Camden Local Planning Panel

Agenda
17 September 2019

2.00pm
Camden Council
Administration Centre
70 Central Avenue, Oran Park

CAMDEN LOCAL PLANNING PANEL

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CAMDEN LOCAL PLANNING PANEL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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

CAMDEN LOCAL PLANNING PANEL

SUBJECT: RECORDING OF LOCAL PLANNING PANEL MEETINGS

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

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

CAMDEN LOCAL PLANNING PANEL

SUBJECT: DECLARATION OF INTEREST

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

CAMDEN LOCAL PLANNING PANEL

CLPP01

SUBJECT: **DA/2018/775/2 - MODIFICATION OF AN APPROVED CENTRE-BASED CHILD CARE FACILITY - 18 AND 20 BROUGHTON STREET, CAMDEN**

TRIM #: 19/258519

DA Number:	2018/775/2.
Development:	Modification of an approved centre-based child care facility.
Site Address(es):	18 and 20 Broughton Street, Camden.
Applicant:	Five Canons.
Owner(s):	NP Stamatis Holdings Pty Ltd.
Number of Submissions:	17 (all objecting to the modification).
Development Standard Contravention(s):	None.
Classification:	Local development.
Recommendation:	Approve with modified conditions.
Panel Referral Criteria:	≥10 submissions.
Report Prepared By:	Ryan Pritchard, Principal Planner.

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a modification application (modification) to modify an approved centre-based child care facility at 18 and 20 Broughton Street, Camden.

The Panel is to exercise Council's consent authority functions for this modification as it is subject to 10 or more submissions by way of objection.

SUMMARY OF RECOMMENDATION

That the Panel determine modification 2018/775/2 for changes to an approved centre-based child care facility pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions attached to this report.

EXECUTIVE SUMMARY

The Panel approved development application (DA) 2018/775/1 for a centre-based child care facility at 18 and 20 Broughton Street, Camden at its meeting of 16 April 2019.

The development was granted deferred commencement consent subject to a condition requiring amended plans. The amended plans were to delete part of the outdoor space from the building's front setback area. The applicant subsequently submitted amended plans and the deferred commencement consent was made operational on 30 May 2019. The reduced outdoor space necessitated a reduction in the maximum number of child care places from 88 to 78.

Council is now in receipt of an application which proposes to modify the development.

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

The modification was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011 (Camden DCP). Whilst this is not strictly required by the Camden DCP, it was considered to be in the public interest to do so given that 40 submissions (all objecting to the development) were received during the assessment of the DA. The exhibition period was from 21 June to 9 July 2019. 17 submissions were received (all objecting to the modification).

Following feedback from Council staff the applicant submitted amended plans and additional information. The key amendments included:

- incorporation of an additional part of the front veranda into the outdoor space at the front of the building. This area had been excluded from the outdoor space calculations by the applicant during the assessment of the DA,
- clarification of how the outdoor space for the modification has been calculated,
- an additional 300mm setback for a wall at the end of the driveway to achieve compliance with AS 2890, and
- updated landscaping plans confirming the removal of three existing street trees in the road verge in front of the site. The removal of these trees was approved by the DA.

The key issues raised in the submissions relate to:

- unreasonable traffic impacts,
- insufficient off-street car parking,
- heritage and character impacts, and
- design of the indoor and outdoor spaces.

The Roads and Maritime Services (RMS) Guide to Traffic Generating Development provides that the approved centre-based child care facility (78 children) will generate, on average, 31 vehicle trips in the daily AM peak hour (i.e. one trip every 1 minute, 56 seconds). Applying the RMS Guide to the modification will result in the development as modified (84 children) generating, on average, 34 vehicle trips in the daily AM peak hour (i.e. one trip every 1 minute 46 seconds). The difference in traffic generation between the approved development and the modification is an average of 3 additional vehicle trips in the AM peak hour. This additional vehicular traffic is not considered to be significant and will be easily accommodatable by the surrounding road network.

The Camden DCP, the RMS' Guide to Traffic Generating Development and the Child Care Planning Guideline (CCPG) require that child care facilities provide 1 off-street car parking space per 4 children. The facility will accommodate 84 children which requires 21 spaces. 21 spaces will be provided.

The site is located within the Camden Heritage Conservation Area. The modification proposes only minor changes to the development and none will have any unreasonable adverse impacts upon the heritage values of the site and surrounding Camden Heritage Conservation Area. The majority of the existing vegetation in the building's front setback area will now be retained together with the existing front timber picket fence. The modification will ultimately result in less changes to the site than were approved by the DA.

Compliant indoor and outdoor spaces were demonstrated during the assessment of the DA. The modification proposes only minor changes to the configuration of those spaces. The modified spaces are considered reasonable for a centre-based child care facility and are consistent with the *Education and Care Services National Regulations* and the CCPG.

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

AERIAL PHOTO

THE SITE

The site comprises two properties that are commonly known as 18 and 20 Broughton Street, Camden and are legally described as lots B and A, DP 343009.

The site is rectangular in shape and has a frontage of 33.5m to Broughton Street, a depth of 60.4m and an area of 2,024m². The site slopes upwards from Boughton Street to the rear by a maximum of 4.2m. The site also has a maximum north east-south west cross fall of 2.8m, in line with the prevailing north east-south west downward slope of Broughton Street.

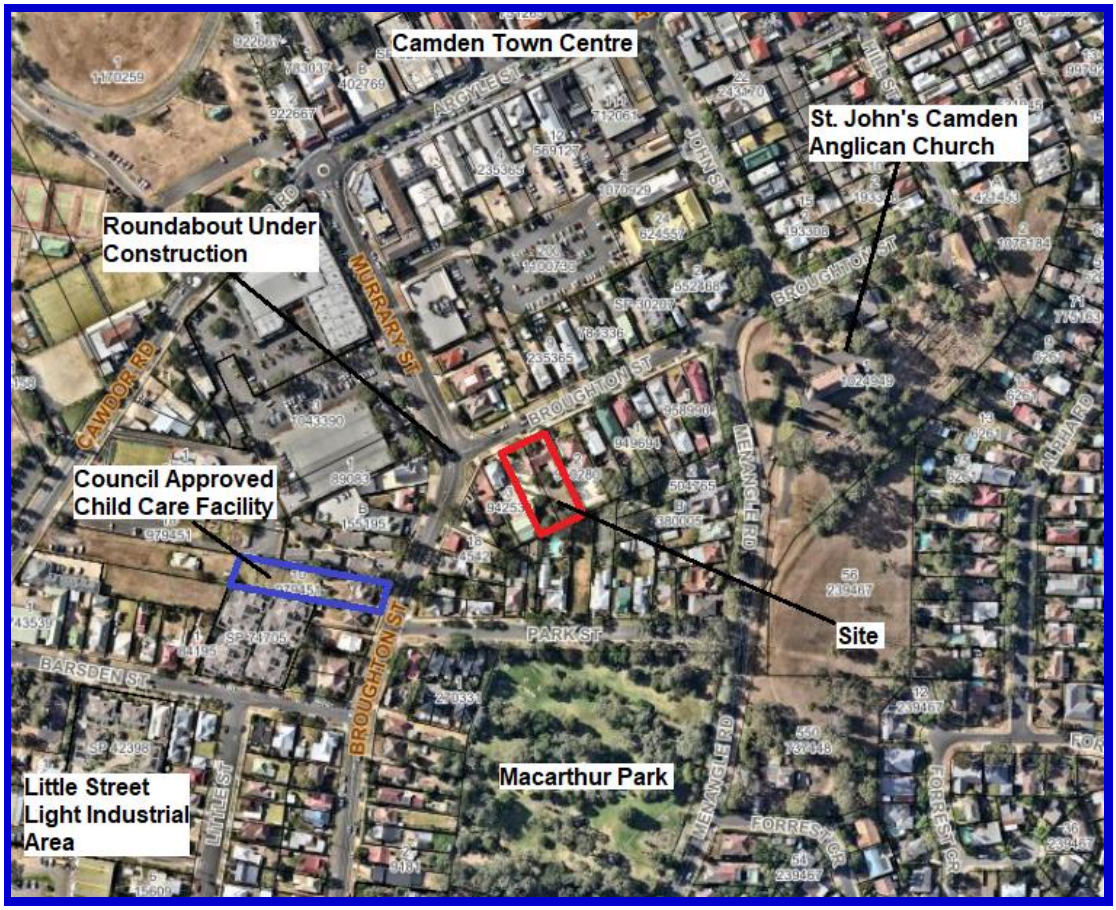
The site contains an existing single storey Art Deco cottage that dates from the 1950s, clad in fibrous cement sheeting and topped with a hipped terracotta tile roof. The building has previously been approved to be used for a variety of purposes prior to its approval as a centre-based child care facility, with the most recent being as a medical centre in late 2017. A timber deck sits within an open grassed area at the rear of the building. The site contains 32 trees including a mature, visually dominant Liquidambar tree that sits within the property's front garden. A vehicular access driveway from/to Broughton Street and ancillary concrete car park exist along the south western side of the site. The site is located within the Camden Heritage Conservation Area.

The surrounding area is predominantly characterised by single storey, detached brick and weatherboard Federation cottages set within landscaped gardens. Many of the cottages are in residential use and many have been adapted for various types of medical centres and business premises and contain at-grade parking behind their building lines. Broughton Street also forms part of several bus routes between Camden South and Campbelltown. The nearest bus stops are located on Murray Street to the north west of the site.

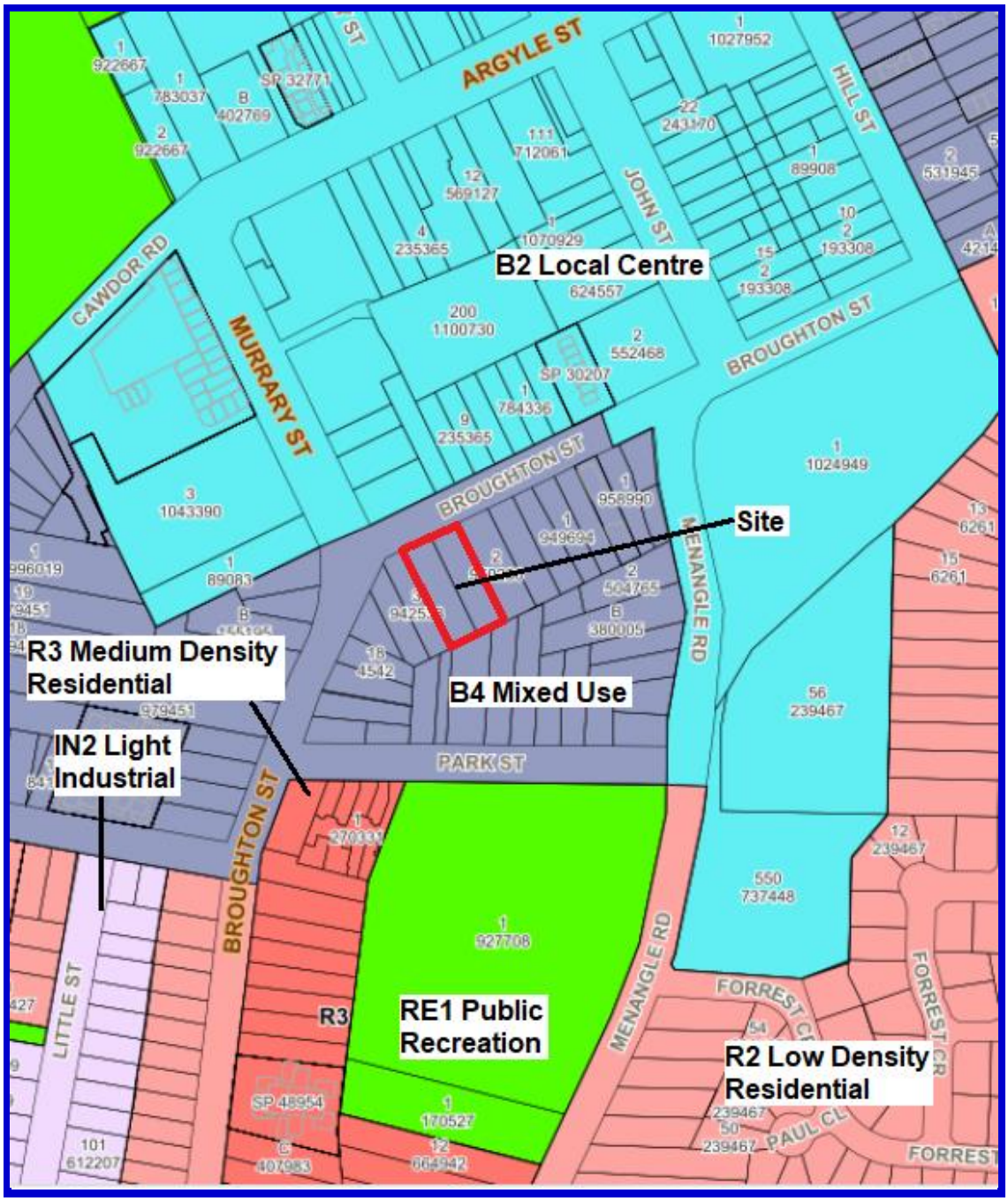
The Camden Town Centre is located to the north west, north and north east. St John's Camden Anglican Church (a State heritage item) lies to the north east on the corner of Broughton Street and Menangle Road. To the east and south lie low density residential properties predominantly characterised by single storey detached dwellings. Macarthur Park also lies to the south on the corner of Park Street and Menangle Road. To the south west lies the Little Street light industrial area.

It is noted that Council has accepted funding from the RMS' Regional Roads REPAIR Program to part fund a new roundabout at the intersection of Broughton Street and Murray Street to improve traffic flow and safety. The roundabout is currently under construction.

It is also noted that at the Ordinary Council meeting of 13 December 2016, Council approved DA/2016/563/1 for the development of a 72 place centre-based child care facility at 31 Broughton Street to the south west of the site. This development has yet to commence and its development consent will expire on 13 December 2019 unless it is commenced by that date.


Camden Town Centre
St. John's Camden Anglican Church
Roundabout Under Construction
Council Approved Child Care Facility
Site
Macarthur Park
Little Street Light Industrial Area
ARGYLE ST
MURRARY ST
BROUGHTON ST
CAWDOR RD
PARK ST
BARSDEN ST
MENANGLE RD
FORREST CR

ZONING PLAN



HISTORY

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

Date	Development
16 April 2019.	Approval of DA/2018/775/1 for alterations, extension and use of the existing building as a 78 place centre-based child care facility, display of signage and associated site works.
18 December 2017.	Approval of DA/2017/670/1 for use of the existing building as a medical centre and associated site works.
24 July 2008.	Approval of DA/2008/486/1 for use of part of the existing

	building as a café, construction of a pergola and associated site works.
21 November 2007.	Approval of DA/2007/904/1 for use of the existing building as a music conservatorium and associated site works.
19 February 2001.	Approval of DA/2001/213/1 for use of the existing building as a holistic healing centre and associated site works.

THE PROPOSAL

Approved Development

The approved development involved:

- removal of 30 existing trees and replacement planting of 24 new trees,
- demolition of part of the existing building including some internal and external walls and a rear veranda,
- construction of alterations and a single storey rear extension to the existing building. The extension will be constructed of painted fibrous cement sheeting and terracotta roof tiles to match the existing building. The extension's maximum height will be 5.9m above existing ground level and it will have a gross floor area of 364m^2,
- use of the building as a centre-based child care facility. The facility will accommodate 78 children in the following age groups:
    - 0-2 years = 32 children,
    - 2-3 years = 20 children, and
    - 3-5 years = 26 children,
- alterations and extension to the site's existing car park. The car park will contain a widened 5.8m, two way vehicular access driveway from/to Broughton Street, a dedicated pedestrian access path, 22 off-street car parking spaces and a dedicated blind aisle turning bay,
- outdoor play spaces at the front and rear of the building containing play equipment and landscaping,
- construction of a single storey outdoor equipment store in the southern corner at the very rear of the site. The store will be constructed of brick, will have a shallow skillion roof and a storage volume of 13.6m^3,
- replacement of an existing timber picket fence along the site's front boundary with a new 1.2m high timber picket fence and a faux pedestrian gate. The fence will return along site's north eastern (side) boundary to the building line. Behind the building line, along the site's north eastern (side) boundary, a 2.1m high lapped and capped timber acoustic fence will be constructed. Along the site's south eastern (rear) boundary, a 2.8m high lapped and capped timber acoustic fence will be constructed,
- display of two business identification signs. One sign will be attached to the picket fence in front of car parking space 1 and the other will be attached to the pedestrian access gate in the picket fence. The signs will have areas of 1.9m^2 and 0.6m^2

respectively and be formed from hand painted timber. The signs will not be illuminated,

- associated site works including the construction of earthworks, retaining walls, drainage and landscaping,
- operating hours of 7am-7pm Monday to Friday, and
- employment of 16 educational staff and one chef.

The estimated cost of the development was $640,000.

Proposed Modification

The modification involves:

- increasing the number of approved child care places from 78 to 84, with 6 additional children to be accommodated in the 3-5 years age group,
- reducing the off-street car parking spaces from 22 to 21,
- minor reconfigurations of the building's footprint and internal layout. This will result in a decrease of 32.4m² in the building's gross floor area,
- reduction in the ridge height of the rear section of the building by 106mm,
- reconfiguration of the development's outdoor spaces. This will include:
    - reconfiguration of the rear and side outdoor spaces to account for the aforementioned reduction in the building footprint and removal of one off-street car parking space,
    - incorporation of an additional part of the front veranda into the outdoor space at the front of the building. This area was accidently excluded from the outdoor space calculations by the applicant during the assessment of the DA,
    - retention of the existing front timber picket fence,
    - deletion of the now redundant play equipment in the front building setback area and retention of most of the existing vegetation therein,
    - planting of one less tree in the front building setback area (a Blueberry Ash tree) that was to replace existing tree 4 (an Ornamental Pear tree). This is to reflect existing condition 2.0(8) of the development consent which requires tree 4 to instead be retained and selectively pruned as it is in sound condition, and
- modification of the approved stormwater drainage system to accommodate the above changes.

The core purpose of the modification is to more closely align the ratio between the development's maximum number of child care places, indoor and outdoor spaces and off-street car parking spaces.

MODIFICATION OF CONSENTS

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, Council staff are satisfied that:

- the modification is of minimal environmental impact,
- the development to which the consent as modified relates is substantially the same as the development for which consent was originally granted,
- the application has been publicly exhibited in accordance with the *Environmental Planning and Assessment Regulation 2000* and Camden Development Control Plan 2011, and
- all submissions received have been considered.

ASSESSMENT

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

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

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

The environmental planning instruments that apply to the modification are:

- State Environmental Planning Policy (Educational and Child Care Facilities) 2017.
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.
- Camden Local Environmental Plan 2010.

State Environmental Planning Policy (Educational and Child Care Facilities) 2017 (Education SEPP)

The Education SEPP aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

Clause 26 of the Education SEPP specifies that certain listed requirements of development control plans do not apply to centre-based child care facilities, including any requirements that are also addressed in Parts 2, 3 and 4 of the CCPG. Notwithstanding, the modification has been assessed against the Camden DCP and it is noted that its provisions are broadly consistent with the CCPG. No modified conditions are recommended that would render the development inconsistent with Clause 26 or the CCPG.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

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

The modification is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the modification. Appropriate erosion and sediment control measures and a

water pollution control device will be retained as part of the development despite the modification.

Camden Local Environmental Plan 2010 (Camden LEP)

Site Zoning

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

Land Use Definitions

The modification will still result in the development being defined as a "centre-based child care facility" and "business identification signs" by the Camden LEP.

Permissibility

A modification to the development is permitted pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*.

Planning Controls

An assessment table in which the modification is considered against the Camden LEP's planning controls is provided as an attachment to this report.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

Camden Development Control Plan 2011 (Camden DCP)

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

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

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

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

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that will continue to be addressed through existing conditions despite the modification.

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

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

Traffic Impacts

The RMS' Guide to Traffic Generating Development provides that the approved centre-based child care facility (78 children) will generate, on average, 31 vehicle trips in the daily AM peak hour (i.e. one trip every 1 minute, 56 seconds).

Applying the RMS Guide to the modification will result in the development as modified (84 children) generating, on average, 34 vehicle trips in the daily AM peak hour (i.e. one trip every 1 minute 46 seconds).

The difference in traffic generation between the development and the modification is an average of 3 additional vehicle trips in the AM peak hour. This additional vehicular traffic is not considered to be significant and will be easily accommodatable by the surrounding road network.

The RMS' guide also recognises that the daily PM peak for child care facilities occurs over a longer but less intense period between 2.30pm and 6pm. This more 'spread out' PM peak reduces the impact of additional vehicular traffic as it occurs over a much longer period. Even when added to the existing traffic volumes in the surrounding road network, the impact of the additional PM peak vehicular traffic is not considered to be significant and will be easily accommodatable.

Off-Street Car Parking

The Camden DCP requires that centre-based child care facilities provide 1 off-street car parking space per 4 children and that one of the spaces is designed for people with a disability. The facility will accommodate 84 children which requires 21 spaces. 21 spaces will be provided and one of the spaces will be designed for people with a disability.

It is noted that the Camden DCP's off-street car parking rate is consistent with the RMS' Guide to Traffic Generating Development which recommends 1 space per 4 children for centre-based child care facilities.

Furthermore, the CCPG specifies that parking should be provided in accordance with the development control plan that applies to the land. It is noted that the CCPG provides that where a development control plan does not specify a parking rate, the parking rate used should be 1 space per 4 children. This is consistent with the Camden DCP which applies to the land.

It should be noted that parking rates are not simply based on the maximum number of people that could ever attend a development at any time. The rates are informed by surveys of different land uses whilst they are in operation. This gives a more accurate reflection of the amount of parking that is reasonably required on average and acknowledges the reality that a proportion of visitors will also access development via walking, cycling and public transport. Furthermore, the provision of car parking needs to be considered against the characteristics of how that parking will actually be used.

Child care parking facilities are busiest in the AM peak period however it is noted that during the day they are typically under-utilised for substantial periods. Parking rates take such characteristics into account and recognise that providing large car parks that are only used for short periods of time is an inefficient, uneconomic and unreasonable use of land.

Consequently, it is considered that the modification will provide sufficient off-street car parking spaces to accommodate staff and visitors.

Section 4.15(3A)(a) of the *Environmental Planning and Assessment Act 1979* provides that if development complies with a development control plan, the consent authority cannot impose more onerous requirements upon that development.

(c) the suitability of the site for the development

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

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

The modification was publicly exhibited for a period of 14 days in accordance with the Camden DCP. Whilst this is not strictly required by the Camden DCP, it was considered to be in the public interest to do so given that 40 submissions (all objecting to the development) were received during the assessment of the DA. The exhibition period was from 21 June to 9 July 2019. 17 submissions were received (all objecting to the modification).

The following discussion addresses the issues raised in the submissions.

1. *Unreasonable additional traffic generation through over development of the site.*

Officer comment:

The development's traffic generation and associated impacts have been assessed in the "likely impacts…" section of this report.

2. *The site is very close to the intersection of Broughton and Murray Streets which will render the development extremely dangerous. A new roundabout to be constructed at that intersection will result in congestion, parking and safety issues at peak times.*

Officer comment:

The site's proximity to the intersection of Broughton and Murray Streets will not render it unsafe for the modification, noting that an average of only 3 additional vehicle trips in the AM peak period will result from it. A new roundabout is under construction at the intersection which may lead to reduced vehicle 'storage capacity' for vehicles turning left from Murray Street into Broughton Street. However, given the low volume of additional traffic that will be generated by the modification, it is not anticipated that there will be significant numbers of vehicles waiting to turn right into the site, all at once, after exiting the roundabout.

3. *The development will cause conflict between cars entering and exiting the site and buses that utilise Broughton Street.*

Officer comment:

On average, only 3 additional vehicle trips in the AM peak hour will result from the modification. The additional vehicle traffic is not considered to be significant and will not cause conflict between cars and buses utilising Broughton Street.

4. *Broughton Street has little or no on-street parking capacity which limits on-street space for drop-offs to the development.*

Officer comment:

The modification will provide off-street car parking in full compliance with the Camden DCP, the RMS' Guide to Traffic Generating Development and the CCPG. This provision is reasonable and the use of existing on-street parking will not ordinarily be necessary. Off-street car parking provision has been assessed in the "likely impacts…" section of this report.

5. *On-Street Parking on Broughton Street will reduce on-street parking availability for existing residences and businesses.*

Officer comment:

As Broughton Street offers unrestricted on-street parking, staff and visitors may legally park thereon in the same way that staff or visitors to any of the surrounding businesses may park thereon. Notwithstanding, sufficient off-street car parking spaces will be provided in accordance with the relevant planning controls. Therefore, the use of existing on-street car parking will not ordinarily be necessary.

6. *Insufficient off-street car parking has been proposed.*

Officer comment:

Off-street car parking provision has been assessed in the "likely impacts…" section of this report.

7. *The car park is unsafe and does not provide sufficient space for cars to safely manoeuvre through the site. This will cause staff and visitors to use the limited on-street parking available on Broughton Street. Additionally, the turning bay is not sufficiently dimensioned to allow turning maneouvres.*

Officer comment:

The modification proposes only minor changes to the car park's configuration and will comply with Council's engineering specifications and the relevant Australian Standards. Vehicles will be able to safely maneouvre into and out of all of the car parking spaces and through the site. It is not expected that the use of on-street parking on Broughton Street will be ordinarily necessary.

8. *Bottlenecks in the car park will occur at busy times as vehicles must cross to other sides of the driveway in order to manoeuvre into parking spaces.*

Officer comment:

On average, only 3 additional vehicle trips in the AM peak hour will result from the modification. The additional vehicle traffic is not considered to be significant and will not overload the car park or cause bottlenecks during the AM peak hour.

9. *Car parking space 1 is uncomfortably tight and cannot be easily used.*

Officer comment:

The modification does not propose to change the location or configuration of car parking space 1. All of the car parking spaces have been designed to comply with Council's engineering specifications and the relevant Australian Standards and can be adequately accessed.

10. *If approved, the development must provide sufficient off-street car parking and traffic management.*

Officer comment:

The modification will provide off-street car parking in full compliance with the Camden DCP, the RMS' Guide to Traffic Generating Development and the CCPG. Off-street car parking provision has been assessed in the "likely impacts…" section of this report.

Adequate traffic management will occur as existing conditions that require car park line marking, management of staff parking and coordination of waste and delivery vehicles attending the site will be maintained.

11. *Clear and safe pedestrian access from the car parking area to the building entry is required and has not been achieved.*

Officer comment:

The modification proposes only minor changes to the car park's configuration. The development as modified will maintain a dedicated pedestrian access path adjacent to the majority of the car parking spaces that will allow pedestrians to adequately move from the car park to the building entry and back.

12. *The pedestrian access path should be wide enough for two prams to pass each other.*

Officer comment:

The modification does not propose to change the width of the pedestrian access path. The path will remain 1m wide which will not allow two prams to pass each other. The path cannot be increased in width due to constraints set by the existing building, side boundaries, required vehicle access driveway widths and car parking space lengths. It is noted that the CCPG suggests pedestrian access paths be wide enough to let two prams pass each other however it is not a mandatory requirement and not essential for the development to operate successfully.

13. *The pedestrian access path behind the parking spaces is unsafe as cars may drive over it while attempting to park. Bollards should be provided to protect people using the path.*

Officer comment:

The modification does not propose to change the relationship between the pedestrian access path and the adjacent car parking spaces. All of the car parking spaces that directly adjoin the pedestrian access path will have wheel stops to ensure vehicles stop in the correct position and not accidently drive over the pedestrian access path.

14. *Children using the pedestrian access path can easily run into the path of a vehicle in the car park.*

Officer comment:

The modification does not propose to change the relationship between the pedestrian access path and the adjacent car parking spaces. Parents will be responsible for managing the safety of their children when accessing the site.

15. *The development will detract from the character of the street and heritage conservation area through the loss of mature vegetation.*

Officer comment:

The DA approved the removal of 30 existing trees from the site. The modification does not propose to remove any additional trees and proposes to retain most of the existing vegetation in the building's front setback area.

16. *A child care centre will degrade the heritage value and amenity of Broughton Street.*

Officer comment:

The DA determined that the site is suitable for a centre-based child care facility. The modification proposes only minor changes to the development and none will have any unreasonable adverse impacts upon the heritage values of the site and surrounding Camden Heritage Conservation Area. The majority of the existing vegetation in the building's front setback area will now be retained together with the existing front timber picket fence. The modification will ultimately result in less changes to the site than were approved by the DA.

17. *Unreasonable noise impacts.*

Officer comment:

The DA assessed noise impacts from the development and it was determined that the facility could accommodate 88 children and achieve compliance with Council's Environmental Noise Policy. The modification proposes to accommodate only 84 children which will not result in any unreasonable adverse noise impacts.

18. *Several concerns are raised with how the applicant has calculated the provision of outdoor play space. The site is too small for the number of proposed child care places.*

Officer comment:

Compliant outdoor space was demonstrated during the assessment of the DA. The modification proposes only minor changes to the configuration of that space. In specific response to the key issues raised in the submissions:

- the calculations do not include the pedestrian access path between the building and the car park,

- the outdoor space located along the north eastern side of the building is a usable play space with landscaping provided to enhance the environment rather than dense screening to obscure it from view. It is noted that the modification will increase the width of this area by 500mm which will enhance its usability,

- the modification proposes only minor changes to the development's landscaping. These changes are a consequence of the proposed reconfiguration of the rear and side outdoor spaces. The landscaping remains suitable for use in outdoor spaces in a centre-based child care facility, and

- the veranda can be used as an outdoor space as it will be open for at least one third of its perimeter. The veranda's north western and south western sides will be open save for an existing open style safety fence.

The modification will provide sufficient outdoor space to accommodate 6 additional children as proposed.

19. *Some of the outdoor storage spaces are inaccessible due to landscaping and are unsuitable for storage due to their long narrow shapes.*

Officer comment:

The modification does not propose to change the outdoor storage areas along the north eastern side of the building. The applicant has agreed to an additional condition requiring the modification of the entries to these areas to ensure they are accessible.

20. *Some of the indoor rooms will be too cramped to be useful.*

Officer comment:

The modification proposes only minor changes to the internal configuration of the building, room layouts and sizes. The resultant internal spaces are considered to be reasonable for use in a centre-based child care facility.

21. *The applicant has included parts of the internal stairs and their approaches in the indoor space calculations.*

Officer comment:

The modification does not propose to change the areas near the internal stairs that the DA approved as part of the indoor space. It is noted that the internal stairs have not been included in the indoor space however the approaches to them have been which is reasonable.

22. *The draft CCPG recommends specific sizes for different rooms which will not be achieved and requires a larger area for the car park.*

Officer comment:

Several of the submissions refer to a 2016 draft CCPG. The adopted CCPG is the current 2017 version. The CCPG does not provide mandatory minimum site, car parking or room size requirements.

23. *Referral to the Department of Education is required.*

Officer comment:

Clause 22 of the CCPG requires DAs that do not comply with the indoor and outdoor unencumbered space requirements of the *Education and Care Services National Regulations* to be referred to the Department of Education for concurrence. However, the subject application is a modification and not a DA therefore this clause is not applicable.

Notwithstanding the above, the development as modified will comply with the indoor and outdoor unencumbered space requirements of the *Education and Care Services National Regulations*.

It is noted that existing condition 6.0(20) will allow the facility to accommodate a maximum of 84 children and that the applicant must undertake a separate licensing process with the Department of Education. Should the Department of Education determine that that the facility is only suitable for a lower number of children, the condition does not prevent the maximum number of children being capped at that lower number.

24. *The submitted plans are not clear as to the proposed architectural changes and their impact upon the building's heritage value to Camden.*

Officer comment:

The submitted plans adequately demonstrate all of the changes proposed to the development. It is noted that the architectural changes proposed to the building are very minor and will not adversely impact the building's heritage value to Camden.

25. *The site is not the right location for a centre-based child care facility.*

Officer comment:

The DA determined that the site is suitable for a centre-based child care facility. The modification proposes minor changes to that development and its assessment is limited to only those minor changes.

26. *Centre-based child care facilities are not required in Camden and should be located in growing areas to the north and east.*

Officer comment:

The applicant submitted a child care needs assessment in support of the DA. The assessment concluded that there is a demand for child care places within the development's catchment area, that 100 additional places are required to address

current demands and that by 2023, between 250-350 additional places will be required due to ongoing population growth.

Notwithstanding the above, the NSW planning framework does not require that applicants demonstrate a 'need' for development that they propose. The consent authority must be satisfied that the development is permitted with consent in the zone in which it is proposed and consider its consistency with a range of planning controls including the zone objectives and the provisions of the CCPG and the Camden DCP. The need for and long-term viability of the development is a business decision for the applicant to make.

The above is supported by Clause 26(1)(b) of the Education SEPP which provides that any requirement of a development control plan that requires there to be a demonstrated need or demand for child care services does not apply. This further reinforces that the 'need' for development need not be demonstrated.

27. *The issues that were raised regarding the development during the assessment of the DA are raised again.*

Officer comment:

Many of the submissions refer to the issues raised in submissions made during the assessment of the DA. Those issues were assessed in detail during the assessment of the DA and the DA's assessment report is provided as an attachment to this report for reference.

(e) the public interest

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

Child Care Planning Guideline (CCPG)

Clause 23 of the Education SEPP requires the consent authority to take into consideration any applicable provisions of the CCPG before determining a DA for a centre-based child care facility. However, the subject application is a modification and not a DA, therefore this clause is not applicable.

Notwithstanding the above, the modification has been considered against the applicable provisions of the CCPG and is consistent with them.

EXTERNAL REFERRALS

No external referrals were required for the assessment of the modification.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The modification has been assessed in accordance with Sections 4.55(1A) and 4.15(1)

of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The modification is recommended for approval subject to the modified conditions attached to this report.

RECOMMENDED

That the Panel approve DA/2018/775/2 for the modification of an approved centre-based child care facility at 18 and 20 Broughton Street, Camden subject to the modified conditions attached to this report.

REASONS FOR DETERMINATION

1. The modification is, subject to the modified conditions, consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Educational and Child Care Facilities) 2017, Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River and Camden Local Environmental Plan 2010.

2. The modification is, subject to the modified conditions, consistent with the objectives of Camden Development Control Plan 2011.

3. The development as modified is considered to be of an appropriate scale and form for the site and the character of the locality.

4. The modification is, subject to the modified conditions, unlikely to have any unreasonable adverse impacts upon the natural or built environments.

5. In consideration of the aforementioned reasons, the development as modified is a suitable and planned use of the site and its approval is within the public interest.

ATTACHMENTS

1. Camden Local Planning Panel Assessment Report for DA/2018/775/1
2. Camden LEP Assessment Table
3. Camden DCP Assessment Table
4. Modified Conditions
5. Proposed Plans
6. Submissions - *Supporting Document*
7. Public Exhibition and Submissions Map - *Supporting Document*

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CAMDEN LOCAL PLANNING PANEL

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SUBJECT: DA/2018/775/1 - ALTERATIONS, EXTENSION AND USE OF AN EXISTING BUILDING AS AN 88 PLACE CENTRE-BASED CHILD CARE FACILITY, DISPLAY OF SIGNAGE AND ASSOCIATED SITE WORKS - 18 AND 20 BROUGHTON STREET, CAMDEN

TRIM #: 19/89948

DA Number:	2018/775/1.
Development:	Alterations, extension and use of an existing building as an 88 place centre-based child care facility, display of signage and associated site works.
Estimated Cost of Development:	$640,000.
Site Address(es):	18 and 20 Broughton Street, Camden.
Applicant:	Five Canons Architecture.
Owner(s):	NP Stamatis Holdings Pty Ltd.
Number of Submissions:	40 (all objecting to the development).
Development Standard Contravention(s):	None.
Classification:	Local development.
Recommendation:	Approve with conditions.
Panel Referral Criteria:	≥10 submissions.
Report Prepared By:	Ryan Pritchard, Principal Planner.

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for a centre-based child care facility at 18 and 20 Broughton Street, Camden.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minster for Planning's Section 9.1 Direction, it is subject to 10 or more submissions by way of objection.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2018/775/1 for a centre-based child care facility pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a centre-based child care facility at 18 and 20 Broughton Street, Camden.

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

When originally lodged the DA proposed a 99 place centre-based child care facility. The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011 (Camden DCP). The exhibition period was from 18 to 31 July 2018. 20 submissions were received (all objecting to the development).

Following feedback from Council staff the applicant submitted amended plans and additional information. The key amendments included:

- reducing the number of child care places from 99 to 91,
- reducing the number of off-street car parking spaces from 25 to 23,
- provision of a dedicated pedestrian access path separated from the vehicular access,
- additional tree removal and compensatory landscaping, and
- improved configuration of the facility's indoor and outdoor play spaces.

The DA was publicly re-exhibited for a period of 14 days in accordance with the Camden DCP. The re-exhibition period was from 28 November to 11 December 2018. 19 submissions were received (all objecting to the development). A late submission objecting to the development was subsequently received in March 2019.

Following further feedback from Council staff the applicant submitted further amended plans and additional information. The key amendments included:

- reducing the number of child care places from 91 to 88,
- reducing the number of off-street car parking spaces from 23 to 22,
- provision of a dedicated blind aisle turning bay at the south eastern end of the car park,
- improved configuration of the facility's indoor and outdoor play spaces, and
- redesigned waste bin storage area and additional compensatory landscaping.

The above amendments are depicted in the proposed plans attached to this report.

The key issues raised in the submissions relate to:

- unreasonable traffic impacts,
- insufficient off-street car parking,
- tree removal,
- heritage and character impacts, and
- noise impacts.

The Roads and Maritime Services' (RMS) Guide to Traffic Generating Development provides that a centre-based child care facility that accommodates 88 children will generate, on average, 35 vehicle trips in the daily AM peak hour (i.e. one trip every 1 minute, 43 seconds). It is also noted that the previously approved medical centre use for the site would have generated, on average, 29 vehicle trips in the AM peak hour. The development will therefore generate an additional 6 net vehicle trips per hour (i.e. one trip every 10 minutes) during the AM peak hour over and above the latest use that has already been approved for the site. This additional vehicular traffic is not considered to be significant and will be easily accommodatable by the surrounding road network.

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The Camden DCP, the RMS' Guide to Traffic Generating Development and the Child Care Planning Guideline (CCPG) require that child care facilities provide 1 off-street car parking space per 4 children. The facility will accommodate 88 children which requires 22 spaces. 22 spaces will be provided.

The site contains 32 existing trees and the DA proposes to remove 31 of them. The trees have been assessed and only three were found to be of moderate significance and in good health. The other trees to be removed were found to be of low significance with many being in poor condition and containing defects. To offset the removal of the 31 trees the applicant has submitted landscaping plans which propose the planting of 24 new trees. The applicant has also agreed to replace the three existing 'Black Cherry Plum' street trees in the road verge in front of the site with three new Blue Jacaranda trees. Subject to retaining one of trees proposed to be removed (tree 4, an Ornamental Pear tree), it is considered that the replacement trees, together with other landscaping in the form of shrubs, groundcovers and a landscaped trellis, will adequately offset the proposed tree removal. It is acknowledged that there will be a decrease in tree canopy in the area in the short-term; however, the replacement trees will result in a better long-term outcome for the area.

The site is located within the Camden Heritage Conservation Area. The site is not listed as a heritage item however Table B4 of the Camden DCP identifies it as being a potential heritage item for the future. The rear extension will have a compatible single storey form and be constructed of painted fibrous cement sheeting and terracotta roof tiles to match the existing building. The front of the building will be largely retained as is with most existing timber framed doors and windows to be retained and made good. An existing single door and window will each be converted into double doors that will match the style of the central veranda door. The front of the site will remain in a similar configuration to that which currently exists. Car parking spaces 1 and 2 will sit forward of the building line however they will be set behind a proposed 1.2m high timber picket fence and landscaping.

Overall the development will maintain the essence of the site's character, being a detached single storey building with appropriate materials and detailing, set within landscaped gardens. This outcome is considered appropriate for the Camden Heritage Conservation Area and Broughton Street.

The applicant has submitted an acoustic impact assessment in support of the DA. The assessment makes several recommendations to control adverse noise impacts from the development including construction of 2.1m high acoustic fencing and incorporating noise management practices into the facility's operational management plan. Subject to these recommendations, the development will be consistent with Council's Environmental Noise Policy and unreasonable adverse noise impacts will be unlikely.

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

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AERIAL PHOTO

THE SITE

The site comprises two properties that are commonly known as 18 and 20 Broughton Street, Camden and are legally described as lots B and A, DP 343009.

The site is rectangular in shape and has a frontage of 33.5m to Broughton Street, a depth of 60.4m and an area of 2,024m². The site slopes upwards from Boughton Street to the rear by a maximum of 4.2m. The site also has a maximum north east-south west cross fall of 2.8m, in line the prevailing north east-south west downward slope of Broughton Street.

The site contains an existing single storey Art Deco cottage that dates from the 1950s, clad in fibrous cement sheeting and topped with a hipped terracotta tile roof. The building has previously been approved to be used for a variety of purposes with the most recent being as a medical centre in late 2017. A timber deck sits within an open grassed area at the rear of the building. The site contains 32 trees including a mature, visually dominant Liquidambar tree that sits within the property's front garden. A vehicular access driveway from/to Broughton Street and ancillary concrete car park exist along the south western side of the site. The site is located within the Camden Heritage Conservation Area.

The surrounding area is predominantly characterised by single storey, detached brick and weatherboard Federation cottages set within landscaped gardens. Many of the cottages are in residential use and many have been adapted for various types of medical centres and business premises, and contain at-grade parking behind their building lines. Broughton Street also forms part of several bus routes between Camden South and Campbelltown. The nearest bus stops are located on Murray Street to the north west of the site.

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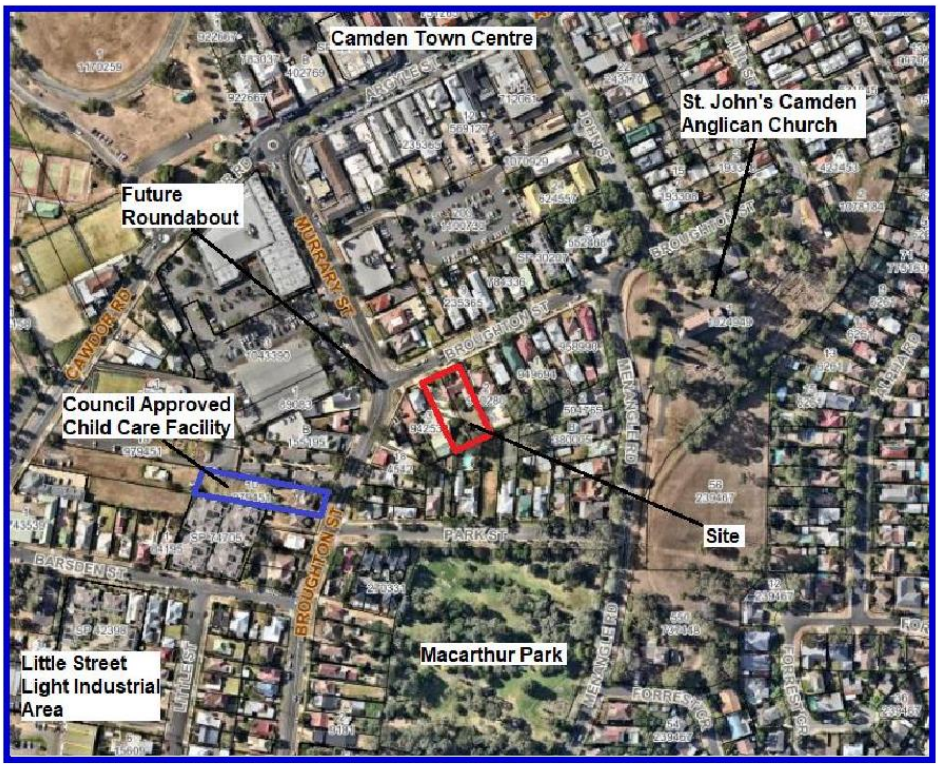
The Camden Town Centre is located to the north west, north and north east. St John's Camden Anglican Church (a State heritage item) lies to the north east on the corner of Broughton Street and Menangle Road. To the east and south lie low density residential properties predominantly characterised by single storey detached dwellings. Macarthur Park also lies to the south on the corner of Park Street and Menangle Road. To the south west lies the Little Street light industrial area.

It is noted that Council has accepted funding from the RMS' Regional Roads REPAIR Program to part fund a future roundabout at the intersection of Broughton Street and Murray Street to improve traffic flow and safety.

It is also noted that at the Ordinary Council meeting of 13 December 2016, Council approved DA/2016/563/1 for the development of a 72 place centre-based child care facility at 31 Broughton Street to the south west of the site. This development has yet to commence and its development consent will expire on 13 December 2019 unless it is commenced by that date.



HISTORY

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

Date	Development
18 December 2017.	Approval of DA/2017/670/1 for use of the existing building as a medical centre and associated site works.
24 July 2008.	Approval of DA/2008/486/1 for use of part of the existing building as a café, construction of a pergola and associated

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	site works.
21 November 2007.	Approval of DA/2007/904/1 for use of the existing building as a music conservatorium and associated site works.
19 February 2001.	Approval of DA/2001/213/1 for use of the existing building as a holistic healing centre and associated site works.

THE PROPOSAL

DA/2018/775/1 seeks approval for a centre-based child care facility.

Specifically the development involves:

- removal of 31 existing trees and replacement planting of 24 new trees,
- demolition of part of the existing building including some internal and external walls and a rear veranda,
- construction of alterations and a single storey rear extension to the existing building. The extension will be constructed of painted fibrous cement sheeting and terracotta roof tiles to match the existing building. The extension's maximum height will be 5.9m above existing ground level and it will have a gross floor area of 364m²,
- use of the building as a centre-based child care facility. The facility will accommodate 88 children in the following age groups:
  - 0-2 years = 32 children,
  - 2-3 years = 20 children, and
  - 3-5 years = 36 children,
- alterations and extension to the site's existing car park. The car park will contain a widened 5.8m, two way vehicular access driveway from/to Broughton Street, a dedicated pedestrian access path, 22 off-street car parking spaces and a dedicated blind aisle turning bay,
- outdoor play spaces at the front and rear of the building containing play equipment and landscaping,
- construction of a single storey outdoor equipment store in the southern corner at the very rear of the site. The store will be constructed of brick, will have a shallow skillion roof and a storage volume of 13.6m³,
- replacement of an existing timber picket fence along the site's front boundary with a new 1.2m high timber picket fence and a faux pedestrian gate. The fence will return along site's north eastern (side) boundary to the building line. Behind the building line, along the site's north eastern (side) boundary, a 2.1m high lapped and capped timber acoustic fence will be constructed. Along the site's south eastern (rear) boundary, a 2.1m high lapped and capped timber acoustic fence will be constructed,
- display of two business identification signs. One sign will be attached to the picket fence in front of car parking space 1 and the other will be attached to the pedestrian access gate in the picket fence. The signs will have areas of 1.9m² and 0.6m²

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respectively and be formed from hand painted timber. The signs will not be illuminated,

- associated site works including the construction of earthworks, retaining walls, drainage and landscaping,
- operating hours of 7am-7pm Monday to Friday, and
- employment of 16 educational staff and one chef.

The estimated cost of the development is $640,000.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

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

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

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Educational and Child Care Facilities) 2017.
- State Environmental Planning Policy No. 55 - Remediation of Land.
- State Environmental Planning Policy No. 64 - Advertising and Signage.
- Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River.
- Camden Local Environmental Plan 2010.

State Environmental Planning Policy (Educational and Child Care Facilities) 2017 (Education SEPP)

The Education SEPP provides a consistent State-wide planning regime for education establishments and early education and care facilities.

Clause 22 of the Education SEPP requires that concurrence from the Department of Education be obtained should the development not comply with the indoor and outdoor space requirements of the *Education and Care Services National Regulations*. The development complies with the indoor and outdoor space requirements of the Regulations and therefore concurrence from the Department of Education is not required.

Clause 23 of the Education SEPP requires the consent authority to take into consideration any applicable provisions of the CCPG. An assessment table in which the development is considered against the CCPG is provided as an attachment to this report.

Clause 26 of the Education SEPP specifies that certain listed requirements of development control plans do not apply to centre-based child care facilities, including those matters contained within Parts 2, 3 and 4 of the CCPG. Notwithstanding, the development has been assessed against the Camden DCP and it is noted that its provisions are broadly consistent with the CCPG. No conditions are recommended that would render the development inconsistent with Clause 26 or the CCPG.

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

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

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

The applicant has submitted a preliminary contamination investigation in support of the DA. The investigation noted that the existing building's fibrous cement sheeting may contain asbestos and recommended that this be further assessed through a hazardous asbestos survey before the commencement of demolition works. The investigation concluded that the site is suitable for the development.

Council staff have reviewed the investigation, agree with its findings and are satisfied that the site is suitable for the development. Conditions are recommended that require a hazardous building materials assessment and post-demolition soil sampling to be undertaken. This will ensure that no respirable asbestos fibres remain on the ground. Additionally, a standard contingency condition is recommended that requires any contamination found during construction be managed in accordance with Council's Management of Contaminated Lands Policy.

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

SEPP 64 aims to ensure that signage is compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations and is of high quality design and finish.

Clause 8 of SEPP 64 requires the consent authority to be satisfied that signage is consistent with the objectives of SEPP 64 and the assessment criteria specified in Schedule 1.

Council staff are satisfied that the signage is consistent with SEPP 64's objectives in that it is compatible with the desired amenity and visual character of the area, will provide effective communication by displaying the business' name and logo and will be of a high quality design and finish that is appropriate for a heritage conservation area. Council staff have also considered SEPP 64's Schedule 1 assessment criteria and are satisfied that the signage is consistent with it.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

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

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

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Camden Local Environmental Plan 2010 (Camden LEP)

Site Zoning

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

Land Use Definitions

The development is defined as a "centre-based child care facility" and "business identification signs" by the Camden LEP.

Permissibility

A "centre-based child care facility" and "business identification signs" are permitted with consent in the B4 Mixed Use zone pursuant to the land use table in the Camden LEP.

Planning Controls

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

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

Camden Development Control Plan 2011 (Camden DCP)

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

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

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

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

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

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

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

Traffic Impacts

The applicant has submitted a traffic, access and parking assessment in support of the DA. Council staff, including Council's traffic engineer, have reviewed the assessment and are satisfied that the development is unlikely to have any unreasonable adverse impacts upon the operation of the surrounding road network.

The RMS' Guide to Traffic Generating Development provides that a centre-based child care facility that accommodates 88 children will generate, on average, 35 vehicle trips in the daily AM peak hour (i.e. one trip every 1 minute, 43 seconds). It is also noted that the approved medical centre use for the site would have generated, on average, 29 vehicle trips in the AM peak hour. It is appropriate to deduct the approved vehicle trips for the site (29) from the proposed vehicle trips (35) to understand the true extent of the development's impact. Doing so results in the development generating an additional 6 net vehicle trips per hour (i.e. one trip every 10 minutes) during the AM peak hour over and above the latest use that has already been approved for the site. This additional vehicular traffic is not considered to be significant and will be easily accommodatable by the surrounding road network.

The RMS' guide also recognises that the daily PM peak for child care facilities occurs over a longer but less intense period between 2.30pm and 6pm. This more 'spread out' PM peak reduces the impact of additional vehicular traffic as it occurs over a much longer period. Even when added to the existing traffic volumes in the surrounding road network, the impact of the additional PM peak vehicular traffic is not considered to be significant and will be easily accommodatable.

Off-Street Car Parking

The Camden DCP requires that centre-based child care facilities provide 1 off-street car parking space per 4 children and that one of the spaces is designed for people with a disability. The facility will accommodate 88 children which requires 22 spaces. 22 spaces will be provided and one of the spaces will be designed for people with a disability.

It is noted that the Camden DCP's off-street car parking rate is consistent with the RMS' Guide to Traffic Generating Development which recommends 1 space per 4 children for centre-based child care facilities.

Furthermore, the CCPG specifies that parking should be provided in accordance with the development control plan that applies to the land. It is noted that the CCPG provides that where a development control plan does not specify a parking rate, the parking rate used should be 1 space per 4 children. This is consistent with the Camden DCP which applies to the land.

It should be noted that parking rates are not simply based on the maximum number of people that could ever attend a development at any time. The rates are informed by surveys of different land uses whilst they are in operation. This gives a more accurate reflection of the amount of parking that is reasonably required on average and acknowledges the reality that a proportion of visitors will also access development via walking, cycling and public transport. Furthermore, the provision of car parking needs to be considered against the characteristics of how that parking will actually be used.

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Child care parking facilities are busiest in the AM peak period however it is noted that during the day they are typically under-utilised for substantial periods. Parking rates take such characteristics into account and recognise that providing large car parks that are only used for short periods of time is an inefficient, uneconomic and unreasonable use of land.

Consequently it is considered that the development will provide sufficient off-street car parking spaces to accommodate staff and visitors.

Section 4.15(3A)(a) of the *Environmental Planning and Assessment Act 1979* provides that if development complies with a development control plan, the consent authority cannot impose more onerous requirements upon that development.

Tree Removal and Replacement Landscaping

The site contains 32 existing trees and the DA proposes to remove 31 of them. The trees proposed to be removed are:

- 1 Ornamental Pear tree.
- 7 Cyprus trees.
- 4 Chinese Tallowoods.
- 1 Boxelder Maple.
- 8 Canary Island Date Palms.
- 1 Crepe Myrtle.
- 5 Desert Ashes.
- 1 Willow Bottlebrush.
- 1 Lacebark tree.
- 1 Blue Jacaranda.
- 1 White Cedar.

Three of the trees to be removed are native trees (the Willow Bottlebrush, the Lacebark tree and the White Cedar).

The applicant has submitted an arborist report in support of the DA. The report assessed the condition and significance of the existing trees and found that of the 31 to be removed, only three were of moderate significance and in good health. The other trees to be removed were found to be of low significance with many being in poor condition and containing defects. To offset the removal of the 31 trees the applicant has submitted landscaping plans which propose the planting of 24 new trees. The new trees to be planted will be a mix of Japanese Maples, Old Man Banksias, Blueberry Ashes, Crepe Myrtles and Broad Leaf Paper Barks.

In addition, following discussion with Council staff, the applicant has agreed to replace the three existing 'Black Cherry Plum' street trees in the road verge in front of the site with three new Blue Jacaranda trees. The three existing street trees are in a poor condition and of little amenity value.

Council staff, including Council's landscape officer, have reviewed the arborist report and landscaping plans. The recommendations of the arborist report are considered reasonable having regard to the limited significance and condition of the majority of the trees to be removed.

The following further details Council staff's consideration of the proposed tree removal:

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- Front of the site (trees 4, 6 and 7) - Tree 6 has a failed central leader and is required to be removed to facilitate a widened 5.8m, two way vehicular access driveway. Tree 7 must also be removed to facilitate alterations to the car park area. Following assessment, it is considered that tree 4 can and should be retained. The tree is in a sound condition, will not negatively impact upon the front outdoor play space and will provide mature landscape softening for the front of the site in tandem with the retained Liquidambar tree (tree 5). Conditions are recommended to allow its pruning and ensure its protection and retention.

- Area in the vicinity of the car park (trees 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 29) - These trees are required to be removed to facilitate the expansion of the car park and a two-way vehicular access driveway. Trees 8-14 (inclusive) that line the south western side of the driveway must be removed to achieve a compliant driveway width for the site. Modifications to retain them are not possible as the physical space available for the driveway is constrained by the position of the existing building, the pedestrian access path and the existing south western (side) boundary. A landscaped trellis will be provided along the south western side of the driveway to 'green' that aspect of the site.

- Middle of the site (trees 19, 20, 21, 22, 23, 24 and 25) - These trees are required to be removed to facilitate a reasonable building footprint for the development. It would be difficult to design around them and would likely compromise their long-term health and condition.

- Rear of the site (trees 26, 27, 28, 30, 31, 32, 33, 34 and 35) - The majority of these trees are in poor condition and exhibiting various defects including co-dominance, poor forms and suppressed canopies. Four Canary Island Date Palms (trees 28, 31, 33 and 35) are in a reasonable condition however are not suitable for use in a child care facility due to their sharp fronds and common harbouring of rats and starlings. Council staff have inspected the palms and consider that they are self-sown and approximately 15-20 years old. The palms are considered to be of low retention value and significance to the site. Tree 34 is a White Cedar tree which is poisonous and not suitable for a child care facility.

  It is acknowledged that the existing trees at the rear of the site provide upper canopy landscaping for the area. A condition is recommended to ensure that the six replacement trees proposed along the rear of the site are increased from 100 litre to 200 litre container sizes. This will help ensure the quicker replacement of upper canopy landscaping for the area.

The replacement trees, together with other landscaping in the form of shrubs, groundcovers and the landscaped trellis, will adequately offset the proposed tree removal. The replacement trees will be better spaced than the existing trees which will facilitate superior upper tree canopy in the long-term and will more closely link to the vegetation communities and landscaped character of Camden. The replacement trees are also more consistent with Council's preferred tree and landscape species list which provides a species palette suitable for planting in the Camden LGA. It is acknowledged that there will be a decrease in tree canopy in the short-term; however the replacement trees will result in a better long-term outcome for the area for the aforementioned reasons.

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Biodiversity Conservation Act 2016

The Camden LGA is designated as a "Western Sydney Interim Designated Area." This means that the legislation that applied prior to the gazettal of the *Biodiversity Conservation Act 2016* applies to the Camden LGA until 25 November 2019. The previous legislation was the *Threatened Species Conservation Act 1995*. Council staff have assessed the development and are satisfied that it will not have a significant impact upon any threatened species. This is because the site's vegetation is best described as scattered exotic plantings (29 trees) and 3 native trees. Additionally, the site and vegetation have limited native habitat value.

Management of Tree Droppings From Tree 36

The applicant's arborist report identifies that tree 36, which is located on 9 Park Street to the rear of the site, is a White Cedar tree. All parts of this tree are poisonous and symptoms from ingestion can range from nausea, vomiting and diarrhoea to seizures, coma and death. Part of this tree will overhang the rear outdoor play space which presents a risk to children if they ingest the tree droppings.

To address this issue the applicant proposes to construct a rigid shade structure underneath the canopy of tree 36. The structure will feature a deep custom-built box gutter to catch tree droppings. A management plan to guide the management of tree droppings has also been indicated.

The construction of the rigid shade structure with box gutter will help minimise the amount of tree droppings reaching the ground. A condition is also recommended requiring the preparation and implementation of a management plan specifically for the management of droppings from tree 36. The management plan will include a regime to empty the box gutter of tree droppings on a regular basis, staff training, inspection of all areas to be accessed by children and removal of all tree droppings originating from tree 36. These measures are considered to be a reasonable approach to adequately manage tree droppings from tree 36.

Heritage and Character Impacts

The site is located within the Camden Heritage Conservation Area. The site is not listed as a heritage item however Table B4 of the Camden DCP identifies it as being a potential heritage item. The site is recognised as having some heritage value as it is a unique example of Art Deco architecture surrounded by similar small-scale cottages in Camden. There is no current proposal to list the site as a heritage item.

The surrounding area is predominantly characterised by single storey, detached brick and weatherboard Federation cottages set within landscaped gardens. Many of the cottages have been adapted for various types of medical centres and business premises, and contain at-grade parking behind their building lines.

The applicant has submitted a heritage impact statement in support of the DA. Council staff, including Council's heritage officer, have reviewed the statement and are satisfied that the development is unlikely to have any unreasonable adverse heritage and character impacts.

The rear extension will have a compatible single storey form and be constructed of painted fibrous cement sheeting and terracotta roof tiles to match the existing building. The front of the building will be largely retained as is with most existing timber framed doors and windows to be retained and made good. An existing single door and window

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will each be converted into double doors that will match the style of the central veranda door. A condition is recommended that requires these conversions to use painted timber frames and glazing consistent with the existing windows. The applicant has also proposed to retain the original ornate internal features of the building including the architraves, skirtings, cornices and picture rails on the perimeter walls.

The front of the site will remain in a similar configuration to that which currently exists. Car parking spaces 1 and 2 will sit forward of the building line however they will be set behind the proposed 1.2m high timber picket fence and landscaping. The impact of this hardstand will be further mitigated as the frontage of this site is wider than that of the rest of the properties fronting Broughton Street (33.5m v 12-15m). This allows the site to accommodate the hardstand without the frontage being visually dominated by it. Furthermore, parking spaces 1 and 2 will abut the existing combined driveway crossover of the subject site and 22 Broughton Street. Due to this, this aspect of Broughton Street already exhibits a 'harder' character which helps to minimise the impact of the parking spaces. More importance is placed on maintaining the 'softer' central and north eastern aspects of the site's frontage, which will be achieved.

Overall the development will maintain the essence of the site's character, being a detached single storey building with appropriate materials and detailing, set within landscaped gardens. This outcome is considered appropriate for the Camden Heritage Conservation Area and Broughton Street.

Noise Impacts

The applicant has submitted an acoustic impact assessment in support of the DA. The assessment makes several recommendations to control adverse noise impacts from the development including:

- construction of 2.1m high acoustic fencing, behind the building line, along the site's north eastern (side) and south eastern (rear) boundaries. The fencing must be of solid continuous construction and a condition is recommended to require it to be constructed of lapped and capped timber,

- keeping windows closed when the facility is at 70% or greater capacity to control noise emissions to nearby sensitive receivers. Such a requirement is consistent with the noise mitigation requirements imposed on other child care facilities in the Camden LGA,

- switching off mechanical plant and equipment outside of the facility's hours of operation to minimise impacts on nearby sensitive receivers, and

- incorporating noise management practices into the facility's operational management plan including a contact phone number for parents and neighbours, monitoring for crying/misbehaving children and noise minimisation education for all visitors.

Council staff have considered the assessment and are satisfied that, subject to the above recommendations, the development will be consistent with Council's Environmental Noise Policy and unreasonable adverse noise impacts will be unlikely. Conditions are recommended to ensure that the recommendations of the acoustic assessment are complied with. A further condition is recommended to increase the height of the acoustic barrier along the site's south eastern (rear) boundary to 2.8m to

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account for a level difference between this site and the adjoining properties at 7 and 9 Park Street to the rear.

Disabled Access to the Front Outdoor Play Space

The front garden (part of the front outdoor play space) is directly accessible from the veranda adjoining the 0-2 years nursery room. However due to a level difference a staircase exists between the veranda and the front garden. This means that direct access for disabled staff and children is not available from the veranda to the front garden. The applicant has not proposed to construct an access ramp as this will have negative visual impacts upon the site's Broughton Street frontage.

The applicant has submitted an access report in support of the DA. Alternative access to the front garden is available from the 0-2 years nursery room via the building's main entrance and the pedestrian access path. The travel distance is 55m which is considered reasonable in this circumstance. The front garden forms a small part of the total outdoor play space and the visual benefits of avoiding the construction of an access ramp outweigh the longer travel distance to it.

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 14 days in accordance with the Camden DCP. The exhibition period was from 18 to 31 July 2018. 20 submissions were received (all objecting to the development).

Following the submission of amended plans and additional information the DA was publicly re-exhibited for a period of 14 days in accordance with the Camden DCP. The re-exhibition period was from 28 November to 11 December 2018. 19 submissions were received (all objecting to the development). A late submission objecting to the development was subsequently received in March 2019.

The following discussion addresses the issues raised in the submissions.

1. *Unreasonable additional traffic generation and impacts, particularly given the extremely busy weekday characteristics of Broughton Street. The development will also require more than the stated vehicles trips to deliver children to the site.*

Officer comment:

The development's traffic generation and associated impacts have been assessed in the "likely impacts…" section of this report.

2. *Broughton Street is very narrow, serves as a bus route and carries a significant amount of bypass traffic. Due to the extensive use of on-street parking, moving vehicles have to pull over (often into driveways) to let buses pass. Additional vehicular traffic will further complicate already difficult vehicle movements in the street.*

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Officer comment:

On average, only an additional 35 vehicle trips will be generated by the development in the AM peak hour, and only 6 vehicle trips over and above the approved medical centre use for the site. The additional vehicle traffic is not considered to be significant and will not appreciably complicate vehicle movements along Broughton Street.

3. *Broughton Street should have a sign posted speed of 40km/h based on the applicant's traffic report and the desirable maximum speeds for local roads.*

Officer comment:

All speed zoning is determined by the RMS. The general urban speed limit is 50km/hr in built up areas. Consideration is only given to 40km/h sign posting in streets that meet specific criteria, generally being low vehicle numbers and high pedestrian activity, which would not apply to Broughton Street. The desirable average speed of a road does not necessarily reflect the legal limit, particularly in urban areas. It is noted that most vehicles are unlikely to drive at 50km/h in Broughton Street during the working day.

4. *Pedestrian safety will be compromised due to the combination of existing and additional vehicle traffic in the area. The area is not safe for such an influx of children given that Broughton Street is a bus route, has minimal available on-street car parking and is already heavily trafficked. Additionally, there is no pedestrian crossing at the lower end of Broughton Street and its intersection with Murray Street.*

Officer comment:

The development is considered to be suitable for the site in terms of pedestrian safety. Broughton Street contains footpaths on either side to facilitate pedestrian movement and it is possible to cross it at its lower end (if required) without a dedicated pedestrian crossing. The street is not considered to be unsafe for pedestrians either with or without the development. It is noted that the development will provide compliant off-street car parking spaces to accommodate visitors and a dedicated pedestrian access path adjacent to those spaces to facilitate safe pedestrian access to the building.

5. *When two buses meet each other at the lower end of Broughton Street it is very dangerous. This will be exacerbated by the additional on-street parking requirements generated by the development.*

Officer comment:

The development will provide off-street car parking spaces in full compliance with the Camden DCP, the RMS' Guide to Traffic Generating Development and the CCPG. This provision is reasonable and the use of existing on-street car parking will not ordinarily be necessary. Consequently the development will not appreciably exacerbate existing concerns about bus movements along Broughton Street.

6. *The site is too close to the intersection of Broughton and Murray Streets. Additionally, the new roundabout to be constructed at that intersection will result in a sharp right turn into the site and reduced vehicle storage capacity for vehicles seeking to make the right turn.*

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Officer comment:

The site's proximity to the intersection of Broughton and Murray Streets will not render it unsafe. A future roundabout will be developed at the intersection which may lead to reduced vehicle 'storage capacity' for vehicles turning left from Murray Street into Broughton Street. However given the low volume of additional traffic that will be generated by the development, it is not anticipated that there will be significant numbers of vehicles waiting to turn right into the site, all at once, after exiting the roundabout. It is noted that a final design for the roundabout is yet to be completed.

7. *Additional vehicle movements will be generated by frequent waste collection vehicles servicing the development.*

Officer comment:

Council staff have considered the development's likely waste generation and are satisfied that it can be serviced by two 660 litre garbage bins (to be emptied twice a week) and one 660 litre recycling bin (to be emptied three times a week). The waste collection will occur on site and only between the hours of 9.30am-2pm Monday to Friday. This will minimise the impact of waste collection vehicles and is considered reasonable given that the servicing will occur outside of peak hours.

8. *Construction traffic will exacerbate traffic impacts in the area for months.*

Officer comment:

The development will result in increased traffic from construction vehicles however this will be temporary and accommodatable by the surrounding road network without unreasonable adverse impacts. A standard condition is recommended that requires the preparation and implementation of a traffic management plan in accordance with Council's Engineering Specifications and AS 1742.3.

9. *Insufficient off-street car parking will be provided to service the development. This will result in visitors using extremely limited and high demand on-street parking, further congesting Broughton Street. This will be exacerbated by the limited access to the site and around the car park which will cause people to park on-street as a better alternative.*

Officer comment:

The development will provide off-street parking in full compliance with the Camden DCP, the RMS' Guide to Traffic Generating Development and the CCPG. This provision is reasonable and the use of existing on-street car parking will not ordinarily be necessary. Off-street car parking provision has been assessed in the "likely impacts..." section of this report.

The car park has been designed to comply with Council's engineering specifications and the relevant Australian Standards. Safe access to, around and from the site will be provided for staff and parents.

10. *A previous version of the CCPG required additional off-street parking spaces to be provided for staff at a rate of 1 space per 2 staff.*

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Officer comment:

The current CCPG specifies that parking should be provided in accordance with the development control plan that applies to the land. It is noted that the CCPG provides that where a development control plan does not specify a parking rate, the parking rate used should be 1 space per **4** children. This is consistent with the Camden DCP which applies to the land.

11. *Stacked off-street parking will not be used and will result in people parking on-street. Stacked parking is not practical and is potentially dangerous.*

Officer comment:

The development will provide 6 stacked parking spaces (spaces 17-22) for staff use only. The spaces will be line-marked to clearly identify them for staff use only and an operational management plan will require staff to park in them before parking in any of the other off-street car parking spaces. A small amount of stacked parking spaces is considered reasonable if they are designated for staff use and is consistent with many existing child care facilities in the Camden LGA. It is noted that the CCPG provides that stacked parking for staff may be used in child care facilities however the stacking should be no more than two spaces deep. The development's stacked parking will be two spaces deep.

12. *Only 6 off-street car parking spaces have been allocated to accommodate the transport of children by vehicle.*

Officer comment:

The applicant originally identified spaces 1-5 (inclusive) for drop-off with spaces 6-16 (inclusive) being shared spaces for both visitors and staff. However the currently proposed plans show that spaces 1-16 (inclusive) will be available for parents to park and drop-off their children.

13. *Inadequate disabled car parking will be provided to cater for disabled children.*

Officer comment:

Parking space 11 will be provided as a disabled parking space. One parking space is required by the National Construction Code and is therefore adequate for the development.

14. *How many administration staff will the development accommodate? Other child care facilities instruct their staff to park on public roads to free off-street parking spaces for parents.*

Officer comment:

The centre will employ 16 educational staff (which will also undertake administration functions) and one chef. As Broughton Street offers unrestricted on-street parking, staff may legally park thereon in the same way that staff or visitors to any of the surrounding businesses may park thereon. Notwithstanding, sufficient off-street parking spaces will be provided in accordance with the relevant planning controls. Therefore the use of existing on-street car parking will not ordinarily be necessary.

15. *The DA indicates that 10 staff will be on duty during the peak arrival and departure times. This will decrease the availability off-street parking available for parents.*

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Officer comment:

Sufficient off-street parking spaces will be provided in accordance with the relevant planning controls. Off-street car parking provision has been assessed in the "likely impacts…" section of this report.

16. *Parents need to access the site to establish if parking is available with the potential for the drop-off and pick-up area to become congested and frustrating to parents.*

Officer comment:

A dedicated turning bay will be provided at the south eastern end of the car park to allow parents who enter the site and find that no parking spaces are available, to turn around and exit the site in a forward direction. This is consistent with AS 2890 and considered reasonable to facilitate vehicle flow around the site. Notwithstanding, sufficient off-street parking spaces will be provided in accordance with the relevant planning controls and it is anticipated that parents will ordinarily be able to locate a parking space within the site.

17. *Cars accessing the site will have to drive over the pedestrian access path which is dangerous.*

Officer comment:

The original plans submitted with the DA proposed a pedestrian access path combined with the vehicle access to the site. This was deemed inappropriate from a pedestrian safety perspective and following feedback from Council staff, the applicant submitted amended plans which propose a dedicated pedestrian access path separate from the vehicle access.

18. *The limited space within the site will cause safety issues for children and parents entering, manoeuvring through and out of it. The Camden DCP requires vehicle access to be in a forward direction however cars will need to reverse out of the parking spaces.*

Officer comment:

Vehicles will be able to enter and exit the site in a forward direction. This will be facilitated by a dedicated turning bay at the south eastern end of the car park. It is acceptable for cars to carefully reverse out of parking spaces and the safety of the manoeuvre has been enhanced by the separation of the pedestrian and vehicle accesses to the site.

19. *A car parking in some of the parking spaces will find it difficult/impossible to manoeuvre out of.*

Officer comment:

The car park has been designed to comply with Council's engineering specifications and the relevant Australian Standards. Vehicles will be able to safely maneouvre into and out of all of the proposed car parking spaces.

20. *The site's previous medical centre use resulted in cars parking across neighbouring driveways, making it extremely difficult for people to enter and exit their homes or businesses.*

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Officer comment:

Sufficient off-street parking spaces will be provided in accordance with the relevant planning controls. Therefore it is not anticipated that the development will ordinarily generate a significant demand for on-street parking or cause vehicles to park across neighbouring driveways. Blocking a private driveway is an offence under the NSW Road Rules. This rule is enforceable by both the Police and Council should they become aware of the offence.

21. *Broughton Street currently provides unrestricted on-street parking which gets heavily used, often by workers in the nearby Camden Town Centre. Visitors to nearby businesses constantly complain about the lack of available on-street car parking. The full length of Broughton Street should have time restricted parking during the day.*

Officer comment:

Council has sought to balance parking controls throughout the Camden CBD based on proximity to Argyle Street. Council will continue to monitor the appropriateness of parking controls and review them if necessary.

22. *The photographs submitted with the DA show that Broughton Street does not host any on-street parking but this does not reflect weekday reality.*

Officer comment:

The applicant has submitted additional photographs taken during two weekday morning and afternoons. These photographs show that Broughton Street hosts increasing on-street parking from 7am-9am and decreasing parking between 3pm-7pm. In both the AM and PM scenarios there is some on-street parking available at various times. Notwithstanding, sufficient off-street parking spaces will be provided in accordance with the relevant planning controls. Therefore it is not anticipated that the development will ordinarily generate a significant demand for on-street parking.

23. *The proposed tree removal will leave the site bland and characterless. No trees should be removed unless strictly necessary and not simply undertaken to reduce the need to protect them during construction.*

Officer comment:

The proposed tree removal has been assessed in the "likely impacts..." section of this report.

24. *The tree removal across the site is too extensive and will harm its character and that of the area. The mature vegetation at the rear of the site should be retained and it is noted that its removal will expose the building to views from properties at the rear.*

Officer comment:

The proposed tree removal has been assessed in the "likely impacts..." section of this report.

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25. *The building's garden setting will be diminished by creating a play area at the front and enlarging the driveway. They will be out of character with the residential nature of the street.*

Officer comment:

The front play space facing Broughton Street will present as a landscaped garden as it will contain hedging, lawns, trees and shrubs. Play embellishments will be timber stepping pads in a mulched garden area and a log seat/bench. The development's compatibility with the character of the area has been assessed in the likely impacts..." section of this report.

26. *The Cyrpus trees along the side boundary contribute significantly to the treescape and could be easily integrated into the new plantings. The removal of all landscaping along the driveway will render the site unsightly.*

Officer comment:

The proposed tree removal and replacement landscaping has been assessed in the "likely impacts..." section of this report.

27. *Trees 4, 8, 9, 10, 11, 12, 14 and 15 should be retained. Their retention would also reduce the urban heat island effect of the expanded driveway and hardstand area.*

Officer comment:

The proposed tree removal has been assessed in the "likely impacts..." section of this report. It is considered that the replacement tree planting will adequately contribute to minimising the urban heat island effect.

28. *New plantings should be as advanced as possible. The replacement planting will not achieve sufficient landscape softening or reduce the urban heat island effect in the short to medium term.*

Officer comment:

The replacement tree planting will have 100 litre container sizes. A condition is recommended to ensure that the six replacement trees proposed along the rear of the site are increased from 100 litre to 200 litre container sizes. This will help ensure the quicker replacement of upper canopy landscaping and contribute to the reduction of the urban heat island effect.

29. *It is unclear if tree 34 in the corner is to be removed.*

Officer comment:

Tree 34 (a White Cedar tree) is proposed to be removed as detailed in the arborist report submitted by the applicant in support of the DA.

30. *Privacy impacts due to tree removal.*

Officer comment:

It is not considered that the proposed tree removal will result in significant privacy impacts from or upon the development. This is in consideration of the development's

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separation from adjoining properties, proposed levels, fencing and replacement landscaping.

31. *The size of the window panes should be of an appropriate 1950s size and use timber frames.*

Officer comment:

The proposed plans show that the existing windows will be repaired and made good.

32. *The external changes to the building and fencing will detract from local heritage.*

Officer comment:

The development's compatibility with the character of the area has been assessed in the likely impacts…" section of this report. Conditions are recommended to ensure that the timber frames for the new doors are painted to match the existing building and that the glazing used is consistent with the building's existing windows.

33. *A high hedge will be out of character with the site's existing streetscape.*

Officer comment:

A condition is recommended that will require the hedging that will be set behind the 1.2m high timber picket fence to be maintained at a height of 1.2m. This will be compatible with the existing character of Broughton Street.

34. *Unreasonable noise impacts that will be intensified by the small size of the play areas and will not be addressed by the inadequate noise mitigation measures.*

Officer comment:

The development's noise impacts have been assessed in the "likely impacts…" section of this report.

35. *The acoustic fence proposed along the site's south eastern (rear) boundary must be increased in height to 2.8m as there is a level difference between the subject site and a property at the rear.*

Officer comment:

The applicant has agreed to increase the height of the rear acoustic fence from 2.1m to 2.8m to account for the level difference with the property at the rear. A condition is recommended to ensure that this occurs.

36. *The acoustic fence must return around the south western (side) boundary with 22 Murray Street to abut the rear building on that site. This is to stop noise being funnelled through a small open section of the side boundary.*

Officer comment:

The acoustic fence is not required to return around the side boundary as suggested as the development will include the construction of an outdoor equipment store in the southern corner of the site. The store will provide a solid boundary and address this concern.

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37. *Concern that children will be restricted from accessing fresh air and outdoor space when the facility is at 70% capacity, and that staff will need to take children for walks to Macarthur Park as an alternative.*

Officer comment:

Windows must be kept closed when the facility is at 70% or greater capacity to control noise emissions to nearby sensitive receivers. However, children are not restricted from being taken outside into the facility's outdoor play spaces when 70% capacity is reached.

38. *Noise and air pollution due to vegetation removal.*

Officer comment:

The existing vegetation on the site that will be removed would offer only a negligible degree of noise attenuation. Noise attenuation will be satisfactorily provided by the proposed acoustic fences. Additionally, it is not considered that the vegetation removal will result in noticeably increased air pollution. Appropriate replacement landscaping will be provided to adequately mitigate the loss of the existing vegetation.

39. *Overdevelopment of the site.*

Officer comment:

The development is not considered to be an overdevelopment of the site. This is evidenced by the fact that the likely negative impacts of the development can be adequately mitigated as detailed in this report.

40. *There will be a risk to existing residents from asbestos exposure from works to the existing building.*

Officer comment:

The applicant has submitted a preliminary contamination investigation in support of the DA. The investigation noted that the existing building's fibrous cement sheeting may contain asbestos and recommended that this be further assessed through a hazardous asbestos survey before the commencement of demolition works. A condition is recommended that requires a hazardous building materials assessment to be undertaken. The assessment will identify any hazardous building components (including asbestos) and measures to protect workers and occupants of adjoining properties.

41. *Impacts from car headlights as the facility will operate in the early morning and evening.*

Officer comment:

The development's proposed operating hours are 7am-7pm. During the winter months a portion of staff and parents will need to use headlights to drive to and from the site. However on average the development will result in one vehicle trip every 1 minute, 43 second in the AM peak period with the PM peak period being 'spread out' which reduces the frequency of vehicles attending the site. It is not anticipated that unreasonable additional headlight glare will result from the development.

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It is noted that the applicant has agreed to increase the height of the rear acoustic fence to 2.8m high in order to account for a level difference between the subject site and properties to the rear. This will help to mitigate any potential headlight glare impacts upon those properties.

42. *Concerns about children being exposed to anti-social behaviour from some residents in the vicinity of Broughton Street/Little Street.*

Officer comment:
Children attending the facility will be monitored by staff at all times and it is noted that the majority of the outdoor play spaces will be located at the rear of the building away from public view and exposure.

43. *The CCPG states that play spaces visible from public areas should be minimised. There will be security issues by having an outdoor play space at the front of the site.*

Officer comment:

The CCPG provides an objective to "protect the privacy and security of children attending the facility" but does not specifically prohibit the use of front setbacks as outdoor play spaces.

The front outdoor play space will be separated from Boughton Street by a 1.2m high timber picket fence and hedging. It is noted that the CCPG permits fence heights at a minimum height of 1.2m. This boundary treatment will adequately separate children from the street and provide a reasonable degree of visual privacy given the low height of young children. This is considered a reasonable outcome as Broughton Street is a public road reserve on which vehicular and pedestrian traffic move along, rather than a public reserve where people may linger for extended periods of time.

It is noted that the front outdoor space will be overlooked by the 0-2 years nursery room and that children will be supervised by staff. Additionally, the front outdoor play space (including the veranda) accounts for only 17.8% of the total outdoor play space. As most of the facility's outdoor play spaces will be behind building line, a reasonable overall degree of privacy will be achieved.

44. *The outdoor play spaces are not of a sufficient and healthy size.*

Officer comment:

The development complies with the outdoor space requirements of the *Education and Care Services National Regulations*. The play spaces are considered to be of a reasonable size and configuration, and will provide for a variety of experiences through timber and sandstone stepping pads, bench seating, plant growing areas, a sand pit and cubby house.

45. *The pedestrian access path should be wide enough for two prams to pass each other.*

Officer comment:

The pedestrian access path will be 1m wide which will not allow two prams to pass each other. The path cannot be increased in width due to constraints set by the existing building, side boundaries, required vehicle access driveway widths and car parking space lengths. It is noted that the CCPG suggests pedestrian access paths be wide

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enough to let two prams pass each other however it is not a mandatory requirement and not essential for the development to operate successfully.

46. *The pedestrian access path behind the parking spaces is unsafe as cars may drive over it.*

Officer comment:

The parking spaces that will directly adjoin the pedestrian access path will each have wheel stops to ensure vehicles stop in the correct position and not accidently drive over the pedestrian path.

47. *Emergency evacuation is a concern as there is only one way into and out of the site. Additionally, the safe areas are identified on the driveway and the travel distance to them will exceed 60m which does not comply with the Fire Regulations.*

Officer comment:

The site has separate pedestrian and vehicle accesses. Emergency access from the site will be possible and it is noted that other child care facilities in the Camden LGA have similar configurations and can operate effectively. The emergency assembly points indicated on the proposed plans are within the site's driveway and are sufficient to facilitate egress from the building in an emergency. A condition is recommended that requires the preparation and implementation of an operational management plan for the facility which will include more refined emergency and evacuation procedures.

Council staff have reviewed the proposed plans and note that it is possible for occupants to egress the building in accordance with the National Construction Code. Further details for emergency access will be finalised by the accredited certifier prior to the issue of a Construction Certificate.

48. *The applicant's needs assessment appears to show child care demand in new urban release area and not in older areas such as Camden. The development would be better located in one of the Camden LGA's new urban release areas.*

Officer comment:

The applicant submitted a child care needs assessment in support of the DA. The assessment concludes that there is a demand for child care places within the development's catchment area, that 100 additional places are required to address current demands and that by 2023, between 250-350 additional places will be required due to ongoing population growth.

Notwithstanding the above, the NSW planning framework does not require that applicants demonstrate a 'need' for development that they propose. The consent authority must be satisfied that the development is permitted with consent in the zone in which it is proposed and consider its consistency with a range of planning controls including the zone objectives and the provisions of the CCPG and the Camden DCP. The need for and long-term viability of the development is an economic decision for the applicant to make.

The above is supported by Clause 26(1)(b) of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 which provides that any requirement of a development control plan that requires there to be a demonstrated

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need or demand for child care facilities does not apply. This further reinforces that the 'need' for development need not be demonstrated.

49. *It is unclear what will be stored in the outdoor storage area in the southern corner of the site.*

Officer comment:

The outdoor equipment storage areas will be used to store items relates to the outdoor play spaces and their maintenance. This may include play equipment, toys and maintenance equipment. It is noted that a dedicated waste bin storage area will be provided adjacent to the pedestrian access path at the front of the site.

50. *Additional residents should have been notified of the DA including those on Menangle Road between Broughton and Park Streets. Council should consider publicly re-exhibiting the DA and include the businesses on the north western side of Broughton Street.*

Officer comment:

The DA was publicly exhibited for a period of 14 days in accordance with the Camden DCP. Following the submission of amended plans and additional information the DA was publicly re-exhibited for a period of 14 days in accordance with the Camden DCP.

The re-exhibition included:

- all properties in the street block bound by Broughton Street, Murray Street, Park Street and Menangle Road,
- the properties on the north western side of Broughton Street, and
- the properties on the eastern side of Broughton/Murray Streets between the Park Street intersection and the Coles supermarket.

51. *Why has the development of an approved child care facility at 31 Broughton Street not proceeded?*

Officer comment:

The development of an approved child care facility at 31 Broughton Street is a matter for the owner of that site. It is noted that Development Consent 2016/563/1 which approved that facility will expire on 13 December 2019 unless it is commenced by that date.

(e) the public interest

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

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Western City District Plan (the District Plan)

A District Plan is not a mandatory matter for consideration in the determination of a DA. However it is considered to be in the public interest to consider the development's consistency with the District Plan given that it is a publicly exhibited district strategic plan.

The District Plan's Planning Priority W3 seeks to provide services and social infrastructure to meet people's change needs. This includes co-locating child care facilities close to employment sources and transport facilities.

It is considered that the development is generally consistent with the District Plan in that the facility represents an appropriate support service for the nearby Camden Town Centre and will complement its primary office and retail functions by providing a child care facility for the workers therein. The site is also located close to public transport provided by the bus stops in Murray Street to the north west.

EXTERNAL REFERRALS

The external referral undertaken for this DA is summarised in the following table:

External Referral	Response
Camden Airport.	Confirmation that the development does not infringe the Camden Airport Obstacle Limitations Surface and no objection.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

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

RECOMMENDED

That the Panel approve DA/2018/775/1 for a centre-based child care facility at 18 and 20 Broughton Street, Camden subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The development is, subject to the recommended conditions, consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, State Environmental Planning Policy No 55 - Remediation of Land, State Environmental Planning Policy No 64 - Advertising and Signage, State Regional Environmental Plan No 20 - Hawkesbury-Nepean River and Camden Local Environmental Plan 2010.

2. The development is, subject to the recommended conditions, consistent with the objectives of Camden Development Control Plan 2011.

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3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.

4. The development is, subject to the recommended conditions, unlikely to have any unreasonable adverse impacts upon the natural or built environments.

5. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is within the public interest.

ATTACHMENTS

1. Zoning plan
2. Camden Local Environmental Plan 2010 assessment table
3. Camden Development Control Plan 2011 assessment table
4. Child Care Planning Guideline assessment table
5. Recommended conditions
6. Proposed plans
7. Arborist report
8. Submissions - *Supporting Document*

Attachment 1

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
2.3 Zone objectives and land use table The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone. The zone objectives for this site are: • To provide a mixture of compatible land uses. • To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling. • To minimise conflict between land uses within the zone and land uses within adjoining zones. • To encourage development that supports or complements the primary office and retail functions of the local centre zone.	The modification is consistent with the relevant objectives of the B4 Mixed Use zone in that, subject to the modified conditions, the development as modified will remain compatible with the existing land uses adjoining the site and the surrounding area and conflict between it and land uses within adjoining zones will be minimised.	Yes.
5.10 Heritage conservation Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned. The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the item or heritage conservation area concerned. The submission of a heritage conservation management plan may also be required.	The modification proposes only minor changes to the development and none will have any unreasonable adverse impacts upon the heritage values of the site and surrounding Camden Heritage Conservation Area. The majority of the existing vegetation in the building's front setback area will now be retained together with the existing front timber picket fence. The modification will ultimately result in less changes to the site than were approved by the DA.	Yes.

Camden Development Control Plan 2011 (Camden DCP) Assessment Table

Control	Assessment	Compliance?
A2 Notification and Advertising Requirements All applications may be exhibited, in accordance with the Camden DCP if, in the opinion of Council, it would be in the public interest to do so.	The modification was publicly exhibited in accordance with the Camden DCP. It was considered to be in the public interest to do so given that 40 submissions (all objecting to the development) were received during the assessment of the DA	Yes.
B1.4 Water Management Development must comply with Council's Engineering Specifications in terms of on-site stormwater detention, drainage and water sensitive urban design.	The modification has been designed in accordance with Council's engineering specifications and maintains appropriate on-site stormwater detention, drainage and water quality measures.	Yes.
B3.1.1 General Heritage Provisions All development in areas with heritage significance is to comply with a number of requirements listed by the Camden DCP, including ensuring that new development complements existing buildings, locating additions primarily at the rear of buildings and retaining original verandas and significant internal features.	It is considered that the modification is consistent with the Camden DCP's requirements. The modification proposes only minor changes to the approved development and none will have any unreasonable adverse impacts upon the heritage values of the site and surrounding Camden Heritage Conservation Area. The majority of the existing vegetation in the building's front setback area will now be retained together with the existing front timber picket fence. The modification will ultimately result in less changes to the site than were approved by the DA.	Yes.
B3.1.2 Camden Heritage Conservation Area All development in the Camden Heritage Conservation Area is to comply with a number of requirements listed by the Camden DCP, including not compromising views to St. John's Church spire, locating development on the town fringe that will complement the viability of the "main street" and ensuring new development is compatible with existing cottage dominated streetscapes.	It is considered that the modification is consistent with the Camden DCP's requirements. The modification proposes only minor changes to the approved development and none will have any unreasonable adverse impacts upon the heritage values of the site and surrounding Camden Heritage Conservation Area. The majority of the existing vegetation in the building's front setback area will now be retained together with the existing front timber picket fence. The modification will ultimately result in less changes to the site than were approved by the DA.	Yes.
B5.1 Off-Street Car Parking Rates/Requirements Centre-based child care facilities require 1 off-street car parking space per 4 children. One of the car parking spaces must be designed for people with a disability.	The development as modified will accommodate 84 children. This equates to an off-street car parking space requirement of 21 spaces (84 / 4 = 21). One of the car parking spaces has been designed for people with a disability.	Yes.
D3.2.6 Parking and Access Car parking must be provided in accordance with Chapter B5 of the Camden DCP.	Car parking will be provided in accordance with Chapter B5 of the Camden DCP.	Yes.
D3.7.4 Heritage and Character	The controls in Chapter B3 of the Camden DCP, and specifically Section B3.1, have	Yes.

Camden Development Control Plan 2011 (Camden DCP) Assessment Table

The Camden township is located within the Camden Heritage Conservation Area. Reference must be made to Chapter B3 of the Camden DCP, with specific regard to Section B3.1.	been considered.	
D5.1 Child Care Centres - Landscaping A landscape concept plan must be submitted with the DA and comply with a number of matters listed by the Camden DCP including the retention of existing vegetation (where possible).	The modification proposes to retain the majority of the existing vegetation in the building's front setback area.	Yes.
D5.1 Child Care Centres - Traffic, Parking and Pedestrians Car parking and access must comply with Chapter B5 of the Camden DCP. The DA must specify the number of children proposed to attend the facility. All required parking spaces must be fully contained within the site. A drop-off area must be provided and be fully contained within the site.	Car parking and access for the modification comply with Chapter B5 of the Camden DCP. The modification specifies that the facility will accommodate 4 children, requiring the provision of 21 car parking spaces that will be provided off-street. The car park will provide an adequate facility for children to be dropped-off within the site.	Yes.

MODIFIED CONDITIONS

Modification of Condition 1.0(1) to Read:

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
CC-001 Rev. J.	Cover Sheet.	Five Canons Architecture.	15 May 2019.
CC-100 Rev. J.	Site Plan.	Five Canons. Architecture.	15 May 2019.
CC-203 Rev. J.	Proposed Floor Plan.	Five Canons. Architecture.	15 May 2019.
CC-204 Rev. J.	Access Plan.	Five Canons. Architecture.	15 May 2019.
CC-205 Rev. J.	CPTED Plan.	Five Canons. Architecture.	15 May 2019.
CC-300 Rev. J.	Elevations.	Five Canons. Architecture.	15 May 2019.
CC-301 Rev. J.	Elevations.	Five Canons. Architecture.	15 May 2019.
CC-400 Rev. J.	Sections.	Five Canons. Architecture.	15 May 2019.
CC-401 Rev. J.	Sections.	Five Canons. Architecture.	15 May 2019.
CC-500 Rev. J.	Commercial Kitchen.	Five Canons. Architecture.	15 May 2019.
CC-502 Rev. J.	Bottle Prep.	Five Canons. Architecture.	15 May 2019.
2018.0601DA1-1 Issue F.	Landscape Plan.	TGS Landscape Architects.	30 May 2019.
2018.0601DA1-2 Issue F.	Landscape Plan.	TGS Landscape Architects.	30 May 2019.
ST01 Amendment D.	Site Drainage Plan and Details.	Danmor Consulting Engineers.	30 May 2019.
ST02 Amendment C.	Erosion and Sediment Control Plan and Details.	Danmor Consulting Engineers.	31 October 2018.

Document Title	Prepared by	Date
Waste Management Plan (Demolition and Construction Waste Management Only).	Five Canons Architecture.	6 June 2018.
Arboricultural Impact Appraisal and Method Statement.	Naturally Trees.	7 November 2018.

Modification of Condition 1.0(2) to Read:

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

a) Modify the height of the acoustic fence to be constructed along the south east (rear) boundary of the site to have a height of 2.8m.

b) Lower the height of the existing boundary fence (with 22 Broughton Street, Camden) adjacent to the driveway to achieve a sight triangle compliant with Figure 3.3 of AS 2890.1.

c) The fence surrounding the waste storage area must be a 1.2m high timber picket fence. The fence must be painted to match the existing front boundary fence.

d) The conversion of the existing single door and window in the front elevation into double doors must use timber frames. The frames must be painted to match the existing building. The glazing must be of a style/design consistent with the windows in the existing building.

e) The approved signs must be formed from hand painted timber.

f) Drenchers used to achieve compliance with the Building Code of Australia must be painted to match the existing building.

g) The on-site laundry must contain:

- a washer(s) and dryer,
- laundry sinks, and
- storage for soiled items prior to cleaning.

h) Provide soundproofing for the meeting room that ensures that private conversations inside the room cannot be readily heard from outside the room.

i) Provide clear access (including steps where required) into both of the outdoor storage areas along the north eastern side of the building. Any required steps must be located within areas that do not form part of the outdoor space for the development. The resulting outdoor storage areas must provide the volume of outdoor storage as detailed on the approved architectural plans notwithstanding this modification.

j) Update the approved plan titled “Site Drainage Plan and Details” ref. ST01 D dated 30 May 2019 by Danmor Consulting Engineers to depict only one of the above ground rainwater tanks being retained in accordance with the approved architectural plans.

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

Modification of Condition 2.0(12) to Read:

(12) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.

The detailed landscape must include:

- Preparation in accordance with Appendix B of Council's Engineering Design Specifications.
- Protection and retention of tree 4 in the northern corner at the front of the site.
- The Crepe Myrtle tree to be planted on the south western side of the driveway must be relocated back by 2.5m to achieve a sight triangle compliant with Figure 3.3 of AS2890.1.
- Amended detail for the trellis along the driveway boundary to detail the structure to be self-supporting.
- Notation of three Jacarandas (*Jacaranda mimosifolia*) to be incorporated into the road reserve as replacement street trees.
- Addition of shrubs capable of reaching a height of 1.5m around the perimeter of the waste storage area (excluding the pedestrian access path). The shrubs must be planted at a density that will provide a continuous landscape screen around the waste storage area.
- All trees shall be sourced in minimum of 100 litre container stock, except for the 6 trees to be planted along the rear boundary of the site, which shall be sourced in a minimum container size of 200 litres.
- All trees to be sourced in accordance with tests and measurements contained within AS 2303-2015 - Tree Stock for Landscape Use.
- Tree planting detail and section drawings are to specify root barriers where trees are planted in close proximity to hard surfaces.
- Installation of a 2m wide, 450mm deep root barrier at the back of the kerb and in front of the footpath for the new street trees on Broughton Street.
- Installation of trees in accordance with clause B.2.3 Appendix B of Council's Engineering Design Specifications.

Modification of Condition 5.0(18) to Read:

(18) **Operational Management Plan** - An operational management plan must be developed for the facility and address all relevant operational matters including, but not necessarily limited to:

- contact numbers for parents and neighbours,
- monitoring for crying/misbehaving children,

- noise minimisation education for visitors,
- complaints management,
- staff to park in designated staff car parking spaces 17-21 (inclusive) on the site before parking in any of the other off-street car parking spaces,
- emergency and evacuation procedures,
- food preparation, and
- waste management.

A copy of the management plan is to be provided to Council. The management plan is to be fully implemented at all times.

Modification of Condition 5.0(20) to Read:

(20) **Line Marking** - Car parking spaces 17-21 (inclusive) must be line marked to clearly signify that they are available for staff use only.

Modification of Condition 6.0(2) to Read:

(2) **Maintenance of Landscaping** - Landscaping shall be maintained in accordance with the approved landscape plans.

Modification of Condition 6.0(20) to Read:

(20) **Number of Children to be Accommodated** - This development consent approves a maximum of 84 children to be accommodated at the facility.

Addition of the Following Condition in Section 2.0 - Prior to the Issue of a Construction Certificate:

(21) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.

Deletion of the Following Condition in Section 2.0 - Prior to the Issue of a Construction Certificate:

(2) **Structural Engineer's Certificate** - A certificate must be prepared by a practicing structural engineer certifying that the building design is capable of withstanding the effects of water and water pressure due to flooding. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

This is the report submitted to the Camden Local Planning Panel held on 17 September 2019 - Page 63

CHILDCARE

NP STAMATIS HOLDINGS PTY LTD

18 BROUGHTON STREET CAMDEN, NSW 2570

DRAWING No. **DA- 001**

SHEETS IN SET	
000	COVER SHEET
100	SITE PLAN
101	AREA PLAN
200	BASEMENT FLOOR PLAN
201	PROPOSED FLOOR PLAN
206	ACCESS PLAN
250	CAR SEQ PLAN
300	LIGHTWORKS PLAN
500	ELEVATIONS
501	ELEVATIONS
600	SECTIONS
601	SECTIONS
700	COMMERCIAL SITE SIGN
701	BOTTLE TREE

GENERAL SPECIFICATION

SEDIMENT CONTROL NOTES

KITCHEN - GENERAL NOTES

GENERAL NOTES

AUSTRALIAN STANDARDS COMPLIANCE

STATUTORY REQUIREMENTS

STATUS

S4.55 ISSUE (NOT FOR CONSTRUCTION)

REV	DESCRIPTION	DATE	BY
E	FORMAL RESPONSE (RFI 26.07.2018)	16.08.2018	EV
F	FORMAL RESPONSE (RFI 2 12.10.2018)	09.11.2018	EV
G	RESPONSE TO RFI 3 (EMAILED 25.01.2019)	30.01.2019	EV
H	DA FINAL ISSUE	22.03.2019	EV
I	DEFFERED COMMENCEMENT ACTIVATION ISSUE	14.05.2019	EV
J	SECTION 4.55 ISSUE	16.05.2019	EV

NORTH	CLIENT	NP STAMATIS HOLDINGS PTY LTD	DRAWING FILE	COVER SHEET	
	ADDRESS	18 BROUGHTON STREET CAMDEN, NSW 2570			
PROJECT No.	PROJECT	CHILDCARE	SCALE(@A1)	1:20	DATE ISSUED 16.05.2019
17851			DRAWING No.	DA-001	REV J

FILENAME - J:\17851 Projects\17851 Childcare 18 Broughton Street Camden\17851 Drawings\17851 - 18 Broughton Street Camden A1 V J.vwx

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Five Canons Pty Ltd Trading as Five Canons ABN 85 612 981 190

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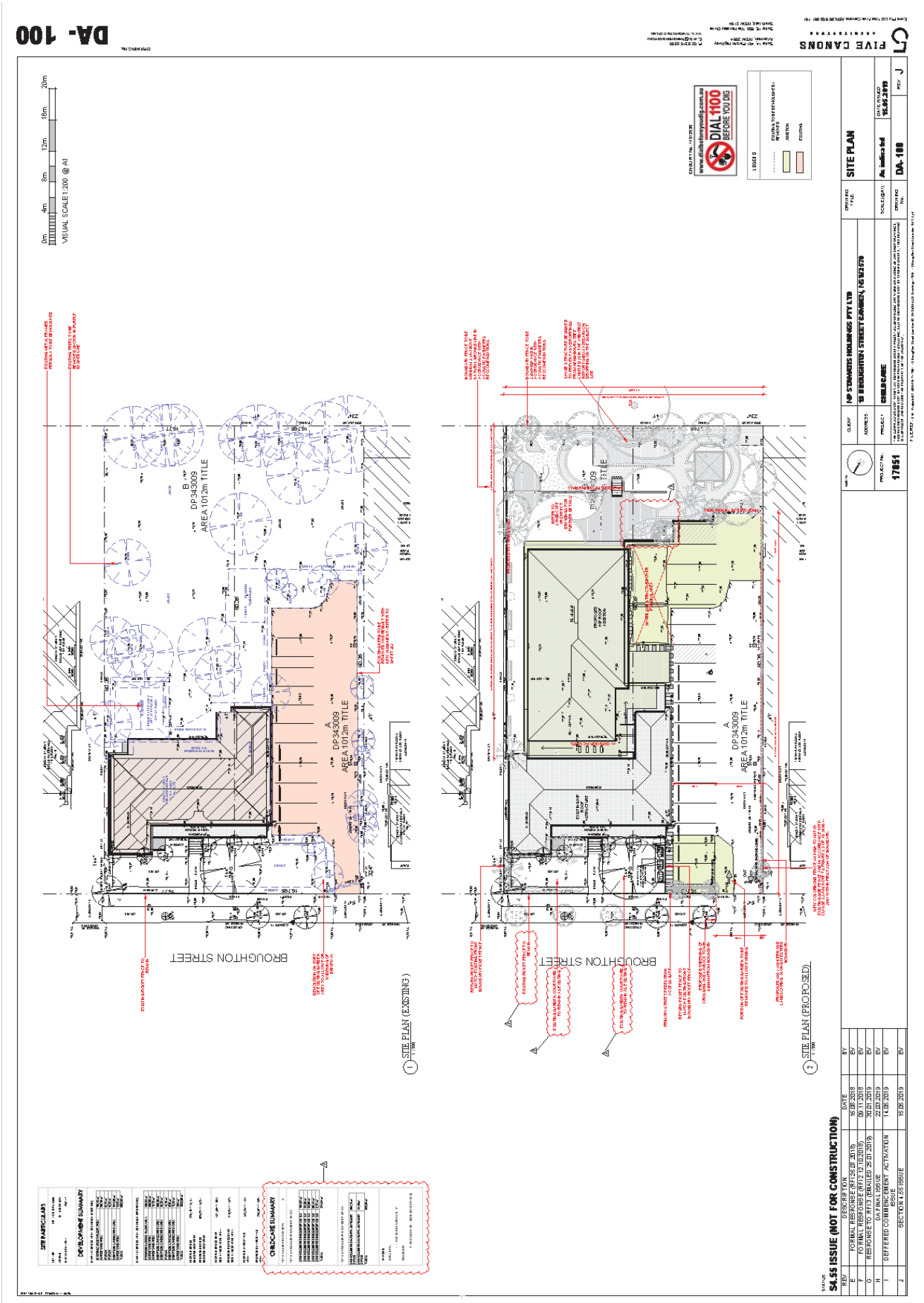

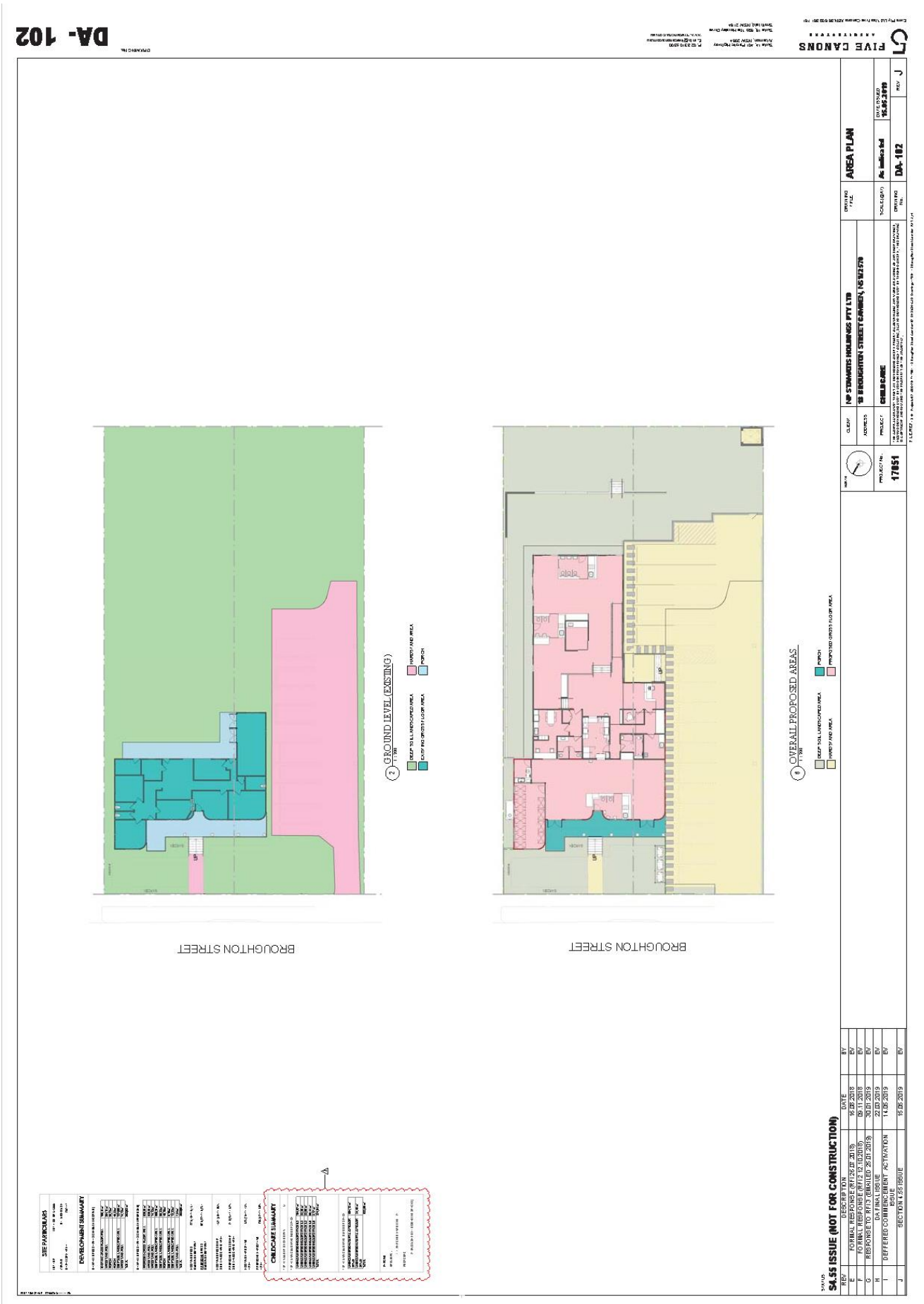

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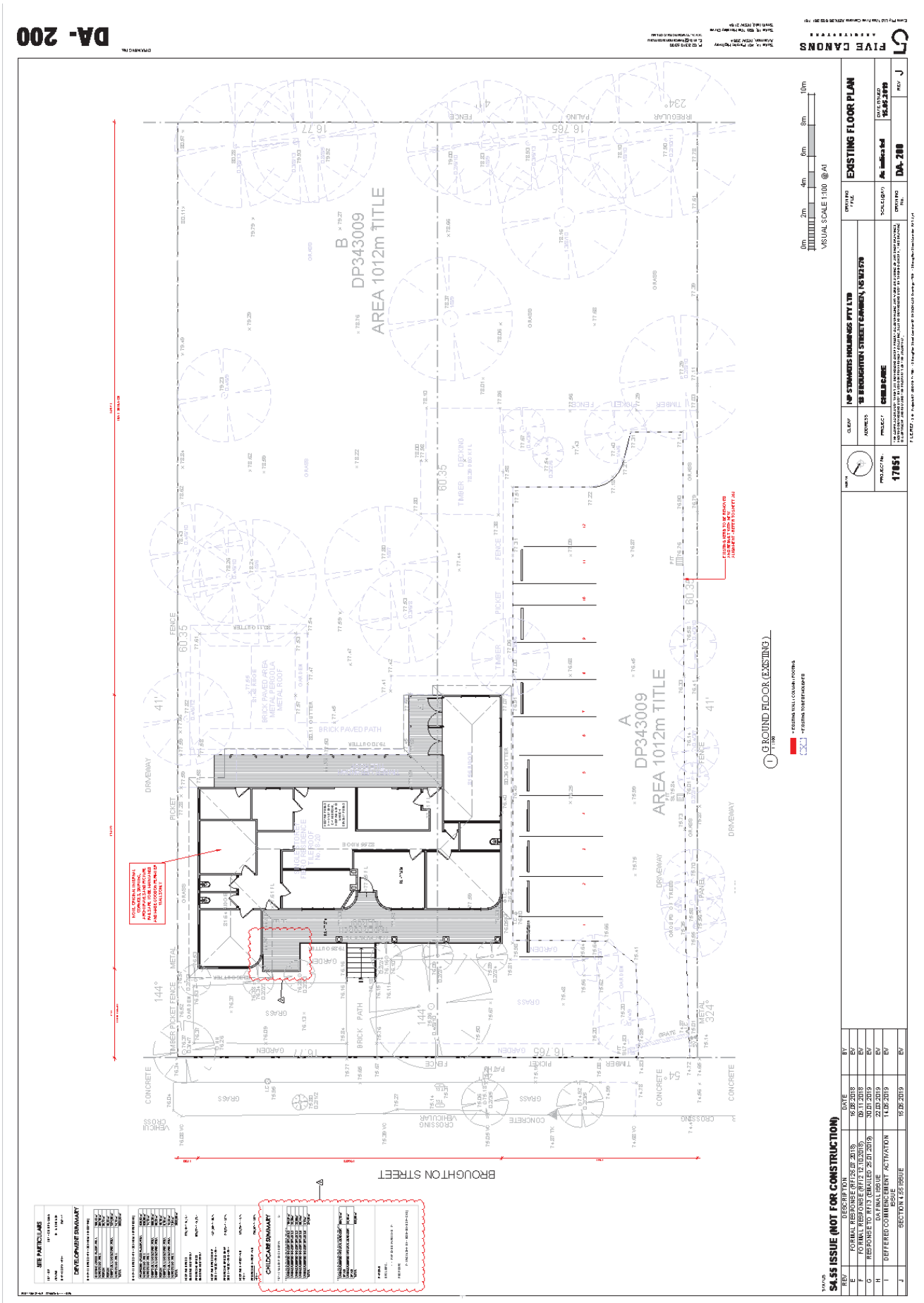

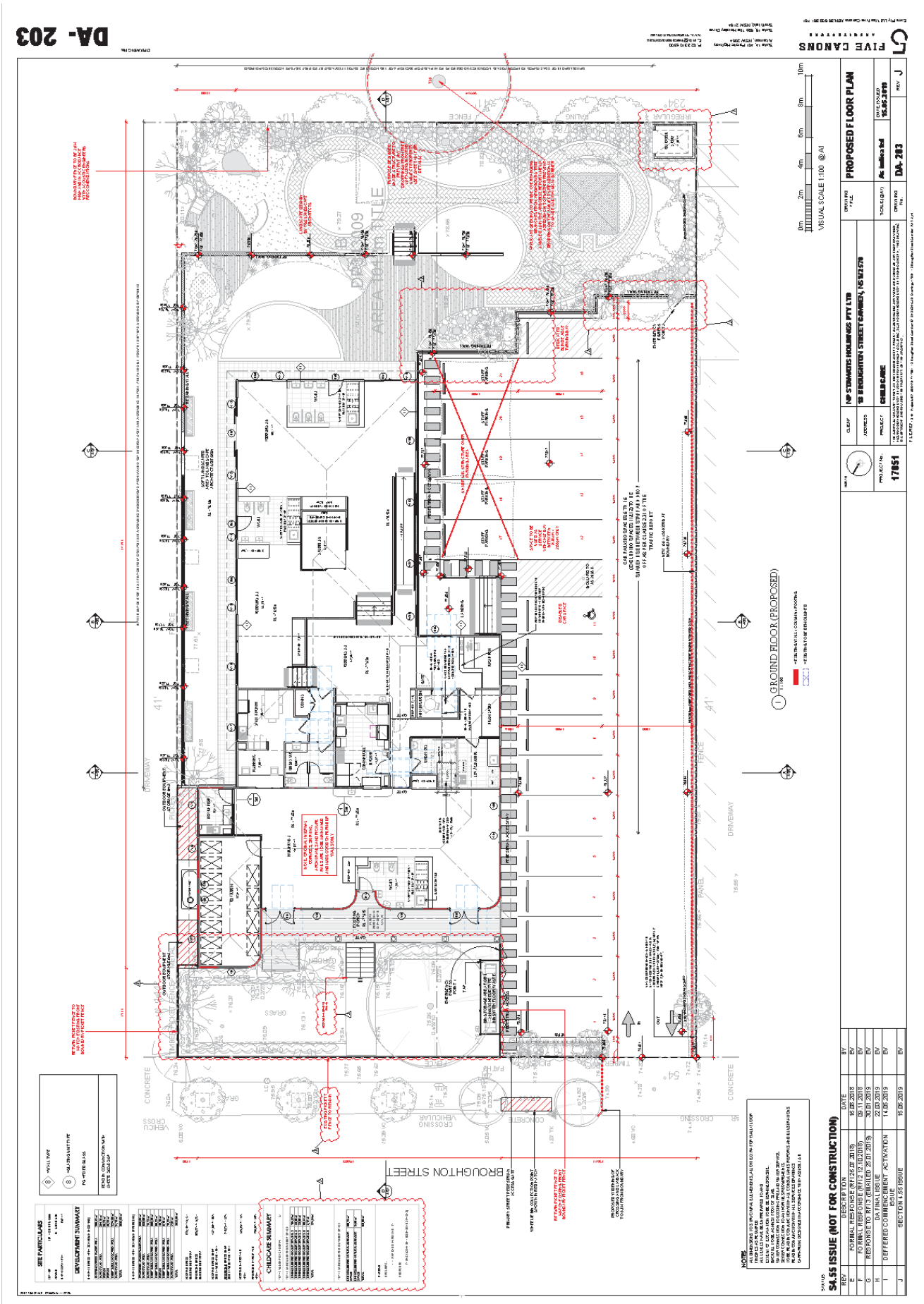

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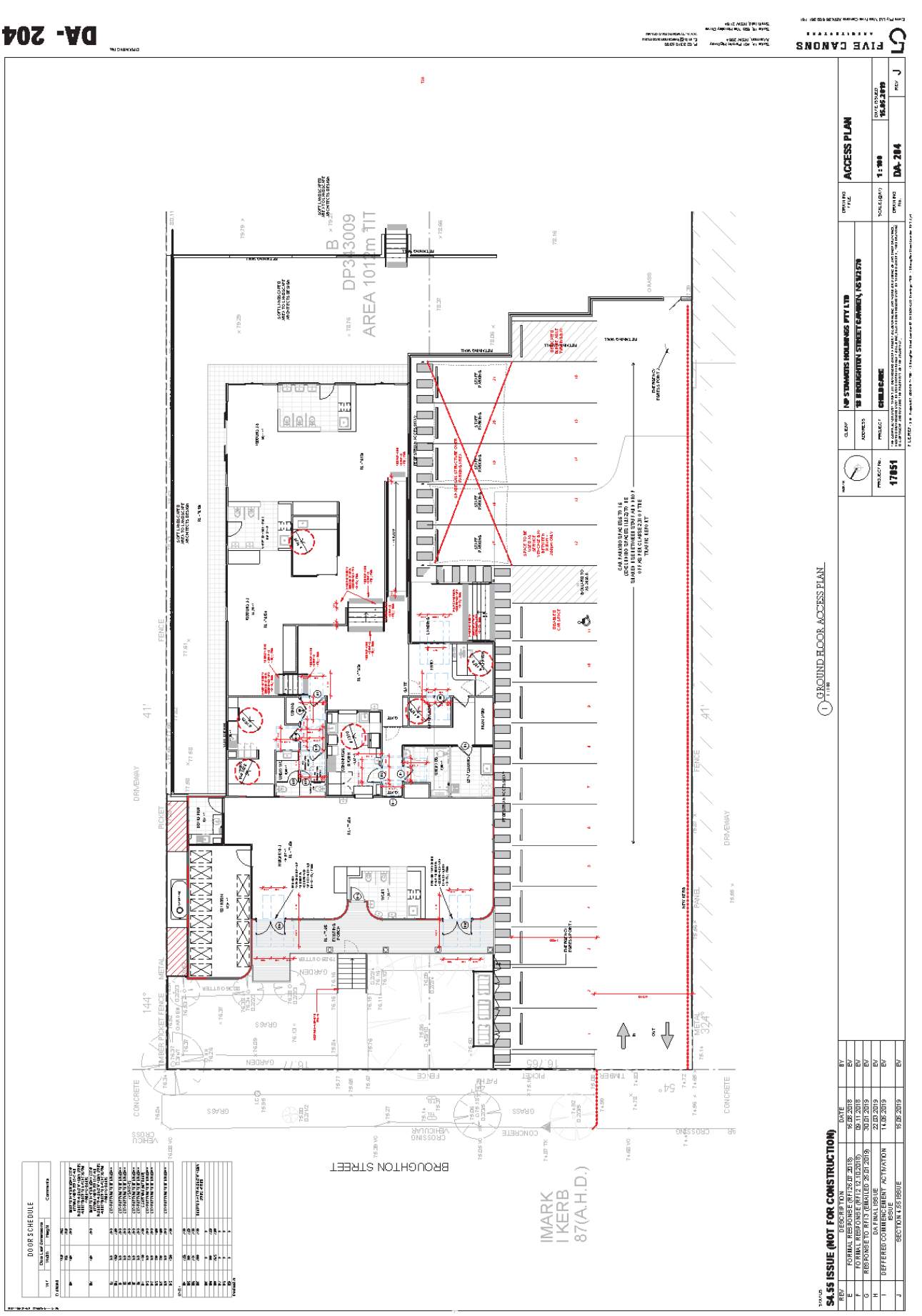

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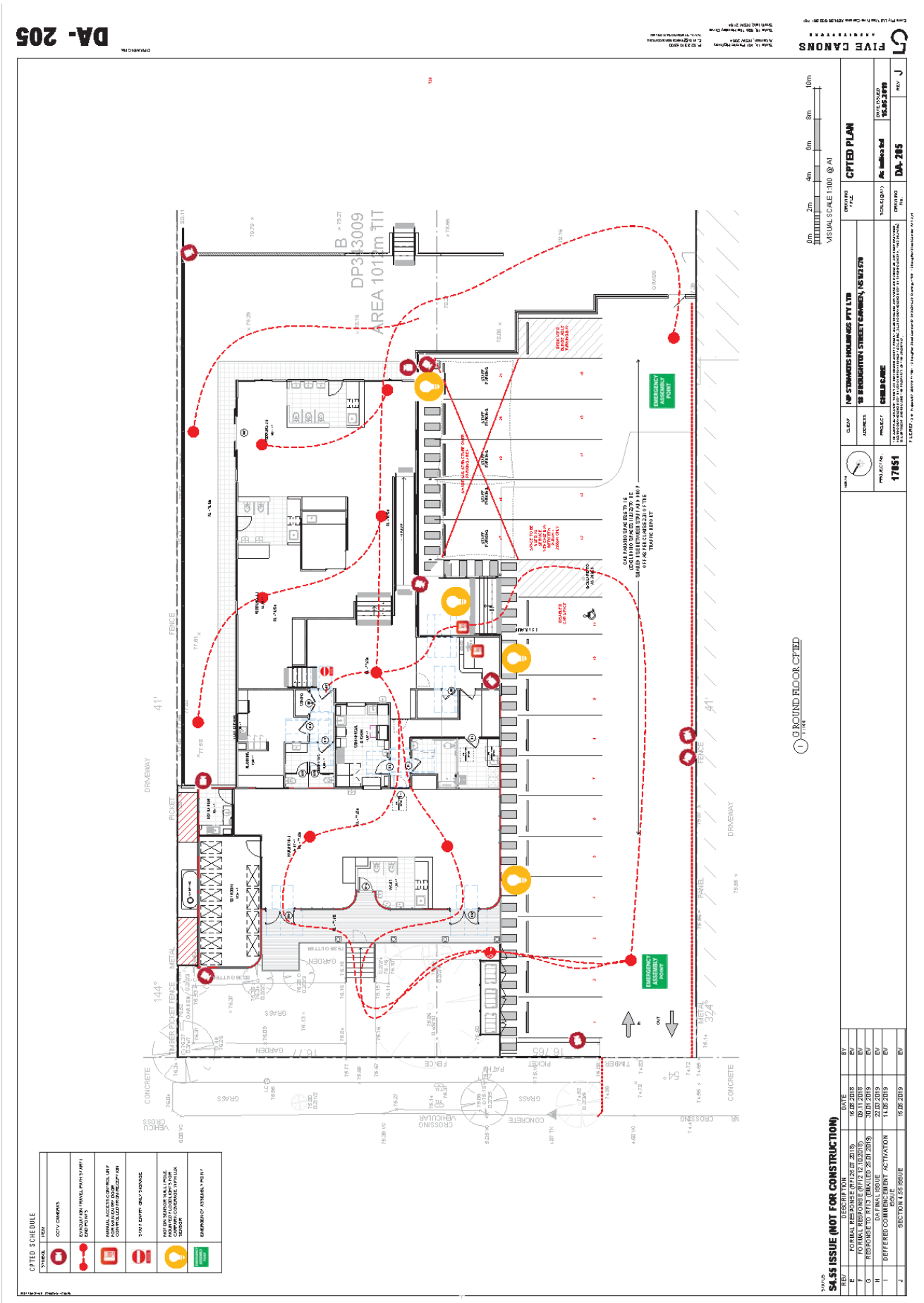

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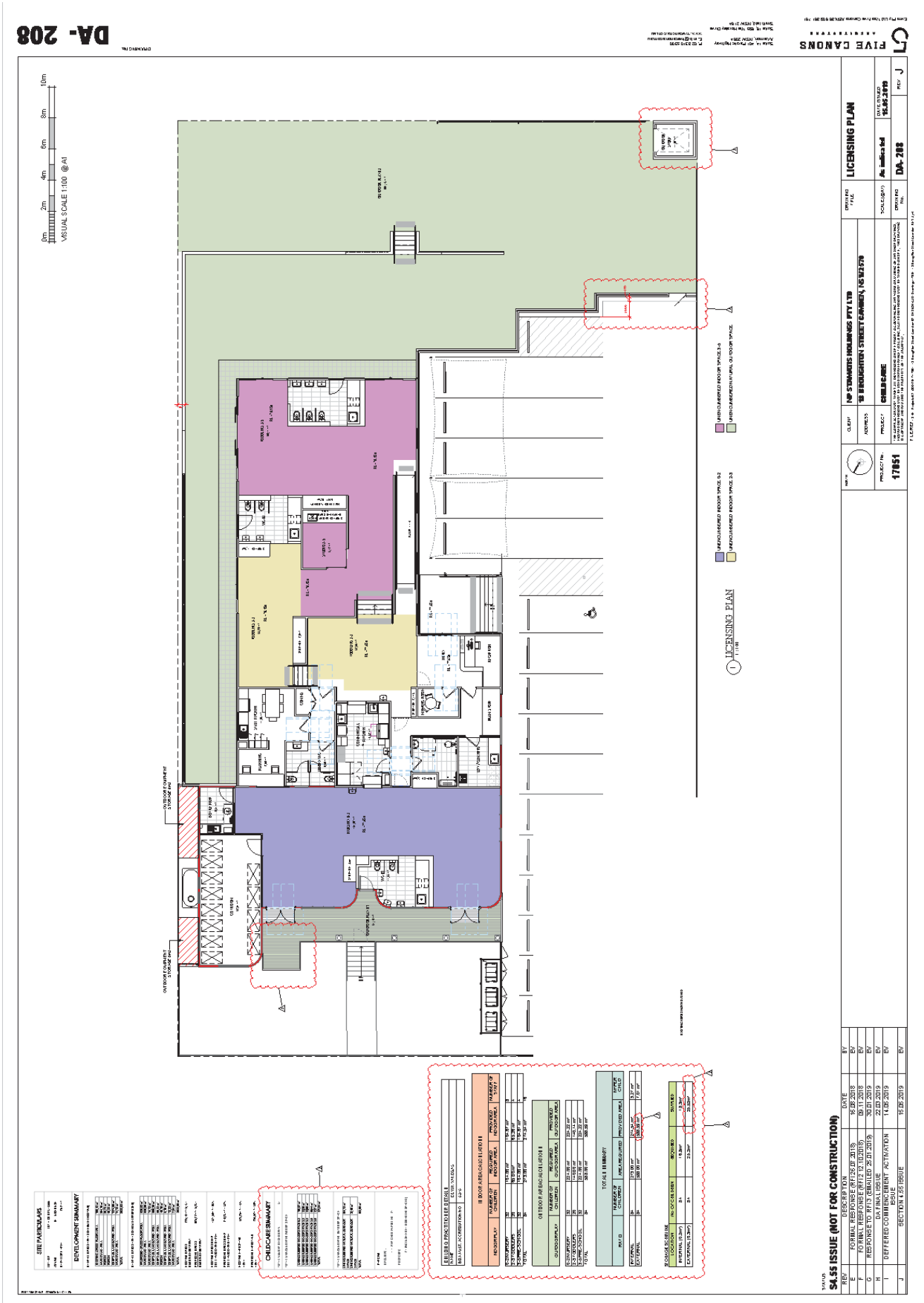

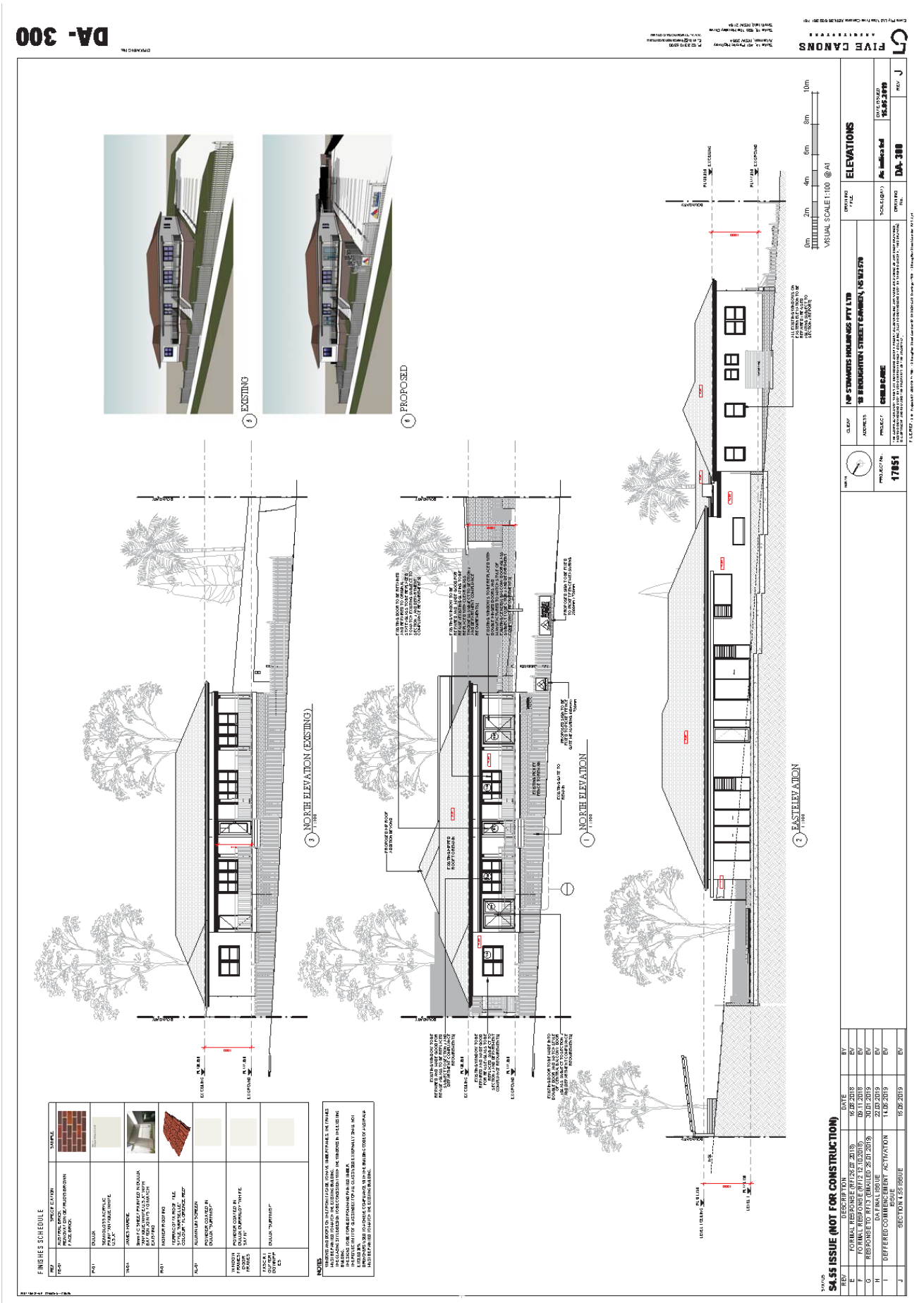

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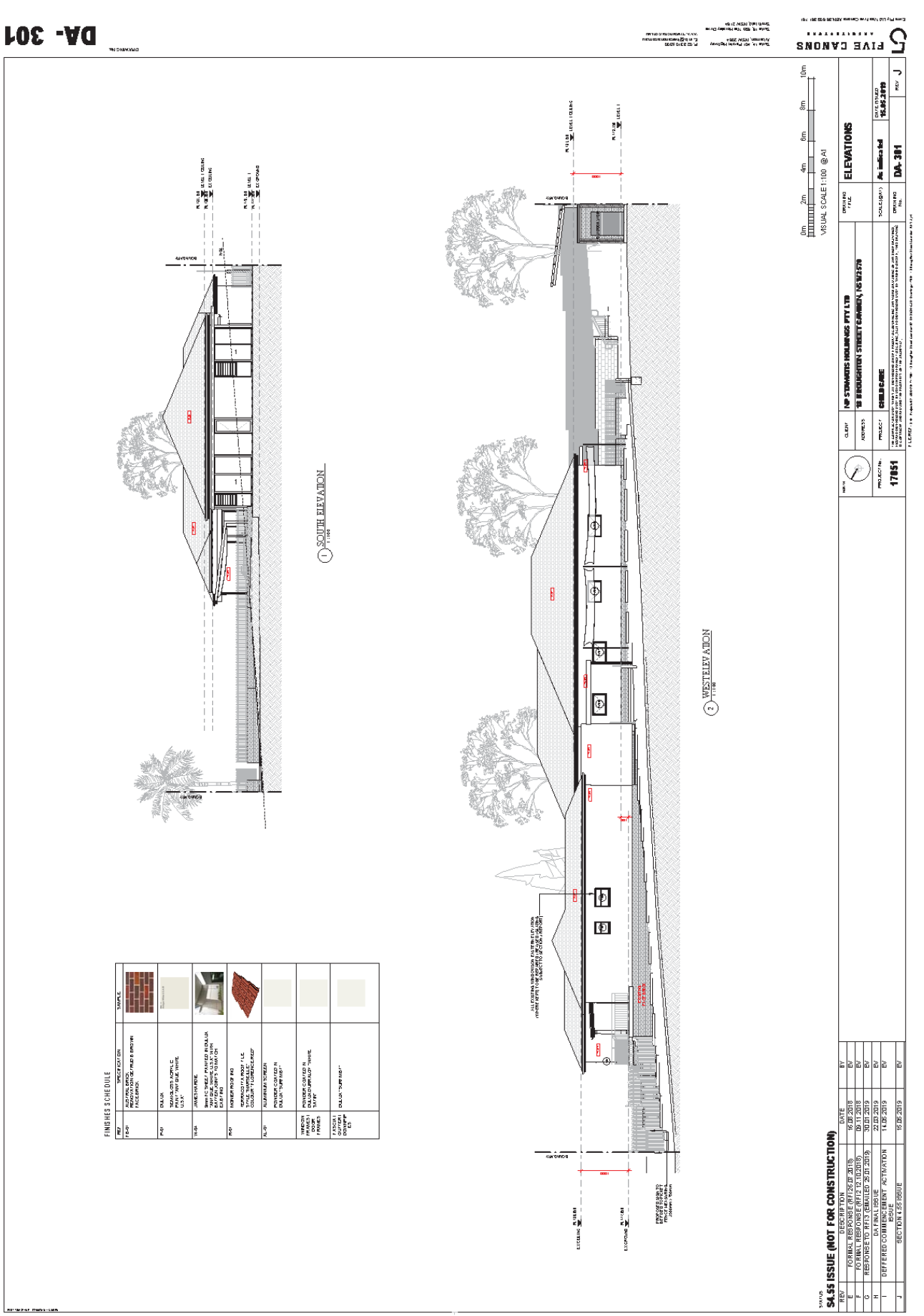

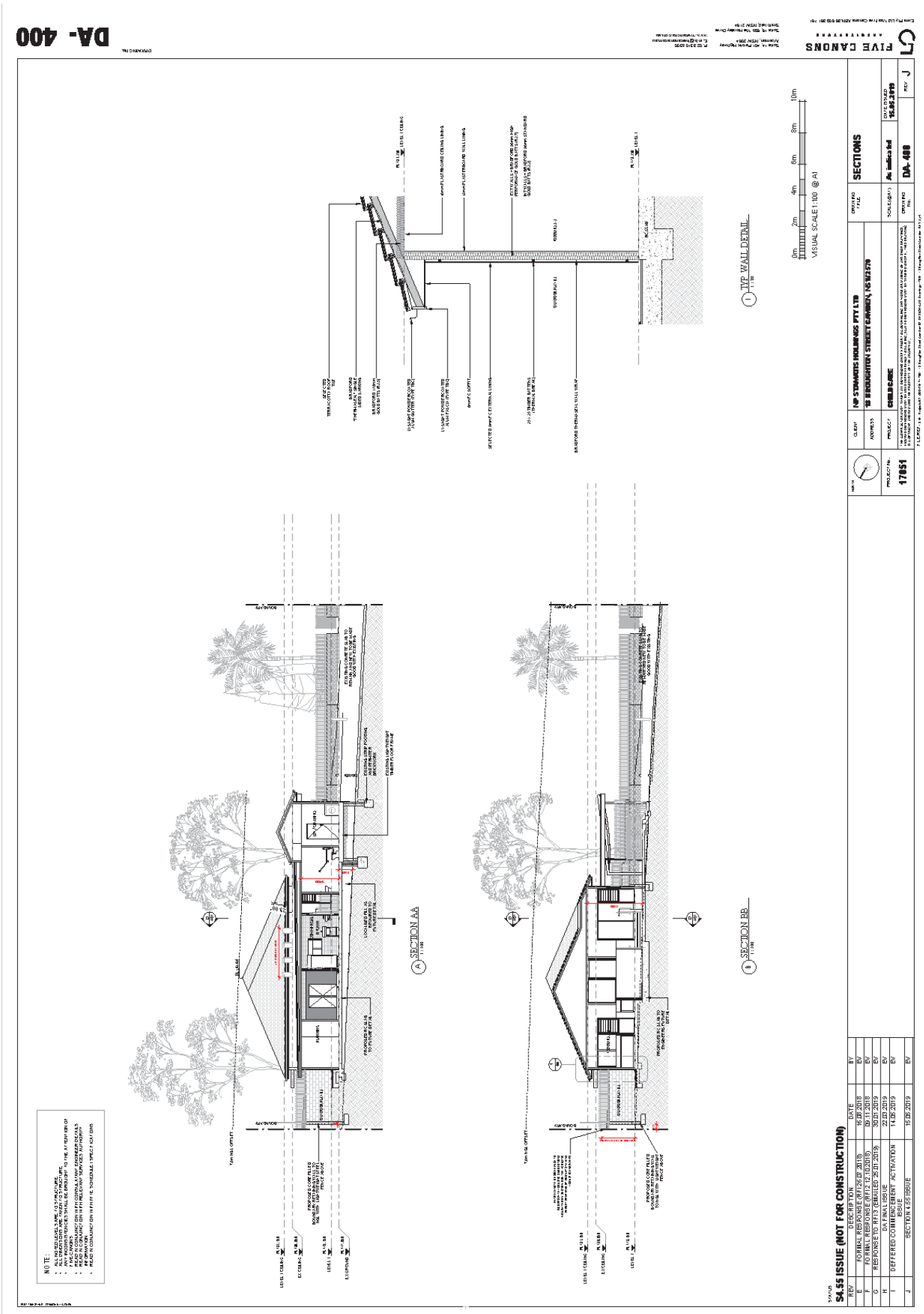

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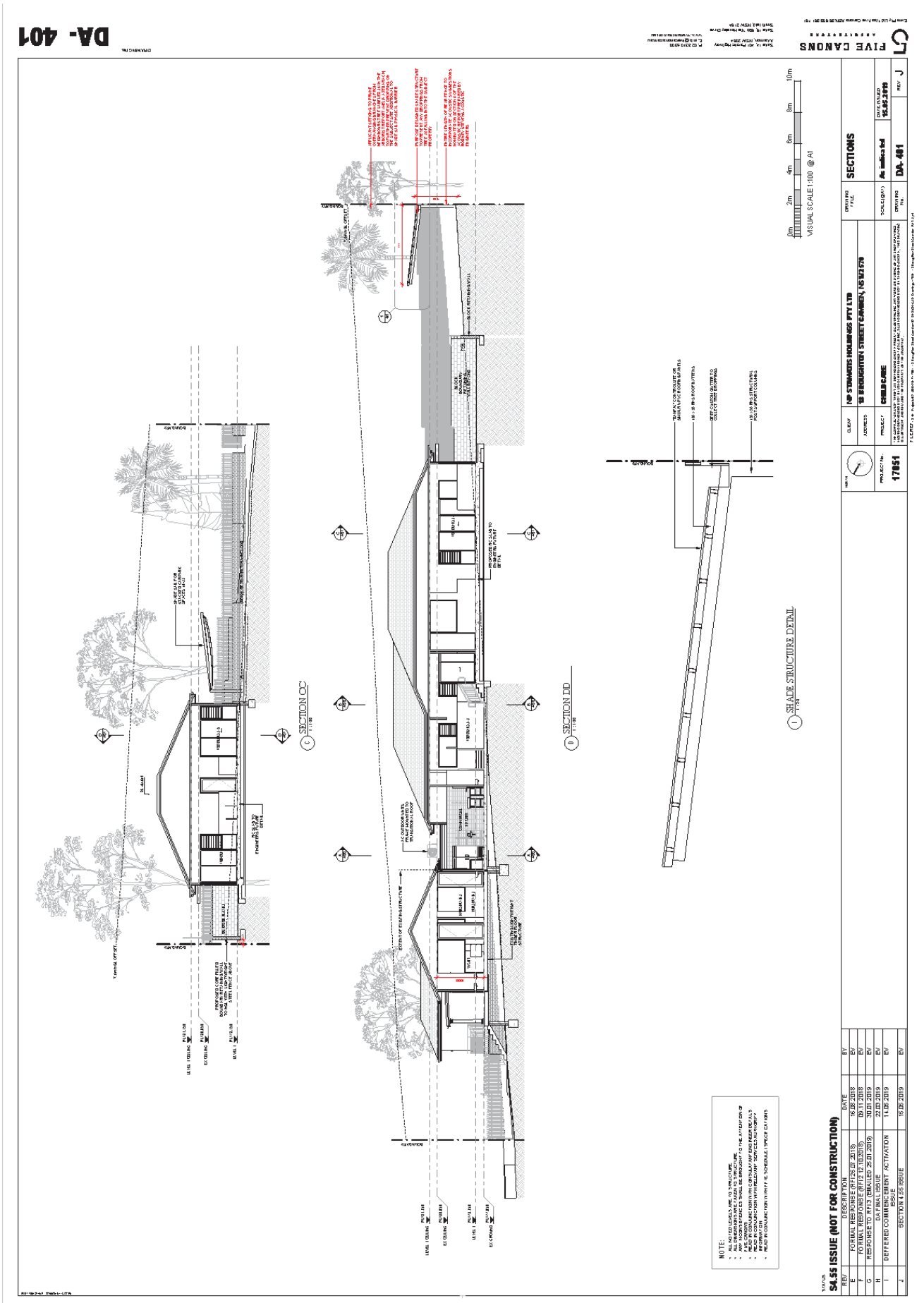

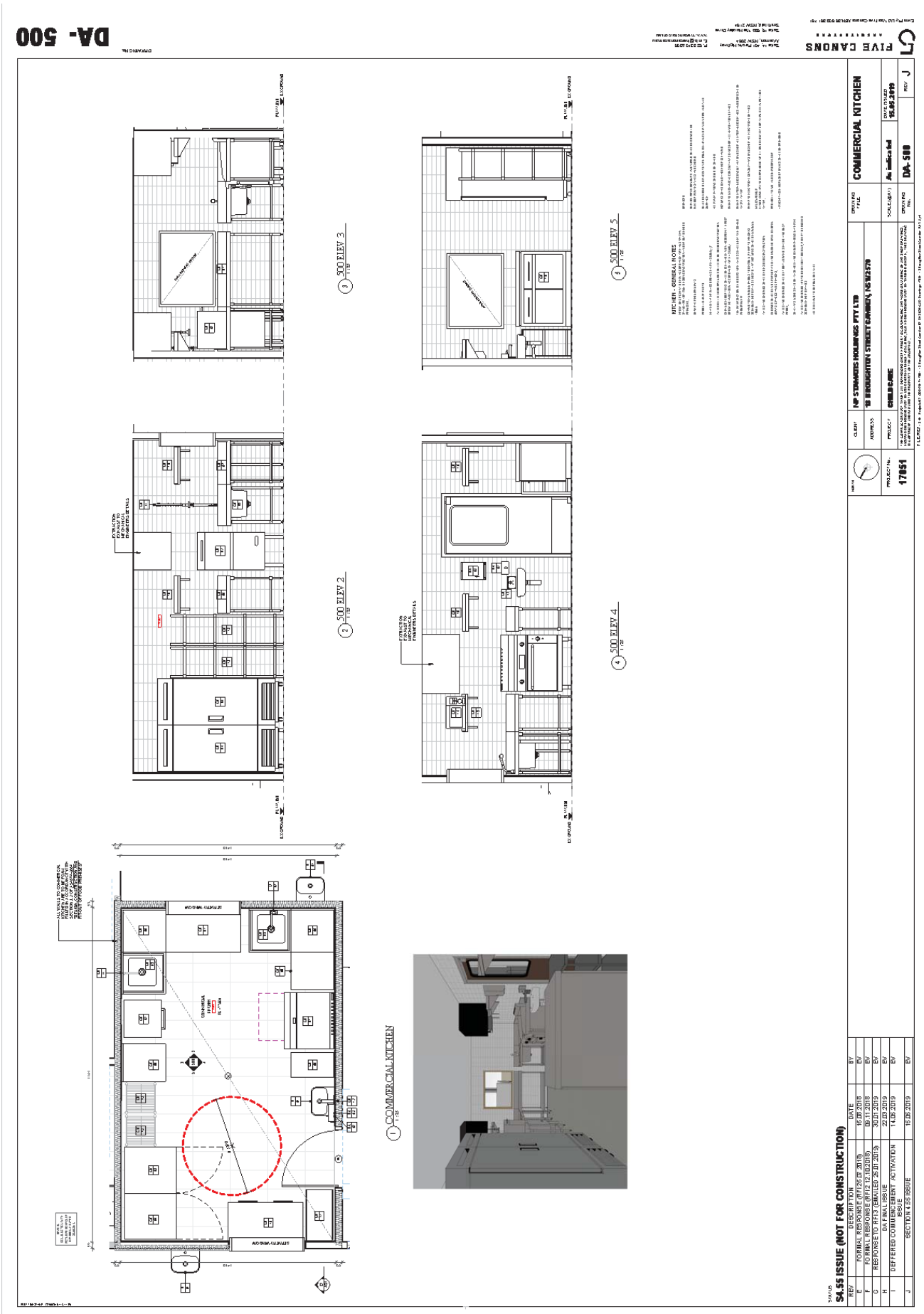

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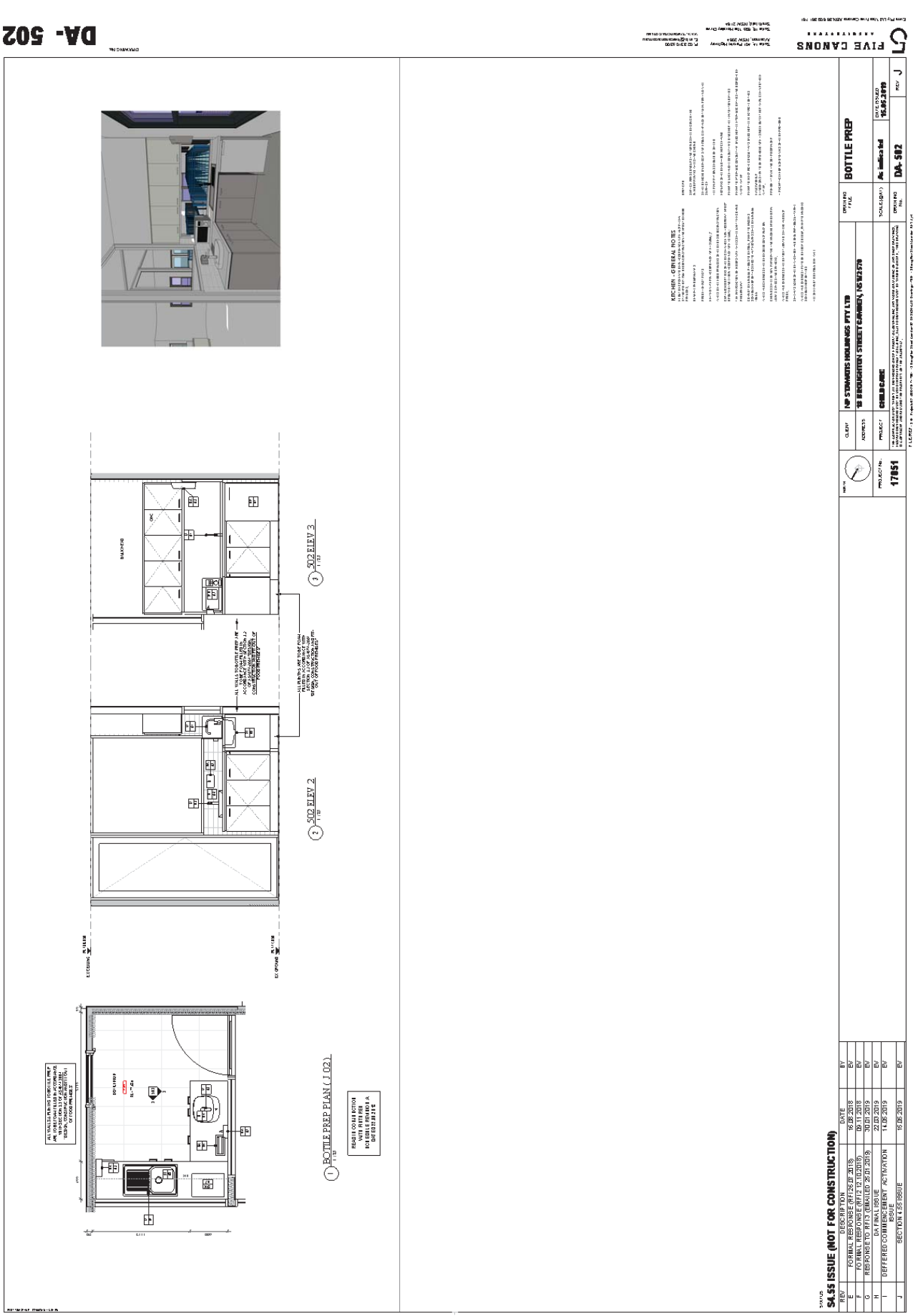

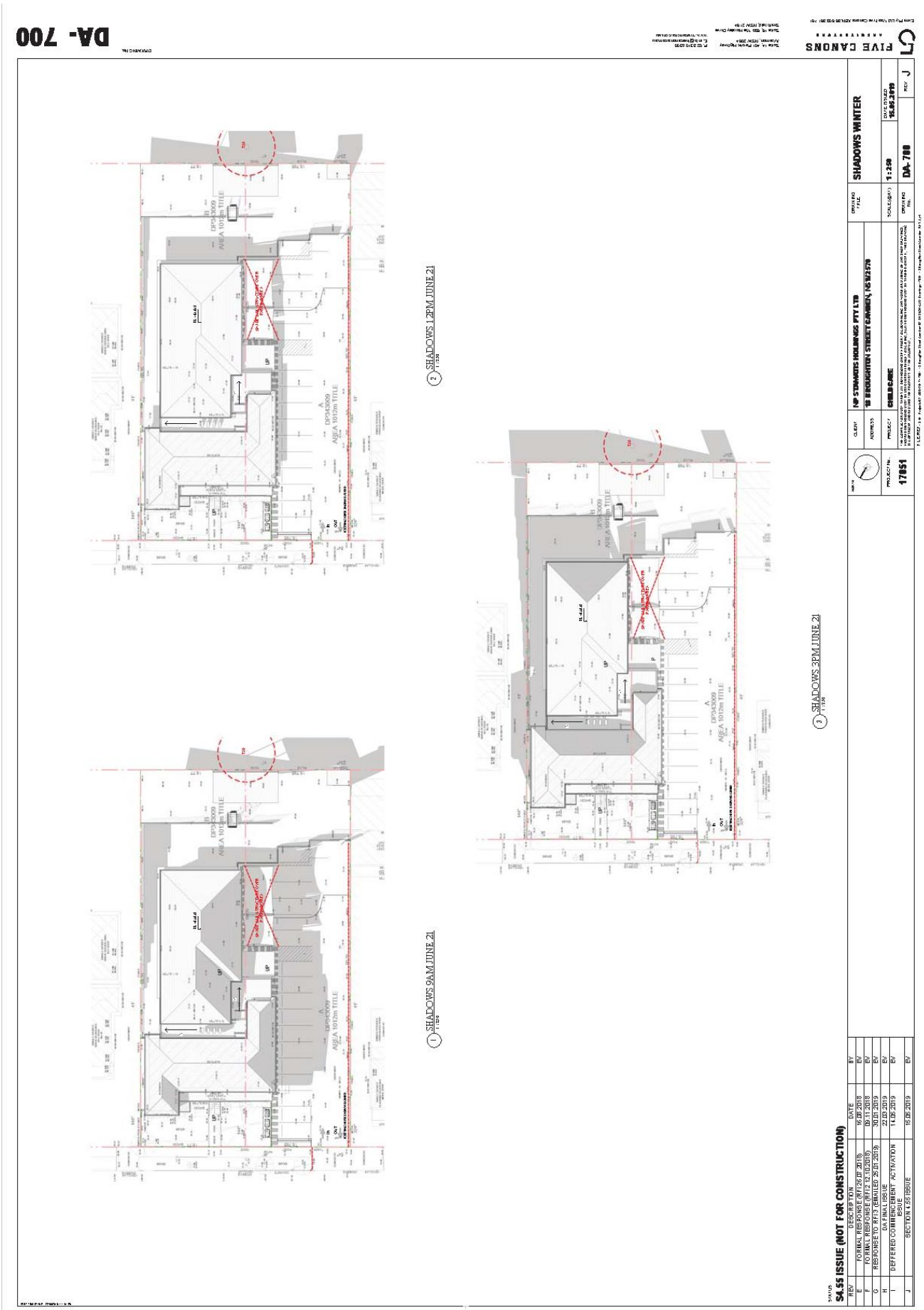

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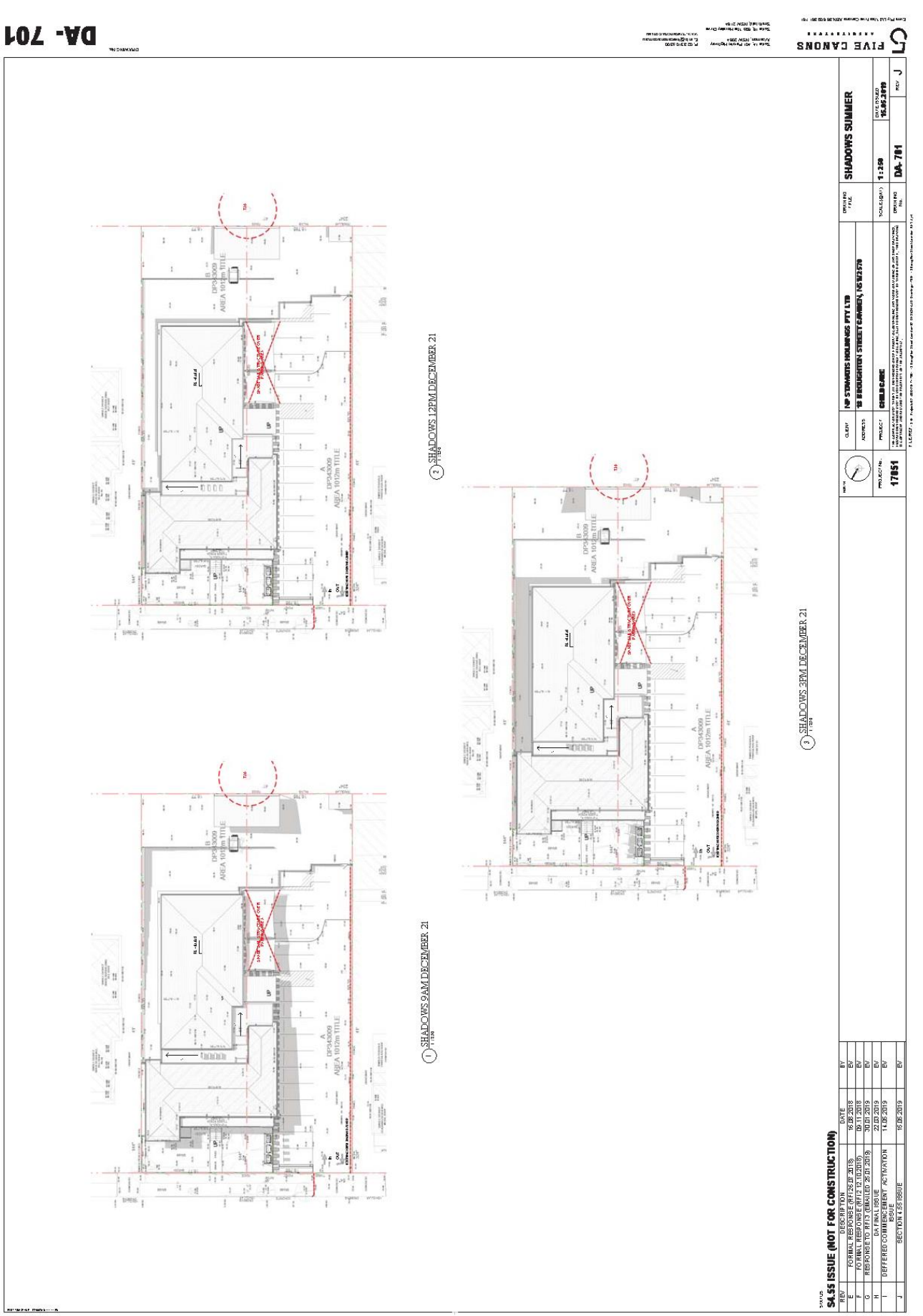

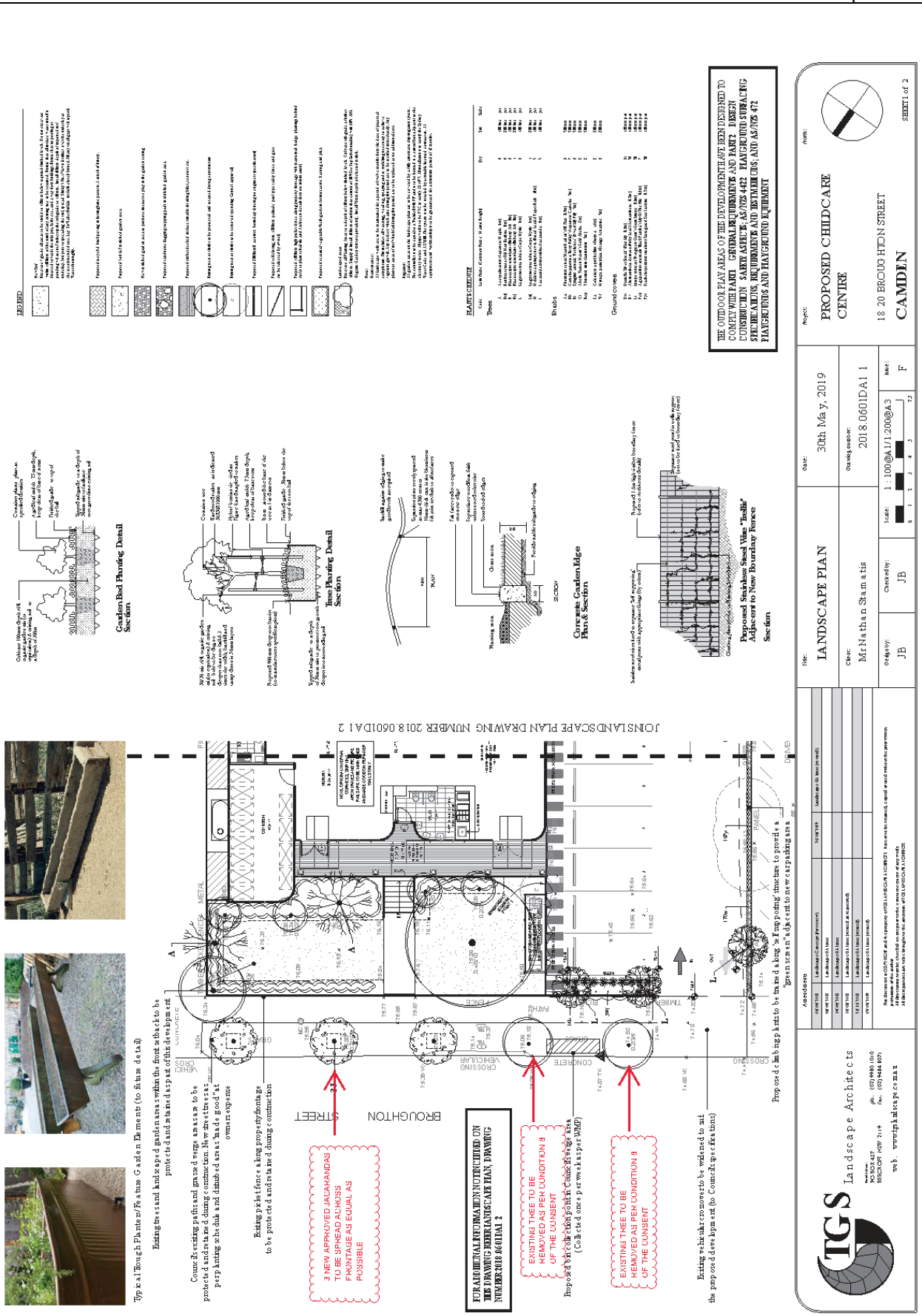

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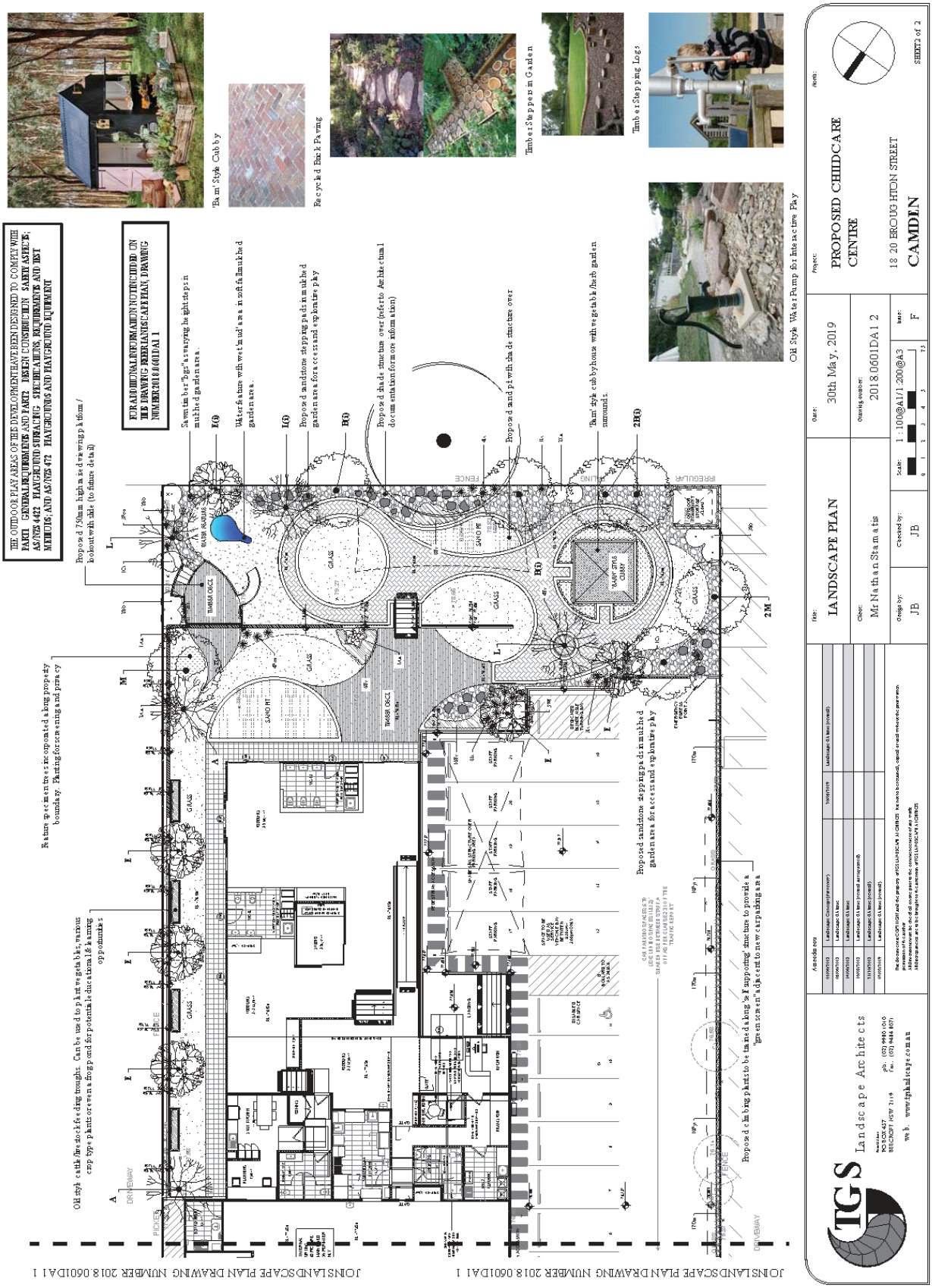
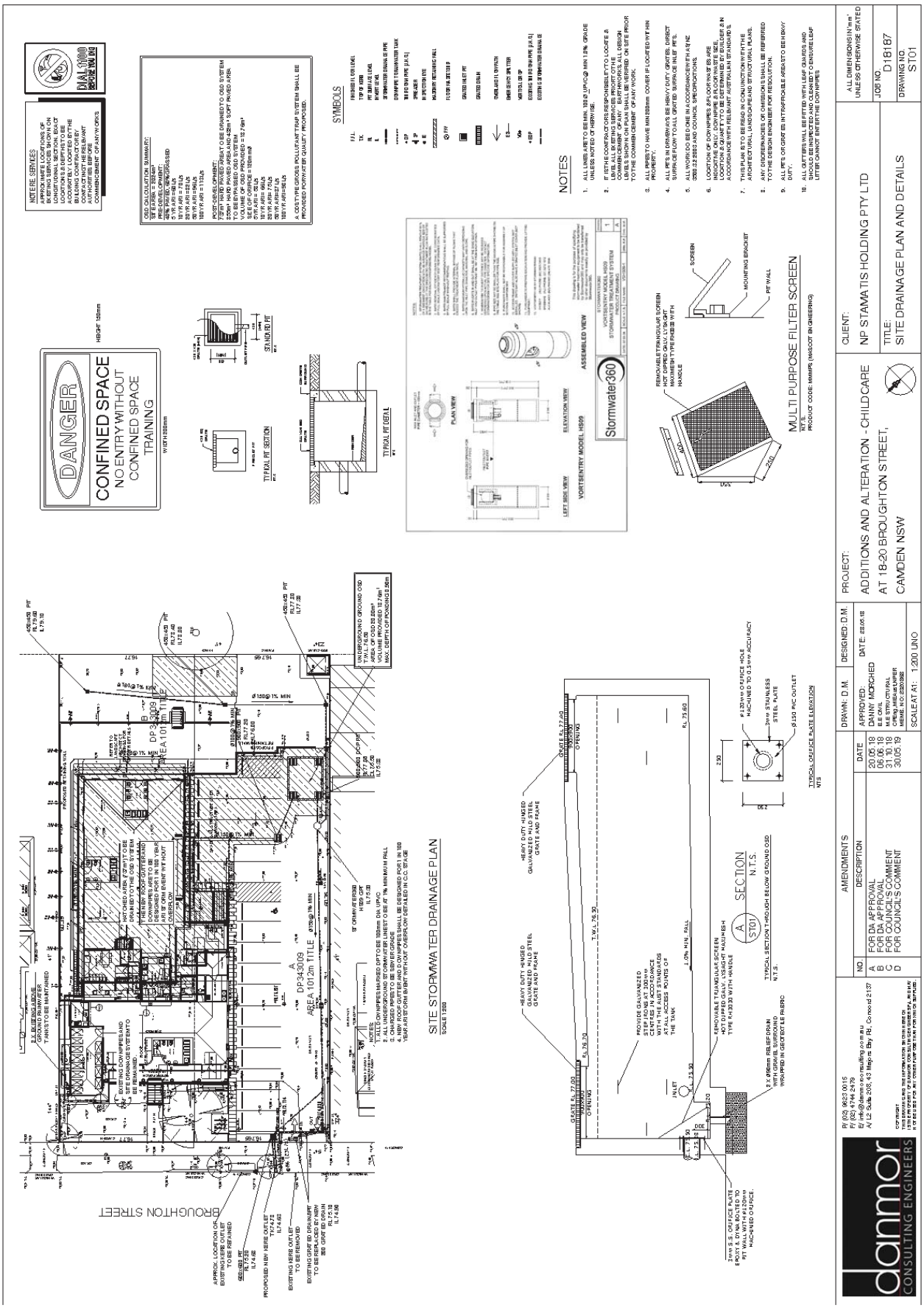
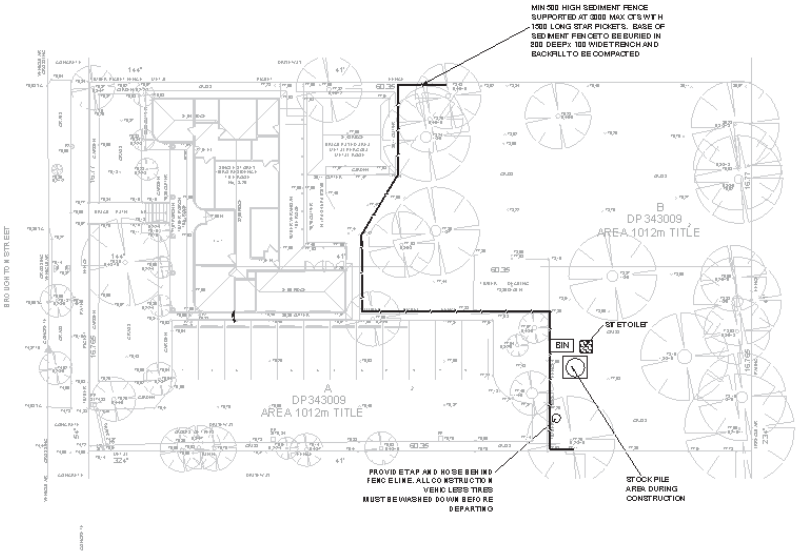




Attachment 5 **CLPP01**

This is the report submitted to the Camden Local Planning Panel held on 17 September 2019 - Page 82



EROSION AND SEDIMENT CONTROL PLAN
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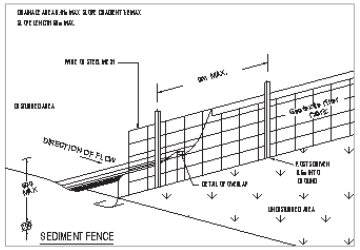

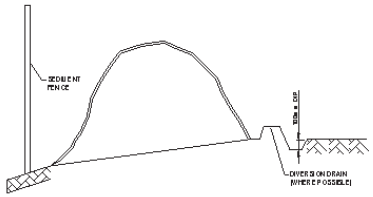

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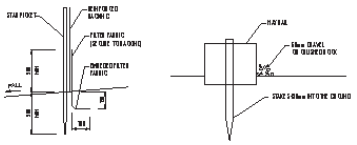

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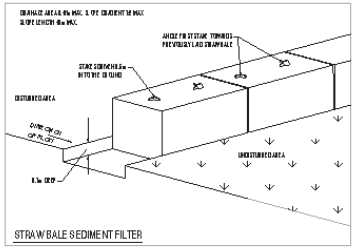

EROSION CONTROL NOTES

1. ALL EROSION & SEDIMENT CONTROL MEASURES TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH MANLY CIVIL BULLETIN No 2 AND TO BE APPROVED BY THE PRINCIPAL CERTIFYING AUTHORITY PRIOR TO THE COMMENCEMENT OF ANY WORKS ON SITE.
2. ALL EROSION AND SEDIMENT CONTROL DEVICES ARE TO BE INSTALLED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION WORKS, AND ALL SILT TRAPS ARE TO BE CONSTRUCTED AROUND THE PERIMETER OF THE SITE AND MAINTAINED DURING CONSTRUCTION.
3. ALL TREES ARE TO BE PROTECTED AS REQUIRED BY THE CONSENT CONDITIONS. ANY TREES REQUIRED TO BE REMOVED ARE TO BE CLEARED AND GRUBBED AS REQUIRED FOR THE CONSTRUCTION OF THE BUILDING, DRIVEWAY, SERVICES AND LANDSCAPING AS SHOWN ON THE APPROVED PLANS. ALL TREES NOT REQUIRED TO BE REMOVED ARE TO BE PROTECTED DURING CONSTRUCTION WORKS BY THE ERECTION OF TEMPORARY FENCING AT THE DRIP LINE OF THE TREES.
4. ALL TREES TO BE REMOVED ARE TO BE FELLED AWAY FROM TREES TO BE RETAINED AND IN A MANNER THAT WILL NOT DAMAGE THE TREES TO BE RETAINED. ALL STUMPS ARE TO BE GROUND OUT AND REMOVED.
5. ALL TREES AND VEGETATION CUTTINGS ARE TO BE DISPOSED OF OFF SITE IN ACCORDANCE WITH COUNCIL REQUIREMENTS.
6. ALL TOPSOIL STRIPPED FROM THE SITE IS TO BE STOCKPILED IN A LOCATION APPROVED BY THE PRINCIPAL CERTIFYING AUTHORITY AND PROTECTED FROM EROSION AND SEDIMENT LOSS BY THE ERECTION OF SEDIMENT FENCING AROUND THE BASE OF THE STOCKPILE.
7. ALL DISTURBED AREAS ARE TO BE REVEGETATED AS SOON AS POSSIBLE AFTER THE COMPLETION OF WORKS IN ACCORDANCE WITH THE LANDSCAPE PLAN.
8. ALL EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE MAINTAINED IN A CLEAN AND EFFECTIVE CONDITION FOR THE DURATION OF THE CONSTRUCTION WORKS AND UNTIL THE SITE IS STABILISED AND REVEGETATED.
9. ALL SEDIMENT FENCING IS TO BE INSPECTED DAILY AND REPAIRED AS REQUIRED TO ENSURE CONTINUED PERFORMANCE OF THE REQUIRED FUNCTION.
10. ALL SEDIMENT TRAPPED BY SEDIMENT CONTROL DEVICES IS TO BE REMOVED AND PLACED IN A LOCATION WHERE IT WILL NOT BE WASHED INTO DRAINAGE LINES OR WATERWAYS.
11. ALL SEDIMENT CONTROL DEVICES ARE TO BE REMOVED ONCE THE SITE IS STABILISED AND REVEGETATED.

SYMBOLS

EXISTING CONTOURS
SILT FENCE
KERB INLET PIT

NOTES: SOIL & WATER MANAGEMENT

1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED DAILY BY SITE MANAGER.
2. MINIMISE DISTURBED AREAS.
3. ALL STOCKPILES TO BE CLEAR OF ROAD DRAINS, GUTTERS AND FOOTPATHS.
4. DRAINAGE IS TO BE CONNECTED TO STORMWATER SYSTEM AS SOON AS POSSIBLE.
5. ROAD AND FOOTPATH TO BE SWEPT DAILY.
6. NO ALTERATION TO BE STORED ON FOOTPATH.
7. IF YOU DO NOT COMPLY YOU MAY BE LIABLE TO A $1500 FINE.

danmor CONSULTING ENGINEERS

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AMENDMENTS		
NO.	DESCRIPTION	DATE
A	FOR DA APPROVAL	20.05.18
B	FOR DA APPROVAL	06.06.18
C	FOR DA APPROVAL	31.10.18

DRAWN: D.M. DESIGNED: D.M.
APPROVED: DATE: 23.05.18
DANNY MORCHED
B.E CIVIL
M.E STRUCTURAL
CPEng, MIEAust, NPER
MEMB. NO: 2320363
SCALE AT A1: 1:200 UNO

PROJECT:
ADDITIONS AND ALTERATION - CHILDCARE
AT 18-20 BROUGHTON STREET,
CAMDEN NSW

CLIENT:
NP STAMATIS HOLDING PTY LTD

TITLE:
EROSION AND SEDIMENT CONTROL PLAN AND DETAILS

ALL DIMENSIONS IN 'mm' UNLESS OTHERWISE STATED

JOB NO. D18187

DRAWING NO. ST02

CAMDEN LOCAL PLANNING PANEL

CLPP02

SUBJECT: DA/2019/545/1 - PROPOSED PLAYGROUND AND PRACTICE NETS - 50 LODGES ROAD NARELLAN
TRIM #: 19/242019

DA Number:	DA/2019/545/1
Development:	Construction of a children's playground and two golf practice nets
Estimated Cost of Development:	$30,000
Site Address(es):	50 Lodges Road, Narellan
Applicant:	Reggie's – Residential Design and Drafting
Owner(s):	The Council of Camden
Number of Submissions:	None
Development Standard Contravention(s):	None
Classification:	Local
Recommendation:	Approve with conditions
Panel Referral Criteria:	Conflict of interest – development of which the land owner is the Council
Report Prepared By:	Jordan Soldo, Senior Town Planner

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the construction of a children's playground and two golf practice nets at 50 Lodges Road, Narellan.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minster for Planning's Section 9.1 Direction, the development is one for which the Council is the land owner.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2019/545/1 for the construction of a children's playground and two golf practice nets at 50 Lodges Road, Narellan pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a children's playground and two golf practice nets at 50 Lodges Road, Narellan.

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

The DA was not required to be publicly exhibited in accordance with Camden Development Control Plan 2011.

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

AERIAL PHOTO

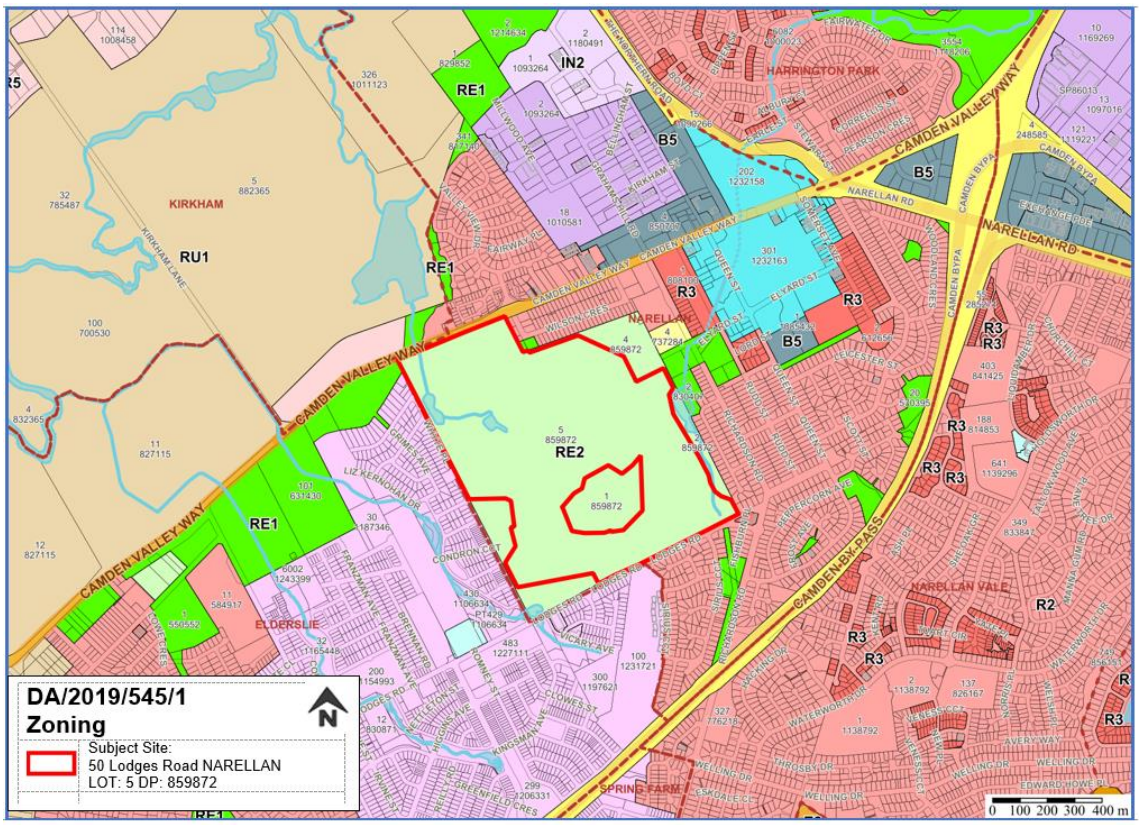
THE SITE

The site is known as 50 Lodges Road, Narellan (Lot 5 DP 859872) and contains the Camden Golf Club which consists of an 18-hole golf course, clubhouse, at grade car park and various ancillary maintenance and storage sheds. The lot is 66.04Ha in area.

The proposed works are located at the southern end of the lot, with the playground proposed to be sited east of the clubhouse near the outdoor dining area and the practice nets proposed to be sited south of the clubhouse between the practice green and the car park.

Surrounding the lot is low density residential development primarily consisting of detached dwellings at one or two storey in height. Located on a separate lot in the middle of the golf course is Studley Park House, a large high Victorian mansion in "Boom" style which is listed as a State Heritage Item. Studley Park House consists of two storeys with a high basement level and a three-storey tower.

ZONING PLAN



HISTORY

There is no relevant development history for this site.

THE PROPOSAL

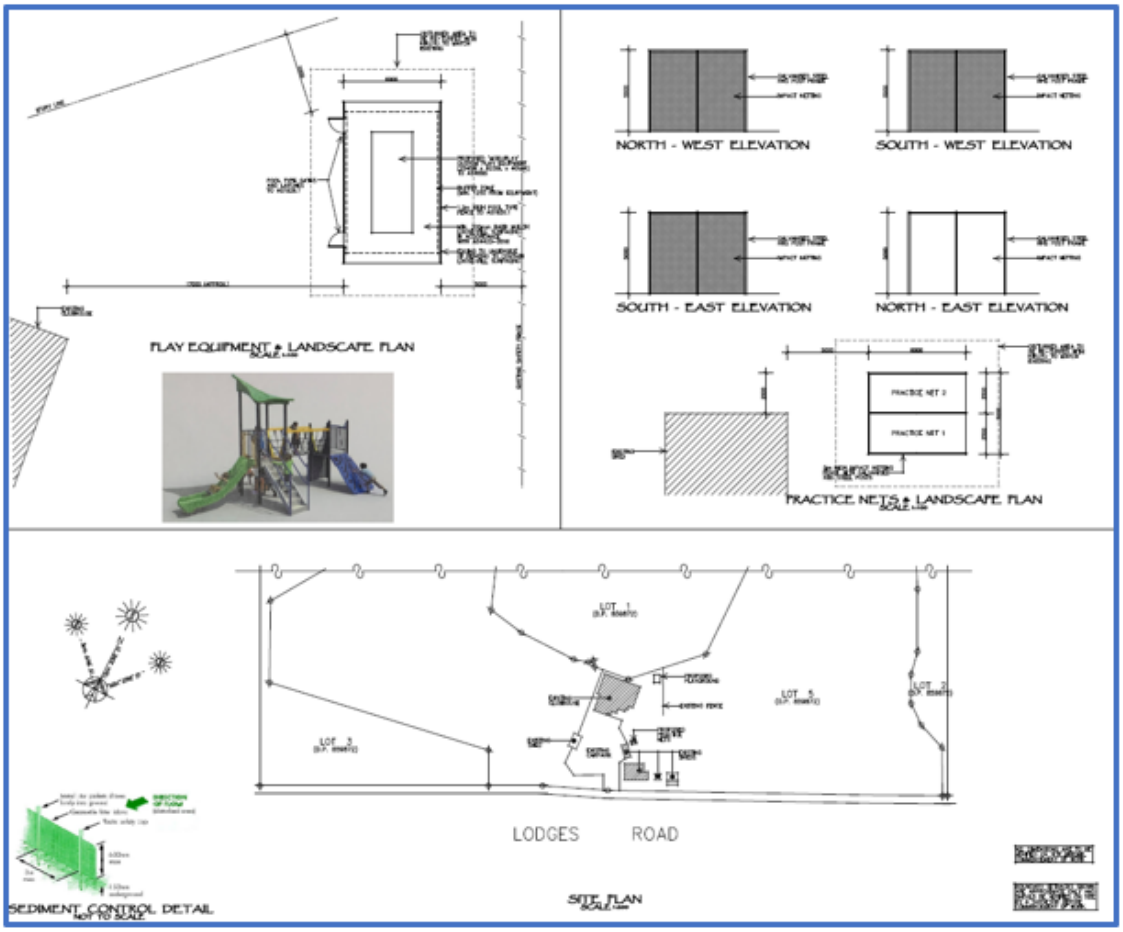
DA/2019/545/1 seeks approval for the construction of a children's playground and two golf practice nets at 50 Lodges Road, Narellan.

Specifically, the development involves:

- Children's playground with a maximum height of 4.014m with bark mulch and pool type fencing surrounding.

- Two golf practice nets consisting of 5m high impact netting attached to galvanized steel post frame.

The estimated cost of the development is $30,000.



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

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

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

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy No. 55 - Remediation of Land.
- Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River.
- Camden Local Environmental Plan 2010.

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

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

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before

the land is used for the development. Furthermore, the consent authority must consider a preliminary contamination investigation in certain circumstances.

Given a change of use is not proposed a preliminary site investigation is not required under clause 7(2).

Council staff have reviewed aerial photography as well as the development history of the site and are satisfied that the site is suitable for the development. Additionally, a standard contingency condition is recommended that requires any contamination found during construction be managed in accordance with Council's Management of Contaminated Lands Policy.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

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

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development.

Camden Local Environmental Plan (CLEP) 2010

Site Zoning

The site is zoned RE2 – Private Recreation pursuant to Clause 2.2 of CLEP 2010.

Land Use/Development Definitions

The children's playground is defined as a "recreation area" and the practice nets are defined as a "recreation facility (outdoor)" by CLEP 2010.

Permissibility

The development is permitted with consent in the RE2 Private Recreation zone pursuant to the land use table of CLEP 2010.

Planning Controls

An assessment table in which the development is considered against the planning controls contained in CLEP 2010 is provided as an attachment to this report.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

Camden Development Control Plan 2011 (Camden DCP)

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

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

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

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

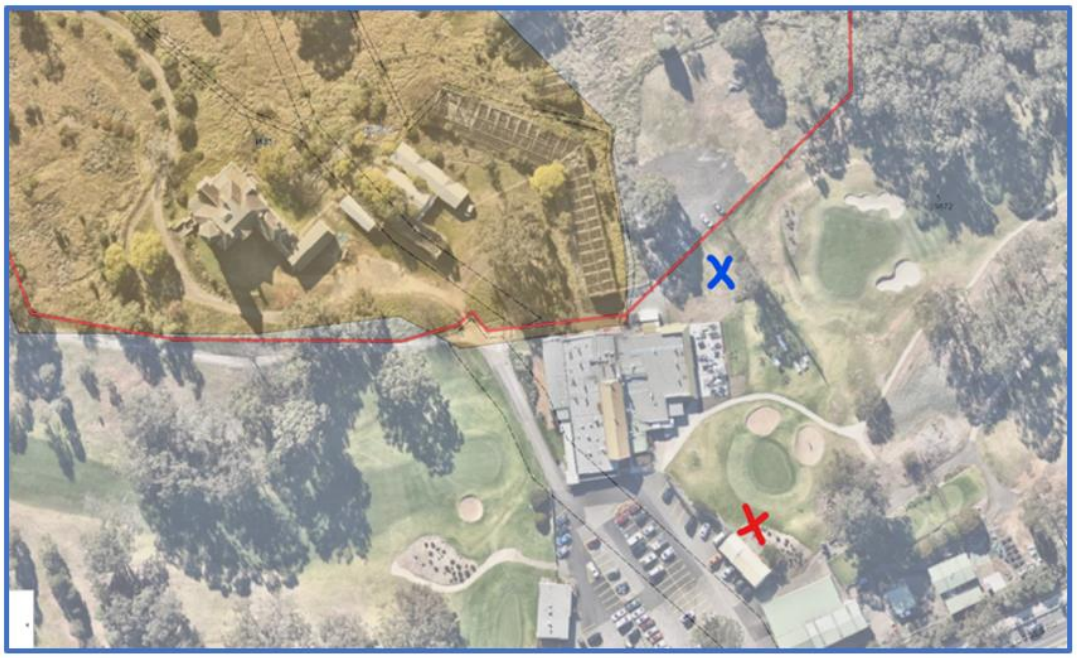
The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions attached to this report.

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

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

Impacts on Nearby State Heritage Item – Studley Park House

Studley Park House is an item on the State Heritage Register which is located nearby the proposed development. Studley Park House is located on 52 Lodges Road, Narellan which is a separate lot from the proposed development.



Note - The red line is the lot boundary, the transparent brown layer is the location of the heritage item as identified in the Camden LEP with the blue 'X' being the location of the proposed play equipment and the red 'X' being the location of the two golf nets.

As the subject development only relates to the construction of a playground and golf nets which are outside of the State Heritage Register's mapped curtilage, an approval under the Heritage Act is not required.

Given the relatively minor scale of the proposal and its consistency with the surrounding uses the proposed development is not considered to have any significant impacts on the nearby heritage item.

(c) the suitability of the site for the development

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

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

The DA did not require public exhibition or notification in accordance with Camden Development Control Plan 2011.

(e) the public interest

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

EXTERNAL REFERRALS

No external referrals were required for this DA.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

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

RECOMMENDED

That the Panel approve DA/2019/545/1 for the construction of a children's playground and two golf practice nets at 50 Lodges Road, Narellan subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The development is, subject to the recommended conditions, consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 55 - Remediation of Land, Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River and Camden Local Environmental Plan 2010.

2. The development is, subject to the recommended conditions, consistent with the

objectives of Camden Development Control Plan 2011.

3. The development is, subject to the recommended conditions, unlikely to have any unreasonable adverse impacts upon the natural or built environments.

4. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is within the public interest.

ATTACHMENTS

1. Camden LEP Assessment Table
2. Camden DCP Assessment Table
3. Plans
4. Recommended Conditions

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
2.3 Zone objectives and land use table The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited. The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone. The zone objectives for this site are: • To enable land to be used for private open space or recreational purposes. • To provide a range of recreational settings and activities and compatible land uses. • To protect and enhance the natural environment for recreational purposes.	The land is to be used for private recreational purposes. The proposed development contributes to the range of recreational activities available within Narellan and is compatible with the existing and surrounding uses. The proposed development will not result in any significant impacts on the natural environment.	Yes.
5.10 Heritage conservation Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned. The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would effect the heritage significance of the heritage item or heritage conservation area concerned. The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.	Given the limited scale of the proposed development in comparison to the existing development on the site and the proposed location away from the State heritage listed item - Studley Park House, the proposed development is not considered to have any significant effect on the heritage significance of the item. Given the lack of any significant impact on the heritage item, neither a heritage impact assessment nor a heritage conservation management plan were required in the assessment of this application.	Yes.

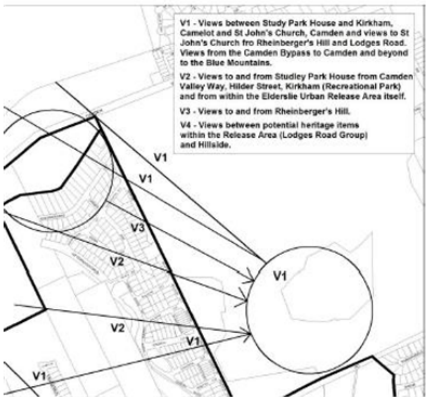
Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

7.2 Airspace operations Before granting development consent to development on land that will penetrate an identified obstacle limitation surface or PANS-OPS surface, the consent authority must consult the relevant Commonwealth body about the application and give the body not less than 28 days within which to consider the application.	The development will not exceed the obstacle height limit shown for the site on Camden Airport's OLS map.	Yes.
7.4 Earthworks Before granting development consent for earthworks the consent authority must consider a number of matters listed by this clause; including the impact on the existing and likely amenity of adjoining properties.	The proposed development will not result in the disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality. The proposed development will have no significant impacts on the existing and likely amenity of adjoining properties.	Yes.

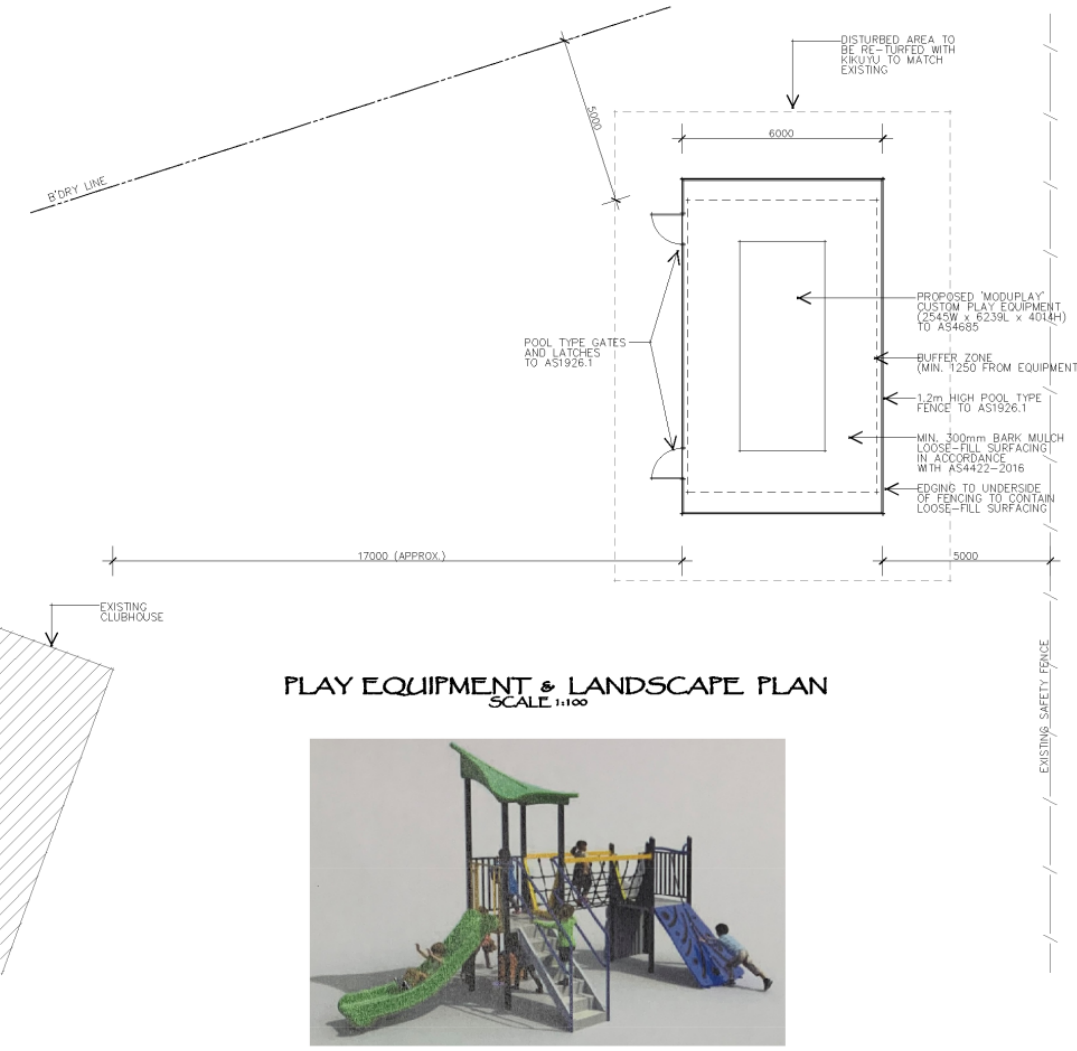
Camden Development Control Plan (Camden DCP) Assessment Table

Control	Assessment	Compliance?
A2 Notification and Advertising Requirements DAs are to be publicly exhibited in accordance with the Camden DCP.	The DA was not required to be publicly exhibited in accordance with the Camden DCP.	Yes.
B1.1 Erosion and Sedimentation Development must incorporate erosion and sediment control measures. Appropriate dust suppression measures must be implemented during all construction works.	A standard condition is recommended to address erosion & sediment control and dust suppression.	Yes.
B1.4 Water Management Development must comply with Council's Engineering Specifications in terms of on-site stormwater detention, drainage and water sensitive urban design.	A standard condition will ensure that Construction Certificate plans are designed in accordance with Council's engineering specifications. The proposal is not required to incorporate on-site stormwater detention, drainage and water quality measures.	Yes.
B1.8 Environmental and Declared Noxious Weeds Weed dispersion must be minimsed, weed infestations must be managed and machinery entering or leaving the site must be clean and free of noxious weed material.	A standard condition is recommended to address weed dispersion, infestation management and machinery cleanliness. This condition will also satisfactorily regulate ongoing weed eradication and management.	Yes.
B1.9 Waste Minimisation and Management DAs must be accompanied by a waste management plan that addresses the applicable waste management controls of the Camden DCP.	A satisfactory waste management plan has been provided which identifies a combination of reuse, recycling and disposal to address any waste generated during the construction phases of development. A condition of consent has been recommended to ensure the waste management plan is followed during construction.	Yes.
B1.15 Development Near Camden Airport Buildings or structures located within the area affected by the Camden Airport Obstacle Limitations Surface (OLS) or Procedures for Air Navigation Services - Aircraft Operations (PANS-OPS) must not exceed the obstacle height limit shown on the OLS map.	The development will not exceed the obstacle height limit shown for the site on Camden Airport's OLS map.	
B3.1 European Heritage **B3.1.1 General Heritage Provisions** Ensure that the development in the vicinity of a heritage place is undertaken in a manner that does not detract from the heritage significance of the place.	Given its siting, the proposed development does not detract from the heritage significance of the nearby heritage item. The proposed works are sited to the south and east of Studley Park House while the important sightlines to and from Studley Park House are all to the north-east (refer image below).	Yes.

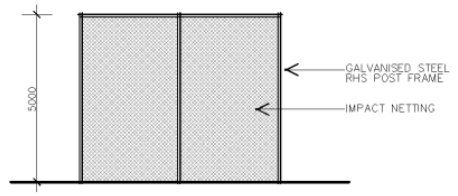
Camden Development Control Plan (Camden DCP) Assessment Table



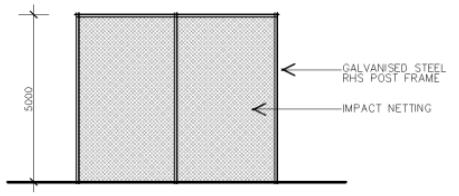
This is the report submitted to the Camden Local Planning Panel held on 17 September 2019 - Page 95



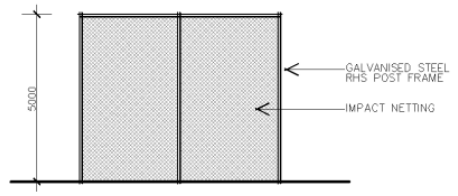
PLAY EQUIPMENT & LANDSCAPE PLAN
SCALE 1:100



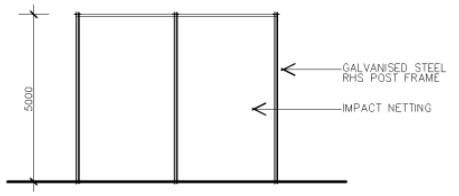
NORTH - WEST ELEVATION



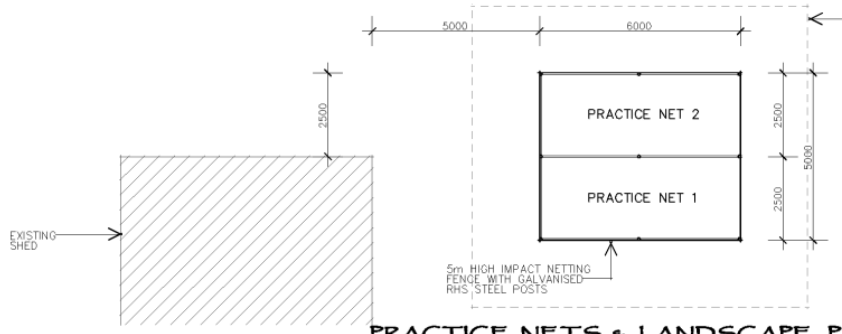
SOUTH - WEST ELEVATION



SOUTH - EAST ELEVATION

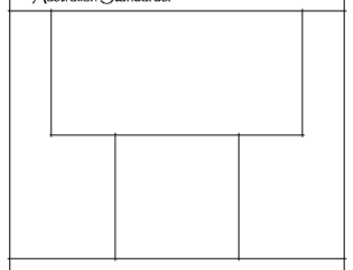


NORTH - EAST ELEVATION



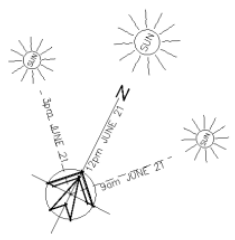
PRACTICE NETS & LANDSCAPE PLAN
SCALE 1:100

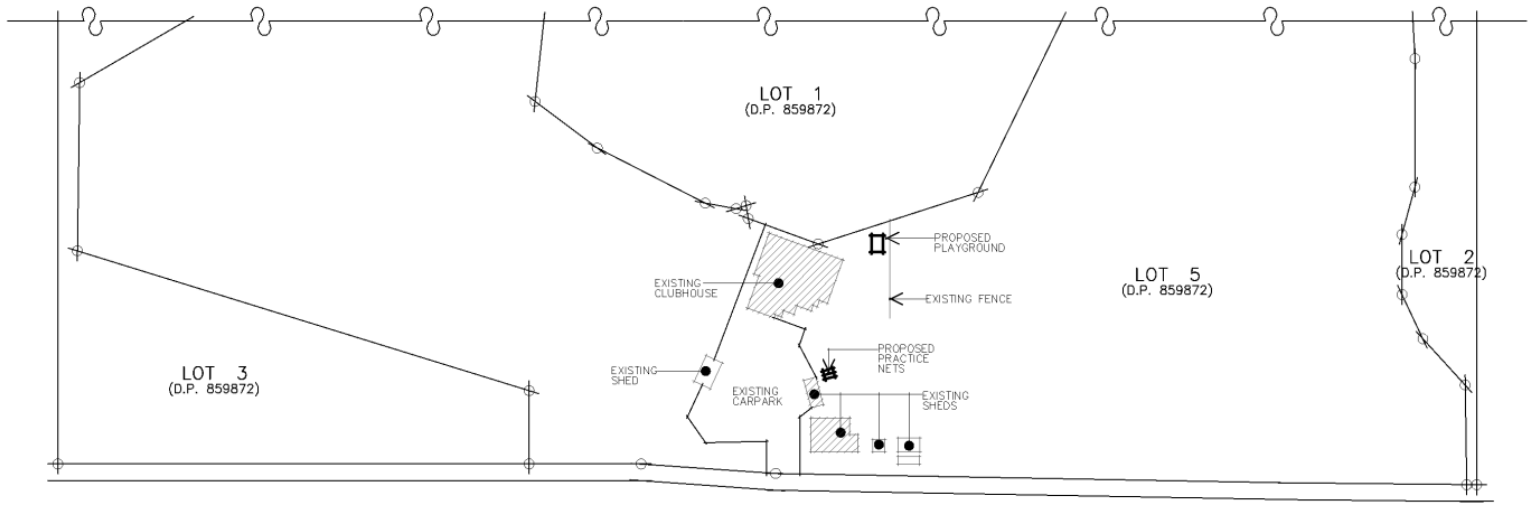
NOTES
1. Levels shown are approximate only and should be verified on site before work commences.
2. Figured dimensions are to be used in preference to scaling. If unsure please ask.
3. All measurements are in millimetres unless otherwise stated.
4. Window sizes are nominal only. Final window schedule by builder.
5. Graniteguard termite barrier to perimeter unless otherwise notated.
6. All work to be carried out in accordance with the Building Code of Australia and all relevant Australian Standards.



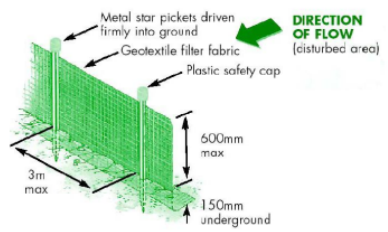
TURF:
THE VARIETY OF TURF USED CAN BE AT THE DISCRETION OF THE BUILDER, HOWEVER, IT IS RECOMMENDED KIKUYU TO MATCH THE EXISTING TURF IS USED. ALL AREAS TO BE TURFED ARE TO BE PREPARED WITH AT LEAST 30mm OF TURF UNDERLAY TO PROVIDE A LEVEL, SMOOTH EASILY ROOT PENETRABLE BED. THE TURF SHALL BE ROLLED AFTER LAYING, THEN WATERED THOROUGHLY DAILY UNTIL EXTENSIVE ROOT GROWTH IS ESTABLISHED. MOWING SHALL COMMENCE BETWEEN 2 AND 4 WEEKS AFTER ROOT GROWTH.

MAINTENANCE PERIOD:
THE COMPLETE MAINTENANCE OF THE GARDENS AND TURF SHALL PROCEED FOR A PERIOD OF 3 MONTHS OR UNTIL THE CLIENTS TAKE FINAL POSSESSION. IT SHALL INCLUDE ALL WATERING, FERTILISING, PRUNING, STAKING AND MOWING. THE WATERING SHOULD OCCUR DAILY FOR A ONE WEEK PERIOD, AFTER COMPLETION AND ONCE WEEKLY THEREAFTER. EXTREME WEATHER MAY REQUIRE THIS TO BE INCREASED OR DECREASED AS NECESSARY. WHERE PLANTS ARE INSTALLED TO PROVIDE A HEDGE, THEY SHALL BE PRUNED TO INITIATE SUCH GROWTH.





SITE PLAN
SCALE 1:200



SEDIMENT CONTROL DETAIL
NOT TO SCALE

ALL DIMENSIONS ARE TO BE VERIFIED ON SITE BEFORE COMMENCEMENT OF WORK.

BOUNDARY SETBACKS SHOWN ARE APPROXIMATE ONLY AND SHOULD BE VERIFIED ON SITE BY A SURVEYOR BEFORE COMMENCEMENT OF WORK.

ISSUE	AMENDMENT	DATE
B	ADDITIONAL NOTES ADDED (R.H.)	17-7-19

CLIENT:
CAMDEN GOLF CLUB

JOB:
PROPOSED PLAYGROUND & PRACTICE NETS

50 Lodges Road Narellan NSW 2570

LOT: 5	DP: 859872	AREA: 66.042ha
LGA: Camden Council		

JOB No:	SHEET No:	DRAWN:	ISSUE:
cgc-001	1	R.H.	B

SCALE:
1:100, 1:2000 @ A1
1:200, 1:4000 @ A3

DATE:
21-6-19.

bda BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA — DESIGN AWARDS 2017 WINNER — HIA

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ABN: 39 260 639 399

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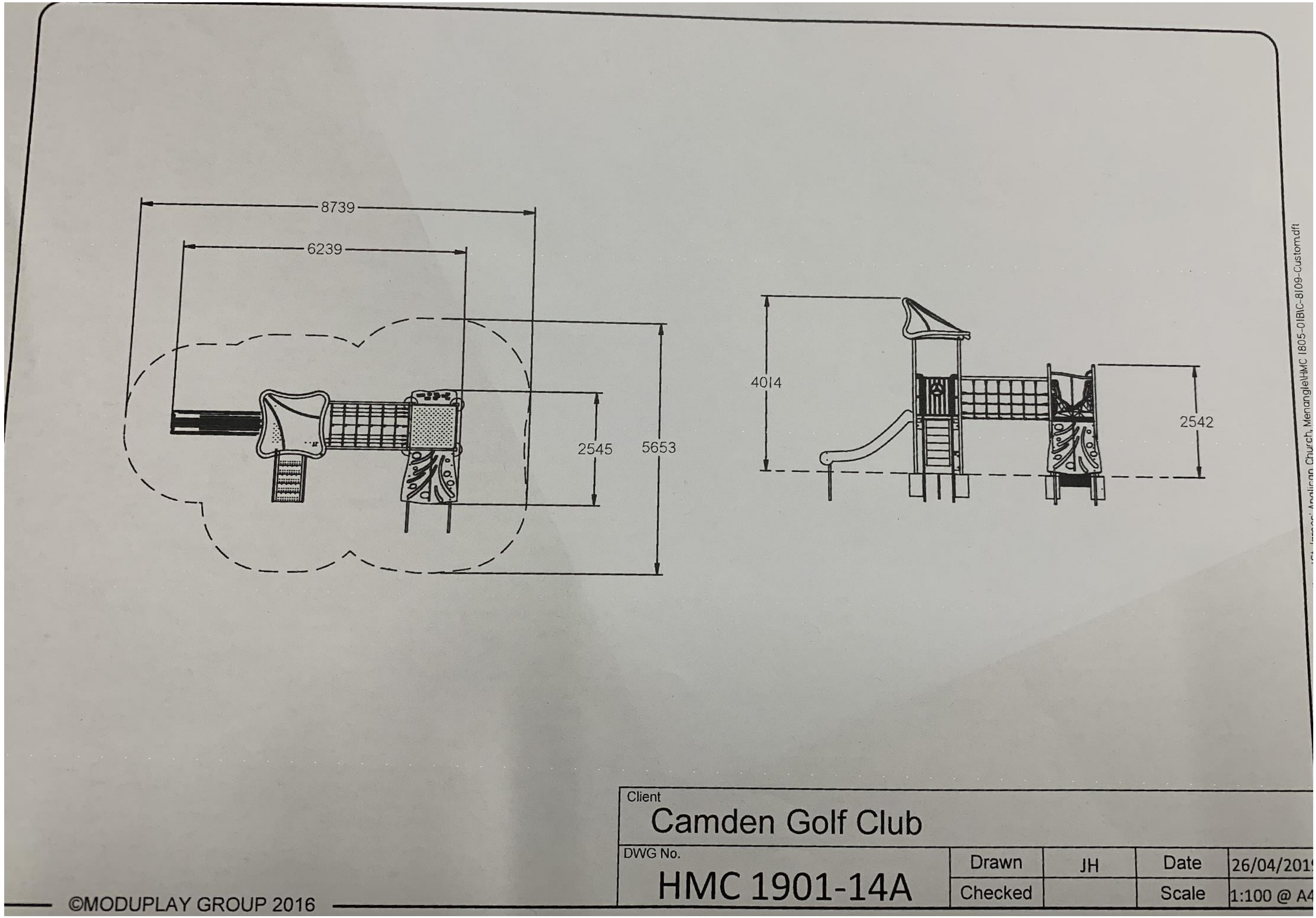

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Client
Camden Golf Club

DWG No.
HMC 1901-14A

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This is the report submitted to the Camden Local Planning Panel held on 17 September 2019 - Page 96

Attachment 3 Plans

RECOMMENDED CONDITIONS

Details of Conditions:

1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
CGC-001 B	Proposed Playground & Practice Nets	Reggie's Residential Design & Drafting	7/7/19
HMC 1901-14A	–	Moduplay Group	26/04/2019

Document Title	Prepared by	Date
Waste Management Plan	Reggie's Residential Design and Drafting	17/7/19

(2) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

(3) **Engineering Specifications** – The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.

(4) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:

a) protect and support the adjoining building, structure or work from possible damage from the excavation; and

b) where necessary, underpin the building, structure or work to prevent any such damage.

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

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

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

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

(6) **Noxious Weeds Management** - Weed dispersion must be minimised and weed infestations must be managed during all stages of the development. Any noxious or environmentally invasive weed infestations that occur during or after works must be fully and continuously suppressed and destroyed by appropriate means. New infestations must be reported to Council.

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

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

2.0 – Prior to Issue of a Construction Certificate

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

(1) **Soil, Erosion and Sediment Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

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

3.0 - Prior to Commencement of Works

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

(1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:

a) a description of the work to be carried out;

b) the address of the land on which the work is to be carried out;

c) the registered number and date of issue of the relevant development consent;

d) the name and address of the PCA, and of the person by whom the PCA was appointed;

e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and

f) a telephone number on which the PCA may be contacted for business purposes.

(2) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:

a) the name and address of the person by whom the notice is being given;

b) a description of the work to be carried out;

c) the address of the land on which the work is to be carried out;

d) the registered number and date of issue of the relevant development consent and construction certificate;

e) a statement signed by or on behalf of the PCA/developer (only where no PCA is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and

f) the date on which the work is intended to commence.

(3) **Construction Certificate Required** - In accordance with the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:

a) a Construction Certificate has been issued by a Certifying Authority;

b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent;

c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;

d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

(4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:

a) that unauthorised entry to the work site is prohibited;

b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and

c) the name, address and telephone number of the PCA.

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

(5) **Site is to be Secured** - The site shall be secured and fenced.

(6) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

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

(7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

4.0 - During Works

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

(1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.

(2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.

(3) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

(4) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the Protection of the Environment Operations Act 1997 when measured at the property boundary.

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

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

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

5.0 - Prior to Issue of an Occupation Certificate

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

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

(2) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

(3) **Compliance Certificate (Council)** – A compliance certificate shall be provided to Camden Council's Property Services Team, certifying the works have been carried out in accordance with the stamped approved plans.