
ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Elliott that Councillors Anderson, Johnson and Funnell be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD180/08

ACTIONS

ORDINARY COUNCIL

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.

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

ORD181/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting.

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

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

Public Addresses are 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

Mr John Richardson addressed Council in relation to Item ORD 01 - Construction of a New 76 Place Childcare Centre at No 15 (Lot 116 DP31361) Elizabeth Macarthur Avenue, Camden South.

Moved Councillor Whiteman, Seconded Councillor Campbell that an extension of one (1) minute be granted.

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

Mr Charles Scott addressed Council in relation to Item ORD 04 - Camden Lakeside LEP 148.

Mr Joe Ierano addressed Council in relation to Item ORD 06 - Draft Outdoor Smoke-Free Areas Policy.

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

ORD182/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of Ordinary Council Meeting held 24 June 2008.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 24 June 2008, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Cagney, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 24 June 2008, copies of which have been circulated, be confirmed and adopted.

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

ORD183/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - TRAINEE OF THE YEAR, NSW GROUP TRAINING AWARD

FROM: Mayor

FILE NO:

In 1999 Camden Council entered into a partnership with the Group Training Organisation, My Gateway, to provide employment opportunities for young people in the local area. As a result of that partnership Camden Council has been a host employer to a considerable number of trainees and apprentices enabling these young people to gain nationally recognised qualifications and invaluable work experience.

Over the years Camden Council trainees and apprentices have won a number of awards and I am delighted to announce that last Friday evening, Andrew Elliott, was awarded Trainee of the Year at the NSW Group Training Award Ceremony held in Sydney.

Andrew was one of five finalists chosen from the 25 member organisations in the Group Training Association of NSW who collectively employ over 10,000 trainees and apprentices in NSW. Andrew will now go on to represent Camden Council, My Gateway and NSW at the National Awards in October 2008 in Cairns.

This prestigious award recognises the outstanding contribution Andrew has made to our organisation, as well as recognising the excellent guidance and support provided by his supervisors and mentors. The award is also testimony to the success of Camden Council's Traineeship Programme which provides an invaluable service to our community.

I would like to congratulate Andrew on his outstanding success and acknowledge and thank those staff members who have supported and guided him during his time with Camden Council.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Patterson that the information be noted.

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

ORD184/08

ACTIONS

ORDINARY COUNCIL

ORD01

CONSTRUCTION OF A NEW 76 PLACE CHILDCARE CENTRE AT NO 15 (LOT 116 DP 31361) ELIZABETH MACARTHUR AVENUE, CAMDEN SOUTH

FROM:	Director Development and Health
FILE NO:	2725.140
DA NO:	951/2007
OWNER:	E & CP Zeglis
APPLICANT:	Australian Childcare Developments C/- Urbis Pty Ltd
ZONING:	2(a) Residential
APPLICABLE PLANNING INSTRUMENT:	LEP 46

PURPOSE OF REPORT

The purpose of this report is to enable Council to make a determination of an application for the construction of a childcare centre at No 15 (Lot 116 DP 31361) Elizabeth Macarthur Avenue, Camden South. The application is referred to Council in accordance with its delegations due to 124 submissions and a petition containing 120 signatures raising objections to the proposed development, being received. These objections are unable to be resolved through mediation or with development consent conditions. In addition, there are some variations to Camden Consolidated Development Control Plan (2006) which would need to be supported by Council.

SUMMARY OF RECOMMENDATION

It is recommended that Development Application 951/2007 be approved subject to conditions of consent.

BACKGROUND

On 10 October, 2007 Council received an application for the construction of a new single storey building for a 76 place childcare centre at 15 Elizabeth Macarthur Avenue, Camden South. The construction of the new building would be following the demolition of an existing dwelling on the site.

On 22 October, 2007 the application was notified to surrounding neighbours and an advertisement was placed in the local newspaper advising the general public of the proposed development.

Following an initial assessment of the proposal it was established that additional information would be required from the applicant to enable Council to make a well informed determination. The key dates associated with the process of obtaining this

information are as follows:

- 29 October 2007 - A letter was sent to the applicant requesting additional information within 21 days regarding acoustics, salinity, contamination and landscaping.
- 7 November 2007 - The applicant requested additional time of approximately 4 weeks to respond to Council's request for additional information. Council staff agreed to the extension of time.
- 10 December 2007 - The applicant advised Council staff that they were still in the process of obtaining the additional information requested by Council.
- 10 January 2008 – Council staff contacted the applicant again regarding the outstanding information and also discussed traffic issues which had become evident following further assessment of the application.
- January to April 2008 – Council staff and the applicant regularly corresponded with a view to resolving the outstanding issues regarding traffic, noise and contamination.
- 16 April 2008 – A meeting was held with Council staff and the applicant. The applicant concurred with Council's recommendations and agreed to provide additional information addressing the recommendations.
- 14 May 2008 – The applicant provided the remaining requested additional information.
- 13 June 2008 – The traffic issues which had been an ongoing matter during the assessment period were resolved.

On completion of the notification period Council was in receipt of 124 submissions and 1 petition containing 120 signatures. The issues raised in the submissions are unable to be resolved with mediation or consent conditions. Therefore the development application is referred to Council for consideration.

THE SITE

The subject site is identified as No 15 (Lot 116 DP 31361) Elizabeth Macarthur Avenue, Camden South, and is located on the southern side of the street between the Old Hume Highway and Bowman Avenue. The site is 2244.7m² in area and slopes down towards the street with a frontage of 42m.

The land is surrounded by traditional residential dwellings and currently contains a single storey dwelling, a swimming pool, a shed and approximately 10 trees of various heights. **A location plan is provided at the end of this report.**

THE PROPOSAL

The application proposes demolition of the existing dwelling and swimming pool, construction of a single storey childcare centre designed to accommodate 76 children

and 12 staff, provision of a parking area for 19 vehicles and two advertising signs. The centre would operate for 13 hours per day, Monday to Friday, between the hours of 6.30am and 7:30pm.

It is intended to locate the building to the south western corner of the site with the play areas located to the eastern area. The provision for the 19 parking spaces would be along the front of the land with a forward in and forward out driveway. **Plans of the proposed development are provided at the end of this report.**

NOTIFICATION

In accordance with the requirements of Council's Development Control Plan (2006), the application was notified to surrounding residents and was also advertised in the local newspaper, appearing on 24 and 31 October, 2007. At the close of the exhibition period 124 submissions and a petition containing 120 signatures were received objecting to the proposed development. The submissions raised the following issues:

- adverse impact on traffic,
- adverse impact from noise,
- loss of property value,
- increased on-street parking,
- additional stormwater runoff from parking areas,
- inappropriate development in a residential area,
- use is prohibited in this zone,
- headlights of vehicles,
- unwarranted tree removal.

These issues have been carefully assessed and are addressed further in this report. **Copies of the submissions are provided with the Business Paper Supporting Documents.**

PLANNING CONTROLS

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

- Camden 2025
- Camden Local Environment Plan 46
- Camden Development Control Plan 2006.

ASSESSMENT

The application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act). The following comments are made with respect to the critical aspects of the applications.

(a) the provision of any environmental planning instrument

Camden 2025

The Camden 2025 Strategic Plan provides objectives to manage urban development in

a planned and orderly way while including the provision of appropriate infrastructure. The plan seeks to maintain the historic, social and cultural values of Camden but also acknowledges the need to support new services and facilities for the community.

It is considered that with proper management and appropriate controls the proposed development would make a positive contribution to meeting the needs of both current and future members of the community. As such, the application is considered consistent with the vision for Camden.

Camden Local Environmental Plan No 46

The subject site is zoned 2(a) Residential under Local Environmental Plan 46 (LEP 46). The use is permissible in the zone with development consent.

For future and some current land release precincts, Council has previously resolved to attempt to identify suitable locations for childcare centres as part of the early strategic land use planning of these areas.

Camden Development Control Plan 2006

The application has been assessed against Council's adopted policy for Child Care Centres. The aims and objectives of the Camden Development Control Plan 2006 (DCP 2006) are to provide childcare centres that are compatible with the local and residential environments. The DCP aims to minimise adverse impacts on the environment and the amenity of residential areas with particular regard to noise and traffic generation.

An assessment of the applicable controls follows:

Location of Child Care Centres

DCP 2006 states that Council will only consider sites which satisfy the location criteria. The proposal meets the criteria with exception to the following requirement:

'5. (c) (ii) sites which maintain a high degree of separation from residential development, ie with a centre located adjacent to public reserves, schools and other non-residential uses and only limited side frontage to residential lots if applicable (eg corner lots).'

The site adjoins six residential properties. The applicant has addressed this issue and proposes to implement traffic and noise mitigation measures. Following assessment by Council officers, those measures were considered adequate and are discussed further elsewhere in this report under the headings of 'Noise' and 'Traffic'.

Site Area and Outdoor Play Area

A minimum site area of 1,800m² is required for centres which allow placement for 50 or more children. The site area is 2,248m² which meets the criteria for the placement of 76 children.

Car Parking

Car parking for childcare centres is required at a rate of 1 space per four children. The development proposes placement for 76 children and is therefore required to provide 19 spaces. The proposal demonstrates compliance with this requirement.

Hours of Operation

Hours of operation are limited in DCP 2006 (the DCP) to between 7am and 6pm, Monday to Friday. The applicant seeks consent for operation hours between 6.30am and 7:30pm, Monday to Friday, which exceeds the DCP allowance. The applicant justifies the variation by proposing to minimise any impact on local amenity through site design and management procedures i.e. implementation of physical acoustic measures as well as control of children and parents activities through centre management.

The applicant advises that the requested hours exceeding the DCP controls would be outside the peak operating periods, therefore noise generation would be minimal. The hours are however in response to community need due to the commuter nature of many residents who travel long distances to and from work.

To further reduce any potential for impact on neighbours it is recommended that a condition be placed on the consent restricting outdoor activities to between 7am and 6pm.

Landscaping

A detailed plan submitted by the applicant indicates that the intended landscaping would enhance the proposed development and minimise impact on neighbours and the streetscape. The landscaping would be designed to provide screening for neighbours and to enable the development to blend with the existing environment.

Disabled Access

A condition of the consent would require that the development must comply with the requirements of section D3.3 of the Building Code of Australia 'Access for People with Disabilities' and Australian Standard 1428 'Design for Access and Mobility'.

Traffic

The development application was accompanied by a comprehensive traffic report providing findings as a result of local traffic assessment. This report was referred to Council's Traffic Section for consideration and comment. The Traffic Section was also advised of the concerns raised by local residents that the childcare centre would generate additional traffic in Elizabeth Macarthur Avenue, and in particular would increase the number of traffic movements at the intersection with the Old Hume Highway, thereby raising risk levels for motorists.

Elizabeth Macarthur Avenue functions as a local collector road and currently carries approximately 2,000 vehicles per day. This is based on the peak hour traffic counts undertaken by the applicant's traffic consultant.

Based on the generation estimates sourced from the RTA 'Guide to Traffic Generating

Developments, 2002', the applicant's consultant indicates that the site could potentially generate up to 61 vehicle movements in a peak hour. The consultant then undertook traffic movement counts at the intersection of Old Hume Highway and Elizabeth Macarthur Avenue. A detailed movement analysis was provided in which the consultant indicates that the intersection is expected to continue to operate well with minimal queues and delays on all approaches regardless of the new development.

Independent of the applicant's report, Council staff investigated the potential impact on traffic and it was concluded that the suitability of the site for the intended use could be achieved subject to specific conditions of consent. Such conditions would require installation of traffic signs, line marking, a new footpath and management controls. The traffic signs would restrict on-street parking in Elizabeth Macarthur Avenue and would advise users to utilise the provision for on-site parking.

Caution and stop signs within the site would control vehicles entering and leaving the centre. Line marking in Elizabeth Macarthur Avenue at the intersection of the Old Hume Highway would direct traffic into left turn or right turn lanes for entry into the Highway. Conditions imposing such traffic controls are recommended in the draft conditions of consent.

It is considered that subject to the recommended traffic controls, Elizabeth Macarthur Avenue and its intersection with the Old Hume Highway are designed to cater for development growth within the locality.

Noise

An acoustic report was submitted by the applicant providing an assessment of the potential noise impact to the adjacent residential properties associated with the operation of the proposed childcare centre. The report found that subject to the implementation of the following noise mitigation measures, the childcare centre should not detract from the present residential amenity:

- provision of a 1.8m timber acoustic fence on the property boundary adjacent to the eastern side of the play area. In addition, provide an internal timber acoustic screen 2.1m high, 2m in from the eastern boundary;
- provision of a 1.8m timber acoustic fence along the southern and western boundaries. **Diagrams of the proposed fences are referred to as F1 and F5 on page 9 of the architectural plans provided,**
- relocation of the air conditioning mechanical plant behind car space 6, within an enclosure;
- provision of a 2m buffer strip between the play areas and adjoining neighbour's boundaries.

Council staff generally agree with the acoustic mitigation proposals, however it is also recommended that the following administrative noise controls be adopted by the centre management :

- restrict the number of children participating in external play at any one time to no

more than 36;

- close windows and doors of playrooms while the children are inside;
- centre staff are to monitor and manage children outside to limit noise emission from children playing;
- centre staff are to supervise parents and children during drop off and pick up times to limit noise in the car park;
- restrict outside playtime to a total of 3 hours per child (1.5hrs in both the morning and afternoon).

Contamination

A detailed investigation report was provided by the applicant which determined that the site was suitable for the proposed development of a childcare centre. However due to past building practices and the possibility of hazardous building materials or unexpected finds, the following measures are recommended:

- undertake a hazardous building materials survey prior to demolition of the existing buildings;
- preparation of a site management plan to manage contamination risks of unexpected finds during site demolition prior to demolition and removal of existing buildings; and
- undertake a detailed contaminated site assessment and prepare a contaminated site assessment report following removal of existing buildings.

Council staff have assessed the report and consider the above recommendations to be acceptable. The recommendations made in the contamination assessment are included as conditions of the draft development consent.

Design Requirements

The proposal would comply with the relevant design requirements in terms of internal design for the children and staff facilities. The outdoor play area is in excess of the amount set by the Children's Services Regulation and the DCP and would be provided with at least 50% summer shade. Fences and gates would be provided with childproof mechanisms to prevent passage by children.

Advertising Signs

The proposed signage is limited to two signs, one pylon and one wall sign located within the property boundary. The pylon sign would have an overall height of 3.3m. Neither sign would be internally illuminated. The applicant has aimed to provide signage to identify the site without cluttering or dominating the streetscape.

(b) the likely impacts on both the natural and built environment

The proposed site design and management controls for the childcare centre are anticipated to alleviate potential impacts from traffic and noise. The scale and form of the building would be consistent with surrounding residential development thereby maintaining the traditional residential character of the area. Stormwater and drainage systems have been designed by hydraulic engineers to avoid impacting on the existing stormwater disposal system or adjoining properties.

(c) suitability of the site for development

The site is fully serviced with water, sewer, electricity and telephone being available. The property presents itself well for the use of a childcare centre in terms of adequate land area and access to the road system and public transport. The main concerns of the site relating to noise and traffic have been considered and addressed previously in this report. The site has sufficient frontage to accommodate easy access and egress for traffic while providing the required number of parking spaces.

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

Upon completion of the notification period 124 submissions and a petition containing 120 signatures were received. It was noted that several persons who signed the petition also provided individual submissions. The submissions raised issues which are summarised as follows:

- adverse impact on traffic,
- adverse impact from noise,
- loss of property value,
- increased on-street parking,
- additional stormwater runoff from parking areas,
- inappropriate development in a residential area,
- use is prohibited in this zone,
- headlights of vehicles,
- unwarranted tree removal.

Each item of concern was investigated and assessed in the following manner:

● Adverse impact of traffic

'The childcare centre will increase the current level of traffic on Elizabeth Macarthur Avenue and will increase congestion at the intersection of Elizabeth Macarthur Avenue and the Old Hume Highway.'

Officer Comment:

The traffic impact assessment submitted by the applicant asserts '*there is adequate capacity in the surrounding road network to cater for the traffic generated by the proposed development*'.

The ongoing development of the community will result in increases in traffic levels, however Council staff have also recognised the concerns of local residents with respect to traffic management issues. It is suggested that the recommended conditions for traffic control previously discussed in this report would maintain effective operation of the surrounding road network.

- **Noise**

'There will be an increase of noise in the area due to noise generated by children, air conditioning units and traffic'.

Officer Comment:

Noise arising from the children on the site was assessed by the applicant's acoustic consultant and council staff. It is considered that the proposed noise mitigation measures together with management procedures would adequately address potential noise impact from traffic and children on the site.

Air conditioner noise would be addressed by the appropriate placement of the plant and providing it with an enclosure.

- **Loss of property value**

'The childcare centre would result in a decrease in the value of local properties'.

Officer Comment:

The claim that the childcare centre would result in loss of property value is difficult to substantiate. The DCP controls are designed to enable new development to integrate with the existing local environment. Assessment of the proposal has established that the childcare centre generally meets the requirements of the DCP. Acoustic and traffic measures would be implemented to reduce any potential impact on the locality.

Section 79(C) of the Act does not provide for Council to consider the effect of development proposals on land values given that compliance with relevant legislation and planning controls would ensure that any proposed development is compatible with that of the local built and natural environment. Further, child care centres are an integral part of the community infrastructure and, as a conforming land use in this zone, have been considered under the relevant planning provisions for the area.

Finally, it is equally able to be argued that the availability of facilities such as child care in an area add to the total stock of community benefits of living in a particular locality and therefore, could enhance the value of that location.

- **On-Street parking**

'The development will increase on-street parking, removing parking spaces for local residents.'

Officer Comment:

Council's DCP requires that parking spaces be provided at the rate of 1 space per 4 children. The proposal for a 76 place child care centre intends to provide the 19 spaces required for the site. This number is in accordance with the DCP. This includes staff parking which would be clearly marked and signed to indicate parking on site. Street signage would restrict on street parking within the immediate vicinity. In general drop off and pick ups are usually staggered and are considered in the calculation for the parking requirements. The availability of an adequate number of parking spaces in conjunction with signage would ensure parents park within the

centre's grounds.

- **Stormwater runoff from parking areas**

'Additional stormwater runoff will impact on neighbours and the existing stormwater drainage system.'

Officer Comment:

Stormwater and drainage systems have been designed by hydraulic engineers for the control of stormwater to avoid impacting on the existing stormwater disposal system or adjoining properties. This includes the provision of on-site detention storage. Those systems have been assessed and are recommended by Council staff.

- **Inappropriate development in a residential area**

'The development is inappropriate for a residential area and will result in loss of amenity.'

Officer Comment:

The proposal is permissible in the zone and complies with the requirements of DCP 2006, and as a conforming land use in this zone has been considered under the relevant planning provisions for the area. The mitigation measures proposed are considered adequate for the reduction of impact on the neighbour's amenity. The building would have a similar form and scale to existing development in the locality.

It is considered that the overall design of the proposed childcare centre and the intended mitigation controls combine to form a development compatible with the surrounding residential area.

- **Use is prohibited in this zone**

'The proposed development is not permitted in the residential zone'.

Officer Comment:

The land is zoned 2(a) Residential under Camden LEP 46. The LEP defines a childcare centre as:

'fixed premises at which a childcare service is provided by a person for the purpose of educating, minding or caring (but without providing residential care) for 4 or more children (disregarding any children who are related to the person providing the service) who are under 6 years of age and who do not ordinarily attend school.'

The use is not listed as prohibited and is therefore permissible with consent.

- **Headlights of vehicles**

'Headlights from vehicles in the carpark facing the street will shine on the houses opposite.'

Officer Comment:

The application proposes the provision of a 2m wide landscaped buffer area between

the carpark and the footpath. This would substantially reduce the effect of the headlights. The majority of use of the centre will occur during daylight hours, particularly during the warmer months of the year. In winter there would be some impact, however with the proposed closing hours it should not significantly impact on any person's enjoyment of their property.

- **Tree removal**

'The removal of 10 trees is unacceptable.'

Officer Comment:

The applicant has submitted an arborist report which submitted the following findings:

- a. One tree can be adequately retained;
- b. 6 trees will require removal to accommodate proposed works, 4 small trees can be replaced, 1 tree can be transplanted;
- c. 3 trees are considered poorly structured and/or hazardous trees. Those trees are recommended for removal.

Following investigation of the site and assessment of the arborist's appraisal Council staff have found the report's findings to be reasonable. It is considered that the removal of the hazardous trees is essential given the proposed use of the land and the potential risk to small children. Further, the proposed landscaping and replanting of the site has been designed to blend with the established environment of the locality and to reduce the visual impact on neighbours and the streetscape.

CONCLUSION

Council has received a development application for a new 76 place childcare centre at 15 Elizabeth Macarthur Avenue, Camden South. The application has been assessed with regard to the relevant legislation and has been found to generally comply with the controls. The proposal is permissible in the zone and is consistent with the relevant DCP guidelines with the exception of the control relating to operating hours, which has been addressed in this report.

As opposed to the conversion of an existing building, the new centre would be purpose built allowing optimisation of design measures. Noise and traffic control measures have been considered by Council staff and are considered appropriate for the proposed development and the surrounding environment. The proposal is considered acceptable and in the public interest.

The application has now been considered by Council officers on its merits and is now able to be recommended to Council for approval.

DETAILS OF CONDITIONS

1.0 - General Requirements

The following conditions of consent are general conditions applying to the

development.

- (1) **Landscaping Maintenance & Establishment Period** - All Landscaping works associated with this Consent (Landscape Plan drawn by Iscape, dated Sept 2007, Job Draw No 67.07/145'A') are to be maintained for a period of 12 months from the Date of Practical Completion.

At the completion of the 12 month landscaping maintenance period, all areas of lawn and plantings, including any nature strip/road verge areas and garden bed areas, shall have signs of healthy and vigorous growth. Any trees, shrubs, grasses, nature strip/road verge areas, garden areas or lawn areas in a state of decline, damaged or missing are to be replaced or restored to a healthy and vigorous condition.

At the completion of the 12 month landscaping maintenance period, the landscaping works must comply with the Consent approved Landscaping plans.

Any landscaping that requires repair or replacement at the end of the 12 month maintenance period is to be repaired or replaced within 60 days following the end date of the 12 month maintenance period.

- (2) **Schedule of Finishes** – The development shall be completed in accordance with the schedule of finishes prepared by Raymond Design, dated 8/2/2008 and numbered RD-C5375.

Any changes to the external finishes shall be subject to development approval by the Consent Authority.

- (3) **Acoustic Fence Heights and Location** – The height and location of acoustic fences must be constructed and located on the proposed development site in accordance with the following approved plans:

- 'Fence plan - Pod 9, Issue P1, dated 06/05/08, Ref No. RD-C5375: Aug_2007, prepared by Raymond Design" and;
- 'Fence / signage details - Pod 10, Issue P4, dated 06/05/08, Ref No. RD-C5375: Aug_2007, prepared by Raymond Design".

- (4) **Illumination of Advertising Signs** – The advertising signs shall not be internally illuminated.

- (5) **Number of Children** – Approval is given for the use of the child care centre for the placement of 76 children and for the employment of 12 staff.

- (6) **Approved Plans** – The development must be carried out strictly in accordance with the following approved plans or other documentation:

Plans prepared by Raymond Design, numbered and dated as follows:.

Pod 1 RD-C5375:aug_2007 Issue P1-19/9/07

Pod 2 RD-C5375:aug_2007 Issue P1-17/8/07

Pod 3 RD-C5375:aug_2007 Issue P2-19/9/07

Pod 4 RD-C5375:aug_2007 Issue P4-27/9/07

Pod 5 RD-C5375:aug_2007 Issue P3-19/9/07
Pod 6 RD-C5375:aug_2007 Issue P2-26/8/07
Pod 7 RD-C5375:aug_2007 Issue P2-19/9/07
Pod 8 RD-C5375:aug_2007 Issue P1-19/9/07
Pod 9 RD-C5375:aug_2007 Issue P2-14/9/07
Pod 10 RD-C5375:aug_2007 Issue P1-17/8/07

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

Amendments or modification of the approved development requires the prior approval of Camden Council.

- (7) **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.

- (1) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$8.28 per square metre, total \$4,757.00, for **Community Facilities**.

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

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

- (2) **Kitchen Fit-out Plans** – The proposed kitchen is required to be a commercial standard and a set of drawn to scale kitchen fit-out plans must be provided to reflect this higher standard. The plans must also demonstrate full compliance with Council's Food Premises Code, The Food Act 2003 and the Food Regulations 2004, and be provided to, and approved by, the Consent Authority. The fitout plans must be received **prior to the issue of the Construction Certificate**.

- (3) Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid to Council of \$3,803.00 per hectare, total \$218.00, for **s.94 Administration and Management**.

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

- (4) **Civil Engineering Plans** - Indicating drainage, roads, accessways, earthworks, pavement design, details of linemarking and traffic management details must be prepared strictly in accordance with Camden Council's Development Control Plan

2006 and Engineering Specifications and are to be submitted **For Approval To The Principal Certifying Authority Prior To The Engineering Construction Certificate Being Issued.**

- under the Roads Act 1993, only the Council can issue a Construction Certificate for works within an existing road reserve.
- under section 109E of the Environmental Planning and Assessment Act 1997, Council must be nominated as the Principal Certifying Authority and has the option of undertaking inspection of physical construction works.

Note: the developer must obtain a Construction Certificate prior to commencement of any physical site works.

- (5) **Parking Spaces** - A minimum of 19 car parking spaces must be provided on site. These spaces, and associated access driveways and manoeuvring areas must conform with Camden Council's Car Parking Code (Development Control Plan No 97), and must be designed in accordance with a pavement design prepared by a Geotechnical Engineer and the Consent Authority's (ie Camden Council) standard. Documentary evidence of compliance from a Accredited Certifier/Suitably qualified person must be submitted to the Principal Certifying Authority **prior to the Construction Certificate being issued.**
- (6) **Design Standards** - Engineering design drawings are to be prepared strictly in accordance with Camden Council's Development Control Plan 2006 and Engineering Specifications.
- (7) **Traffic Management Procedure** - Traffic management procedures and systems must be introduced during construction of the development to ensure safety minimise effect on adjoining pedestrian and traffic systems. Such procedures and systems must be in accordance with AS1742.3 1985 and to the requirements and approval of Council. Plans and proposals **must be approved by Council prior to the Construction Certificate being issued.**

The Traffic Management Plan shall also include the relevant Traffic Management Plans for proposed activities to be carried out by the applicant under the development conditions with respect to internal and external works.

- (8) **Public Risk Insurance Policy - Prior to the release of the Construction Certificate**, the owner or contractor is to take out Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve. The Policy is to note Council as an interested party and a certificate of currency from the insurer of such policy must be submitted to the Council as evidence of such policy. Where the coverage of such policy expires during the period of construction of the works, the policy must be renewed prior to the expiration of the policy and a Certificate of Currency from the insurer provided to Council as evidence of the currency of the policy before the policy expires.

Failure to keep the works insured shall be reason for Council to make the works safe and all costs associated with making the works safe shall be a cost to the owner of the land. A Subdivision Certificate will only be issued where any amount required to be paid to Council is not outstanding in relation to this matter.

- (9) **Drainage Design** - A stormwater management plan is to be prepared **prior to the issue of a Construction Certificate** to ensure that the final stormwater flow rate off the site is no greater than the maximum flow rate currently leaving the development site for all storm events. This plan must be submitted and approved by the Principal Certifying Authority. Such designs must cater for future developments of land adjoining the site and overland flow from adjoining properties.

An overland flowpath shall be created over the landscape area to cater for the passage of the external storm water currently flowing through the subject site, to by-pass the OSD system.

- (10) **Stormwater & Landscape Design** - The storm water design consisting of pipe flow and overland flow to cater for the external catchment proposed to be located in the landscape area shall be compatible with the landscape design. The detail design shall be carried out in consultation with the Landscape designers. All connections of all storm water discharge outlets to Council's road shall be approved and inspected by the Council.

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

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

Plans must be prepared and submitted to the Principal Certifying Authority for approval **prior to a Construction Certificate being issued**:

The cattle grid must be designed and constructed to Council's standard.

- (12) **Salinity** – The Construction of any buildings on the land must be undertaken in accordance with Camden Council's current Policy – Building in Saline Prone Environments. Detailed design plans that demonstrate compliance with the policy must be provided to the Consent Authority for approval **prior to the issue of the Construction Certificate**.

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

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

- (13) **Sydney Water** - The Sydney Water Trade Waste section must be contacted regarding their requirements for the installation of a grease trap and a trade waste agreement.

A written response must be submitted to the Consent Authority (ie: Camden Council) **prior to the Construction Certificate being issued.**

- (14) **Fire Safety Measures** – Prior to the issue of the Construction Certificate, the following information is to be submitted to the certifying authority:

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

- (15) **Access For People With Disabilities** - Access for people with disabilities shall be provided in accordance with the requirements of Part D3 of the Building Code of Australia.

The plans submitted with the application for the Construction Certificate shall indicate compliance the requirements.

- (16) **Traffic committee approvals** - Any proposed traffic facilities, signs, lines and infrastructure require formal approval through the Camden Local Traffic Committee (CLIC). Any Traffic Management Plans for work on Public Roads will require CLIC approval prior to the issue of the Construction Certificate.

- (17) **Traffic Management and Traffic Control Plans** – Traffic Management and Traffic Control Plans must be produced during construction in accordance with the RTA's requirements and AS1742. Traffic Management and Traffic Control Plans and proposals must be approved by Council **prior to the construction certificate being issued.**

On **special event days**, limited to 4 events maximum per year, the affected neighbours will be notified in advance and additional special parking and traffic arrangements will be provided under an approved Traffic Management & Traffic Control Plan.

The implementation of on road work that is carried out in association with access or road traffic requires an approved Traffic Management and Traffic Control Plan for each relevant part of the project –

3.0 - Prior To Works Commencing

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

- (1) **Provide a Truck Shaker** - An approved truck shaker must be provided at the construction entry point in accordance with Council's standards **prior to commencement of work** to prevent dust, dirt and mud falling on roadways. Ingress and egress from the site must be limited to this single access point only.
- (2) **Hazardous Building Materials Survey** – A hazardous building materials survey is to be undertaken prior to the demolition of any existing buildings and associated infrastructure. Where results of this assessment identify hazardous materials, an appropriate environmental site management plan must be prepared to address the risks of the identified hazards from impacting on human health and the environment.
- (3) **Unexpected findings Contingency** – Upon the identification of additional contamination or hazardous materials at any stage of the demolition / remediation/ construction process all works in the vicinity of the findings shall cease and the affected area must be made secure from access by personnel. A qualified environmental consultant must assess the extent of the contamination / hazard in accordance with the NSW DEC Guidelines. The assessment results must be provided to the Consent Authority (Camden Council) for written review and approval prior to the removal or treatment of such findings contamination / hazardous materials. Where contamination is required to be remediated, a Remediation Action Plan and a separate consent from Council must be obtained.
- (4) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (5) **Signs To Be Erected On Building And Demolition Sites** – Under Clause 98A of the *Environmental Planning and Assessment Regulation 2000* , a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
 - (b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

Note: The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (6) **Toilet Facilities** - Toilet facilities must be provided at 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.

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

- (7) **Notice Of Commencement Of Work** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act, 1979* and Clause 103 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building works.
- (8) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia* . Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (9) **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.
- (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) **Site Security** - The site shall be secured prior to the commencement of any works and to the satisfaction of the Council or the Accredited Certifier and in accordance with Clause 78H of the Environment Planning and Assessment (Amendment) Regulation 1998.
- (14) **Erosion Control Demolition** - Prior to demolition commencing, erosion control

measures shall be provided on site eg. siltation fences etc.

- (15) **Sign to Restrict Entry** – Prior to commencement of any work a sign shall be erected on the site stating that unauthorised entry is not permitted.
- (16) **Demolition (Footpath and Roadway Protection)** - All footpath reserves must be protected by the provision of suitable hoarding or fencing along the street alignment.
- (17) **Public Utilities and Services** - 'Dial before you dig' will apply to all site works and work associated with Public Utilities and Services to Authority requirements with adjustments at full cost to the developer, including notification and traffic management

4.0 - During Construction

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

- (1) **Nature Strip, Street Trees and Street Tree protective guards** - Where applicable, any nature strip area, street tree, tree guards if applicable, protective bollards if applicable which are disturbed, removed or damaged during the course of construction, or during the agreed maintenance period of the landscaping works, shall be repaired and the tree, bollards, tree guards, nature strip area repaired with the same type, species and maturity.
- (2) **Hours Of Work** – The hours for all construction and demolition work are restricted to between:
 - (a) 7am and 6pm Monday to Friday (inclusive);
 - (b) 7am to 4pm Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8am to 4pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (3) **Damaged Assets** – All engineering works and public utility relocation shall incur no cost to Camden Council. Any damage to Camden Council's assets shall be rectified prior to the commencement of use or occupation of a building.
- (4) **Civil Engineering Inspections** - Where Council has been nominated as the Principal Certifying Authority, inspections by Council's Engineer are required to be carried out at the following Stages of construction:
 - (a) prior to installation of sediment and erosion control measures;
 - (b) prior to backfilling pipelines and subsoil drains;
 - (c) prior to casting of pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, pathways and footways, vehicle crossings, dish crossings and pathway steps;
 - (d) proof roller test of subgrade and sub-base;
 - (e) roller test of completed pavement prior to placement of wearing course;
 - (f) prior to backfilling public utility crossings in road reserves;
 - (g) prior to placement of asphaltic concrete;
 - (h) final inspection after all works are completed and "Work As Executed" plans

have been submitted to Council.

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

- (5) **Air-Conditioner Plant Location** – The mechanical plant that operates the air-conditioner (condensor units) must be located at the front of the childcare centre building behind visitor carparking space number six (6). Noise emitted from the condensor units installed on the site shall not exceed LAeq, 15min 45 dB(A) when assessed within any residential property boundary.
- (6) **Construction Noise Levels** – Noise levels emitted during remediation 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:
- 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).
 - 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).
- (7) **Stage 2 Detailed Investigation** - Following the demolition / removal of existing buildings and associated structures located on the site, a Stage 2-Detailed Contamination Investigation is to be undertaken on all land that forms the childcare centre. The investigation is to be undertaken in accordance with Council's Policy 'Management of Contaminated Lands' and NSW Department of Environment and Conservation's (DEC – formerly EPA) Guidelines For Consultants Reporting On Contaminated Sites and be submitted to and approved by Camden Council.
- a. As part of the investigation, soil sampling is required to fully comply with DEC's Sampling Design Guidelines for Contaminated Sites.
 - b. Should a detailed investigation indicated that the site is not suitable for the proposed use or remediation works is required, a Remedial Action Plan (RAP) will be required to be submitted to the Consent Authority (Camden Council) prior to the commencement of any remediation works. Further, as all remediation works within Camden are deemed to be "Category 1 Remediation Work", the works will require development consent prior to commencement of such works.
 - c. Following the completion of approved remediation works, a validation report will

be required to be submitted to the consent Authority (Camden Council) for approval prior to other development works proceeding. The validation report must demonstrate compliance with the objectives stated in the RAP and any other development consent conditions. Council may also require the applicant to refer the validation report to an independent site auditor for comment as per Council's Policy.

- d. All works must be undertaken in line with the requirements of Council's Policy (that incorporates principles of SEPP55) for the Management of Contaminated Lands.
- (8) **Removal Of Waste Materials** - Prior to the exportation of waste (including fill or soil) from the site the material should be classified in accordance with the provisions of the Protection of the Environment Operations Act 1997 and the NSW EPA Environmental Guidelines Assessment, Classification and Management of Non-Liquid Wastes. The classification of the material is essential to determine where the waste may be legally taken. The Protection of the Environment Operations Act 1997 provides for the commission of an offence for both the waste owner and the transporter if the waste is taken to a place that cannot lawfully be used as a waste facility for the particular class of waste. For the transport and disposal of industrial, hazardous or group A liquid waste advice should be sought from the EPA.
- (9) **Wall Finish** - Walls in food preparation, service and scullery areas must be finished with glazed ceramic tiles, stainless steel or laminated plastics adhered directly to the wall, to a height of at least 2m above floor level and to the underside of canopy hoods. Walls that are not tiled or otherwise finished must be cement rendered to a smooth even surface and painted with a light coloured washable paint or sealed with other approved materials.
- (10) **Floor Finish** - Floors in the food preparation areas, sculleries and food storage areas shall be constructed of approved materials that are non-slip, impervious and meet the requirements of Council's Food Premises Code.
- (11) **Coving** - Intersections of the floor with walls and plinths shall be coved so that the area can be easily cleaned.
- (12) **Drop In Panels** - Drop in panels for ceilings are prohibited over food preparation areas.
- (13) **Storage Cupboards** - Adequate provision must be made for the storage of cleaning chemicals and staff personal belongings.
- (14) **Light Fittings** - Light fittings must be recessed into the ceiling or flush mounted and edges sealed. They must be enclosed in unbreakable diffuses.
- (15) **Service Pipes** - All service pipes and electrical conduits shall be concealed within the floor, plinths, walls or ceilings.

or

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

- (16) **Fixtures & Fittings** - All benches, fixtures, refrigeration cabinets and cooking appliances must be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Alternatively, clearances are to be provided from vertical surfaces in accordance with Council's Food Premises Code.
- (17) **Closed Cupboards** - Closed cupboards are to be butted against walls or other equipment. Junctions with vertical surfaces must be sealed to eliminate the accumulation of grease and food particles. Cupboards are to be supported on plinths in accordance with Council's Food Premises Code.
- (18) **Shelving** - Shelving shall be constructed with at least 150mm clearance from the floor. Wall shelves must have at least 25mm clearance from vertical surfaces.
- (19) **Exhaust Ventilation** - Mechanical exhaust ventilation must be provided where cooking appliances are installed. Exhaust ventilation systems shall be installed in accordance with the requirements of Australian Standard 1668-1991 Parts 1 & 2.
- (20) **Gaps Sealed** - All gaps between shelves and vertical surfaces must be sealed to prevent the accumulation of grease and food particles. Alternatively 25mm clearance is required to allow the area to be cleaned.
- (21) **Survey Report (Peg Out)** - The building must be set out by a registered land surveyor. A survey report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (22) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. This area should not exceed 2 metres from the external walls of the building. Furthermore, any excavation or fill must not exceed 500mm in height and must in all other respects comply with *Camden Council Development Control Plan 2006 (DCP 2006)*, unless otherwise specifically approved by Camden Council.
- (23) **Retaining Walls** - If the soil conditions require it:
- retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
 - adequate provision must be made for drainage.

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

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be obtained prior to any works commencing on the site. Manufacturers installation details may satisfy

this requirement for treated timber products and some dry stacked masonry products;

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

(24) **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 7am - 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.
- 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.

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

(26) **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.

(27) **Building Inspections** - The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The 'principal contractor' for the building works (as defined by the *Environmental Planning and Assessment Act, 1979*) must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, the following stages must be inspected and passed prior to proceeding to the subsequent stage of construction.

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

- (a) **Commencement of Building Works** - When environmental controls are in place.
- (b) **Pier Holes** – Excavated pier holes prior to pouring of concrete.
- (c) **Strip Footings** – When foundation excavations have been undertaken and steel reinforcement provided, prior to footings being poured with concrete.
- (d) **Slab On Ground** – When steel reinforcement and associated formwork has been provided, prior to the slab being poured with concrete.
- (e) **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.
- (f) **Wet Area Flashing** - When wall and floor junctions have been flashed with an approved product, prior to installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, en suites and the like.
- (g) **Drainage Line-work** - When roofwater or stormwater drainage lines have been laid and connection to a street kerb or, drainage easement, or rubble pit, prior to backfilling of lines.
- (h) **Occupation Certificate (final inspection)** - Upon completion of the development and before occupation or commencement of use.

The *Environmental Planning and Assessment Act 1979* and *Regulation* may prescribe other 'critical stage inspections' of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

Missed critical stage inspections are an offence under the *Environmental Planning and Assessment Act, 1979* , and may prohibit the issue of an Occupation Certificate.

(28) **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.

(29) **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.
- (30) **Demolition Australian Standard** - Demolition of the building shall be carried out in accordance with the requirements of Australian Standard 2601 - 1991 where applicable.
- (31) **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.
- (32) **Clear Footpath** - The footpath and roadway must be kept clear at all times and must not be obstructed by any demolition material or vehicle.

5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Parking Signs** – Signs and markings indicating the visitor, staff and disabled parking area shall be provided prior to the issue of the Occupation Certificate.
- (2) The following works must be constructed **prior to the issue of the Subdivision/Occupation Certificate** and under the Roads Act 1993 must be approved by Camden Council:
 - (a) provision of a gutter crossing at all points of ingress and egress
 - (b) provision of a light duty industrial gutter crossing at all points of ingress and egress
 - (c) provision of a heavy duty industrial gutter crossing at all points of ingress and egress
 - (d) provision of a residential footway crossing m wide at all points of ingress and egress
 - (e) provision of a light duty industrial footway crossing m wide at all points of ingress and egress.
 - (f) provision of a heavy duty industrial footway crossing m wide at all points of ingress and egress
 - (g) provision of a rural driveway crossing at all points of ingress and egress
 - (h) provision of concrete footpath m wide for the full road frontage of the property in
 - (i) reinstatement of redundant (gutter/vehicular crossing) as standard kerb and gutter.

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

- (3) **Footpath Crossing** - Minimum of 5.0m wide light duty gutter crossings shall be

provided. The footpath crossing is to be at the 4% grade and to be constructed subject to an approval, under a separate application pursuant to the Roads Act.

- (4) **Kerb & Gutter** - All redundant laybacks including Lot 1054 shall be reinstated with kerb and gutter to Council's standards.
- (5) **Footpath Crossing Construction – Prior to the issue of any Occupation Certificate** a footpath crossing must be constructed in accordance with Camden Council's issued footpath crossing information.

To obtain such information a Public Road Activity application must be submitted to Camden Council with the appropriate fee. Applications forms are available from Council's:

- Customer Service Centre, and/or
- Internet site – www.camden.nsw.gov.au

- (6) **Works as Executed Plan - Prior to the Occupation Certificate being issued**, a works-as-executed drawing signed by a registered surveyor must be submitted to the Principal Certifying Authority showing that the stormwater drainage and finished ground levels have been constructed as approved.
- (7) **Acoustic Attenuation Compliance Report** – A report from a qualified acoustic engineer that contains a certifying statement confirming that the provisions and noise criteria for the consent conditions: *Air- Conditioner Plant Location, Kitchen Exhaust Fans, Children at External Play, Vehicular Movements* have been implemented and are compliant must be submitted to the Principal Certifying Authority for inclusion in any application for an Occupation Certificate. The acoustic compliance assessment (that leads to the issue of the certifying statement) must be undertaken between 3 months and 6 months from the commencement of operation of the childcare centre.

The acoustic consultant must conduct sufficient inspections to verify that all construction aspects of the noise attenuation components/measures are being carried out in accordance with the final acoustic report recommendations.

Should the acoustic consultant confirm that:

- a) any specific construction aspect does not comply with the final acoustic report recommendations; or
- b) that the constructed noise attenuation components/measures do not achieve the criteria set by the approved report and the consent conditions;

the acoustic consultant must advise the applicant and the Principal Certifying Authority of such non-compliance. The applicant must arrange for the submission of an application pursuant to s.96 of the *Environmental Planning and Assessment Act 1979* for the modification of the issued development consent to the Consent Authority, Camden Council, for determination.

- (8) **Compliance Letter** - Where the consent authority is not the Principle Certifying

Authority (PCA) an additional inspection of the commercial kitchen must be undertaken by the Consent Authority (involving an Environmental Health Officer from the Consent Authority) **prior to the issuing of an Occupation Certificate**. A letter is to be issued from the Consent Authority certifying that the kitchen complies with the Food Codes and Regulations.

- (9) **Dishwashing Facilities** - The premises must be provided with a:
- (a) commercial dishwashing machine capable of achieving a hot water temperature of at least 77o celsius that is fitted with a temperature thermometer or gauge; and
 - (b) at least one single bowl cleaning sink or tub containing at least one compartment.
- (10) **Registration and Notification** - Proprietor/s of a business are required to register the business with Camden Council and complete a Food Business Notification Form. The registration form must be returned to Council, whereas the Notification Form may be completed on-line on the Internet (free of charge) or returned to Council with an administration processing fee of \$55 (inclusive of GST).
- (11) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (12) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

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

As soon as practicable after the Final Fire Safety Certificate has been issued, the owner of the building to which it relates must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

(14) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:

- (a) Termite management system installation certificates.
- (b) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
- (c) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia* .
- (d) All certificates relating to salinity, as required by conditions of the development consent. These include evidence of the required construction inclusions, such as evidence of concrete strength (MPa), membranes and damp proof course material used, and/or the use of saline resistant materials.

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

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

(15) **Car Parking - On Street Parking/Signpostjng**

Full time parking restrictions shall be provided in Elizabeth Macarthur Avenue as per the following:

Supply/Install No Parking signs and stems as follows:

- a) Sign and stem arrow left 10 m west of the footpath crossing of No 13 EMA
- b) Sign and stem double arrow midway between of the 2 new footpath crossings
- c) Sign and stem arrow right 5 m east of the footpath crossing of No 17 EMA.

(16) **Improvements to the Elizabeth Macarthur Avenue and Hume Highway Intersection**

The Applicant is to carry out improvements to the Elizabeth Macarthur Avenue / Hume Highway intersection to the Australian Standards, RTA and Austroads Guidelines as follows:

- a) Linemark and symbol mark the 2 existing lanes from Elizabeth Macarthur Avenue into the Hume Highway to provide a dedicated LI and RI lane (of 2)
- b) Adjust the intersection pavement and kerbs to the required Standards

- c) Install traffic sign posting to the required Standards
- d) All civil drawings and associated work with the intersection upgrade requires submission to and approval by Council prior to commencement.

(17) Sight Distance - New Exit / Elizabeth Macarthur Avenue

Conditions relating to sight distance are:

- a) On street parking restrictions as per Condition 'Car Parking – On Street Parking/Signposting'
- b) Landscaping/Footpath levels adjustments to Councils requirements and to improve sight distance for egress from site
- c) Sight distance in accordance with AS 2890.1 2004
- d) Council reserves its right to ask for 7 day auto counts at a later date to determine 85th percentile speed, if there are any difficulties determining the required sight distance or the site adjustments that accord with such determination.

(18) Internal footpath - A low level garden with kerb surrounds shall be provided to prevent persons from walking within the 620mm space with vehicle overhang.

(19) Public Footpath - An external footpath linking the site to the surrounding footpath network including any compliant landscaping or retaining walls shall be provided to Council's standards.

(20) Internal signposting and markings - The following internal signposting is required:

- a) EXIT WITH CARE or EXIT SAFELY signs.
- b) Car Park markings and signs as indicated in the submitted drawings
- c) ENTRY/EXIT signs
- d) STOP sign near the exit.

6.0 - Operational Conditions

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

- (1) **Control Noise from Children at Play** – Centre staff are to supervise children to limit noise from children at play.
- (2) **Number of Children at Play** – No more than 36 children are permitted to play outside at any one time.
- (3) **On-Site Parking Signs** - Sign/s measuring 600mm x 900mm must be erected which are visible to persons driving along the street to indicate on-site parking is available. The sign/s shall be maintained in good repair at all times.
- (4) **Outdoor Activities** – To minimise the likelihood of noise nuisance for surrounding neighbours outdoor play times shall be limited to between the hours of 7am and 6pm.

Outside these hours Staff shall ensure that parents and children are managed with

consideration to surrounding neighbours.

- (5) **Graffiti** - The finishes of the premises are to be maintained at all times and any graffiti or vandalism removed or repaired within 48 hours.
- (6) **Vehicular Movements** - Noise emitted from carpark vehicular movements on the site shall not exceed LAeq, 15min 45 dB(A) when assessed within any residential property boundary.
- (7) **Kitchen Exhaust Fans** – noise emitted from the kitchen exhaust fans installed on the site shall not exceed LAeq, 15min 44 dB(A) when assessed within any residential property boundary.
- (8) **Children at External Play** – Noise emitted from activities associated with the outdoor playground activities shall not exceed the LAeq, 15min 49 dB(A) when assessed within any residential property boundary and shall not exceed 3 hours for any child.
- (9) **Kitchen Access** - Access to the kitchen whilst in use is to be restricted to staff only. Suitable doors shall be provided and fitted to all openings that lead into the kitchen with self closing devices fitted to ensure that access remains restricted.
- (10) **Cooking and Cleaning Appliances** - Cooking and cleaning appliances intended to be used for cooking or preparation of food or cleaning of food equipment must be of a commercial quality / standard.
- (11) **Hot Storage** - All equipment (including pie warmers, hot food display units, etc) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.
- (12) **Cold Storage** - All equipment used for the display or storage of cold food shall maintain the food temperature of not more than 5°C.
- (13) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
- (14) **Directional Traffic Flow Signs** - Both driveways must be suitably signposted and directional arrows painted on the internal roadway **prior to the Occupation Certificate being issued**. Sign/s shall be maintained in good repair at all times.
- (15) **No Additional Signs** - The approval of this sign application does not suggest that additional signs may be erected without the prior written approval of the Camden Council.
- (16) **No Signs on Public Land** - Sandwich boards including 'A' frame advertising panels and any other sign shall not be placed on a public footpath or road reserve.
- (17) **Hours of Operation** - The hours of operation for the approved land-use are:

Monday to Friday:	6.30am to 7:30pm
Saturday:	Closed

Sunday & Public Holidays: Closed

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

(18) The use of the subject premises with respect to mechanical 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.

(18) **Special Events** – No more than four ‘special events’ are permitted to be held at the Child Care Centre annually. Prior to a ‘special event’ adjoining neighbours shall be notified informing them of the date and time the event will be held.

END OF CONDITIONS

RECOMMENDED

That:

- i. **Development Application 951/2007 for the construction of a childcare centre at 15 Elizabeth Macarthur Avenue, Camden South, be approved, subject to the draft conditions shown above.**
- ii. **Those people making a submission to Council on this matter be advised of Council's determination.**

ATTACHMENTS

1. Location Plan
2. Plans
3. Submissions (Sup Doc)



Plans - 15 Elizabeth Macarthur Avenue.pdf



Location Plan 15 Elizabeth Macarthur Avenue.pdf



Submissions Part 1 - 15 Elizabeth Macarthur Avenue.pdf



Submissions Part 2 - 15 Elizabeth Macarthur Avenue.pdf



Submissions Part 3 - 15 Elizabeth Macarthur Avenue.pdf

RESOLUTION

MOTION

Moved Councillor Cagney, Seconded Councillor Whiteman that consideration of Development Application 951/2007 for the construction of a childcare centre at 15 Elizabeth Macarthur Avenue, Camden South, be deferred for Council to perform a site inspection, following the site inspection, the matter be reported back to Council.

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

ORD185/08

ACTIONS

Link to CRMS document

[CRMS: 6895598 09/07/2008, 02:17:38 PM](#)

ORDINARY COUNCIL

ORD02

SUBJECT: MODIFICATION APPLICATION DA 21/2008.2 - DEMOLITION OF PREVIOUS ADDITIONS, CONSTRUCT NEW ADDITIONS TO EXISTING BUILDING, USE OF EXISTING BUILDING, CONSTRUCTION OF A CAR WASH FACILITY AND TWO LOT SUBDIVISION, NO 11 (LOT 1 DP 219757) ARGYLE STREET, CAMDEN

FROM: Director Development and Health

FILE NO: 350.40

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of an application under Section 96 of the Environmental Planning and Assessment Act, 1979 (the Act) to modify a condition of development consent for the demolition of additions, additions to existing building, construction of a car wash facility and two lot subdivision at No 11 (Lot 1 DP 219757) Argyle Street, Camden . The modification relates to proposed replacement of doors and windows on the southern elevation of the milk depot building as well as further inform Council as to how additions and alterations to this elevation have largely damaged or removed the original door and window fabric.

BACKGROUND

At the meeting of 24 June, 2008 Council resolved to approve Development Application No 21/2008 subject to Condition 1.2 (Former Milk Depot) being amended to read as follows:

- *Windows and doors on the western elevation of the building shall only be replaced with timber framed windows and doors.*
- *Existing original door and window fabric on the southern elevation of the Milk Depot Building be retained 'in situ' and actively conserved.*

Subsequent to that meeting, a Section 96 Modification Application (DA 21/2008.2) was received requesting that Council consider the selective and sympathetic replacement of windows and doors on the southern (Argyle Street) elevation where they are not original fabric and are in a state that can not be feasibility conserved in-situ.

MAIN REPORT

In response to the Section 96 application and subsequent to the Council meeting of 24 June, 2008 Council officers have discussed the original referral comments dated 24 January, 2008 with officers from the NSW Heritage Council, with particular reference to recommended condition 1. Following discussion with those officers the following information can be offered.

The milk depot building as it was constructed in 1926 included two large openings to ground level onto Argyle Street. These openings would have catered for street level access into the building. The heritage impact statement supporting the development application indicated that a number of unsympathetic additions and alterations took place in the 1960s.

The first opening was fitted with metal roller shutters and the second opening was filled in with an aluminium framed window with obscured glass panes. The heritage impact statement states that the third window opening was created in the 1960s when a new brick section was added to the rear block of the milk depot. Based on this information, it is considered that none of the three ground floor doors and windows constitute the original fabric of the building and their replacement as proposed with timber framed doors and windows, would not contradict the advice received from the NSW Heritage Council.

Documentary investigation and external examination of the milk depot building suggest that three windows in the upper storey could be original. Internal investigation of the windows and openings indicate a number of issues that would diminish any ability to successfully conserve these windows in-situ over the long term. Signs of deterioration of masonry and mortar around the window openings are conspicuous. Some buckling of window frames and timbers is evident, as well as vertical fractures and cracks in a number of glass panes indicating structural loads are being placed on the windows.

As a result the windows remain jammed, locking mechanisms do not function and window putty has dried out and is cracking. Further discussion with officers from the NSW Heritage Council reveals that preference should be given to the conservation of the original window fabric in-situ, however it is recognised this must not be done at the expense of the entire building. The clear intention of recommended condition 1 of the Heritage Council advice is that upper storey fenestration is retained, and where feasible the original elements be conserved and reused on-site. From further inspection of the building it is considered that successful conservation of these windows in-situ is unlikely.

The development application proposed to replace the three upper storey windows with timber framed windows of the same size, which are considered to be sympathetic to the original fabric of the building while simultaneously allowing structural issues around the window openings, to be addressed. Based on follow up discussions with officers from the NSW Heritage Council, it is understood that the proposal would not negatively impact upon the heritage significance of the milk depot building and that the condition of consent recommended by Camden Council officers is consistent with the intention of the advice received from the NSW Heritage Council.

Subsequent to Council's meeting of 24 June, 2008 Council officers have discussed the modification requested with the Camden Historical Society and that group is supportive of the proposed amendment.

The modification application has now been considered on its merits and is able to be recommended to Council for approval.

CONCLUSION

Conservation works proposed for the milk depot building at No 11 (Lot 1 DP 219757) Argyle Street Camden, have been previously approved by Council. A Section 96 development modification application has been received. It has been discussed with the Heritage Council of NSW and clarification of the intention of their original recommendations has been received. The proposed amendment has also been discussed with the Camden Historical Society.

It is considered that the proposed amended development will result in a positive heritage conservation outcome and is recommended to Council for approval.

RECOMMENDED

That Council amend Development Application No 21/2008 condition of consent No 1.2 by:

i. amending dot point two to read:

'Windows and doors on the southern and western elevation of the building shall only be replaced with timber framed windows and doors as indicated on the approved plans';

ii. and deleting dot point three.

RESOLUTION

Moved Councillor Cagney, Seconded Councillor Elliott that Council amend Development Application No 21/2008 condition of consent No 1.2 by:

i. amending dot point two to read:

'Windows and doors on the southern and western elevation of the building shall only be replaced with timber framed windows and doors as indicated on the approved plans';

ii. and deleting dot point three.

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

ORD186/08

ACTIONS

CRMS number , Finalised 10/07/2008 8:18:14 AM

Action: Finalised,

Completed

[Link to CRMS document](#)

[CRMS: 6895608 09/07/2008, 02:18:08 PM](#)

ORDINARY COUNCIL

ORD03

**CHANGES TO A COMMERCIAL DEVELOPMENT FOR THE PURPOSES OF A
NEW SUPERMARKET AT NO 5-9 (LOTS 16-18 DP 880682) IANDO WAY,
CURRANS HILL**

FROM:	Director Development and Health
FILE NO:	4235.50
DA NO:	1163/2006/2
OWNER:	Australasian Commercial Property Group P/L
APPLICANT:	Australasian Commercial Property Group P/L
ZONING:	2(d) Residential
APPLICABLE PLANNING INSTRUMENT:	Camden Local Environmental Plan No. 47

PURPOSE OF REPORT

The purpose of this report is to allow Council to determine an application for changes to an approved commercial development for the purposes of a new supermarket at No 5-9 (Lots 16-18 DP 880682) Iando Way, Currans Hill. The application is referred to Council in accordance with its delegations, as three submissions were received objecting to the proposal. These objections are unable to be resolved with development consent conditions. In addition there is a need to vary Camden Development Control Plan 2006 to accommodate a 1 space carparking shortfall.

SUMMARY OF RECOMMENDATION

It is recommended that Development Application No 1163/2006/2 for changes to an approved commercial development for the purposes of a new supermarket be approved, subject to draft conditions of development consent provided below.

BACKGROUND

An application for a commercial development was lodged with Council on 1 November, 2006. The proposal was for two separate buildings across three lots, with the building to the south being one storey and the building to the north being two storeys, separated by a 3m wide passageway. A total of ten separate tenancies within the two buildings was proposed. The Development Application was notified in accordance with the *Camden Development Control Plan 2006* and no submissions were received. The application was approved by Council under delegation on 26 April, 2007.

An application to modify the consent as per Section 96 of the *Environmental Planning and Assessment Act 1979* was lodged with Council on 18 February, 2008. This modification involved changes to both buildings and other aspects of the development.

These will be outlined in greater detail later in this report.

The application has now been assessed by Council officers and is now able to be referred to Council for determination.

THE SITE

The subject site is across three different lots, and is known as Lots 16 -18 DP 880682 lando Way, Currans Hill. The site also has a frontage to Currans Hill Drive to the north. Lot 16 measures 28.5m by 26.5m, Lot 17 measures 22.0m by 33.5m, and Lot 18 is irregular in shape with the boundary splaying from 22.2m wide to 26.5m wide at Currans Hill Drive, and being 30.0m long. The total area of the three lots is 2,249m².

The land is currently vacant and with no vegetation, however there is already an existing driveway crossing from lando Way which would be modified for access to the approved development. To the west and north of the site are residential dwellings. To the east is an existing convenience store, small reserve and child care centre, and to the south is a narrow strip of land that links Jack Nash Reserve and Tramway Drive, buffering the site from Currans Hill Primary School. The site has a slight fall towards Currans Hill Drive. **A location plan is provided at the end of this report.**

THE PROPOSAL

The application to modify an existing consent involves the following:

- Changes to the one storey building, with a reduction from four occupancies to a sole occupancy, which is to be occupied by an IGA supermarket;
- The inclusion of a loading bay along the southern elevation to service the proposed supermarket;
- The erection of a 4.2m high acoustic wall along the western elevation car parking area, with the bottom 2.1m to be constructed of plywood, colourbond steel or equivalent, whilst the top 2.1m could be constructed of a clear or translucent PVC;
- The reduction of the car parking area from 25 sites to 24;
- Minor changes to the two storey building, with the re-location of the toilets from the one storey building to the two storey building, removal of doors from Tenancy 3 and addition of doors to Tenancy 2. Five approved tenancies are still to remain.
- Traffic control measures with the erection of "No Stopping" signage along lando Way as well as double line marking to supplement this signage.

The application also includes the use of the one storey building for the supermarket. No internal layout plans have been included as part of the application, however this would be required by way of a development consent condition to occur prior to the issue of a Construction Certificate.

The IGA supermarket is expected to have opening hours of between 7:30am and 9:00pm seven days. The expected number of deliveries are approximately eight per week.

A copy of the proposed plans is provided at the end of the report.

NOTIFICATION

The application was notified to adjoining land owners between 22 February and 7 March, 2008. A total of three submissions had been received by Council objecting to the proposal.

A secondary notification period was conducted between 23 May and 6 June, 2008 to the two adjoining land owners to the west of the proposal, notifying them of the 4.2m high acoustic wall as recommended in the Environmental Noise Assessment Report submitted by the applicant in response to Council's concerns with regard to noise. It is to be noted that the two residents notified had previously lodged submissions, and one of the residents lodged a supplementary submission objecting to the proposed acoustic wall. These objections are discussed further later in this report. **Copies of the submissions are provided with the Business Paper Supporting Documents.**

PLANNING CONTROLS

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

- Camden Local Environmental Plan No 47
- Camden Development Control Plan 2006.

ASSESSMENT

The application has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. The following comments are made with respect to the critical aspects of the application.

(a) the provisions of:

(i) any environmental planning instrument

Camden Local Environmental Plan No 47

The land on which the approved development and proposed supermarket is zoned 2(d) Residential, which permits neighbourhood centres which are defined as "*a comprehensively designed small centre having a total site area of not more than 7,500 square metres and including all or any of the following:*

- *shops having a combined total net floor area of not greater than 60 percent of the total site area,*
- *facilities for petrol sales,*
- *child care centres,*
- *community facilities,*
- *buildings for public worship,*
- *recreation facilities."*

The proposed supermarket is defined as a shop and therefore complies with this definition. The combined floor space of the centre is under that allowed.

(ii) any draft environmental planning instrument

There are no draft environmental planning instruments that apply to this proposal.

(iii) any development control plan

Camden Development Control Plan 2006 - Car parking

The supermarket building (tenancy 4 on the plans) has a defined net floor area of 292.31m². At the rate of one parking space per 25m² for a supermarket, it is calculated that a total of 11.69 spaces are required, which is rounded up to 12 spaces. The other five tenancies, in which the internal floor space will not change, require a total of 13 parking spaces. The approved development had a total of 25 parking spots, however the removal of one parking space for the supermarket loading dock results in the development having a deficit of one space. It is considered that satisfactory off site parking is available in both Lando Place and Currans Hill Drive to absorb this one space deficit and it is therefore recommended that Council supports this variation to this section of the Development Control Plan.

Camden Development Control Plan - Currans Hill

The approved development and proposed supermarket complies with the Neighbourhood Centre land use objectives in Section 4.4, as it will contribute towards a full range of commercial and retail activities to meet the demands and needs of the population of the Currans Hill neighbourhood.

(iiia) any planning agreements

There are no planning agreements that apply to this proposal.

(b) the likely impacts of the development

Natural impacts

The proposed supermarket will have no negative impacts on the natural environment as it involves the occupancy of an approved development.

Built impacts

The bulk of the approved building is not changing and will remain the same height, as well as retain the same building footprint. However there are internal and external changes to the facade of the building including:

- changes to the one storey building, with a reduction from four occupancies to a sole occupancy, which is to be occupied by an IGA supermarket.;
- the inclusion of a loading bay along the southern elevation to service the proposed supermarket.

Noise impacts

An Environment Noise Assessment was undertaken to assess the impacts of the development on adjoining land owners, and in particular the operation of the

supermarket. Whilst it concluded that the predicted noise emission levels at the most affected residential boundaries did comply with the EPA's Industrial Noise Policy, a number of recommendations were made in the report, namely:

- the erection of a 4.2m high wall, with the first 2.1m above natural ground level to be of a solid construction, whilst the remaining 2.1m can be constructed of a translucent material provided that the minimum mass is 1.7 kilograms per square metre;
- no vehicle movements into the site between 10pm and 7am, including garbage pickup; and
- the mechanical plant in the loading dock to be treated to ensure full compliance with Council criteria, and not exceed the noise levels provided in Section 6.3 of the *Environment Noise Assessment for Lots 17-18 lando Way, Currans Hill*.

These recommendations have been supported by Council's Environment and Health Branch, and would form conditions of development consent if the application were to be approved.

Traffic impacts

A Parking and Traffic Impact assessment was undertaken. It acknowledged that the proposed variation to the approved development was likely to result in additional traffic being generated, but stated that it would be unlikely to have any unreasonable impacts on the safety and efficiency of the surrounding road network. The development is only likely to attract residents within Currans Hill, given the scale of the proposal and other retail choices available at Mount Annan. It was concluded that:

- the proposed parking provision is capable of accommodating the subject proposal in accordance with Council's DCP parking requirements;
- the proposed access, internal circulation and servicing arrangements are capable of providing for safe and efficient vehicular and pedestrian movements during peak times;
- the surrounding road network operates at a good level of service;
- the proposed development has been projected to generate a maximum weekday and weekend traffic generation of 48 and 56 peak hour trips respectively to and from the site; and
- the adjoining road network is capable of accommodating the additional traffic projected to be generated by the subject proposal.

The proposal was also referred to the Traffic Section for assessment. It was considered satisfactory with conditions of development consent recommended. The signage and line marking on lando Way will be required to be reviewed by the Traffic Committee prior to the issue of a Construction Certificate.

Safety

The proposed supermarket was assessed by the NSW Police in line with the *Crime Prevention Through Environmental Design* guidelines. A risk assessment for this development has been identified as medium to high. Accordingly a number of recommendations were made to ensure increased safety. These included:

- to have the walkway along the western side closed when trading is not occurring, only to be accessed by management;
- a safety plan to be lodged prior to the issue of the occupation certificate for the supermarket;
- lighting to be designed to comply with the Australian and New Zealand Lighting Standards;
- landscaping to be of a nature that maximises sightlines;
- the property to be specified as an alcohol free zone with signage to demonstrate this;
- building materials to be graffiti resistant;
- access to the buildings and internal walkways should be denied when the businesses are closed; and
- the installation of an intruder alarm system to be carried out.

These recommendations would be covered by conditions of consent. Whilst it cannot be guaranteed that these recommendations will completely eliminate anti-social activity, it is expected they will minimise such activity. To implement the Alcohol Free zone, compliance with the legislative requirements of exhibition etc must be followed. The implementation of an Alcohol Free zone is supported and forms part of the recommendations of this report.

Waste

The Environment Branch has assessed the application and is satisfied with the waste management proposals, subject to a number of conditions in relation to bin collection, accessibility, bin storage and security.

Social impacts

The approved development will contribute towards improving the amenity of the neighbourhood by utilisation of the current vacant land, as well as fostering a sense of place within Currans Hill. The proposed supermarket will increase the range of retail and commercial services, and enhance choice. A net positive benefit is that residents could walk to the Currans Hill Neighbourhood Centre to utilise the range of retail services that would only be available at Mount Annan or Narellan and have to be accessed by car.

Economic impacts

It will provide additional employment opportunities, and will be one of the primary employers within Currans Hill. The proposed supermarket could also present an opportunity to strengthen the Currans Hill Neighbourhood Centre, attracting other businesses to the area.

(c) the suitability of the site for the development

The site is considered suitable for the development. The proposed supermarket is within the Currans Hill Neighbourhood Centre as specified in the *Camden Development Control Plan 2006*. It complies with the land use objectives in Section 4.4, as it will contribute towards a full range of commercial and retail activities to meet the demands and needs of the population of Currans Hill.

(d) any submissions made

Three (3) submissions were received objecting to the proposal. As stated earlier in this report, Council received no submissions when the original Development Application was on exhibition.

The issues raised in the submission are listed and addressed below:

1 The building will result in heavy overshadowing to adjoining properties during morning sunlight hours.

Officer Comment:

It is noted that there are no proposed changes to the approved height of the buildings. The height of the building in which the supermarket is located is a maximum of 5.9m. The plans demonstrate that a minimum of three (3) hours continuous sunlight will still be received in the private open space areas of the adjoining residential properties.

2 The building will result in a loss of privacy to adjoining properties.

Officer Comment:

It is not considered that the proposed non-residential use of the site will have a negative impact on privacy for adjoining properties.

3 Noise, in relation to the operation of the supermarket and in particular the loading dock, will have negative impacts on the adjoining properties.

Officer Comment:

This has been already addressed in this report under the heading Noise Impacts.

4 The development will result in a decline in property values in the locality.

Officer Comment:

The subject lots have previously been identified as a Neighbourhood Centre under Council's DCPs for the purposes of shops and community facilities. Accordingly the property values of the adjoining properties would reflect this intended usage. Any perceived negative property value impact cannot be substantiated.

In addition, it could be argued that increasing the level of services available in the area will enhance property values.

5 The development will result in an increase in unsocial behaviour.

Officer Comment:

This has been already addressed in this report under the heading of safety.

6 The proposed supermarket will have negative economic impacts, particularly on the adjoining convenience store.

Officer Comment:

This has been already addressed in this report under the heading of Economic

Impacts.

7 The type of acoustic fence being proposed will not be suitable for a residential area.

Officer Comment:

The proposed 4.2m high acoustic fence is to be of a solid construction only to 2.1m above natural ground level. The remaining 2.1m can be constructed of a translucent (i.e. see through) material provided that the minimum mass is 1.7 kilograms per square metre.

The height of the fence is smaller than the height of the building, which is 5.9m. Therefore it is considered not to be a visually dominant feature of the development and will not result in a negative impact on the streetscape or the adjoining residential development. Accordingly it is deemed to be an appropriate treatment that will minimise any potential negative noise impact.

(e)the public interest

It is considered that the public interest will be served positively by the proposed supermarket as there will be an increased retail choice is made available within Currans Hill; an increased scope for retail services catering for everyday needs being made available within walking distance of residents in Currans Hill; and enhanced employment prospects for residents within Currans Hill and surrounding suburbs.

CONCLUSION

Council has received an application to modify a consent for changes to an approved commercial development for the purposes of a new supermarket at 5-9 Iando Way, Currans Hill. The subject site is within a Neighbourhood Centre identified in the *Camden Development Control Plan* and a supermarket is considered to be an acceptable development within the definition of a neighbourhood centre in the *Camden Local Environmental Plan No 47*.

Three submissions have been received during the notification period which have been discussed within the report and are considered to have been satisfactorily addressed.

The development has been assessed on its merits in accordance with the *Environmental Planning and Assessment Act 1979* and is now considered able to be recommended to Council for approval subject to the amended development consent conditions below:

DETAILS OF CONDITIONS

1.0 General Requirements

Condition 1 of the original development consent to be modified and now read:

Approved Plans - The development must be carried out strictly in accordance with the following approved plans or other documentation:

- Site Plan, Job No. 1756-07, Sheet No. A01, Issue C, dated 7/5/08;
- Ground / First Floor Plans, Job No. 1756-07, Sheet No. A02, Issue C, dated 7/5/08;
- Elevations, Job No. 1756-07, Sheet No. A03, Issue C, dated 7/5/08.

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

Amendments or modification of the approved development requires prior approval of Camden Council.

Condition 7 of the original development consent to be removed.

Condition 16A of the original development consent to be added as follows:

Acoustic barrier: There is to be a continuous barrier along western boundary, as indicated in the report prepared by Acoustic Logic Consultancy dated 19 May 2008, report No. 2006775/0901A/R5/GW "Environmental Noise Assessment for Lots 16-17-18 Iando Way, Currans Hill". The barrier wall adjacent to the car park is to be a minimum of 4.2 metres above the existing ground level. The bottom 2.1 metre high barrier can be constructed from 6mm FC sheet, 15mm plywood sheets, colourbond steel or equal while the top 2.1 metre high barrier can be flexible provided that the cover is impervious and has a maximum mass of not less than 1.7 kg per square metre (clear or translucent PVC). This wall shall be maintained at all times by the owners of the subject premises and any graffiti or other damage shall be removed within 3 days of damage occurring.

2.0 Construction Certificate Requirements

Condition 1 of the original development consent is to be amended as follows:

Pursuant to **Camden Contributions Plan** amended in July 2004, a contribution must be paid of \$8.21 per square metre, total \$8,325.00 for **Community Facilities**.

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

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

Condition 2A of the original development consent to be added as follows:

Amended plans: The following amendments are to be made to the plans:

- Dimensions of the two way internal road are required to be a minimum width of 5.5 metres, to comply with Section 2.5 of AS2890.1 2004;
- The internal path along the southern boundary of the supermarket building is to be a minimum of 1.2 metres for the entire length;

- Proposed internal layout of the supermarket; and
- A pram ramp will be required to match the ramp in the opposite reserve and footpath system in Lando Way just west of the proposed driveway.

Condition 2B of the original development consent to be added as follows:

Local Traffic Committee: Local Traffic Committee approval is sought for the following prior to the issue of a Construction Certificate:

- "No Stopping" signage along Lando Way;
- Line marking on Lando Way;
- Traffic Control Plan for the construction phase; and
- Traffic Management Plan for the operational phase.

Condition 20 of the original development consent to be added as follows:

Acoustic wall: Separate plans of the acoustic wall are to be lodged, specifying the type of material to be used.

5.0 Prior to Issue of Occupation Certificate

Condition 3A of the original development consent to be added as follows:

Centre Management Plan: A management plan of operation is to be lodged with Council, including but not restricted to:

- Operations of the development, including the use of the car park, loading dock, the collection of trolleys, and types of activities;
- Safety and security measures, including lighting, type of landscaping, access denial to internal walkways and buildings when the businesses are closed, graffiti action plan, the introduction of an Alcohol Free Zone development and installation of an intruder alarm system.

6.0 Operational Conditions

Condition 6A of the original development consent is to be added as follows:

Loading dock: Vehicular access is limited to that of a maximum length of 8.8 metres.

Condition 8 of the original development consent is to be added as follows:

Bin collection: The collection area shall be on level ground, running parallel to the rear of the kerb and measure 3.0 metres x 0.9 metres x 3.9 metres high (allowing for the trucks lifting arm arc). This area must be positioned parallel to the back of the kerb, taking into account the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures.

Condition 9 of the original development consent is to be added as follows:

Bin pads: The provision of waste bin pads are to be utilised hence, waste bin location areas are to be installed as follows:

- Installed adjacent to the back of the kerb;
- A maximum of 3 bins are permitted to use a bin pad;
- The kerb shall be marked in a permanent fashion (painted stencil) identifying the location of a waste bin collection area;
- Clear of any obstructions. A clear arc of 3.9 metres extending the full length of the waste bin collection area or bin pad is required for the emptying of all bins.

Condition 10 of the original development consent is to be added as follows:

Waste collection services: On street parking should not affect waste collection services.

Condition 11 of the original development consent is to be added as follows:

External water tap: An external water tap shall be provided adjacent to the storage area to enable regular hosing / cleaning of waste management storage and collection area/s. All waste management storage and collection area/s should be well drained to a grassed area or to the Sydney Trade Waste connection, not a stormwater drain.

Condition 12 of the original development consent is to be added as follows:

Storage of trade waste bins: The storage of trade waste bins must be within the designated garbage rooms. No bins are to be stored permanently outside in the car parking areas or driveways.

Condition 13 of the original development consent is to be added as follows:

Acoustic compliance report: A compliance report shall be submitted to the Principal Certifying Authority within 3 months after occupying the premises. The report shall be prepared by an independent acoustic consultant and be submitted to the Principal Certifying Authority certifying if noise levels from the use of the loading docks, mechanical plant and operating equipment, and the normal operation of the commercial development comply with the following criteria when measured along the western Boundary adjacent to the residential properties:

- 47bB(A) during the day
- 45bB(A) in the evening
- 39bB(A) at night

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier.

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

END OF CONDITIONS

RECOMMENDED

That:

- i. Development Application No 1163/2006/2 for changes to an approved commercial development for the purposes of a new supermarket at No 5 - 9 (Lot 16 DP 880682) Ilando Way, Currans Hill be approved subject to the amended conditions of development consent provided above.**
- ii. Council resolve to implement alcohol free zones applying to the roads adjacent to the development.**

ATTACHMENTS

1. Location Plan
2. Proposed Plans
3. Submissions (Sup Doc)



Location Plan 5 Ilando Way Currans Hill.pdf



Proposed Plans - 5 Ilando Way Currans Hill.pdf



Submissions - 5 Ilando Way Currans Hill.pdf

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Whiteman that:

- i. Development Application No 1163/2006/2 for changes to an approved commercial development for the purposes of a new supermarket at No 5 - 9 (Lot 16 DP 880682) Ilando Way, Currans Hill be approved subject to the amended conditions of development consent provided above.
- ii. Council resolve to implement alcohol free zones applying to the roads adjacent to the development.

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

ORD187/08

ACTIONS

CRMS number , Finalised 9/07/2008 4:52:22 PM

Action: Finalised,

Completed

Noted.

[Link to CRMS document](#)

[CRMS: 6895782 09/07/2008, 02:18:17 PM](#)

ORDINARY COUNCIL

ORD04

SUBJECT: CAMDEN LAKESIDE LEP 148
FROM: Director Governance
FILE NO: Binder: Camden Lakeside

PURPOSE OF REPORT

The purpose of this report is to inform Council of the submissions received during the recent public exhibition of draft Local Environmental Plan (LEP) 148 - Camden Lakeside, draft Development Control Plan (DCP) - Development Controls for Camden Lakeside and the Camden Lakeside Local Environmental Study (LES).

BACKGROUND

The purpose of the draft LEP is to rezone the land known as 'Camden Lakeside Golf Course' located on the corner of Camden Valley Way and Raby Road Catherine Field to permit the redesign of 5 golf holes (the 18 hole golf course will remain), to accommodate residential development of approximately 300 dwellings, a medium density development containing approximately 80 dwellings and a new recreation facility to be located to the north of the existing golf course.

At the meeting of 13 November 2007, Council resolved to adopt the draft LEP 148 and draft DCP - Development Controls for Camden Lakeside for exhibition purposes. The Department of Planning subsequently issued a section 65 certificate on 25 March 2008.

MAIN REPORT

Exhibition

The public exhibition was undertaken between 2 April and 30 April 2008. Notice of the exhibition was published on two separate occasions in the local press. All adjoining property owners, relevant government authorities and Campbelltown Council were notified of the exhibition. In addition, copies of the exhibition documents were provided to the Camden Historical Society, Camden Residents Action Group (CRAG) and the Wilson Crescent Richardson Road Area Residents Group (WRARG).

The draft plans and all supporting information were placed on Council's web site and hard copies displayed at Council's Libraries and Customer Service Centres.

Submissions were received from the following organisations;

- Campbelltown Council
- Ministry of Transport
- Sydney South West Area Health Service

- Department of Education & Training
- NSW Department of Primary Industries
- Sydney Catchment Authority
- Department of Aging, Disability & Home Care
- Growth Centres Commission
- Department of Planning (DoP)- Heritage Office
- Roads and Traffic Authority
- Department of Environment & Climate Change
- Department of Water & Energy
- Rural Fire Service

A schedule detailing each of the submittor's comments together with staff comment is ***provided as attachment 1*** .

It should be noted that there were no submissions received from members of the public.

A number of issues were raised in the submissions which require, in some instances, minor variations to the LEP and/or DCP. These are noted in the schedule mentioned above and are also included in the table of proposed amendments noted below. There were also two new issues raised which have not been dealt with previously and these are detailed below:

Effect of rezoning on future coal bed methane extraction

The Department of Primary Industries (DPI) - Minerals advised that the site was within Petroleum Production Lease (PPL) 5 and that further discussions are to take place with the licence holder (AGL) prior to rezoning. A meeting was subsequently held with AGL and it was acknowledged that extraction of methane gas would still be feasible after rezoning. The owner of the land will now be contacted by AGL and negotiations are soon to commence to establish a location for a suitable drilling site. Accordingly DPI has now advised Council that it has no objection to the rezoning proceeding.

Future widening of Camden Valley Way and Raby Road

The RTA had previously indicated to Council that land may be required to widen Camden Valley Way, however they were not in a position to provide any details. They have now provided Council with a map indicating the extent of land required for future road widening on Camden Lakeside. A copy of the road widening map prepared by the RTA is ***provided as attachment 2*** . The RTA has requested that this land be shown on the LEP map and that an acquisitions clause also be inserted into the draft LEP. The RTA has also advised that they will be the acquiring authority and will be providing Council with written confirmation to that effect.

The RTA has only provided notional road widening data for the Camden Lakeside property, at this stage. It would appear that the road widening proposed is the 'worst case' scenario. The road widening is subject to the preparation of a Review of Environmental Factors and may be reduced depending on the outcomes of that process. It is anticipated that further details of the widening of the rest of Camden Valley Way will be provided at a future time.

It is considered that the approach taken by the RTA with regard to the road widening is somewhat premature and haphazard. The RTA advises that the road widening has been designed to "minimise heritage impacts on Raby House and its curtilage", which is located opposite Camden Lakeside, however no detail has been provided in relation to this item.

It is considered that it would be inappropriate to place a road acquisition requirement on the property at this stage as the final definitive road boundary is not yet determined. A more appropriate approach would be to wait until the final road widening boundaries are determined, when an amending LEP could then be prepared to make provision for the required acquisition for the full length of Camden Valley Way.

The indicative road widening line, supplied by the RTA, has been superimposed onto the concept masterplan and is **provided as attachment 3**. It shows that even if the full extent of the road widening is eventually required it will not affect the development potential of Camden Lakeside. This provides Council with an assurance that the rezoning will not adversely affect or compromise future road widening, if it was to take up the full extent shown.

Following advice from the DoP, a meeting is being arranged by Council with the RTA, Growth Centres Commission and the DoP to discuss this issue further.

The proponent has advised Council that they acknowledge the need for possible future road widening however given the late notice, of the RTA, they would like the opportunity to undertake further negotiations.

A recommendation will be provided to this report indicating the need for the issue of road widening to be further pursued with the RTA. The DoP is comfortable with this recommendation and have indicated their support in finalising the matter with the RTA.

Proposed amendments to exhibited draft LEP and DCP

The draft plans have also been reviewed by staff and a number of amendments of a minor nature are proposed for both the draft LEP and DCP. A number of amendments have been recommended to the land use table in the LEP to reflect recent amendments to the Standard LEP Template and other legislative changes. The proposed amendments to both the draft LEP and DCP are minor in nature.

A table of amendments proposed for draft LEP 148 is **provided as attachment 4** and the table of amendments proposed for draft DCP is **provided as attachment 5**. A copy of draft LEP 148 incorporating the amendments is **provided as attachment 6** and a copy of the draft DCP is **provided as attachment 7**.

EI Caballo and Gledswood

The EI Caballo/Gledswood proposal is the second component in the 'Central Hills' project. The concept masterplan for that proposal is currently being finalised which will then enable the specialist studies to be completed. This will enable the local environmental study, draft LEP and draft DCP to be prepared. It is envisaged that this matter will be reported to Council within the next 2 to 3 months with a recommendation to proceed to public exhibition.

The process from here

Should Council adopt LEP 148, it will then be forwarded to the DoP for gazettal. While the DCP can also be adopted by Council, it is unable to come into force until after the gazettal of the LEP should Council resolve to adopt the DCP,

A meeting is being arranged by Council to deal with the road widening issue. Such meeting is to be attended by representatives from the Growth Centres Commission, Department of Planning, RTA and Council. The outcome from this meeting will determine whether road widening is shown on the LEP. The gazettal of the LEP cannot occur until this matter is resolved.

A State Infrastructure Contribution is applicable to the development. It is Council's understanding, based on the provisions of the Standard LEP Template, that the proponent will need to complete the negotiations with the State Government and make arrangements for the necessary payment prior to the lodging of a development application for subdivision. The DoP has been requested to clarify if this is their understanding in an attempt to ensure gazettal will not be unduly delayed. At the time of writing this report they have not advised Council when the arrangements need to be in place.

The determination of developer contributions for Camden Lakeside is being considered in conjunction with those for the El Caballo/Gledswood rezoning. These contributions will be known as 'Central Hills' and are being developed as part of the review of the Camden Contributions Plan. This part of the review is fully funded by the proponents of both Camden Lakeside and El Caballo/Gledswood. It is anticipated that the contributions plan will be finalised by the end of 2008.

A vegetation management plan will also need to be prepared by the proponent and accepted by Council prior to any development occurring.

CONCLUSION

The Camden Lakeside development proposal will provide a unique lifestyle housing opportunity to the local market while ensuring that the scenic and landscape qualities of the Camden Central Hills are preserved and maintained.

In response to the public exhibition, no submissions were received from the public, and all submissions from state agencies have been satisfactorily addressed, with the exception of the RTA. An appropriate process is in place to resolve the RTA matter which is supported by the DoP. In order to continue to progress this rezoning it is proposed to proceed with Council adoption while further negotiations take place.

RECOMMENDED

That Council resolve to:

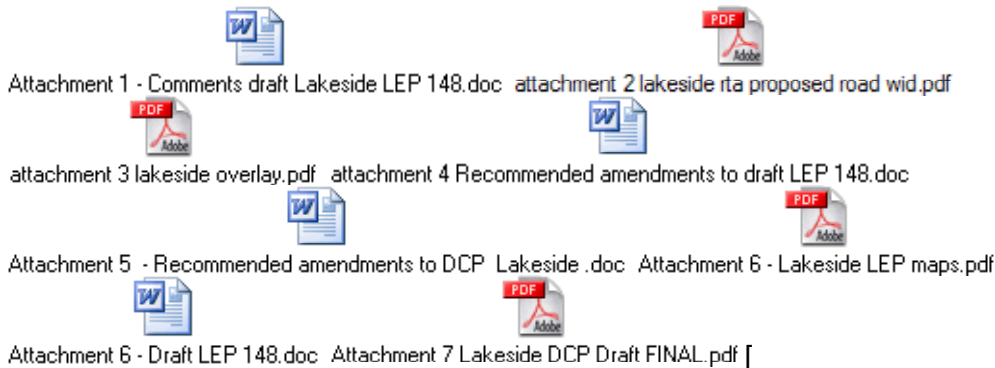
- i. seek an urgent meeting with the RTA, Growth Centres Commission and DoP to address the road widening proposal for Camden Lakeside and the need to determine road widening for the entire length of Camden Valley**

Way.

- ii. **adopt draft LEP 148 - Camden Lakeside with the inclusion of the amendments listed in the report above and forward to the Department of Planning requesting that the plan be gazetted, following the satisfactory resolution of the determination of the road widening issue;**
- iii. **adopt draft Camden DCP 2006 - Development Guidelines Camden Lakeside with the inclusion of the amendments listed in the report above;**
- iv. **write to the public authorities which made a submission advising of Council's resolution.**

ATTACHMENTS

- Attachment 1 - Comments draft Lakeside LEP 148
- Attachment 2 - Lakeside RTA proposed road widening map
- Attachment 3 - Lakeside overlay
- Attachment 4 - Recommended amendments to Draft LEP 148
- Attachment 5 - Recommended amendments to draft DCP
- Attachment 6 - Draft LEP (document and maps)
- Attachment 7 - DCP draft final



RESOLUTION

Moved Councillor Elliott, Seconded Councillor Dewbery that Council resolve to:

- i. seek an urgent meeting with the RTA, Growth Centres Commission and DoP to address the road widening proposal for Camden Lakeside and the need to determine road widening for the entire length of Camden Valley Way.
- ii. adopt draft LEP 148 - Camden Lakeside with the inclusion of the amendments listed in the report above and forward to the Department of Planning requesting that the plan be gazetted, following the satisfactory resolution of the determination of the road widening issue;
- iii. adopt draft Camden DCP 2006 - Development Guidelines Camden Lakeside with the inclusion of the amendments listed in the report above; iv. write to the public authorities which made a submission advising of Council's resolution.

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

ORD188/08

ACTIONS

Link to CRMS document

[CRMS: 6895818 09/07/2008, 02:18:26 PM](#)

ORDINARY COUNCIL

ORD05

SUBJECT: SUSTAINABLE CHOICE PURCHASING PROGRAM
FROM: Director Works and Services
FILE NO: Financial Management/Purchasing/Purchase and Supply/Sustainable Choice

PURPOSE OF REPORT

To outline the benefits of, and seek Council's resolution to join, the Local Government and Shires Association (LGSA) "Sustainable Choice" purchasing program.

BACKGROUND

The Local Government Act charges Councils with the responsibility to carry out all of its activities in accordance with the principles of Ecologically Sustainable Development (ESD). Procurement activities offer significant opportunities for Council to think and act in a more sustainable way. In NSW, the local government sector spends approximately \$5 billion annually on various products and services. Whilst cost is always a strong driver in the selection of appropriate products and services, the lack of a systematic approach to consideration of environmental and social impacts from these decisions has led to their inadequate consideration. Membership of the LGSA Sustainable Choice program will enable Camden Council to purchase more sustainable products and services.

MAIN REPORT

The LGSA Sustainable Choice program was developed in conjunction with the (then) NSW Department of Environment and Conservation to provide a specialised tool for local government to assist them in making informed decisions about sustainable purchasing. The program builds sustainable purchasing capacity within local government through education, information sharing and greater access to resources.

Membership of Sustainable Choice is free. The program provides the following services for member councils:

- showcasing examples of innovative and sustainable purchasing initiatives of member Councils;
- a free web based database of sustainable products and services;
- regular newsletters, fact sheets and product briefs;
- investigates new technologies and innovations which help Councils improve performance and reduce costs; and
- training for appropriate staff.

The benefits of purchasing sustainable products and services include;

- improved resource utilisation efficiency (water, energy, and economic resources);
- demonstrate leadership to the community, stakeholders and staff;
- support local businesses and communities;
- deliver statutory obligations and meet community expectations; and
- achieve long term environmental, social and economic objectives.

As a member of the program, Council will be required to monitor the level of sustainable purchasing occurring and use this data to complete the Sustainable Choice annual reporting questionnaire. Collation of this data may assist in future grant applications which seek to further Council's ability to operate sustainably.

Council's Sustainability Cross Organisational Team can co-ordinate the implementation of sustainable purchasing by the various branches of Council and ensure the integration of sustainable purchasing principles in the review of Council's existing Purchasing and Procurement Policy.

CONCLUSION

Membership of the LGSA Sustainable Choice Program will assist in a review of Council's existing Purchasing and Procurement Policy to ensure consistency with the statutory requirements of the Local Government Act in relation to the consideration of ESD principles.

RECOMMENDED

That:

- Camden Council support the philosophy of sustainable purchasing; and**
- accept in writing the LGSA's invitation to join the Sustainable Choice Program.**

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Whiteman that:

- Camden Council support the philosophy of sustainable purchasing; and
- accept in writing the LGSA's invitation to join the Sustainable Choice Program.

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

ORD189/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 6895959 09/07/2008, 02:18:37 PM](#)

ORDINARY COUNCIL

ORD06

SUBJECT: DRAFT OUTDOOR SMOKE-FREE AREAS POLICY
FROM: Director Works and Services
FILE NO: Environmental Health/Public Health/Legislation/Acts

PURPOSE OF REPORT

To seek Council's endorsement of the draft Outdoor Smoke-free Policy and gain approval to place the draft policy on public exhibition for comment.

BACKGROUND

There is growing evidence on how smoking affects air quality at outdoor locations, where a person sitting near a smoker in an outdoor area could be exposed to levels of cigarette smoke similar to the exposure found previously in an indoor tavern where people were smoking.

Recent surveys indicate that the majority of the community would like protection from the effects of second-hand smoke when they are in a public place. The current laws control smoking in enclosed public places only, and until now there has been no provision for controlling outdoor smoking in Camden.

In September 2000, the NSW Parliament passed the NSW Smoke-Free Environment Act, which prohibited smoking in a wide range of public places.

In 2004, the Act was amended, and from July 2007 smoking was banned in all enclosed public places, except the Sydney Casino.

Following the smoking ban in all enclosed public places, more and more owners of restaurants without an outdoor dining area are seeking to obtain an agreement from Council to use portions of the public footpath as their outdoor dining areas. To avoid introducing areas of concentrated smokers along the footpath, Council may consider issuing an agreement for smoke-free outdoor dining area only.

At present the Act does not cover outdoor public places where people congregate such as playgrounds, sporting fields and alfresco dining areas. However, there is strong public support for reducing exposure to other people's cigarette smoke in a variety of outdoor locations.

Recently, a survey of 2,400 NSW residents showed overwhelming support for smoking restrictions as follows:

- 92% support bans in children's playgrounds
- 85% support bans outside workplace doors/entrances
- 80% support bans in sport stadiums

- 69% support bans in outdoor dining areas
- In addition, 65% say they avoid places where they may be exposed to other people's smoke.

The Cancer Council of NSW is currently supporting smoking bans at public locations where people tend to congregate in close proximity. Several councils in NSW have implemented measures to prohibit smoking at outdoor venues. Under the Local Government Act 1993, Council has the power to erect suitably worded and strategically placed notices in public places to prohibit certain activities, including smoking.

Proposed Policy

Council has a role in advocating better public health for its residents. Council has existing smoking bans in place – all Council buildings are smoke-free to protect both the health of Council staff and members of the public. Health organisations are now urging stronger smoking bans in public places not yet covered by legislation.

Due to mounting evidence showing the harmful effects of passive smoking, community attitudes towards smoking have changed over time. It is proposed that in the interests of the health of our local community and environment, Council adopt an outdoor smoke-free policy. **A copy of the draft policy is provided at the end of this report.**

Scope of Application of the Proposed Policy

Consideration has been given to appropriate areas where a smoke-free policy should apply. In considering these areas, the experiences of other councils, implementation, community education and policing have all been considered.

The policy could be applied to the following areas:

- within 10 metres of children's playground equipment;
- at Council managed playing fields, sporting grounds and sporting facilities (including swimming pools);
- public footpaths;
- within 10 metres of entrance doors to Council owned or managed buildings including balconies or covered areas of those buildings; and
- within 10 metres of sheltered bus stops and taxi ranks;

Currently there are sixty two (62) playgrounds, twenty four (24) outdoor sporting facilities and seventy (70) bus shelters which would be affected if included in the policy's coverage. All of these areas, if included in the policy's coverage, will require sign/s for prohibiting smoking when the policy is put into effect. The initial supply and installation costs for the signs are estimated to be around \$20,000 whilst an associated maintenance cost of \$1,800 p.a. will need to be added to Council budget.

Declaring parts of public footpaths as smoke-free areas is considered too restrictive and at this time none of the public footpaths is the subject of this policy. However if public submissions received indicate a strong desire for implementing the outdoor smoke-free policy to public footpaths then these sentiments will need to be considered by Council. Restaurants and cafes which use a portion of the public footpath for outdoor dining areas currently can use these areas for diners wishing to smoke. The

implementation of the outdoor smoke-free policy to outdoor dining areas along public footpaths is currently at the discretion of the restaurant and cafe operators.

The new outdoor smoke-free policy will be implemented through notice powers under the NSW Local Government Act, 1993 accompanied with random patrols by Council, at other times it is expected to be self-enforced by the community.

In setting the policy, the areas to which the policy will apply is clearly defined by setting a reasonable distance around the areas to which the restrictions proposed by the policy would apply.

Summary

Over recent years, there is a growing awareness of the impact of cigarette smoke on people's health. This awareness has influenced the community's view of the appropriateness of permitting smoking in areas where people congregate. Legislation has already been introduced to prohibit smoking in most enclosed public places.

Recent surveys have indicated an increasing acceptance of restrictions on smoking at outdoor venues where people also congregate.

In considering the community's views and to contribute to community well being, it is proposed that a policy be introduced which governs the application of restrictions on smoking in certain public areas. This policy can be implemented under the Local Government Act 1993.

It is considered appropriate that this policy be exhibited for public comment and, at the end of the exhibition period, a further report be provided to Council on the outcomes of this exhibition.

RECOMMENDED

That:

- i. Council endorse the Draft Outdoor Smoke-free Policy and that the Draft Policy be placed on public exhibition for a period of 28 days; and**
- ii. following the exhibition period, a further report to be provided to Council detailing public comment and making the recommendation on the adoption of the amended Draft Policy.**

ATTACHMENTS



Draft Outdoor Smoke-Free Policy.doc

RESOLUTION

Moved Councillor Dewbery, Seconded Councillor Whiteman that:

- i. Council endorse the Draft Outdoor Smoke-free Policy and that the Draft Policy be placed on public exhibition for a period of 28 days; and
- ii. following the exhibition period, a further report to be provided to Council detailing public comment and making the recommendation on the adoption of the amended Draft Policy.

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

ORD190/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 6896017 09/07/2008, 02:18:48 PM](#)

ORDINARY COUNCIL

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - WARD FUNDS
FROM: Cr Robert Elliott
FILE NO:

I, Councillor Elliott, hereby give notice of our intention to move the following Motion at the Council Meeting on 8 July, 2008:

"That no further ward funds be allocated or allowed until after the Council elections held in September 2008".

RECOMMENDED

That no further ward funds be allocated or allowed until after the Council elections held in September.

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Dewbery that no further ward funds be allocated or allowed until after the Council elections held in September.

THE MOTION ON BEING PUT WAS **CARRIED** ON THE CASTING VOTE OF THE MAYOR.
(Councillors Campbell, Whiteman and Cagney voted against the Motion).

ADJOURNMENT OF MEETING

The Mayor adjourned the meeting for two (2) minutes, the time being 7.33pm.

RESUMPTION OF MEETING

The meeting reconvened with all previous Councillors present, the time being 7.35pm.

ORD191/08

ACTIONS

[Link to CRMS document](#)

CRMS: 6896120 09/07/2008, 02:19:36 PM

ORDINARY COUNCIL

SUBJECT: QUESTIONS WITHOUT NOTICE
FROM: Mayor
FILE NO:

Ownership of Land Opposite - Kirkham Netball Courts

Cr Whiteman asked who owns the land situated opposite the Kirkham Netball Courts and Elderslie High School and utilised by members of the public for parking purposes.

The General Manager stated Camden Council owns this land.

Lake Annan Update – Mount Annan

Cr Cagney requested an update of the pond issues at Mount Annan.

The Director Works & Services stated over recent months an ecological group has been working with Landcom concerning the control of the birds located at Lake Annan. Landcom has indicated they are unable to fully support the plan that has been put forward to them. Camden Council has received a copy of this plan and will endeavour to review the option to participate.

Illegally Parked Vehicles – Bus bays

Cr Campbell asked if Council's Rangers have issued parking infringement tickets to drivers who are illegally parked in bus bays outside schools.

The Acting Director Development & Health stated yes the Rangers do.

Cr Campbell asked if Council's Rangers could issue infringement notices to people on the walkway path allowing their dogs to defecate on the walkway and not picking up and disposing of the litter. Could Council send a plain clothes Ranger to patrol the walking path.

(Cr Cagney left the Chamber – the time being 7.38pm).

Ibis Issues – Jack's Gully Tip

Cr Elliott asked if Council has received advice concerning when the tip face located at Jack's Gully closes and would the ibis population leave the area.

The Director Works & Services stated the indication is that the ibis issue will reduce when the active dumping stops at the tip face. This currently provides the ibis with a place to feed, which is close to a breeding colony but there is no guarantee the

breeding colony will then move off.

The Meeting closed 7.40pm

RECOMMENDED