate being issued**. The Protection Plan should clearly indicate:

- a. those trees to be retained and protected;
- b. frequency of monitoring reports to the Consent Authority (ie Camden Council);
- c. those trees to be cordoned off from construction works;
- d. all protection measures to be employed by the arborist/ecologist/environmentalist during the entire development;
- e. the practices/procedures to be employed and the persons to be held responsible to ensure that all contractors and other persons on site are advised of and abide with the installed protection measures.

- (6) **WorkCover Approval** - It is the responsibility of the owner to contact WorkCover Authority with respect to any demolition work or use of any crane, hoist, plant or scaffolding prior to any work commencing on the site.
- (7) **Hoarding and Ancillary Requirements** - The site must be enclosed with a suitable temporary hoarding or security fence of a type approved by the Consent Authority (ie Camden Council). An application must be lodged with and approved by Council prior to the erection of any hoarding or fence.

Note 1 No site or demolition works must commence before the hoarding or fence is erected and a Construction Certificate, if applicable, granted by a Certifying Authority.

Note 2 Public thoroughfares must not be obstructed in any manner whatsoever during demolition works.

Note 3 All demolition works must comply with the requirements of AS 2601 - 1991.

- (8) **Disconnection of Services** - All services (ie sewer, phone, gas, water and electricity) must be disconnected prior to commencement of demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- (9) **Destination of Waste Material** – Demolition materials must be disposed of to an approved land-fill site and where appropriate to an approved recycling outlet. Details of the method of waste disposal must be lodged with the Consent Authority (ie Camden Council) prior to commencement of work.
- (10) **Information Required by Council Prior to Demolition** - The demolisher shall lodge with Council at least forty-eight (48) hours prior to the commencement of work:
- (i) written notice indicating the date when demolition of the building is to commence;
 - (ii) details of name, licence, address and business hours contact number;
 - (iii) a copy of the demolishers current public liability/risk insurance policy indicating cover of at least \$5,000,000.
- (11) **Demolition (WorkCover Licence)** - Persons undertaking demolition work shall be licensed under the Occupational Health and Safety (Demolition Licensing) Regulation 1995. WorkCover issue demolition licences to applicants who successfully undertake the Demolition Supervision Course, and who can demonstrate their ability and experience in the field.
- (12) **Commencement Date** - The applicant shall give written notice to adjoining land owners and residents seven (7) days prior to the commencement of demolition, advising of the commencement date.
- (13) **Protection of Council Property** - All reasonable care must be taken to protect Council's roads, including the made footway, kerbs, trees, etc. when plant and vehicles enter the site. The footway shall be protected against damage by deep sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends.

- (14) **Giving Notice to Other Statutory Authorities** - The notice does not preclude the demolisher from giving notice to other Statutory Authorities as the Sydney Water, WorkCover, etc.
- (15) **Demolition Sign to Restrict Entry** - A sign shall be erected on the site stating that unauthorised entry is not permitted.
- (16) **Demolition Sign Name of Builder** - A sign shall be displayed on the site indicating the name of the builder or another person responsible for the site and a telephone number of which the builder or other person can be contacted outside normal working hours or when the site is unattended.

4.0 - During Construction

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

- (1) **Finished Floor Level** - A Registered Surveyor's Certificate must be submitted to Council or an accredited certifier prior to the placement of any concrete of the ground floor slab, certifying that the formwork levels are in accordance with the approved plan. In flood affected areas the finished floor level should be nominated with reference to the Australian Height Datum.
- (2) **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.
- (3) **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.
- (4) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- 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.
 - Builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner.
 - Builder's 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.

- (5) **Roofwater Destination** - The roof of the subject building must be provided with guttering and down pipes and all stormwater conveyed to:

the street gutter;

Note: Only Council approved stormwater "connection adaptors" must be used to connect line-work to the street gutter.

- (6) **Don't Change Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.

- (7) **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, Council agrees to the commencement inspection to be combined with the first required inspection.

(a) **Foundation Preparation** - The foundation material prior to the placement of slab preparation (ie sand base and plastic membrane).

(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) **Stormwater Line-work** - When stormwater drainage lines have been laid and connection to a street kerb or, drainage easement prior to backfilling.

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

- (8) **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.

(9) **Principal Certifying Authority (PCA) Signs** - where Camden Council is appointed as the PCA, a sign (minimum size of 300mm x 400mm) shall be displayed for the duration of the Construction works including the following details:

- (i) PCA is Camden Council
- (ii) DA No 715/2005
- (iii) Builder's Name
- (iv) Builder's contact telephone numbers.

(10) **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.

(11) **Burying of Demolition Materials** - No demolition materials shall be buried on the site, other than with the consent of Council.

(12) **Vehicles Leaving the Site** - The demolisher shall:

- (i) cause motor lorries leaving the site with demolition material and the like to have their loads covered;
- (ii) ensure the wheels of vehicles leaving the site do not track soil and other waste material onto the public roads adjoining the site.

(13) **Removal of Hazardous and/or Intractable Wastes** - Hazardous and/or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of the relevant Statutory Authorities, and receipts submitted to Council for verification of appropriate disposal.

(14) **Asbestos** - All material in the building which contains asbestos shall be removed in accordance with the guidelines of the WorkCover Authority (telephone 9370 5099) and requirements of the Environmental Protection Authority.

(15) **Clear Footpath** - The footpath and roadway must be kept clear at all times and must not be obstructed by any demolition material or vehicle.

(16) **Construction Site Noise** - Noise Levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends the following level restrictions;

- (i) Construction period of 4 weeks and under:
The L10 level measured over a period of not less than 15 minutes when the

construction site is in operation must not exceed the background level by more than 20 dB(A).

(ii) Construction period greater than 4 weeks :

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

(17) **Offensive Noise, Dust, Vibration, Odour** – Construction and demolition work must not give rise to offensive noise or give rise to dust, odour, vibration as defined in the Protection of the Environment Operations Act 1997” when measured at the property boundary.

(18) **Demolition (On Site Burning)** - The burning of any demolished material on the site is not permitted. Offenders will be prosecuted under the Environmental Protection Operations Act.

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) **Structural Certification (Completed Building)** – Upon completion of the building a practising Structural Engineer should attest to the building’s structural adequacy and ability to support the imposed loads.

(2) **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.

(3) **Fire Safety Certificates** - When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building so as to ensure the safety of the persons in the building in the event of fire.

A Final Fire Safety Certificate must be issued for the building **prior to the Occupation Certificate being issued**. As soon as practicable after a Final Fire Safety Certificate is issued, the owner of the building to which it relates must;

(a) cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades; and

(b) cause a further copy of the certificate (together with a copy of the current fire

safety schedule) to be prominently displayed in the building.

6.0 - Operational Conditions

- (1) **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.
- (2) **Frontage Works – Prior to the issue of an Occupation Certificate and use of the proposed development** the following work, within Edward Street road reserve, must be constructed/completed: -

- a 1.5 metre wide concrete footpath across the full frontage of the site.

All such work must be: -

- (a) designed in accordance with Camden Council's Draft Engineering Design Specification – May 2003 and issued design brief
 - (b) constructed in accordance with Camden Council's Draft Engineering Construction Specification – May 2003 and all other conditions/requirements of the consent issued pursuant to s.139 of the *Roads Act 1993*.
 - (c) constructed/completed to the satisfaction of the Roads Authority.
- (3) **Noise From Public Address System** – The use of a public address system on the site or within the sale ring building must not cause offensive noise as defined in the Protection of the Environment and Operations Act 1997. Noise levels must also comply with the DEC (formerly EPA's) Industrial Noise Policy - Table 2.1 Amenity Criteria - Acceptable Noise Level for commercial premises.
 - (4) **Plant Noise Restriction** - The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq) (measured for at least 15 minutes) or in, the above premises must not exceed the background level by more than 5dB(A) when measured at any point on any residential boundary.

7.0 – Fire Safety Schedule

nil

8.0 - Subdivision General

nil

ATTACHMENTS

1. Location Plan
2. Proposal Plan

Location Plan Proposal Plans Submission (sup
doc)

RESOLUTION

MOTION

Moved Councillor Funnell, Seconded Councillor Elliott that:

- (i) Development Application No. 715/2005 for the demolition and the replacement of the existing livestock sales ring building at 30 Edward Street Camden (lot 104 DP 825839) be approved as a deferred commencement subject to the conditions contained in the report and the following amendments:

2.0 - Construction Certificate Requirements

- (2) **Performance Bond** - Prior to the issue of the Construction certificate a performance bond of **\$5,000** must be lodged with Camden Council. Should any of Council's property sustain damage or the development place the environment or public at risk, Council will perform any works necessary on behalf of the applicant to rectify these works. This bond will be refunded once all works have been completed to the satisfaction of Council and the maintenance bond (if required) has been lodged with Council. The applicant must be responsible for any damage caused to existing public utilities, footpaths or public roads during construction works.

- (5) **Delete (a)** Working drawings of each elevation of the building shall be prepared by a qualified draftsman.

6.0 Operational Conditions - Frontage Works -

- (2) - a 1.5 metre wide **crushed aggregate** footpath across the full frontage of the site.

- (ii) The Camden Historical Society be thanked for their submission and be advised of Council's determination.

THE MOTION ON BEING PUT WAS **CARRIED**

(Councillor Anderson voted against the motion)

DC09/06

DEVELOPMENT COMMITTEE

DC07

SUBJECT: METROPOLITAN STRATEGY
FROM: Acting Director Governance
FILE NO: 4251

PURPOSE OF REPORT

To inform Council of the details of the Metropolitan Strategy for Sydney and to consider the implications of the strategy for the Camden local government area and the wider South West Sydney subregion.

BACKGROUND

On 8 November 2004, Camden Council considered a report on a Metropolitan Strategy Discussion Paper released by the then Department of Infrastructure Planning and Natural Resources. The Discussion Paper, developed following a range of local government, community and industry consultations as well as a number of technical working groups established by the Department, contained nine key directions for the growth of Sydney over the next 25 years. Council resolved on 13 December, 2004 to make a submission to the Metropolitan Strategy Discussion Paper. The Council's submission was forwarded to the Department on 16 December 2004. **A copy of the submission is included in the supporting documents.**

Since that time, the Government has released a number of components of the Metropolitan Strategy, including the North West and South West Growth Centre Draft Structure Plans, the Metropolitan Water Plan and the Western Sydney Parklands Management Vision.

On 4 December 2005, the 'final component' of the Metropolitan Strategy was released. The Strategy consists of the main document called *City of Cities - A Plan for Sydney's Future* and 8 separate documents of supporting information. The Metropolitan Strategy is the plan to guide Sydney's growth for the next 25 years (until 2031). **A copy of the main document has been distributed previously to Councillors.**

The Metropolitan Strategy is a final document, not a draft for consultation purposes. However, it is important for Council to consider the implications of the Strategy for Camden, given that Councils will be charged with the implementation of much of the strategy at a local and subregional level. In fact, the Strategy identifies that the Department will collaborate with subregional groupings of Councils to prepare draft subregional plans. The Department has advised that draft subregional plans will need to be completed by mid 2006. A preliminary meeting was held with representatives of the Department and Senior Council officers prior to Christmas. The issue of timing and resource implications was raised as this is one of many demands for Councils in the South West that need input this year.

It is also important for Council to be aware that the Metropolitan Strategy and the subregional plans will be the principal documents that will guide future local planning and policy making by Councils. More specifically, Council will be required to ensure that all new plans and policies are consistent with and deliver the directions and strategies contained in the Metropolitan Strategy and subregional plan.

With this in mind, this report and an associated detailed discussion paper have been prepared to outline the content of the Metropolitan Strategy, identify any gaps or omissions in the Strategy and specifically highlight the priority issues for Camden that are not included in the Strategy.

MAIN REPORT

The Metropolitan Strategy is a "*broad framework to facilitate and manage growth and development over the next 25 years*". It has five aims, being:

- enhance livability;
- strengthen economic competitiveness;
- ensure fairness;
- protect the environment; and
- improve governance.

Centres policy

The Strategy supports one metropolis made up of 5 regional cities and 22 strategic centres. In the South West subregion (Camden, Campbelltown, Liverpool and Wollondilly LGAs), Liverpool is the Regional City and Campbelltown and Leppington are Major Centres.

Employment and dwelling growth in the South West subregion

The total number of additional jobs planned for the South West subregion by 2031 is 80,000. 33% of these jobs are proposed to be provided in the major centres, with 66% to be provided in other smaller centres and in employment lands. This is slightly lower than the current proportion of jobs in Sydney located in strategic centres (39%) and significantly lower than the planned proportion of jobs in strategic centres across Sydney (44%).

This figure of 80,000 jobs is also well short of the proposed 118,000 jobs intended to be provided in the South West Growth Centre alone. Council is currently awaiting the release of details of recent amendments to the South West Growth Centre Structure Plans to further investigate this apparent inconsistency.

In terms of dwellings, the South West subregion is planned to grow by 155,000 new dwellings. This is made up of 40,000 new dwellings in existing areas (including existing undeveloped release areas such as Spring Farm and Harrington Park II), 100,000 in the South West Growth Centre and 15,000 in "other greenfield" areas (which is assumed to be new release areas that have not yet been identified). The ratio of new dwellings to new jobs in the South West is proposed to be 1 job for 1.9 dwellings, meaning that only 1 person in almost two households will have the opportunity to work locally.

The total population of the South West subregion in 2031 is difficult to predict as it is dependant upon the type of housing built and the size of households, amongst other factors. The Department of Planning released population projections in 2005, which indicated that the South West subregion would have a total population of 667,240 in 2031. The total number of jobs in the subregion by this time according to the Strategy would be 207,000. Assuming 60% of the population is of a working age (as is currently the case in Camden), this equates to less than 1 job for every 3 persons of working age in the region (31 jobs per 100 working people).

Currently there are 57 jobs for 100 working people in Camden, with Wollondilly at 50, Campbelltown at 64 and Liverpool at 81 jobs for 100 working people. The future according to the Strategy would see less local jobs for local residents (along with fewer job opportunities in other parts of Western Sydney).

Comment

Despite the claim in the Metropolitan Strategy that more jobs will be provided in Western Sydney, it is clearly not matching the population growth targeted for the region. There clearly needs to be a high priority given to promoting job growth in Western Sydney, to at least meet the modest targets set in the Metropolitan Strategy. In the absence of such priority, it will be essential for the State Government to focus on transport for residents of Western Sydney and public transport in particular, so that access to jobs outside of Western Sydney is improved.

Although not reflected in the Metropolitan Strategy, promoting more job growth in the South West subregion could be partly achieved by:

- increasing the planned growth of jobs provided in Campbelltown (and possibly acknowledging that Campbelltown will eventually develop into a Regional City in the longer term, by identifying it as a 'Potential Regional City');
- ensuring employment lands and centres in the South West Growth Centre are developed concurrently with housing;
- ensuring that new jobs match the demographics and skills of the current and new population; and
- providing improved access to regional centres, town centres and other employment lands.

Transport Strategies (Public and Private)

The Transport Strategy for Sydney confirms previous decisions made by Government in relation to transport projects. There are no new commitments in the Metropolitan Strategy. The previous decisions of government that are being confirmed in the Strategy are:

- Construct the North West - CBD - South West Rail Link.
- Establish a network of strategic bus routes, including a route between Camden and Campbelltown/Macarthur along Camden Valley Way and Narellan Road by 2012.
- Upgrade the road network.
- Facilitate the rail clearways project, to reduce the complexity of the rail network and improve reliability (to be completed by 2010).
- Introduce the Tcard (a single ticketing system for all public transport) by the end of 2007.
- Improve interchanges, stations and bus stops.
- Policy initiatives relating to walking, cycling, parking and travel demand management.

Comment

In addition to the rail link to Leppington (which will provide services to Liverpool as well as to the city via the airport line), the road upgrades associated with the South West Growth Centre and the Camden-Campbelltown strategic bus corridor, the following works (which are not in the Metropolitan Strategy and have no current funding commitment) need to be undertaken:

- Completion of the Spring Farm Link Road to the M5 and Menangle Road;
- Early provision of a strategic bus route from Camden to Liverpool through the South West Growth Centre;
- Identification and reservation of the extension of the South West Rail Link to Bringelly or to the south;
- Electrification of the Main Southern Line to Menangle Park (should the urban release at Menangle Park proceed);
- Extension of the Liverpool-Parramatta Transitway through Edmondson Park to Ingleburn and then to Campbelltown; and
- Local road network improvements in Liverpool (in particular to ease congestion at the intersection of the Hume Highway with Hoxton Park Road and Macquarie Street) and Campbelltown (in particular to ease congestion at the intersections of Narellan Road with Blaxland Road and Kellicar Road).

Environment Strategies

The Environment Strategy for Sydney also confirms previous decisions made by Government. In addition, it commits the Government to completing a myriad of studies and mapping exercises and to incorporating environmental criteria into planning and infrastructure decision making.

The Environment Strategy makes two statements of particular importance to the South West. The first is that *"rural and resource lands are not land in waiting for urban development"*. The second is that *"there is no case for any urban development in Macarthur south prior to the full development of the North West and South West growth centres"*. These two statements confirm the Government's commitment to the South West Growth Centre as the principal land release area in the South West and indicates that stronger efforts will be made to ensure lands outside of the Growth Centre are retained for rural and resource activities for at least the next 25 years.

Comment

There is a lot of work identified in the Metropolitan Strategy that needs to be undertaken to inform more detailed subregional planning processes and development proposals, however no timeframe is placed on any of this work. If subregional planning is to be completed by mid 2006 and if it is to be of value in the future planning for the subregion, much of this work should have a high priority for completion in early 2006.

Of particular note in the Environment Strategy is the absence of floodplain management strategies. The northern areas of Camden currently do not have accurate floodplain mapping. Accurate, comprehensive and current floodplain studies are critical to the implementation of one of the Metropolitan Strategy's major land release components, the South West Growth Centre.

Housing Strategies

The Housing Strategy document expands upon the base figures of new dwellings in each subregion and provides policy responses to issues such as affordable housing and aged housing.

The Housing Strategy document highlights the fact that urban design and local environmental controls are most commonly addressed in DCPs which are planning documents prepared by Councils, often in conflict with the government aspirations for density targets (that are commonly included in LEPs). This conflict arises because DCPs contain more detailed controls, which seek to guide the quality of developments,

that can make achievement of the density targets difficult.

Comment

The Strategy makes it clear that urban design controls and environmental constraints can not be used to prevent achievement of the density and lot yield targets provided in LEPs. In this circumstance, it is therefore critical to ensure that urban design requirements and environmental constraints are considered to an appropriate level of detail during LEP preparation and incorporated into LEPs (Councils are currently awaiting the release of the Standard LEP Template which will outline those matters that are to be incorporated into LEPs). Otherwise, Councils will be forced to implement plans that will achieve density targets at the expense of other matters such as environmental constraints, residential amenity and design quality.

Sustainability criteria for new land release

The Strategy establishes sustainability criteria for the consideration of new land releases outside of the North West and South West Growth Centres. There are 8 criteria, as follows:

- Infrastructure Provision
- Access
- Housing Diversity
- Employment Lands
- Avoidance of Risk
- Natural Resources
- Environmental Protection
- Quality and Equity in Services

Comment

The details provided in relation to these criteria provide laudable aims, however very few of them contain actual measures. For example, how much contribution to the geographical market spread of housing is required? Also, what constitutes an unacceptable pressure on water and energy infrastructure? What services must be available? How does one determine no net negative impact on the performance of the existing subregional road, bus, rail, ferry and freight networks?

Subregional Planning

The next level of detail will be facilitated through the subregional planning that is to be undertaken. This will be a collaboration of State Government and groupings of local Councils. The South West subregion includes Camden, Campbelltown, Liverpool and Wollondilly LGAs. The Metropolitan Strategy defines subregional plans as providing:

- a vision for the future role of the subregion;
- clarity on the future role of centres;
- staging and prioritisation of renewal;
- a framework for potential agreements between local governments concerning coordinated planning, development contributions, local transport, open space networks and biodiversity;
- a framework for prioritisation of State infrastructure;
- housing targets; and
- employment capacity targets.

Comment

Subregional planning is a necessary and important component of the Strategy. The subregional plans will identify how the elements of the Metropolitan Strategy are implemented at a regional and local level. There is a significant potential resource implication in relation to the preparation of subregional plans for all Councils that needs to be clarified.

In order to undertake the subregional planning process in an effective and efficient manner, sufficient information and time must be made available. The Government appears to have recognised the need for sufficient information to be made available, as there are numerous commitments in the Metropolitan Strategy relating to the provision of planning tools and maps to inform subregional planning.

However, the timeframe that has been imposed for completion of subregional planning (June 2006) is inadequate. Consideration needs to be given first to the time it will take government agencies to fulfil the commitments in the Strategy for development of the various tools and maps, the need for any additional local studies to be undertaken and the time to bring all of this work into a coherent and implementable subregional strategy. It is unlikely that all of this can be achieved by mid 2006 without significant and dedicated additional resources.

Clarification is also required in relation to the roles and responsibilities in undertaking the subregional planning. Will the Department, ROCs or the groupings of Councils take the lead role? Who will fund the process and who will "own" the final plan?

CONCLUSION

The Metropolitan Strategy provides a framework to guide the future of the Sydney metropolitan area to the year 2031. By its nature as a broad strategic document, it does not provide the answers to all relevant matters, however it does flag those areas where further studies or research or plans are required. Of particular importance to local government is the intention that subregional planning will be undertaken, through collaboration between state and local government.

In broad terms, it is considered that the Metropolitan Strategy sets a positive direction for Sydney's growth, however there remains much work to be done to clarify the exact nature of the directions and the means for implementing the strategy.

There are however, two areas where the Metropolitan Strategy is particularly lacking. The first is employment in Western Sydney. The figures will show that job growth in Western Sydney will be greater than other parts of Sydney in a proportional sense. However, the rate of job growth falls well below the rate of population growth. Across Western Sydney, and in particular South Western Sydney, there is already insufficient jobs for the current population. The Metropolitan Strategy will ensure Western Sydney residents continue to lack local employment opportunities for the next 25 years and beyond.

The second relates to infrastructure and the means of funding it, particularly in relation to transport infrastructure. The Government has acknowledged that the last few decades of land release has occurred without adequate transport infrastructure, leading to the dominance of the private vehicle in Western Sydney and the resultant levels of traffic congestion on Western Sydney roads. As a result, significant funds have been spent in recent years to 'catch up' (Windsor Road and Cowpasture Road are two prime examples). Less money has been spent in recent times on public

transport improvements (the major work undertaken being the Liverpool to Parramatta Transitway). The commitments to improvements to road and public transport infrastructure in the Metropolitan Strategy are significant, but not significant enough to fully catch up with past developments, let alone fully accommodate the new land releases in Western Sydney.

In order to meet the commitments that are in the Strategy, the Government proposes to extend the Regional Infrastructure Levy so that development contributes to 75% of the cost of the infrastructure. In addition, alternative funding options will be further considered, however the use of sustainable government debt financing will not.

The specific implications of the Metropolitan Strategy for Camden will be clarified as a result of the more detailed work that will go into the development of a subregional plan. The issues raised in this report provide a basis for entering into subregional planning negotiations with the Department of Planning and adjoining Councils.

It is recommended that Council write to the Department and the adjoining Councils that comprise the South West Sydney subregion outlining a Camden Council position with regards to the Metropolitan Strategy as a starting point for further subregional planning negotiations.

RECOMMENDED

- A. That Council provide the Department of Planning with a response to the Metropolitan Strategy for Sydney on the basis of the details of this report and the attached detailed discussion paper as a basis for continuing collaborations in the development of a subregional plan for South West Sydney.**
- B. That the Minister for Planning, the State Members for Camden, Campbelltown, Macquarie Fields, Liverpool and Southern Highlands and the General Managers of Campbelltown, Liverpool and Wollondilly Councils be provided with a copy of Council's response to the Department.**

ATTACHMENTS

Discussion Paper Council submission
on Discussion Paper

RESOLUTION

- A. That Council provide the Department of Planning with a response to the Metropolitan Strategy for Sydney on the basis of the details of this report and the attached detailed discussion paper as a basis for continuing collaborations in the development of a subregional plan for South West Sydney.
- B. That the Minister for Planning, the State Members for Camden, Campbelltown, Macquarie Fields, Liverpool and Southern Highlands and the General Managers of Campbelltown, Liverpool and Wollondilly Councils be provided with a copy of

Council's response to the Department.

Moved Councillor Elliott, Seconded Councillor Whiteman that the recommendation as above be adopted.

THE MOTION ON BEING PUT WAS **CARRIED**

Meeting closed at 6.55pm.

DC10/06

**THE MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD ON 23
JANUARY 2006 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD
13 FEBRUARY 2006. MIN. NO. 17/06**

A handwritten signature in black ink, appearing to read 'A. Anderson', with a large, stylized flourish at the beginning.

CHAIRPERSON