



Camden Local Planning Panel

Minutes

12 December 2019

**Camden Council
Administration Centre
70 Central Avenue, Oran Park**



CAMDEN LOCAL PLANNING PANEL

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PRESENT

Stuart McDonald (Chairperson), Michael File (Expert Panel Member), Grant Christmas (Expert Panel Member), Debby Dewbery (Community Representative South Ward).

ALSO IN ATTENDANCE

Manager Statutory Planning, Senior Town Planner, Executive Planner, Governance Officer – Panel and Committees

ACKNOWLEDGMENT OF COUNTRY

The Chair acknowledges the traditional Custodians of the land:

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.

APOLOGIES

There were no leave of absence to be granted.

DECLARATION OF INTEREST

There were no declarations to be noted.

PUBLIC ADDRESS

Mr Mark Byrne addressed the Panel in relation to CLPP01 – DA/2018/1428/1 – Partial Demolition of an Existing Car Park and Construction of a 108 Place Centre-Based Child Care Facility – 1-5 Spring Farm Drive, Spring Farm.

Mr Peter Bracken addressed the Panel in relation to CLPP01 – DA/2018/1428/1 – Partial Demolition of an Existing Car Park and Construction of a 108 Place Centre-Based Child Care Facility – 1-5 Spring Farm Drive, Spring Farm.

Mr Neil Cheverton addressed the Panel in relation to CLPP01 – DA/2018/1428/1 – Partial Demolition of an Existing Car Park and Construction of a 108 Place Centre-Based Child Care Facility – 1-5 Spring Farm Drive, Spring Farm.

Mr Paul Hume addressed the Panel in relation to CLPP01 – DA/2018/1428/1 – Partial Demolition of an Existing Car Park and Construction of a 108 Place Centre-Based Child Care Facility – 1-5 Spring Farm Drive, Spring Farm.

Ms Sue Cross addressed the Panel in relation to CLPP02 – DA/2008/959/6 – To Extend the Hours of Operation of the McDonalds Restaurant to 24 Hours a Day / 7 Days a Week – 15 Argyle Street, Camden.

Mr Jim Davis addressed the Panel in relation to CLPP02 – DA/2008/959/6 – To Extend the Hours of Operation of the McDonalds Restaurant to 24 Hours a Day / 7 Days a Week – 15 Argyle Street, Camden.

Ms Jill Leemen on behalf of CRAG addressed the Panel in relation to CLPP02 – DA/2008/959/6 – To Extend the Hours of Operation of the McDonalds Restaurant to 24 Hours a Day / 7 Days a Week – 15 Argyle Street, Camden.

Mr David Nethercote addressed the Panel in relation to CLPP02 – DA/2008/959/6 – To Extend the Hours of Operation of the McDonalds Restaurant to 24 Hours a Day / 7 Days a Week – 15 Argyle Street, Camden.

Mr Joel Wilson addressed the Panel in relation to CLPP02 – DA/2008/959/6 – To Extend the Hours of Operation of the McDonalds Restaurant to 24 Hours a Day / 7 Days a Week – 15 Argyle Street, Camden.

Ms Michelle Welsh addressed the Panel in relation to CLPP02 – DA/2008/959/6 – To Extend the Hours of Operation of the McDonalds Restaurant to 24 Hours a Day / 7 Days a Week – 15 Argyle Street, Camden.

CLOSURE OF THE MEETING

After hearing all of the public submissions the Chair then declared the public meeting closed at 3.35pm. The Panel then went into private deliberation to consider the items and their determinations are listed below:

CLPP01 DA/2018/1428/1 - PARTIAL DEMOLITION OF AN EXISTING CAR PARK AND CONSTRUCTION OF A 108 PLACE CENTRE-BASED CHILD CARE FACILITY - 1-5 SPRING FARM DRIVE, SPRING FARM

SUMMARY

The Panel has considered the officer's report and inspected the site of the proposed development.

DETERMINATION OF PANEL

That the Panel approve DA/2018/1428/1 for a centre-based child care facility at 1-5 Spring Farm Drive, Spring Farm subject to the conditions attached to the report as amended by the following deferred commencement conditions:

The application is to be amended as follows:

- A. Removal of the waste storage area from the current location and internalise it within the building. The building is to be extended no further than the eastern wall currently accommodating the kitchen and laundry area.
- B. Inclusion of landscaping adjacent to the eastern boundary extending north towards the current location of the sewer access chamber and extended in width in the location that is replacing the waste storage area. The width of the landscaped area in this location is to accommodate at least one canopy tree.
- C. Inclusion of a minimum of two large canopy trees within the car park. This will require the removal of a minimum of two car parking spaces and associated reduction in the size of the childcare centre to a maximum of 100 children.
- D. An amended landscape plan including the changes in items B and C and also including planter boxes on the first floor balcony.
- E. Provision of a Plan of Management that includes details of the day to day operation of the centre including but not limited to the following matters:
 - contact numbers for parents and neighbours,
 - monitoring for crying/misbehaving children,
 - noise minimisation education for visitors,
 - complaints management,
 - emergency and evacuation procedures,

- deliveries (occurring outside of peak times)
- food preparation, and
- waste management and waste collection.

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

REASONS FOR DETERMINATION

1. The development is, subject to the design modifications and 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, Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River, State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan No. 9 – Extractive Industry, State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007 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 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 environment.
5. The Panel in considering traffic impacts of the development and in particular the concerns raised in the written submissions and verbal presentations by residents, notes that the expert traffic advice provided to the Panel from the Council's Traffic Engineer does not raise objection to the proposal.
6. In consideration of the aforementioned reasons, the development is a suitable use of the site and its approval is in the public interest.

VOTING NUMBERS

The Panel Voted 4-0 in favour of the determination.

CLPP02 DA/2008/959/6 - TO EXTEND THE HOURS OF OPERATION OF THE MCDONALDS RESTAURANT TO 24 HOURS A DAY / 7 DAYS A WEEK - 15 ARGYLE STREET, CAMDEN

SUMMARY

The Panel has considered the officer's report and inspected the site of the proposed development.

DETERMINATION OF PANEL

That the Panel approve DA/2008/959/6 to extend the hours of operation for the McDonalds restaurant and drive-thru to 24 hours a day, 7 days a week for a trial period of a maximum of 12 months and endorses the modified conditions attached to the report subject to the following amendments:

- (i) Condition 6.0(6) be amended to read as follows:
- (6) **Hours of Operation** - The core / permanent hours of operation for the approved land use are 5.00am to 11.00pm, Monday to Sunday, including Public Holidays.

The applicant is to notify Council when the extended hours of operation are enacted and from that date the premises is approved to operate 24 hours a day, seven days a week for a trial period of 12 months.

A further application must be submitted to the Consent Authority prior to the expiration of this 12 month trial period if the person acting on this consent seeks to continue the extended operating times. It is recommended that the further application be lodged with the Consent Authority at least three months prior to the expiry of the trial period.

At the end of the 12 month trial period the Council will base its consideration and determination of any further application for 24 hour trading on the following:

- Validated complaints associated with the operation of the premises received by the Council during the trial.
- The Council's review of the applicant's complaints register and incidents register which are to be made available to the Council and Police upon request at any time.
- The results of any consultation by the Council with the Camden Local Area Police Command.

- (ii) Condition 6.0(23) be amended to read as follows:
- (23) **Litter Patrols** – Litter patrols shall be carried out in accordance with section 4.7 of the approved Plan of Management prepared for McDonald's Australia Limited, Camden Operation, dated July 2019. A minimum of four patrols are to be undertaken each day with additional patrols undertaken on Saturday and Sunday mornings or as required to maintain the area clean and clear of litter. The area to be patrolled shall extend along both sides of Argyle Street to the bridge; and the block bounded by Argyle Street, John Street, Mitchell Street and Edward Street (including Larkin Place and Elizabeth Street).
- (iii) Condition 6.0(24) be retained.
- (iv) That the following additional condition be added to the modified determination:
- (24) Appropriate signage is to be erected in the McDonalds car park that:
- (i) Requests that customers place all rubbish in the bins provided; and
 - (ii) Reminds customers to be considerate of surrounding residents when leaving the premises.

Details of the signage (content, size and proposed location) is to be submitted to and approved by Council prior to installation.

REASONS FOR DETERMINATION

1. The Camden Local Planning Panel is satisfied that the proposed modification, subject to the conditions of consent as amended by the Panel, is of minimal

environmental impact and is substantially the same development as the development for which the consent was originally granted.

2. The development as modified is consistent with the objectives and controls of Camden Local Environmental Plan 2010.
3. The development as modified is consistent with the objectives and controls of Camden Development Control Plan 2011.
4. The modified development, for the period of the 12 month trial period, is unlikely to have any long term unreasonable adverse impacts on the natural or built environment.
5. In consideration of the aforementioned reasons, the development as modified is a suitable use of the site and its approval is in the public interest.

VOTING NUMBERS

The Panel Voted 4-0 in favour of the determination.