

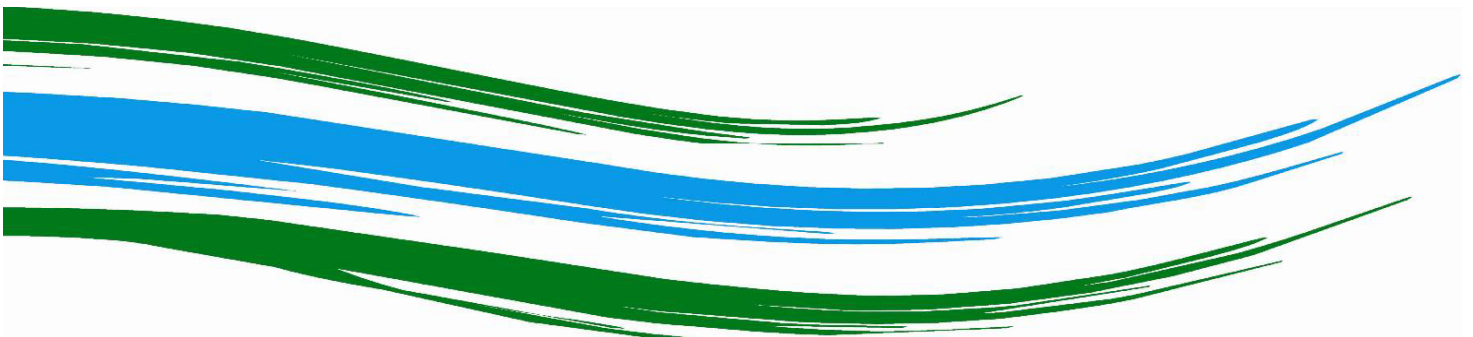


Camden Council

Business Paper

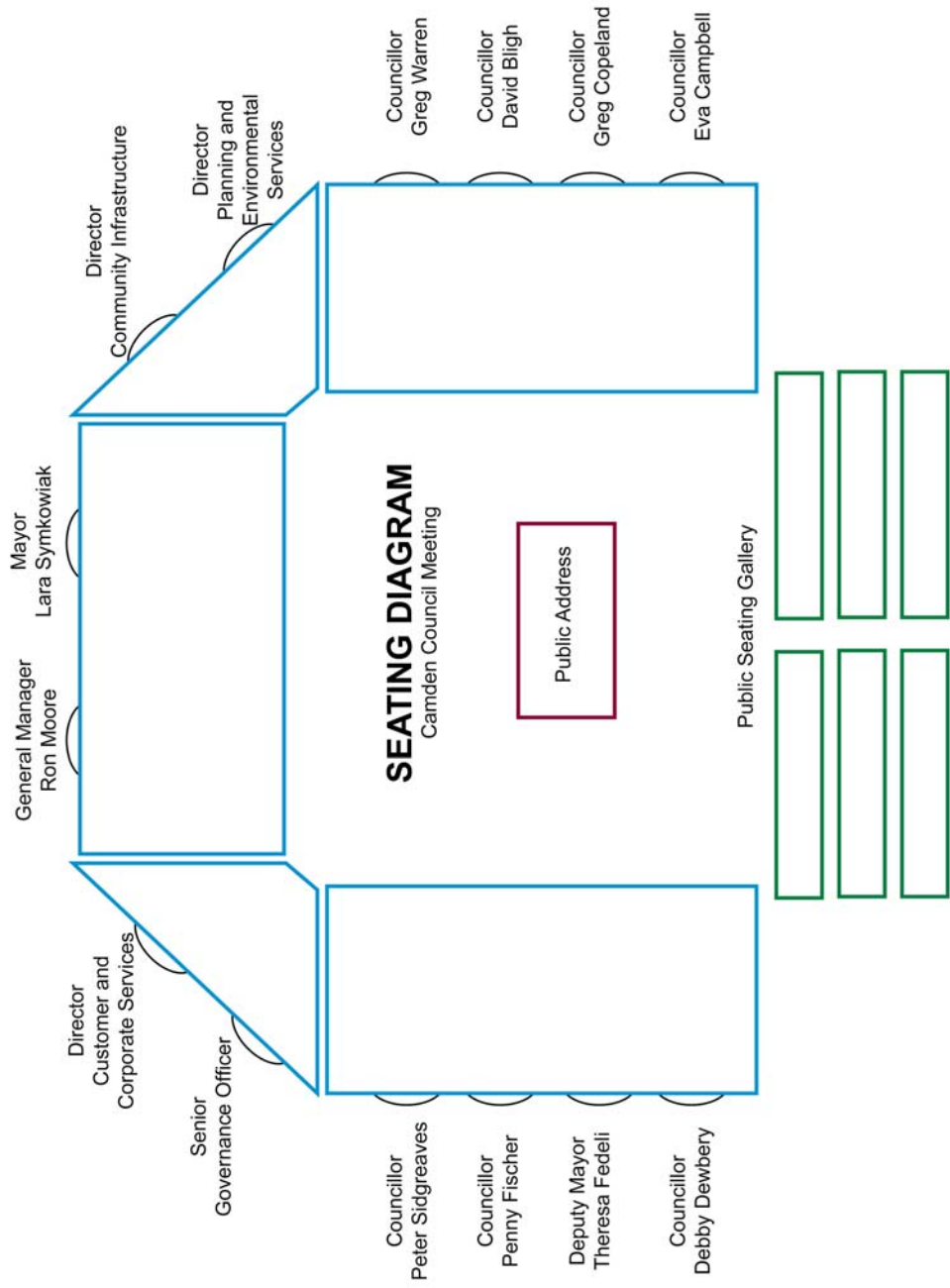
Ordinary Council Meeting
10 March 2015

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DWE	Department of Water and Energy
DoH	Department of Housing
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*

ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – "So help me God" or "I so affirm" (at the option of councillors)



ORDINARY COUNCIL

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.



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act this meeting is being audio recorded by Council staff for minute taking purposes.

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

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

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

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

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 24 February 2015.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 24 February 2015, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).

ORDINARY COUNCIL

ORD01

SUBJECT: CONSTRUCTION OF A TWO STOREY DWELLING, A SINGLE STOREY SECONDARY DWELLING, AND THEIR USE AS DISPLAY HOMES

FROM: Director Planning & Environmental Services

TRIM #: 15/22440

APPLICATION NO: 1125/2014
PROPOSAL: Construction of a two storey dwelling, a single storey secondary dwelling, and their use as display homes
PROPERTY ADDRESS: 10 Easton Avenue, Spring Farm
PROPERTY DESCRIPTION: Lot 1319 DP 1163142
ZONING: R1 General Residential
OWNER: Blue Tongue Homes Pty Ltd
APPLICANT: Blue Tongue Homes Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey dwelling, a single storey secondary dwelling, and their use as display homes at 10 Easton Avenue, Spring Farm.

The DA is referred to Council for determination as there remain unresolved issues received in one submission from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 1125/2014 for the construction of a two storey dwelling, a single storey secondary dwelling, and their use as display homes pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a two storey dwelling, a single storey secondary dwelling, and their use as display homes at 10 Easton Avenue, Spring Farm.

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 outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 28 days in accordance with the DCP. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper supporting documents.**

Council staff made contact with the submission writer by telephone to discuss the issues raised in the submission, however the issues could not be resolved.

The issues raised in the submission relate to non compliance with the minimum lot size and lot width, minimum landscaped area requirement, impacts of overshadowing, proposed development being out of character with the surrounding area, the use of the dwellings as a display home, car parking, safety within the street and the noise impacts from the air conditioners.

The issues of a non compliant minimum lot size and lot width were considered. These issues were raised on the basis that the proposal was for a dual occupancy development rather than a two storey dwelling and secondary dwelling as proposed. A dual occupancy is 2 dwellings on one lot of land that are either attached or detached to each other. There is no maximum size restriction on a dual occupancy dwelling. A secondary dwelling is a self-contained dwelling that is established in conjunction with the principle dwelling, is on the same lot of land as the principle dwelling and is less than 60m² and this is what this DA proposes.

The DA does not propose any subdivision and therefore there is no minimum lot size or lot width controls applicable to the DA.

The submission references a landscaped area control of 50% and notes that the subject DA is non compliant with this control. However the minimum landscaped area requirement within the Spring Farm Release Area is 30% and the application is compliant with this control in that it proposes a landscaped area of 42%.

It is acknowledged that some level of overshadowing will occur to adjoining properties. The shadow diagrams presented for the 21 June (winter) identifies the worst case scenario. Whilst there will be some overshadowing throughout winter, it will not cover the entire private open space and living areas of the adjoining property. The amount of overshadowing that will occur during the winter months meets the requirements of the DCP.

The submission notes that the development fails to comply with Part D2.2.2 Dual Occupancies and Semi-detached dwellings of the DCP as the development is out of character with the surrounding area. As aforementioned, the DA does not propose dual occupancy development, rather a two storey dwelling and secondary dwelling on one lot of land. The proposal is compatible with the surrounding residential environment.

Concern was raised in relation to the use of the development for display home purposes. The use of the property is for temporary purposes and specific conditions are imposed to ensure that the use of the exhibition home is limited to a maximum three (3) year period and that no nuisance to adjoining properties occurs. A sign is also proposed which will not be illuminated and will not adversely impact adjoining properties.

The lack of car parking was raised as an issue. Under the provisions of the DCP the secondary dwelling does not require any car parking, however a carport has been included as part of the secondary dwelling proposal which allows for 2 spaces. In addition, the principal dwelling proposes a double garage which will allow for 2 spaces within the garage and 2 on the driveway. This allows for the provision of 6 car parking spaces which meets the requirements of the DCP.

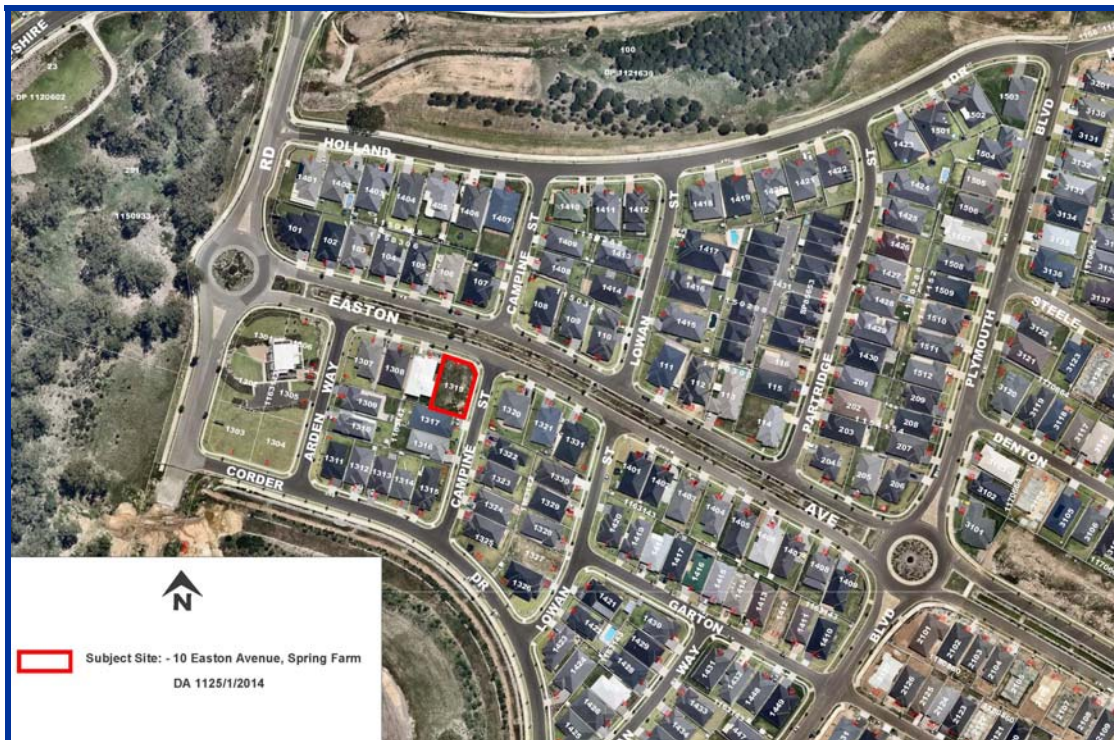
It is considered that the additional traffic generated by the temporary use of the dwellings as display homes will be minimal and not significantly increase safety risks to residents in the surrounding area. The existing road network is also considered more than adequate to cater for any additional traffic generated by the development.

In relation to noise generated by residential air conditioning units, a condition is recommended to ensure that there will be no adverse noise impacts on adjacent dwellings. This is a standard condition which is applied to all residential air conditioning units.

The proposed development **fully complies** with all applicable planning controls.

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

AERIAL PHOTO



THE SITE

The site is commonly known as 10 Easton Avenue, Spring Farm and is legally described as Lot 1319, DP 1163142.

The site has a frontage of 15.53m to Easton Avenue, a depth of 29.9m and an overall area of 569.3m².

The site is relatively flat and currently vacant.

The surrounding properties are characterised by relatively new single and two storey residential dwelling houses, the majority of which have completed the construction process. The site was part of the Spring Farm urban release area.

The Macarthur Waste Recovery Centre lies to the east of the site, a recently approved public school is located to the west and the Spring Farm town centre is situated to the south.

HISTORY

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

Date	Development
2 March 2011	Creation of this lot approved by DA 1455/2009

THE PROPOSAL

DA 1125/2014 seeks approval for the construction of a two storey dwelling, a single storey secondary dwelling, and their use as display homes.

Specifically the proposed development involves:

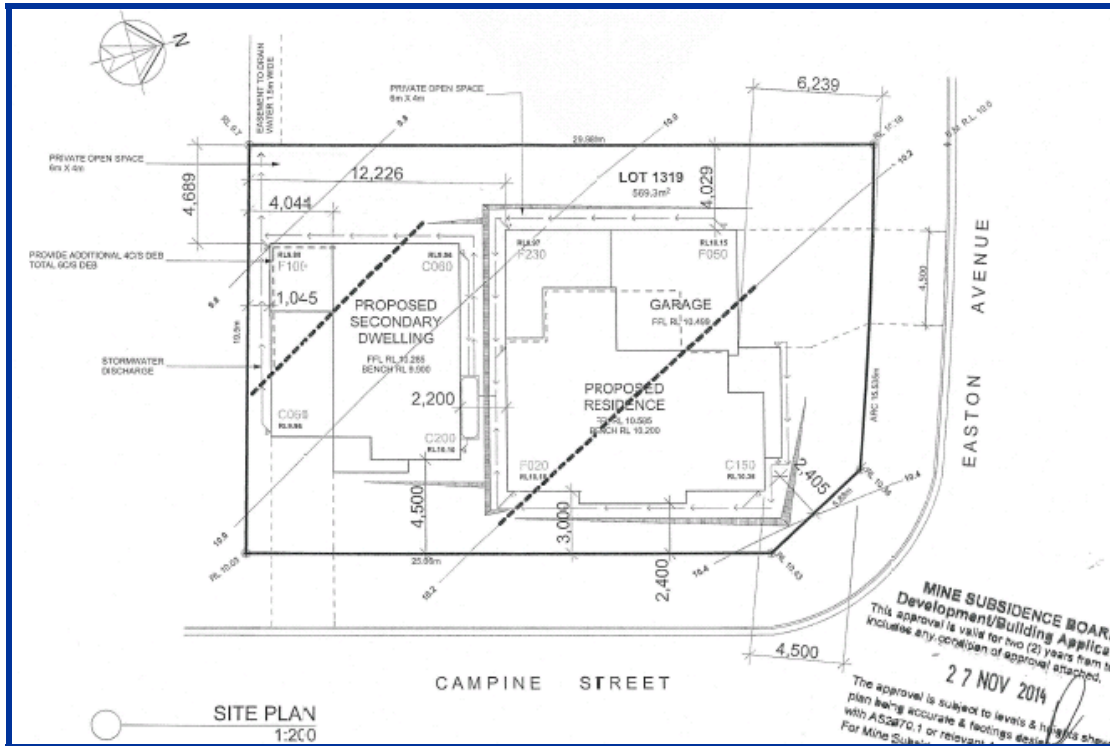
- construction of a two storey 4 bedroom primary residential dwelling. The dwelling will be constructed of a mixture of face brick and lightweight cladding and will have a maximum height of 7.4m;
- provision of a double garage for the primary dwelling;
- construction of a single storey 1 bedroom secondary dwelling with an attached carport;
- use of the dwellings for display home purposes for a period of 3 years, including part use of the living room as an office;
- the display home will operate Thursday to Monday 10am – 5pm, closed Tuesdays and Wednesdays. One staff member will be present at all times.
- erection of 1 business identification sign 3.5m high located on the north western corner of the site; and
- associated site works including a 4,000 litre rainwater tank, driveway and landscaping.

The value of the works \$340,000 (including GST).

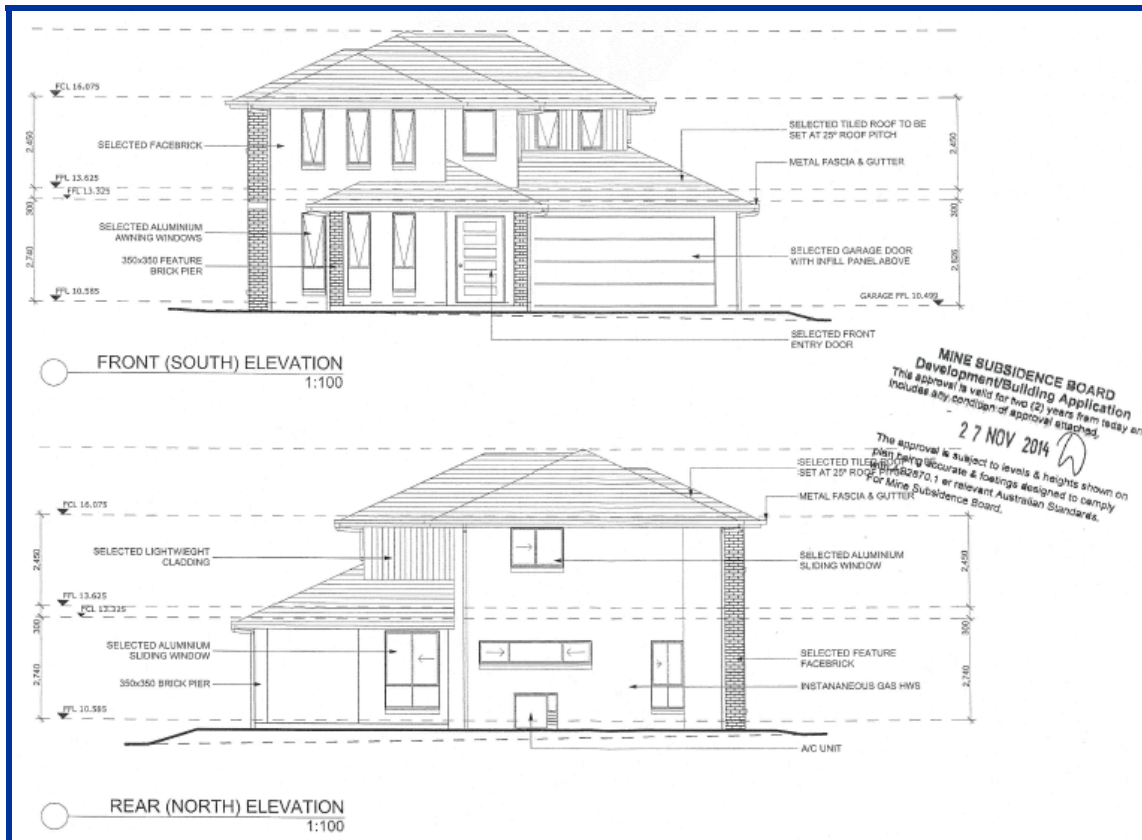
A copy of the proposed plans and identification sign are provided as attachments 1 & 2 to this report.

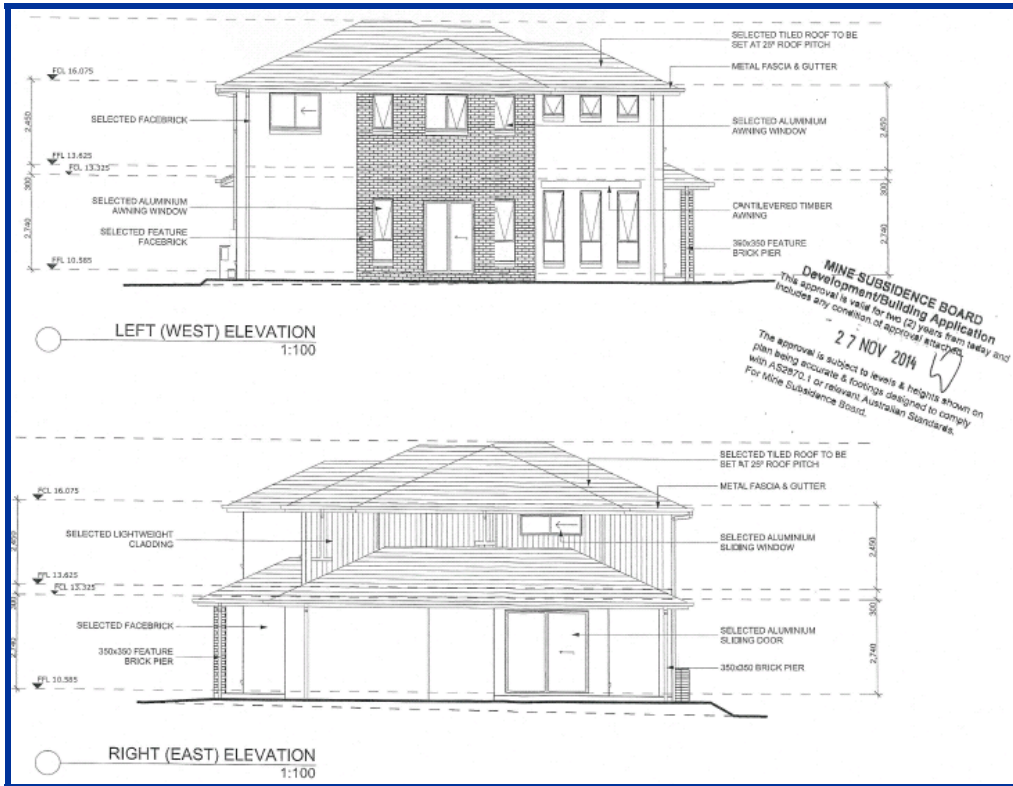
ORD01

PROPOSED SITE PLAN

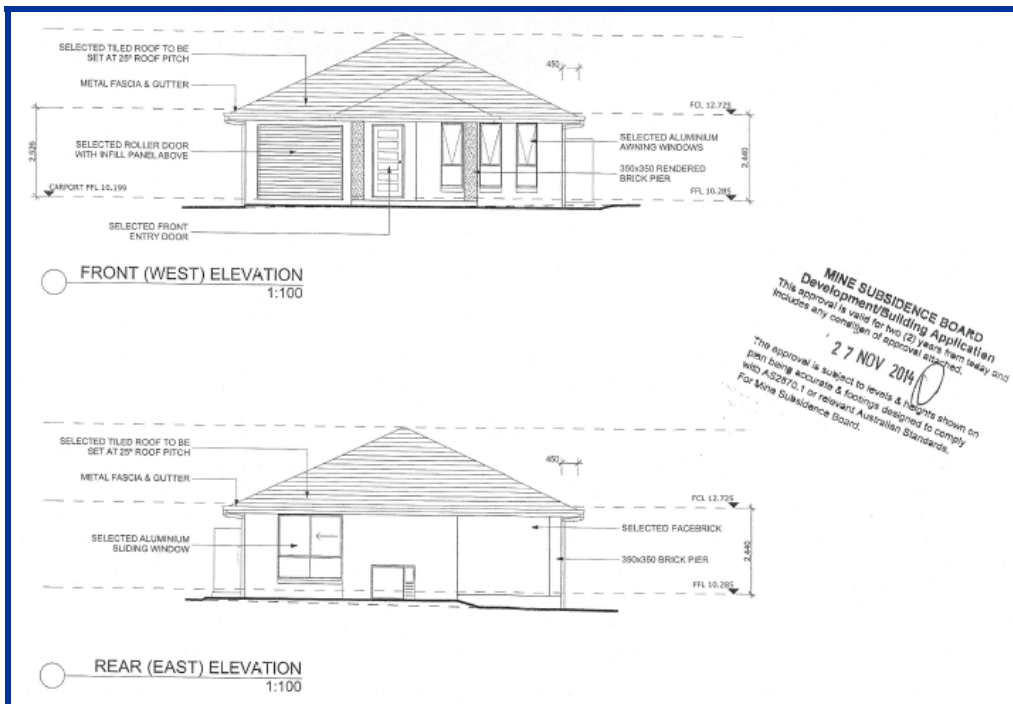


PROPOSED ELEVATIONS – PRIMARY DWELLING

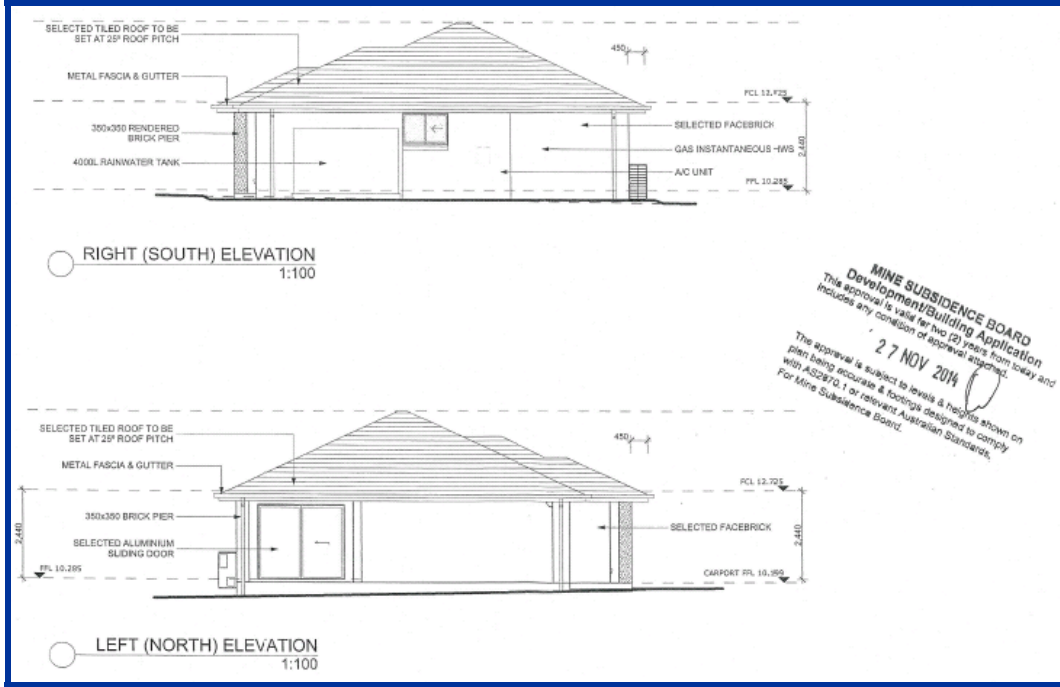




PROPOSED ELEVATIONS – SECONDARY DWELLING



ORD01



SHADOW DIAGRAMS



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy No. 55 – Remediation of Land

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Deemed State Environmental Planning Policy No.20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. The subject lot was approved by DA 1455/2009, which noted that the site was free of contamination and therefore suitable for its intended residential use. Site conditions have not changed since the approval and therefore the requirements of the SEPP have been met.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP)

The SEPP aims to encourage sustainable residential development and requires DAs for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out.

Council staff have reviewed the BASIX certificate for the proposed development and are satisfied that it has been designed to achieve the minimum targets for water, thermal comfort and energy. It is a recommended condition that the proposed development is carried out in accordance with the commitments described in the BASIX certificate.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and are deemed acceptable.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R1 General Residential under the provisions of the LEP. The proposed development is defined as a "dwelling house", "secondary dwelling" and "exhibition home" by the LEP and the proposed development is a permissible with development consent in this zone.

Objectives

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.

Officer comment:

The proposed development will provide two forms of housing incorporating a two storey dwelling and small secondary dwelling.

- To provide for a variety of housing types and densities.

Officer comment:

The proposed development will add to the variety of housing available in the area.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a dwelling, secondary dwelling and their use as a display home.

- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Officer comment:

This objective is not relevant to the proposed development as the proposal is for a dwelling and secondary dwelling, and their use as a display home.

- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Officer Comment

It is considered that the proposed development will not have any adverse impact on any other land within this zone.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height	Single Storey – 4.6m Two Storey – 7.4m	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water and sewer	Yes

(a)(ii) The Provisions of any Draft Environmental Planning 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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion and sedimentation control measures have been proposed	Yes
B1.2	Minimise cut and fill	The proposed cut and fill is appropriate for the development considering the topography of the site	Yes
	Use only clean fill	A standard condition is recommended to ensure that only clean fill is used	Yes
B1.3 Salinity Management	Salinity resistant construction	The proposed development will be constructed to be salinity resistant	Yes
B1.9.9 Waste Management Plan	Waste management plan	A waste management plan has been provided	Yes
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required)	The subject lot was approved by DA 1455/2009, which noted that the site was free of contamination and therefore suitable for its intended residential use	Yes
B1.13 Mine Subsidence	Approval required from Mine Subsidence Board	The proposed plans have been approved by the Mine Subsidence Board	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	The development will comply with Council's Environmental Noise Policy	Yes
B2 Landscape Design	A landscape plan is required	An appropriate landscape plan has been provided	Yes
B4.1 General Requirements for Signs	Signs to not detract from amenity / character	The proposed sign will not detract from the amenity/character of the area	Yes
	Signs must be	The proposed sign is in scale	Yes

ORD01

Control	Requirement	Provided	Compliance
	<p>in scale with development</p> <p>Signs must be located wholly within the site's property boundaries</p>	<p>with the proposed buildings</p> <p>The proposed sign will be located wholly within the property boundary</p>	<p>Yes</p>
B4.8 Exhibition Homes, Villages & Unit Signs	<p>One pole/pylon sign per exhibition home 3.5m x 1.2m</p> <p>Two wall signs 1m²/sign per exhibition home</p> <p>Signs to not detract from amenity / character</p> <p>Signs must be located wholly within the site's property boundaries</p> <p>Illuminated signage only permitted where it is not visible from residential properties</p>	<p>One pole/pylon sign proposed 3.5m x 1.2m</p> <p>No wall signs are proposed</p> <p>The proposed sign will not detract from the amenity/character of the area</p> <p>The proposed sign will be located wholly within the property boundary</p> <p>No illuminated signage proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
B5.1 Off-street Car Parking Rates and Requirements	2 visitor car parking spaces per exhibition home	2 spaces provided within the garage to the principal dwelling, plus 4 visitor spaces within the driveway/carport areas of the dwellings	Yes
D2.1.3 Height, Massing and Siting	Maximum 9.5m building height	Single Storey – 4.6m Two Storey – 7.4m	Yes
D2.1.4 Visual and Acoustic Privacy	Direct overlooking of neighbouring main living and private open space areas	The proposed development will not result in adverse overlooking impacts. Bedrooms and bathrooms are not considered to be living areas as they experience low usage and have a low level of	Yes

Control	Requirement	Provided	Compliance
	should be minimised	congregation. The sitting room may have a higher usage, however given its location it is not consider that any privacy will be adversely affected as a result of its location	
D2.1.5 Private Open Space, Site Cover and Landscaped Area	The maximum site coverage for a two storey development must not exceed 50% of the site area for the ground floor and 30% for the upper floor	33% ground floor coverage proposed and 18% upper floor coverage proposed	Yes
	A minimum 30% of the site must be landscaped	45% landscaped area proposed	Yes
	20% of the site must be private open space (POS)	20% of the site as POS is proposed	Yes
	An area of principal private open space (PPOS) with a minimum area of 24m ² , minimum length of 4m and a maximum gradient of 1:10 must be provided	PPOS of 24m ² , with a minimum length of 4m and a gradient less than 1:10, will be provided for the proposed dwelling	Yes
	At least one principal living area must face predominantly north	The dwelling proposes living/dining areas that face predominantly north	Yes

ORD01

ORD01

Control	Requirement	Provided	Compliance
	<p>The PPOS must be adequately screened for privacy</p> <p>At least 65% of the POS areas must be soft landscaping</p> <p>An external clothes drying area with good solar access must be provided</p>	<p>The proposed PPOS for the proposed dwelling will be adequately screened for privacy</p> <p>POS of 65% is soft landscaping</p> <p>There is sufficient areas of the site with good solar access for a clothes drying area to be provided</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D2.1.6 Garages, Site Access and Parking	<p>Minimum 5.5m from front boundary and 1m behind front of building façade</p> <p>Garage doors to be no more than 50% of the building façade width</p>	<p>The proposed double garage is setback 1.2m from the front facade and 6.2m from the front boundary</p> <p>The garage door is 28% of the building façade width</p>	<p>Yes</p> <p>Yes</p>
D2.1.7 Streetscape and Architectural Design	<p>The form, scale and siting of the building and the materials and colours must be appropriate to the character of the area</p> <p>The façade facing a street frontage must provide at least two design features to enhance the existing and future desired</p>	<p>It is considered that the form, scale and siting of the dwelling is appropriate to the character of the Spring Farm area</p> <p>The dwelling incorporates a range of features including porch, varied colours, height, and staggered walls</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>built form and character of the neighbourhood</p> <p>450mm eaves are to be provided to 75% of dwelling</p>	<p>Minimum 450mm eaves will be provided.</p>	<p>Yes</p>
D2.2.1 Secondary Dwellings	<p>Secondary dwellings must be no greater than 60m² or 25% of total floor area of the principal dwelling whichever is the greater</p> <p>Secondary dwellings must be designed to complement the design of the principle dwelling</p> <p>No additional car parking or private open space area is required for secondary dwellings</p> <p>Provision must be made for adequate clothes drying facilities in a location with adequate solar access</p> <p>Strata or Torrens title subdivision of secondary dwellings is not permitted</p>	<p>The secondary dwelling proposes a total area of 59.8m²</p> <p>The secondary dwelling is single storey and complements the design of the principle dwelling.</p> <p>A carport and private open space area has been provided for the secondary dwelling</p> <p>Adequate area for clothes drying has been provided in the rear private open space area</p> <p>No subdivision proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ORD01

ORD01

Control	Requirement	Provided	Compliance
D2.3.2 Spring Farm Release Area	Front minimum of 4m	– A front setback of 4.5m is proposed	Yes
	Rear minimum of 4m for single storey portion, 6m for two storey portion	– A ground floor rear setback of 4m and first floor setback of 6.5m is proposed	Yes
	Side minimum of 0.9m	– A minimum side setback of 1m is proposed	Yes
	Garage behind the principle building line and 5.5m from front boundary	– 1m The proposed garage is setback a minimum 1.2m behind the principle building line and approximately 6.2m from the front boundary	Yes
	Maximum building height of 9.5m	– The proposed dwelling has a maximum building height of 7.4m	Yes
	The maximum site coverage for a two storey development must not exceed 50% of the site area for the ground floor and 30% for the upper floor	– 33% ground floor coverage proposed and 18% upper floor coverage proposed	Yes
	A minimum 30% of the site must be landscaped	– 45% landscaped area proposed	Yes
20% of the site must be private open space (POS)	– 21% of the site area is provided for private open space.	Yes	

Control	Requirement	Provided	Compliance
	An area of principal private open space (PPOS) with a minimum area of 24m ² , minimum length of 4m and a maximum gradient of 1:10 must be provided	PPOS of 24m ² , with a minimum length of 4m and a gradient less than 1:10, will be provided for the proposed dwelling	Yes
	Solar access to PPOS must comprise a minimum of 2 hours between 9am and 3pm on 21 June	The PPOS of both proposed and adjoining dwellings will comply with this requirement	Yes
	Garage doors to be no more than 50% of the building façade width	The garage door is 28% of the building façade width	Yes

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

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

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in 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 proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

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

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 28 days in accordance with Camden Development Control Plan 2011. The exhibition period was from 22 December 2014 to 19 January 2015. One submission was received objecting to the proposed development.

Council staff made contact with the submission writer by telephone to discuss the issues raised in the submission, however the issues could not be resolved.

The following discussion addresses the issues and concerns raised in the submissions.

1. The submission raises concern that the application was non compliant with the minimum lot size and lot width requirements.

Officer Comment:

The issues of a non compliant minimum lot size and lot width were considered. These issues were raised on the basis that the proposal was for a dual occupancy development rather than a two storey dwelling and secondary dwelling as proposed. The DA does not propose any subdivision and therefore there is no minimum lot size or lot with controls applicable to the DA.

2. The submission claims that the proposal is non compliant with the minimum landscaped area requirement.

Officer Comment:

The submission references a control to have a landscaped area of 50% and notes that the subject DA is non compliant with this control. However the minimum landscaped area requirement within the Spring Farm Release Area is 30% and the application is fully compliant with this control in that it proposes a landscaped area of 42%.

3. The submission raises concerns regarding overshadowing.

Officer Comment:

It is acknowledged that some level of overshadowing will occur to adjoining properties. The shadow diagrams presented were for 21 June (winter) which identifies the worst case scenario. Whilst there will be some overshadowing throughout winter, it will not cover the entire private open space and living areas of the adjoining property. The amount of overshadowing that will occur during the winter months meets the requirements under the DCP, which state that sunlight must reach at least 50% of the PPOS of both the subject dwelling and any adjoining dwelling, for not less than 3 hours between 9.00am and 3.00pm on 21 June.

4. The submission raises concern that the proposal will be out of character with the surrounding area.

Officer Comment:

The submission notes that the development fails to comply with Part D2.2.2 Dual Occupancies and Semi-detached dwellings of the DCP as the development is out of character with the surrounding area. As aforementioned, the DA does not propose dual

occupancy development, rather a two storey dwelling and secondary dwelling on one lot of land. The proposal contributes to affordable housing and is considered compatible with the surrounding residential environment. It is noted that secondary dwellings are permissible on adjoining allotments.

5. The submission raises concern regarding the use of the development as an exhibition home.

Officer Comment:

The use of the property is for temporary purposes and specific conditions are imposed to ensure that the use of the exhibition home is limited to a maximum three (3) year period and that no nuisance to adjoining properties occurs. A sign is also proposed which will not be illuminated and will not adversely impact adjoining properties.

6. The submission raises concern regarding the lack of car parking needed to satisfy the needs of the development.

Officer Comment:

Under the provisions of the DCP, the secondary dwelling does not require any car parking. However, a single carport is included as part of the secondary dwelling, with a second space available in the driveway. In addition, the principal dwelling proposes a double garage which will allow for 2 spaces within the garage and 2 on the driveway. This allows for the provision of 6 car parking spaces which meets the requirements of the DCP.

7. The submission raises concern in relation to the additional traffic generated by the use of the development as an exhibition home.

Officer Comment:

It is considered that the additional traffic generated by the temporary use of the dwellings as display homes will be minimal and not significantly increase safety risks.

8. The submission raises concern about the noise generated from an air conditioning plant.

Officer Comment:

In relation to noise being generated by residential air conditioning units, a condition is recommended to ensure that there will be no adverse noise impacts on adjacent dwellings. This is a standard condition which is applied to all residential air conditioning units.

(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 proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Mine Subsidence Board (MSB)

Pursuant to Section 91 of the *Environmental Planning and Assessment Act 1979*, the DA is classed as Integrated Development in that it requires concurrence from the Mine Subsidence Board. The proposed plans have been stamped approved by the Mines Subsidence Board.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1125/2014 is recommended for approval subject to the conditions contained in this report.

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 documentation, 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
Drawing No.13025 Sheet 2 Issue B-0	Site Plan	Blue Tongue Homes	24.11.14
Drawing No. 13025 Sheets 3-10 Issue B-0	Architectural plans, elevations and associated information	Blue Tongue Homes	18.11.14
Certificate No. 590088M	BASIX Certificate	Building & Energy Consultants Australia	19.11.14

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **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.
- (4) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i. has been informed in writing of the name and licence number of the principal contractor; and
 - ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder:
 - i. has been informed in writing of the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation; and
 - b) where necessary, underpin the adjoining premises 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, and a copy of that written consent is provided to the PCA prior to the excavation commencing.
- (6) **Hours of Operation** - The hours of operation for the approved exhibition home use are from 8.00am to 5.30pm, Monday to Friday and 8.00am to 6.00pm Saturday and Sunday.
- All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.
- (7) **Three year use period** - Consent for use of the exhibition home is limited to a three (3) year period (commencing upon issue of an Occupation Certificate). At the expiration of this three (3) year period, the exhibition home is to be converted to standard occupied / residential dwelling.

All advertising signage, front fencing, ancillary structures that form part of the display purposes for the home shall be removed at the expiry of the display home use and prior to Occupation as a dwelling.

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) **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.
- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **Driveway Gradients and Design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Engineering Specifications;
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Public Road Activity approval must be obtained prior to the commencement of any works.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (4) **Salinity (Dwellings & Outbuildings)** – A site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (5) **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 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 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 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 provisions of Section 81A of 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 Consent Authority;

- b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - 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;
 - 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) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (6) **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.

Soil erosion and sediment control measures shall be maintained during construction works and shall only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

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) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:

- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the existing drainage system.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

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) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.

- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
- (4) **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.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and
 - c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.
- (2) **Visitor Car Parking** – Whilst used as a display home, the carport and driveway of the secondary dwelling must be made available for visitor car parking.

RECOMMENDED

That Council approve DA 1125/2014 for the construction of a two storey dwelling and single storey secondary dwelling, and their use as display homes at 10 Easton Avenue, Spring Farm subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Signage Plan
3. Proposed Plans - *Supporting Document*
4. Submission - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: CONSTRUCTION OF A BULKY GOODS COMPLEX INCLUDING OTHER RETAIL PREMISES AND FOOD AND DRINK PREMISES, CAR PARKING, LANDSCAPING AND ASSOCIATED SITE WORKS

FROM: Acting Manager Development

TRIM #: 15/12099

APPLICATION NO: 958/2014
PROPOSAL: Bulky Goods Complex
PROPERTY ADDRESS: 650 Camden Valley Way, Gledswood Hills
PROPERTY DESCRIPTION: Lot 811 DP1189248
ZONING: B5 Business Development
OWNER: Gregory Hills Corporate Park Pty Limited
APPLICANT: Mr Ralph Iorfino, 1ZM Property Holdings Pty Limited

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a bulky goods complex including other retail premises and food and drink premises, car parking, signage, landscaping and associated works, at 650 Camden Valley Way, Gledswood Hills.

The DA is referred to Council for determination as there remain unresolved issues received in two submissions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 958/2014 for the construction of a bulky goods retail complex including other retail premises and food and drink premises, car parking, signage, landscaping and associated works, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a bulky goods complex including other retail premises and food and drink premises, car parking, signage, landscaping and associated works at 650 Camden Valley Way, Gledswood Hills.

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 outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. Two submissions were received (both objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

Council staff were in contact with each of the submission writers in relation to their concerns however were unsuccessful in resolving the issues raised in the submissions.

The issues raised in the submissions relate to inconsistency with the objectives of the zoning of the land and non compliance with the Turner Road DCP 2007, insufficient information, access off Gregory Hills Drive, parking and deliveries, the design of the development, the height of a proposed pylon sign and inconsistency with the public interest.

The proposed development has been assessed to be consistent with the zone objectives and provisions of the Turner Road DCP. The extent of shop and food and drink premises within the complex has been reduced consistent with the planning controls that apply to the site and this will ensure that there remains sufficient potential for shop premises within future activity hubs, north of Gregory Hills Drive.

Satisfactory additional information has been provided to address outstanding issues.

The proposed access to the development off Gregory Hills Drive is consistent with the Turner Road DCP, as it has been provided within the location where an access road was shown in the Indicative Layout Plan and the street network plan. The provision of an access road off Gregory Hills Drive was included in an approved staged subdivision of the land under DA277/2012, as modified. This road access will not now proceed but will be replaced with the access driveway proposed in this DA. The access has been reviewed by Council's Traffic Engineers and can provide for safe and convenient access to the development.

The DA has been amended including the provision of an additional 59 basement parking spaces. The amended proposal provides 319 car parking spaces. Suitable delivery access for trucks and for semi trailers can be provided at the rear of the development.

The proposed building design has been assessed to provide suitable elevation treatment, particularly at the Camden Valley Way and Gregory Hills Drive corner of the site, to provide a gateway entry to the Turner Road Employment Area at this key site. This includes use of glazing and articulated architectural treatment as well as a mix of building materials and colours, along with suitable landscaped treatment.

Existing and proposed landscaping within the riparian zone and adjacent to the northern boundary of this site will suitably screen the development and rear service areas, avoiding an adverse interface with the riparian zone.

The height of the proposed pylon sign at the Camden Valley Way and Gregory Hills Drive corner of the site has been reduced to 6m to comply with the DCP controls.

The proposed development has been assessed to be consistent with the public interest, and will provide for suitable employment generating development consistent with the vision and controls for this site within the Turner Road Employment Area.

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

AERIAL PHOTO



THE SITE

The site is commonly known as 650 Camden Valley Way, Gledswood Hills and is legally described as Lot 811, DP1189248. It is located on the northern side of Gregory Hills Drive at the corner of Camden Valley Way. The site with an area of approximately 29,027m² has a frontage of approximately 93.24m to Camden Valley Way and approximately 158m to Gregory Hills Drive. The South Creek riparian zone forms the irregular northern frontage of the site.

The site is vacant land and is relatively level, having been subject to filling to level the site as part of previous subdivision approval. Works within the vicinity of the site has included the provision of retaining walls approximately 4.5m from the northern boundary, within the South Creek riparian zone.

The surrounding properties are characterised by developing employment related business and industrial uses. The site is within the Turner Road Employment area, containing business and industrial development lands. More specifically the site is part of the employment land located on the northern side of Gregory Hills Drive, being developed by Gregory Hills Corporate Park Pty Limited.

The surrounding area contains the Turner Road residential release areas of the South West Growth Centre to the east and north, at Gregory Hills and Gledswood Hills. On the opposite side of Camden Valley Way to the north-west and west is the Oran Park precinct of the South West Growth Centre, as well as the Harrington Grove release area.

HISTORY

This DA relates to proposed Lot 811 approved under DA277/2012 (as modified) and the relevant development history of the site is summarised in the following table:

Date	Development
14 August 2012	DA277/2012 - Staged industrial subdivision to create 32 business development lots and 2 residue lots including road construction, drainage, riparian works, landscaping and associated site works. This consent included significant bulk earthworks which has been undertaken, including filing and levelling of the site.
27 March 2013	DA/277/2012/2 – <ul style="list-style-type: none"> inclusion of proposed road no. 8 within Stage 1; Importation of fill 24 hours 7 days a week for a period of three months; and Relocation of retaining wall on the northern boundary.
25 July 2013	DA/277/2012/3 – <ul style="list-style-type: none"> addition of Stage 1A which involves the change in lot sizes; addition of a new lot, lot 811 will become proposed lot 802 and 803;and the amendment of lot sizes.
19 February 2014	DA/277/2012/4 – <ul style="list-style-type: none"> Modification of an approved fill management plan to comply with recent changes in legislation to the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM).
20 June 2014	DA/277/2014/5 – <ul style="list-style-type: none"> Modification to staging.

A separate application (DA963/2014) is also being assessed for the construction and operation of a service station (Caltex service station) which will be adjacent to the bulky goods complex. The service station area is indicated on the proposed plan with this DA for the bulky goods complex.

THE PROPOSAL

DA 958/2014 seeks approval for the construction of a bulky goods retail complex including other retail premises and food and drink premises, car parking, signage, landscaping and associated works.

Specifically the proposed development involves:

Construction of three (3) buildings, Buildings A, B & C, containing 11 tenancies with a total floor space of 15,060.3m² (including 238.1m² of mezzanine floor space).

- Building A with a building height of 8.5m will contain 6 tenancies:
 - Unit 1 = 2137.2m²
 - Unit 2 = 1621.2m² (including 93.6m² mezzanine)
 - Unit 3 = 1397.4m²
 - Unit 4 = 200.9m²
 - Unit 5 = 416m² (nominated as retail tenancy)

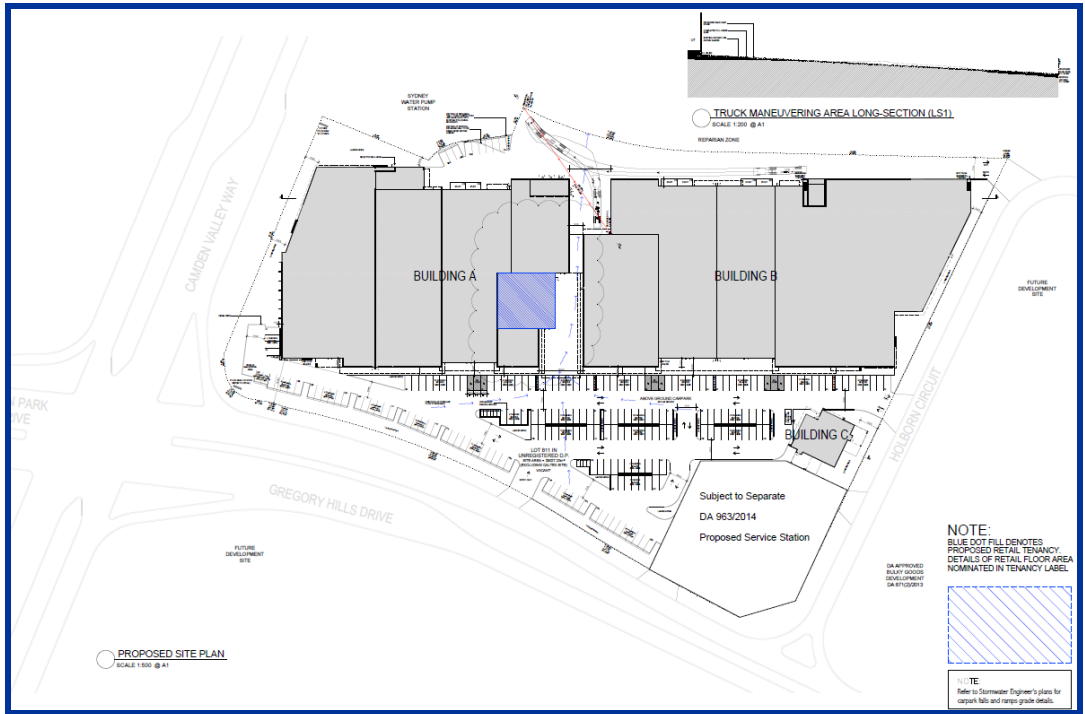
- Unit 6 = 700.8m²
- Building B with a building height of 8.5m will contain 4 tenancies:
 - Unit 7 = 1287.9m²
 - Unit 8 = 1719m² (including 72.7m² mezzanine)
 - Unit 9 = 1378m² (including 71.8m² mezzanine)
 - Unit 10 = 3797.7m²
- Building C with a building height of 5.5m will contain 1 tenancy:
 - Unit 11 = 275m² (nominated as café/food and drink premises)
- Provision of 319 on site parking spaces, including 99 spaces within a basement parking area beneath unit 10, 12 bicycle spaces and 12 motorbike spaces.
- Provision of a 9m driveway off Gregory Hills Drive (entry only) and two 9.9m and 3m wide dual entry/exit driveways off Holborn Circuit. No vehicular access is to be provided off Camden Valley Way.
- Provision of landscaped setbacks of minimum 5m to Gregory Hills Drive and Camden Valley Way.
- Display of signs, comprising 1 free-standing or pylon sign and 1 flush wall sign. The proposed pylon sign will be 6m high and will be located in the development's 5m front landscaping setback, at the corner of Camden Valley Way and Gregory Hills Drive. The flush wall sign will be located on the northern elevation of the building, with dimensions of 11.8m x 1.6m and identify the building as Camden Valley Way Business Centre.
- Provision of a mix of building material and finishes with painted pre cast panels and glazing.
- The operating hours of the complex and tenancies will be up to 7 days a week and 24 hours a day (the use and operating hours of each use/tenancy will be subject to separate approval).

The value of the works is \$13,417,749 (including GST).

A copy of the proposed plans is provided as attachment 1 to this report.

ORD02

PROPOSED PLANS



PROPOSED ELEVATIONS



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy No 64 – Advertising and Signage
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (Deemed State Environmental Planning Policy)

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Permissibility

The site is zoned B5 – ‘Business Development’ under the provisions of the Growth Centres SEPP. The proposed development is defined as a bulky goods premises, retail premises and food/drink premises, all of which are permissible land uses in this zone. The proposed business identification signs are also permitted with consent in this zone.

Zone Objectives

The objectives of the B5 Business Development zone are as follows:

- To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.

Officer comment:

The proposed development will provide for bulky goods complex, including tenancies with larger floor areas consistent with this objective.

- To provide for a wide range of employment generating development.

Officer comment:

The proposed development will generate new employment opportunities by allowing new businesses to operate on the site.

- To provide for a mix of ancillary uses to support the primary function of providing employment generating development.

Officer comment:

The proposed development will provide for a mix of ancillary uses consistent with this objective.

- To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.

Officer comment:

The proposed development limits the extent of proposed general retailing, other than bulky good retailing, and food and drink premises, consistent with this objective and relevant provisions of the SEPP.

- To provide for a range of uses, including recreational uses and function centres, that complement other permissible employment generating land uses within the zone.

Officer comment:

The proposed development will ensure that a range of uses can be provided for within the Employment Area.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP.

Clause	Requirement	Provided	Compliance
4.1E Shops – Turner Road	Total area to be used for shops in B5 zone must not exceed 2,500m ² in the Turner Rd precinct and must not exceed 500m ² in a particular development	Of the 11 tenancies within the complex, unit 5 with a gross floor area of 416m ² has been nominated as a future retail (shop) tenancy. This will be within the maximum areas permitted under clause 4.1E	Yes
4.3 (5) Height of Buildings	A 15m height limit applies, above finished ground level (land with frontage to Badgally Rd, now Gregory Hills Drive)	The proposed building height is up to 8.5m which complies with this control	Yes
5.9 Preservation of Trees	Consent or permit required for removal of trees	There is no existing vegetation on the site	Yes
6.1 Public utility infrastructure	Public utility is to be available or adequate arrangements made for infrastructure	Public utilities are available to the site and the proposed development	Yes
6.6 Development in special areas	The land subject of the DA is mapped as a special area, being within the Turner Road Employment Area. The consent authority must not grant development consent for development on land in a	The Turner Road DCP contains controls relating to the Turner Rd Employment Area and the proposed development will not be inconsistent with the DCP provisions	Yes

Clause	Requirement	Provided	Compliance
	special area unless a development control plan providing detailed development controls has been prepared for the land		

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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

The approved subdivision (DA277/2012) was supported by a Phase 2 contamination assessment which found that based upon field observations and soil testing, no signs of unacceptable contamination. Accordingly it was determined that the site was suitable for commercial and light industrial use.

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

The proposed development includes a 6m high free-standing pylon sign and a flush wall sign with a display area of 18.8m² (11.8m x 1.6m) identifying the complex as the Camden Valley Business Centre (or the like). The pylon sign will also contain the details of each of the tenancies. The pylon sign will be located at the Camden Valley Way and Gregory Hills Drive corner of the site, while the flush wall sign will be located on the northern elevation of Building A, adjacent to Camden Valley Way.

The use of each tenancy will be subject to separate development applications which will include any proposed signage, which requires approval. However indicative signage locations for each tenancy have been identified. These would appropriately incorporate the future business identification signage within the design of the development and the building elevations visible from Camden Valley Way and Gregory Hills Drive.

Pursuant to Clause 4(1) of the SEPP, the proposed signs are considered to be “business identification signs” as opposed to “advertisements” in that they identify the centre and in respect to the pylon sign will identify the particular businesses in the complex, but do not include the general advertising of products, goods or services.

Overall it is considered that the proposed signs are consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (SEPP)

The DA was referred to TransGrid and Endeavour Energy for comment, under Clause 45 of the SEPP in relation to works within or immediately adjacent to their easements for electricity purposes. No objections were raised by Endeavour Energy and no response has been received from TransGrid. Paved driveway areas would be located in the areas within or adjacent to the TransGrid easement at the rear of the site and accordingly no impacts on the TransGrid infrastructure is expected.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and water pollution control devices will be implemented as part of the proposed development.

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

(a)(ii) The Provisions of any Draft Environmental Planning 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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Turner Road Development Control Plan 2007(DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
General Controls in the DCP			
A3.1 Street Network and Design	The street network is to be provided generally in accordance with the Indicative Layout Plan (ILP) and the Street Network Plan (Figures 2 and 5)	The approved subdivision of the site (DA277/2012) has been undertaken generally in accordance with the ILP and street network plan. This included the provision of a road off Gregory Hills Drive in the approximate location where the entry access driveway is now proposed.	Yes
	No direct vehicular site access is permitted to Camden Valley Way	No vehicular access is proposed off Camden Valley Way	Yes
	Direct vehicular site access to proposed 4 lane sub-arterial road will be considered to neighbourhood	The development provides for an access entry driveway off Gregory Hills Drive, into the customer parking	Yes

Control	Requirement	Provided	Compliance
	centres in exceptional circumstances only, such as for large scale developments and/or the servicing of multiple developments	area, generally at the location where road access was to have been provided as part of the approved subdivision in accordance with the ILP	
A6.3 Salinity & Soil Management	Minimise property damage due to existing saline soils	A Salinity Investigation and Management Plan was prepared in May 2012. The subject site is within the boundaries of the area of this salinity investigation. This identified soils within the site as being non- saline to very saline. The proposed development will be satisfactory if carried out in accordance with the findings and recommendations of this salinity report. This is required as part of the recommended conditions	Yes
A8.1 Sustainable Building Design	Buildings and development not affected by BASIX are to achieve a 40% reduction of baseline potable water consumption.	The SEE indicates that this will be achieved, which can be confirmed with CC requirements. A condition is recommended to ensure this control is met	Yes
A8.2 Stormwater & construction management	Manage stormwater discharge, to minimise impacts for down stream properties Submit a stormwater concept plan	Satisfactory concept stormwater drainage plans and details have been submitted with the application, with recommended consent conditions requiring final details at the construction certificate stage	Yes
A8.3 Waste management	Waste management to be submitted Adequate waste storage to be provided on site.	A waste management plan has been provided with the DA. Adequate waste storage areas are proposed	Yes
A8.6	The building is to be	The design of the	Yes

ORD02

Control	Requirement	Provided	Compliance
Safety & surveillance	designed to provide for casual surveillance; enhance public surveillance of the street; avoid creation of areas of concealment; and incorporate crime prevention through environmental design (CPTED) principles. Pedestrian and communal areas are to have sufficient lighting.	development will allow for surveillance of the site and development frontages to Camden Valley Way and Gregory Hills Drive. A CPTED assessment of the proposed development has been provided by the applicant and reviewed by the Police who subject to conditions raise no issues with the proposed development	
B3 - Controls for Turner Road Employment Area			
B3.1 Land uses	Development to be undertaken generally in accordance with the preferred land use plan Figure 2	The proposed development is generally in accordance with the DCP, with bulky goods retail being the predominant preferred land use within this part of the Turner Road Employment Lands	Yes
	Active uses, such as showrooms and the like should front Gregory Hills Drive & Camden Valley Way, to provide visual interest	Active uses will be provided to these elevations and the development is sufficiently articulated at these prominent corners	Yes
	Max. 2,500m ² Gross Lettable Area Retail (GLAR) retail premises in Business Development Lands, and 1,250m ² either to the north or south of Gregory Hills Drive	This development provides for potential shop premises within unit 5 with a gross floor area of 416m ² . No other shop premises have been approved on the northern side of Gregory Hills Drive, at this stage	Yes
B3.4 Public Domain & Interface areas	The principles of crime prevention through environmental design (CPTED) are to be incorporated	The proposal is considered to be generally consistent with CPTED, with large setback areas and car	Yes

Control	Requirement	Provided	Compliance
	<p>within the design of the development</p> <p>Development along Camden Valley Way and Gregory Hills Drive must:</p> <ul style="list-style-type: none"> • provide active frontages and articulated building facades; • include articulated architectural elements and mixture of building materials/finishes • avoid or minimise long blank walls; • open garden style landscaping where development fronts CWV, • provide high quality landscaping, to ensure that site not dominated by parking; • provide pedestrian amenity and shelter at entry at entrance to buildings; • provide coordinated signage scheme <p>Frontage to Riparian corridor (to rear northern boundary) must incorporate:</p>	<p>parking being readily visible from the street and adjacent tenancies which will allow for surveillance</p> <p>A CPTED assessment has been undertaken by the applicant and by the Police who have provided recommended conditions.</p> <p>The development will provide for active frontages to both Camden Valley Way and Gregory Hills Drive, including glazed and 'shop front' elevations. Appropriate architectural articulation, including canopies and overhangs are provided along with a mixture of materials, and colours. There will be no long blank walls. Open garden style and high quality landscaping is to be provided, including landscaping within the customer car park areas. This will be confirmed by condition to increase planting within the Camden Valley Way frontage. Appropriate pedestrian amenity can be provided with covered entry areas. A co-ordinated signage strategy with future signage areas identified on the elevation plans</p>	<p>Yes</p>

ORD02

ORD02

Control	Requirement	Provided	Compliance
	<ul style="list-style-type: none"> • minimum setback of 2m to boundary of the riparian corridor or open space. • building facades facing the riparian corridor shall be both structurally and visually articulated, with additional setbacks, side boundary setbacks or elements such as awnings or fin walls. A range of neutral colours are preferred. • landscaping of setback area for further articulation, native and low maintenance. No external storage is allowed in the setback area. • any rear boundary fencing to be dark coloured open style fencing to 2.1m height. • where possible, openings to be provided in facades fronting riparian corridor to provide surveillance 	<p>The setback to the riparian corridor will be greater than 2m. The building facades to the rear and to the adjoining riparian corridor provides for appropriate articulation with the use of varied setbacks, and architectural elements including projecting canopies and window/fenestration treatment.</p> <p>Darker and lighter neutral toned colours with some stronger colour highlights</p> <p>The proposed development will rely upon landscaping within the riparian corridor and adjacent to the corridor. No external storage is proposed within the setback area to the riparian corridor and this can be conditioned. No rear fencing of the site is proposed.</p> <p>Openings and windows will be provided within the facades to the riparian corridor</p>	<p>Yes</p> <p>Yes</p>
<p>B3.5 Site Planning</p>	<p>Setbacks to be consistent with Figure 5, requiring 5m setback to Camden Valley Way and Gregory Hills Drive. 2m to 3m setback to riparian corridor, 3m to Holborn Circuit</p>	<p>The proposed building setbacks from Camden Valley Way range from 5.05m to 20m, while setbacks to Gregory Hills Drive vary from 16.38m to 72m. The setback to rear, riparian corridor will be 7.77m to 26m, while the setback to Holborn Circuit will be 3.46m</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>Front setbacks are to be landscaped and not dominated by car parking or loading facilities.</p> <p>Where parking is to be proposed forward of the building line, the parking is to be broken up with landscaping, and provide for convenient /safe pedestrian access to the building entrance</p> <p>On site detention (OSD) is required to minimise the impact of stormwater</p>	<p>The minimum required 5m front setback will be landscaped. While there are large areas of parking, located to the front of the buildings to Gregory Hills Drive, these areas will be broken up with landscaping, as the landscape scheme provides for landscaping of parking areas</p> <p>OSD is provided for as part of the proposed stormwater management strategy</p>	<p>Yes</p> <p>Yes</p>
B3.6 Building design	<p>Key site, gateway building to signify the entrance employment area;</p> <p>Built form to enhance location and emphasise street corner;</p> <p>Use of glazing and building articulation;</p> <p>Use high quality materials, with metal cladding discouraged; and</p> <p>Blank building facades facing primary frontages not permitted.</p>	<p>The proposal will meet the building design requirements with suitable articulation and glazed areas.</p> <p>The corner treatment of Building A will provide for appropriate entry statement for this gateway site, helping to enhance this location and street corner.</p> <p>Appropriate articulation, materials and finishes are proposed, including sun</p>	Yes
B3.7 Employment operations	<p>Access, parking, loading to be provided, as per Camden DCP, which requires</p>	<p>Access, parking and loading can be provided in accordance with the DCP, with 314 parking spaces (as <i>recommended</i>) and loading areas or docks or areas provided or available for each tenancy</p>	Yes
B3.8 Fencing	<p>Controls provided related to fencing forward of building</p>	<p>No fencing is proposed forward of the building lines, with landscaped</p>	N/A

ORD02

Control	Requirement	Provided	Compliance
	line	front setbacks provided to Camden Valley Way and Gregory Hills Drive	
B3.9 On site landscaping	Front setbacks are to be landscaped. Where parking is forward of the building line, a minimum 2m wide landscape strip shall be provided.	The front setback landscaping will be generally minimum 5m or greater	Yes
B3.10 Outdoor storage	No external storage of goods, or waste/garbage bins where visible from public domain.	Internal waste storage areas are provided for units 1,2 3, 7, 8 , 9 and 10, while external waste storage can be provided for units 4,5, and 6, adjacent to unit 6, which will not be directly visible from the public domain	Yes
<p>Camden Development Control Plan 2011 (under Clause 1.3 of the Turner Road DCP, the following provisions of Camden DCP apply to the development)</p>			
Control	Requirement	Provided	Compliance
B4.4 Signage	Total display area not to exceed 20% of the visible wall area	The proposed sign does not exceed 20% of the visible wall area	Yes
	No more than 2 signs per elevation that is visible from a public place	This DA only approves 1 wall sign. All other signs shown on plans are indicative only and are not proposed as part of this DA	Yes
	Maximum one pylon sign, not exceeding 6m.	One pylon sign details with a maximum height of 6m is proposed	Yes
B5 Access & Parking	<u>Parking</u> 305 spaces 10 bicycle spaces 10 motor bike spaces	<u>Parking</u> 319 parking spaces are proposed, however, 5 spaces must be removed to retain access to Sydney Water pump station thus providing for a total of 314 spaces 12 bicycle spaces 12 motor bike spaces	Yes
	<u>Service vehicle</u>	<u>Service vehicle</u>	Yes

Control	Requirement	Provided	Compliance
	<u>provision</u> Bulky Goods outlets = 1 space/dock for first 800m ² , thereafter assessed on merits Shops and restaurants = 1 space/dock per 400m ² for first 2000m ²	<u>provision</u> The provision for service vehicles will be satisfactory and can comply with the DCP. Medium rigid trucks and semi trailers will be able to service the site. A combined loading dock of 129m ² is provided for units 1 and 2 and separate loading docks of 60.75m ² are provided for units 3, 7, 8, 9 and 10. Loading and unloading for Units 4, 5 and 6 is proposed to be undertaken within the area between Units 6 and 8. Unit 11 is provided with an adjacent loading & unloading bay.	

(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

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

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in 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

Traffic and Access

The DA has been accompanied by a traffic assessment report which has assessed the traffic generation rates of the development, based upon RMS guidelines, with up to 409 vehicle trips per hour at week day peaks and 566 vehicle trips per hour in weekend peaks. This has been reviewed by Council's traffic engineers who have advised that these traffic generation rates are can be appropriately accommodated within the existing and proposed road network.

Vehicular access to the site is proposed by means of an entry driveway off Gregory Hills Drive and two entry/exit driveways off Holborn Circuit, with no access off Camden Valley Way. The applicant's traffic consultant has advised there will be suitable sight distances for this access to the site, having regard to the minimum and desirable sight distances of 65m to 83m as set out within Australian Standard 2890.1 (2004) along with the 60km/hour speed controls on Gregory Hills Drive.

This access has been reviewed by Council's traffic engineer who advised that it is appropriately located away from the traffic signals. This driveway access will replace a road access point which was approved, at approximately this location, as part of the staged subdivision of the land under DA277/2012, and is consistent with the road layout identified in the Turner Road DCP.

Council's Traffic Engineer has further advised that in view of the access being entry only, it can be narrowed from its proposed 9m width to approximately 6m to deter truck and service vehicle access. This is consistent with RMS advice that access from Gregory Hills Drive should be restricted to customer vehicles only, with service vehicles to access the site from Holborn Circuit. A condition is recommended which reduces the access entry point from Gregory Hills Drive to 6m.

Combined entry/exit driveways to Holborn Circuit will satisfactorily provide for customer and service vehicle access to the development. This includes a 13.3m wide rear driveway access which will provide for primary service access to the development, for medium rigid trucks as well as semi-trailers to service the loading docks for the units.

Access to Sydney Water land

A Sydney Water sewage pump station adjoins the north western site boundary (on adjoining Lot 700, DP1154772). This has access via an existing driveway through the rear of the subject site, where the internal driveway and service area will be provided as part of this DA. As this Sydney Water access will be potentially disrupted during construction of the proposed development, alternative temporary access arrangements will need to be negotiated with Sydney Water. This is dealt with in the recommended conditions of consent which also require that an easement be established in relation to permanent access arrangements for Sydney Water over the driveway.

There is an existing curved section of retaining wall within the northern part of the site, which is shown on the DA plans as being demolished and relocated adjacent to the northern boundary. The relocation of this section of retaining wall would affect access into the rear of the Sydney Water pump station and would be inconsistent with an easement for access over this area of the site. A condition is therefore recommended which requires access to be provided to Sydney Water through the creation of an easement.

While these amendments will delete five (5) parking space, 314 parking spaces will remain which is more than the minimum 305 parking spaces required under Camden DCP 2011.

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. The development provides for a bulky goods use of the site consistent with the vision in the DCP for such active uses in this part of the Turner Road Employment area, and for a site fronting Camden Valley Way and Gregory Hills Drive.

(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 DCP. The exhibition period was from 6 November 2014 to 19 November 2014. Two submissions were received (objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

Council staff were in contact with each of the submission writers to discuss their concerns however were unsuccessful in resolving the issues raised in the submissions.

The following discussion addresses the issues and concerns raised in the submissions.

1. The development is contrary to the objectives of the B5 Business Development zone, undermines the hierarchy of centres and employment areas for the Turner Road precinct and undermine the potential for 'Active Hubs', with non compliances with the controls for the Tuner Road Employment Area for shops and retail premises. The proposed would therefore not be in the public interest.

Officer Comments

The objectives of the zone have been addressed earlier in this report and the proposed development is considered to be consistent with these objectives. The issues raised in this objection were based upon the original proposal and the 1,592m² of floor space proposed to be used for shops and as food and drink premises. This was considered to be an excessive provision of general retail facilities (other than bulky goods retail) within this location by Council staff.

The proposed development has been amended reducing the floor space for these purposes to 691m² with unit 5 (416m²) nominated for potential shop/retail use and unit 11 (275m²) as a café or food and drink premises. The extent of shop and food and drink premises will be consistent with the controls within the SEPP and DCP and will ensure that there remains potential for shop premises (with 834m² of shop premises remaining available to the north of Gregory Hills Drive) as well as other uses such as food and drink premises, child care and community facilities within future Active hubs.

2. There is insufficient information with the DA in regard to landscaping to the northern boundary, retaining wall to the riparian zone; and lack of details for pylon signs and general fencing.

Officer Comments

A landscaped area of 4m to 4.5m width is provided adjacent to the rear of the site and driveway/service area, being located between the northern boundary of the site and the adjacent riparian zone (South Creek corridor). This landscaping includes a bio swale system to treat storm water runoff to the riparian zone. This landscaping within the riparian zone is to be extended around the northern perimeter of the site and around

the edge of the maneuvering area in the North West corner of the site. This perimeter landscaping, in conjunction with existing trees and vegetation within the riparian zone, will screen the northern elevation of the development and rear service areas.

There is an existing retaining wall at the northern edge of the 4m to 4.5m landscaping, within the riparian corridor, which has a feature finish facing the riparian zone. This retaining wall does not extend to the North West corner of the site, where the DA proposes a paved truck manoeuvring area. The paved edge adjacent to the riparian zone should be provided with a featured finish to match the existing retaining wall and this is a recommended condition.

In respect to fencing, the retaining wall includes metal post and rail fencing, to the top of the wall. This metal post and rail fencing can be continued around the North West corner of the site, to delineate the boundary of the site with the adjoining riparian zone. However provision will need to be retained for access by TransGrid to their infrastructure within the riparian zone, including an adjacent stanchion tower. These matters are dealt with in the recommended condition. No site fencing is proposed to the other boundaries. However, substantial landscaped setbacks, particularly to Camden Valley Way and Gregory Hills Drive, will provide for appropriate site delineation and street presentation.

Additional satisfactory details were provided by the applicant in respect to a proposed pylon sign adjacent to the corner of the site at Camden Valley Way and Gregory Hills Drive, including a reduction in height of the sign to 6m to meet DCP controls. The application plans also indicate an indicative or potential additional pylon sign at the Camden Valley Way site frontage. This additional pylon sign is not part of the development to be approved with this DA.

3. Provision of an access driveway off Gregory Hills Drive into the site, is contrary to the provisions of the Turner Road DCP.

Officer Comments

The proposed vehicular access to the development includes an entry driveway off Gregory Hills Drive. Section 3.1(14) of the Turner Road DCP specifies that direct vehicular site access to sub arterial roads (such as Gregory Hills Drive) will be considered for access to neighbourhood centres in exceptional circumstances only, such as for large scale developments and/or servicing of multiple developments.

The submitter has referred to this requirement of the DCP to indicate that there should be no direct vehicular access provided to the proposed development from Gregory Hills Drive, and that the provision of this access would set an undesirable precedent. Issues have also been raised in relation to the applicant's assessment of this access in relation to the speed of traffic on Gregory Hills Drive, and the potential need for a deceleration lane.

The proposed access to the development off Gregory Hills Drive is considered to be consistent with the Turner Road DCP, as it has been provided within the location where an access road was shown in the ILP and street network plan. The provision of an access road forms part of the approved staged subdivision of the land under DA277/2012, as modified. This road access will not now proceed but will be replaced at this general location with the access driveway now proposed.



This access has been reviewed by Council's traffic engineer who advised that it is appropriately located away from the traffic signals. Council's Traffic Engineer has further advised that in view of the access being entry only, it can be narrowed to 6m egress to deter truck and service vehicle access. A condition is recommended to reduce the entry access to a maximum 6m.

The RMS previously concurred with Council (as part of the assessment of DA277/2012) that access at this location, approximately 100m from the Camden Valley Way intersection, was satisfactory for light vehicles having regard to deceleration and lane changing. Council's Traffic Engineer advises that due to the 60km/h urban environment of Gregory Hills Drive deceleration lanes are not warranted. Therefore the provision of an entry access only at this point is deemed to be reasonable and supportable in this instance by both Council staff and the RMS.

The proposed access will provide for safe and convenient access.

4. Proposed pylon sign exceeds the maximum permissible height

Officer Comments

The DCP requires a maximum of one pole or pylon sign per street frontage, not exceeding 6m above natural ground level. The details of the proposed pylon sign at the Camden Valley Way and Gregory Hills Drive corner of the site have been amended to reduce the height to 6m in order to comply with the DCP controls.

A further pylon sign location is indicated in the North West corner of the site at the Camden Valley Way frontage, as a future pylon sign by others. It does not form part of this application.

5. The proposed development results in a parking deficiency which is insufficiently justified.

Officer Comments

The DA as exhibited made provision for 260 spaces, representing a deficiency of 60 spaces. The DA has been amended including the provision of additional 59 basement parking spaces, such that there will now be no parking deficiency, and the proposed development will now comply with the DCP.

6. Loading docks at rear lack access for semi trailers.

Officer Comments

Access for semi trailers can be provided for within the driveway area at the rear of the development including provision for unloading from the driveway area and within the area between units 6, 7 and 8.

7. Building design and interface with the riparian corridor

Officer Comments

The submitters have raised concerns that the building design does not address relevant DCP controls due to a 'bland' design for the south western corner of the development, where this is visually prominent at the corner of Camden Valley Way. The proposed building design has been assessed to provide a suitable elevation treatment at this corner of the site, to provide a gateway entry to the Turner Road Employment Area at this key site. This includes use of glazing and articulated architectural treatment as well as mix of building materials and colours.

Issues have also been raised about the relationship of the northern elevation to the neighbouring riparian corridor due service areas for truck deliveries, loading and unloading, and lack of landscaping and fencing details. It is assessed that existing and proposed landscaping within the riparian zone and adjacent to the northern boundary of this site (including an existing retaining wall) will suitably screen the development and rear service areas, avoiding an adverse interface with the riparian zone.

In addition, the articulation of the rear of the building provides visual interest, casual surveillance and active area.

(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 proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Roads and Maritime Services (RMS)

The DA was referred to RMS for assessment pursuant to Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*, in regard to traffic generating development.

The RMS has provided comments on the proposed development regarding the following three matters:

- provision of plans for Council's review of the swept paths for the longest vehicles entering and exiting the subject site, off Holborn Circuit;
- provision of vehicular connection between Holborn Circuit and Central Hills Road prior to the operation of the proposed development, otherwise the layout of the signalised intersection at Gregory Hills Drive and Central Hills Drive would need to be reviewed;
- restricting access from Gregory Hills Drive to customer vehicles only, with service vehicles to access the site from Holborn Circuit.

The applicant has subsequently provided swept path diagrams for trucks and semi trailers entering and exiting the site off Holborn Circuit, which demonstrates satisfactory access can be provided for these vehicles.

The RMS comments have been reviewed by Council's traffic engineers. A condition of consent that all servicing of the development is to be carried out off Holborn Circuit is included in the recommended conditions of consent. In view of the access off Gregory Hills Drive being provided as entry only for customers' vehicles (rather than service vehicles), this access can be narrowed from approximately 9m as currently proposed down to maximum 6m to deter service vehicles using this access.

The full extent of Holborn Circuit has been constructed and will provide for access to the eastern frontage of the site. As access to Central Hills Drive signalised intersection via Holborn Circuit is considered necessary for this development to function effectively, the recommended conditions of consent require that the development is not operational until these roads are publically accessible.

Endeavour Energy

A padmount substation is located on the site, near the corner of Camden Valley Way and Gregory Hills Drive, which is subject to an easement and associated restricted area. The padmount substation will be located within the landscaped setback and adjacent to the open on site parking areas.

Endeavour Energy has advised that there are no objections to the proposed development, subject to conditions requiring that structures not encroach upon the easement; restricting landscaping within the landscaped area; and ongoing maintenance. These are required as part of the recommended conditions.

TransGrid

The DA was referred to TransGrid due to the easement located across a portion of the site adjacent to the rear boundary. No response has been received from TransGrid at the time of preparation of this report. Works within the easement relate to paved driveway manoeuvring areas at the rear of the site. No impacts are expected in respect to the TransGrid easement and TransGrid infrastructure within the adjacent riparian zone. The recommended conditions include the need for construction certificate plans to reviewed by TransGrid prior to their approval.

NSW Police – Camden Local Area Command

The application was referred to the Camden Local Area Command for a safer by design evaluation having regard to the nature of the development and the hours of operation up to 24 hours, 7 days. The Police carried an evaluation of the proposal in conjunction with an evaluation of a proposed 24 hour service station (DA963/2014) on an adjacent site. This evaluation identified the proposed developments will have a medium crime risk, and they have provided recommended conditions related to matters such as provision of CCTV cameras and surveillance equipment and outdoor lighting. These requirements can be included as part of the recommended conditions of consent.

The only exception is the request for all vegetation to be setback 3m to 5m from pathways as noted on Page 5 of the safer by design evaluation. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA958/2014 is recommended for approval subject to the conditions contained in this report:

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 documentation, 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
2014.029_DA_02 Issue C	Perspective angle Images	Plann Studio	25.09.2014
2014.029_DA_03 Issue C	Site Plan	Plann Studio	22.12.2014
2014.029_DA_04 Issue C	Building A Ground Floor Plan	Plann Studio	22.12.2014
2014.029_DA_05 Issue B	Building A Roof Plan	Plann Studio	25.09.2014
2014.029_DA_06 Issue B	Building A Elevations/Section	Plann Studio	25.09.2014
2014.029_DA_07	Building B Floor	Plann Studio	25.09.2014

Issue B	Plans		
2014.029_DA_08 Issue C	Building B Floor Plans	Plann Studio	22.12.2014
2014.029_DA_09 Issue B	Building B Roof Plan	Plann Studio	25.09.2014
2014.029_DA_10 Issue B	Building B Elevations/Section	Plann Studio	25.09.2014
2014.029_DA_11 Issue B	Building C Plans/Elevs/Section	Plann Studio	25.09.2014
2014.029_DA_12 Issue C	Landscape Plan	Plann Studio	22.12.2014
2014.029_DA_13 Issue B	Waste Management Plan	Plann Studio	25.09.2014
2014.029_DA_14 Issue B	Truck Manoeuvring Diagrams	Plann Studio	25.09.2014
2014.029_DA_15 Issue B	Truck Manoeuvring Diagrams	Plann Studio	25.09.2014
2014.029_DA_16 Issue B	Truck Manoeuvring Diagrams	Plann Studio	25.09.2014
2014.029_DA_17 Issue B	Truck Manoeuvring Diagrams	Plann Studio	25.09.2014
2014.029_DA_18 Issue D	Car park section/Streetscape/ Pylon Sign Details	Plann Studio	22.12.2014
2014.029_DA_19 Issue B	Schedule of External Finishes	Plann Studio	25.09.2014

Document Title	Prepared by	Date
Salinity Investigation and Management Plan, Proposed Subdivision Lot 701 DP 1154722, Gregory Hills Drive, Gledswood Hills Project 76510.00	Douglas Partners	May 2012

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

- a) **Retaining wall relocation** – The section of curved retaining wall shown as being demolished on the site plan (2014.029_DA_03) shall be retained and the proposed relocation of the retaining wall adjacent to the northern boundary shall be deleted along with deletion of parking spaces 210 to 214 (as marked in red on the approved site plan).

Note: This is required in order to retain existing site levels in this part of the site and retain access into the rear of the Sydney Water pump station (on Lot 700) consistent within the easement for access over this part of the site.

- b) **Perimeter barrier kerb** - A barrier kerb is to be provided along the northern boundary of the site for all trafficable areas, extending from Holborn Circuit to Lot 700 DP1154772 (boundary at Sydney Water pump station). The barrier kerb is to incorporate openings for stormwater adjacent to the existing riparian corridor and drainage swale.
- c) **Perimeter paving finishes and barrier fence** – The northern edge of the paved driveway/ manoeuvring area within the North West corner of the site shall be provided with a stone, coloured finish, facing the riparian zone,

consistent with the finish of the existing retaining wall within the riparian zone. A barrier fence is to be provided along the northern boundary within this North West part of the site, for all trafficable areas, generally as marked in red in the approved site plan. The barrier fence should be a metal pipe handrail type or equivalent, consistent with the existing fencing atop the existing retaining wall within the adjacent riparian zone (South Creek). These works must not preclude access being retained for TransGrid and Sydney Water to their adjacent infrastructure.

- d) **Driveway access off Camden Valley Way** – The entry driveway to the site off Gregory Hills Drive shall be 6m in width at the boundary of the site, and angled at 60 degrees to the direction of traffic, extending into the site.

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

- (3) **Additional Landscaping Requirement** - The submitted landscaping plans must be amended to provide the additional landscaping, as detailed below. The additional landscaping shall be located within the landscaped areas/garden bed section along the entire interface area fronting Camden Valley Way.

The additional landscaping should provide for a further five (5) x *Lophostermon confertus* (Brushbox) trees and forty-five (45) x *Doryanthus exclesa* (Gynea Lily).

The *Lophostermon confertus* (Brushbox) trees shall be evenly spaced or grouped in batches, within this area and sourced in minimum 45 litre container size. The *Doryanthus exclesa* (Gynea Lily) shall be sourced in minimum 300mm container size.

- (4) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (5) **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.
- (6) **Individual Tenancies Use Applications**- Approval is given for the construction and use of individual tenancies as bulky goods premises. The use and occupation of the tenancies for any uses other than bulky goods premises will require a separate development application to be lodged with and approved by the Consent Authority, or the issue of a complying development certificate, where relevant and consistent with the provisions State Environmental Planning Policy (Exempt & Complying Development Codes) 2009.
- (7) **Approved Free-Standing/Pylon Sign** – The approved free-standing sign/pylon sign (adjacent to the Camden Valley Way and Gregory Hills Drive corner of the site) is only approved at a height of 6 metres. The blank tenancy spaces on the approved sign may only display the business name, logos/graphics and tenancy numbers of bulky goods premises operating within the site (as approved under this development consent) or other uses operating under a separate development consent for the site.

A separate development application for any other signs shall be provided to, and approved by, the Consent Authority prior to the erection or display of any such signs, other than any signage which may be dealt with under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

- (8) **Outdoor Lighting** - All lighting (including signage illumination) shall comply with AS 1158 and AS 4282.
- (9) **Reflectivity** – The reflectivity of glass index for all glass used externally shall not exceed 20%
- (10) **Safety By Design** - The development must be undertaken in accordance with the letter from NSW Police Force dated 13 January 2015. In particular, the following Police requirements are required to be implemented:
 - (a) Installation of CCTV cameras internally and externally of all the buildings, i.e. entry and exit points;
 - (b) Provision of regular testing of CCTV footage and alarm system/s;
 - (c) Surveillance equipment to cover whole complex;
 - (d) Any ATMs are to be incorporated into a monitored intruder system, and are to be fixed securely with specially designed anchoring system and quality bolt work; and positioned to restrict physical observation of PIN numbers;
 - (e) Establishment of a lighting maintenance policy, and provision of lighting in accordance with AS/NZS 1158;
 - (f) Ensure that public area lighting is bright and even (to permit facial recognition, at 15m); and that all lighting is vandal proof throughout the complex.

The only exception is the request for all vegetation to be setback 3m to 5m from pathways as noted on Page 5 of the safer by design evaluation. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

- (11) **Agency requirements** - The requirements set out in the following correspondence, shall be fully complied with at all times:
 - i) Roads & Maritime Services, correspondence dated 27 November 2014;
 - ii) Endeavour Energy, correspondence dated 14 January 2014.

In addition, the development is to be undertaken in accordance with the requirements of TransGrid including where relevant, the requirements within the current TransGrid Guidelines for Easement Activities and Restrictions and the TransGrid Easement Guidelines for Third Party Development.

- (12) **Salinity Management Plan** – All proposed earthworks, landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the Salinity Investigation and Management Plan prepared by Douglas Partners, report 76510.00, dated May 2012.

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) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (2) **Dilapidation Report** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- (5) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (6) **Pollutants** - Discharge of pollutants is strictly forbidden. Measures to prevent the pollution of waters, air and land shall be incorporated into the development to comply with the requirements of the *Protection of the Environment Operations Act 1997*.

Where there is potential for pollutant discharge, a report by a suitably qualified expert shall be provided to the PCA detailing the pollution mitigation measures incorporated into the building design so that any discharges comply with the requirements of the *Protection of the Environment Operations Act 1997*.

- (7) **Garbage Room** - Plans showing the location and details of garbage room(s) and room(s) used for the washing and storage of garbage receptacles shall be provided to the Certifying Authority for approval. Garbage room(s) are to be constructed of solid material, cement rendered and trowelled to a smooth even surface. Floors are to be impervious, coved, graded and drained to an appropriate floor waste. Walls are to be smooth impervious surfaces. Ventilation, pest proofing and a hose tap to be provided.

- (8) **Landscape Plan** - A detailed Landscape Plan prepared in accordance with Council's Engineering Specifications, and including the amendment listed in condition 1.0(3) must be provided to the PCA prior to the issue of a Construction Certificate.
- (9) **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 work that cost \$25,000 or more.
- (10) **Easement creation** – Prior to the issue of a construction certificate, an easement for access is to be created along and adjacent to the northern boundary of the site, from Holborn Circuit to Lot 700, DP1154772, with the minimum width of the easement being 5.2m. The easement for access is to be located wholly within the development site and must benefit Sydney Water (in relation to access to rear of Lot 700) and Camden Council (in relation to access for maintenance within the adjoining riparian zone).
- (11) **Temporary access arrangements** - Prior to issue of a construction certificate, evidence of written agreement with Sydney Water regarding appropriate temporary access arrangements to Lot 700, DP1154772 is to be provided to the certifier, where access over the existing driveway access, and permanent easement is not available due to construction works.
- (12) **Mechanical Exhaust System** - Mechanical exhaust system(s) must comply with the BCA and AS 1668 Parts 1 and 2 (including exhaust air quantities and discharge location points). Details demonstrating compliance shall be provided to the Certifying Authority.
- (13) **Potable Water Consumption** – Prior to the issue of a Construction Certificate, details must be provided to the PCA which demonstrates the ability of the building to achieve a 40% reduction of baseline potable water consumption.

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) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc.) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Performance Bond** - Prior to the issue of the Construction Certificate a performance bond of \$25,000.00 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (3) **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.
- (4) **Notice 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 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.
- (5) **Construction Certificate Required** - In accordance with the provisions of Section 81A of 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 Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - 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

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

- (6) **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;
 - 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.

- (7) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (9) **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.

Soil erosion and sediment control measures shall be maintained during construction works and shall only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (10) **Construction Management Plan** - A Construction Management Plan that includes construction waste, dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.
- (11) **Protection of Existing Street Trees** - No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) during all works applicable to this consent, shall be installed in accordance with AS 4970-2009 'Protection of Trees on Development Sites'.

4.0 - During Works

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

- (1) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (2) **Site Management Plan** - The following practices shall be implemented during construction works:

- a) a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

“WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution.”

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (3) **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.
- (4) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (5) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact “Dial Before You Dig” prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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

- (6) **Stormwater Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b or c):

- a) street gutter;
- b) drainage easement;
- c) existing drainage system.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (7) **Site Management Plan** - The following practices are to be implemented during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
- b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
- c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal depot;
- d) a waste control container shall be located on the site;
- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or

iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (8) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).
- (9) **Noise** - All work shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act (1997)*. All work shall comply with the requirement of the NSW Industrial Noise Policy and the Environment Protection Authority' Environmental Noise Manual.
- (10) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- c) be prepared in accordance with:
Virgin Excavated Natural Material (VENM):
- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- d) confirm that the fill material:
- i) provides no unacceptable risk to human health and the environment;
- ii) is free of contaminants;
- iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- iv) is suitable for its intended purpose and land use; and
- v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- e) less than 6000m³ - 3 sampling locations,

f) greater than 6000m³ - 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For e) and f) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of VENM for Contamination and Salinity should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (see Note 1)	1000 or part thereof

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

- (11) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA’s Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

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

- (12) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to: www.environment.nsw.gov.au/waste/envguidlns/index.htm)

Once assessed, the materials shall be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

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

- (2) **Fire Safety Certificates** – A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP& A Regulation 2000.
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
- (4) **Redundant vehicle crossing** – The existing vehicle crossing and layback accessing the site on Gregory Hills Drive is to be removed and reinstated with kerb and gutter, concrete footpath and landscaping prior to the issue of an occupation certificate.
- (5) **Completion of Landscape Works** - All landscape works, including the removal of noxious weed species, are to be undertaken in accordance with the approved landscape plan and conditions of this Development Consent.
- (6) **Installation of Closed-Circuit Television** – Closed-Circuit Television must be installed throughout the complex and must be capable of facial recognition at each tenancy entrance.

Sufficient lighting cover must be available to the whole development site for to facilitate high level CCTV coverage.
- (7) **Security Lighting** – Security lighting in and around the development must be established, particularly around entry/exit points to create an even distribution of lighting with no glare in accordance with AS 4282 and AS 1158.
- (8) **Lighting Maintenance Policy** – A lighting maintenance policy must be established prior to the occupation of the development. The policy must provide for regular maintenance of all lighting throughout the development.
- (9) **Sign Dimensions and Location** - The proposed multi-tenancy pylon sign must not exceed 6 metres high by 3.5 metres wide and must be located as indicated on the approved plans.
- (10) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways, plazas, reserves) at any time.
- (11) **B-Doubles Prohibited Sign** – A sign must be prominently displayed at all loading dock entry points to this site which clearly states that access to this site by B-Double vehicles is prohibited at all times.
- (12) **Directional Traffic Flow Signs** - All driveways shall be suitably signposted and directional arrows painted on the internal driveways. All signs shall be maintained in good repair at all times. This should signposting and/or directional arrows to indicate the following traffic flows:
 - a) The driveway access off Gregory Hills Drive designed for entry only for customer vehicles only, excluding service vehicles; and
 - b) The internal access driveway into the proposed adjacent service station designed for entry only, with no egress from the service station back into the car parking areas of the bulky goods use.

- (13) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:

Restriction as to user: - All proposed earthworks, landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the "Salinity Investigation and Management Plan prepared by Douglas Partners, report 76510.00dated May 2012.

- (14) **Holborn Circuit** - The full extent of Holborn Circuit shall be constructed and be operational at the four way signalised intersection at Gregory Hills Drive and Central Hills Drive, prior to the occupation and use of any tenancy within the approved development.

6.0 – Ongoing Use

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

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.

- (2) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading docks shall be used for loading and unloading operations in connection with the approved use.

- (3) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

- (4) **Approved Signage Maintenance** - The approved sign shall be maintained in a presentable and satisfactory state of repair.

The level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.

- (5) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.

- (6) **Storage of goods** - The storage of goods and materials shall be confined within the building. At no time shall goods, materials or advertising signs be displayed or placed within the designated car parking spaces, landscaped areas or road reserve.

- (7) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).

ORD02

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- (8) **Light Spillage** - The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
 - (9) **Graffiti Removal** - All graffiti must be removed within 48 hours of the offence occurring.
 - (10) **B-Double Vehicles Prohibited** - Access to this site via B-Double vehicles is prohibited.
 - (11) **Approved Hours of Operation** - The approved hours of operation for this development are 24 hours a day, seven days a week.

RECOMMENDED

That Council approve Development Application 958/2014 at 650 Camden Valley Way, Gledswood Hills for the construction of a bulky goods complex containing 11 tenancies within 3 buildings, signage, landscaping and associated site works, subject to the recommended consent conditions provided above.

ATTACHMENTS

- 1. Proposed Plans
- 2. Police Comment
- 3. Submissions - *Supporting Document*
- 4. Public Exhibition and Submissions Map - *Supporting Document*



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: CONSTRUCTION AND OPERATION OF A SERVICE STATION, SIGNAGE, LANDSCAPING AND ASSOCIATED SITE WORKS

FROM: Director Planning & Environmental Services

TRIM #: 15/28277

APPLICATION NO: 963/2014
PROPOSAL: Construction and operation of a Service Station, signage, landscaping and associated site works
PROPERTY ADDRESS: 650 Camden Valley Way, Gledswood Hills
PROPERTY DESCRIPTION: Part Lot 811, DP1189248
ZONING: B5, Business Development
OWNER: Gregory Hills Corporate Park Pty Limited
APPLICANT: Caltex Australia C/- Evolution Planning

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction and operation of a service station, signage, landscaping and associated site works at 650 Camden Valley Way, Gledswood Hills.

The DA is referred to Council for determination as there remain unresolved issues received in one submission.

SUMMARY OF RECOMMENDATION

That Council determine DA 963/2014 for the construction and operation of a service station, signage, landscaping and associated site works, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for construction and operation of a service station, signage, landscaping and associated site works at 650 Camden Valley Way, Gledswood Hills.

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 outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 6 November 2014 to 20 November 2014.

One submission was received (objection to the proposed development). **A copy of the submission is provided with the Business Paper supporting documents.**

Council staff contacted the submission writer in relation to their concerns however were unsuccessful in resolving the issues raised in the submission.

The issues raised in the submissions relate to the provision of access off Gregory Hills Drive and proposed pylon signs exceeding the maximum 6m height.

The applicant's traffic consultant has advised the access proposed will be a suitable distance from traffic signals and will have suitable sight distances as set out within Australian Standard 2890.1 (2004). It is also indicated that entry to the service station off Gregory Hills Drive has the advantage of spreading access (rather than limiting it to Holborn Circuit) and also helps in clearing traffic safely from Gregory Hills Drive, without this traffic imposing on the intersection of Holborn Circuit and Gregory Hills Drive.

This access has been reviewed by Council's traffic engineer who has advised that from a traffic perspective the access arrangements for this service station are appropriate, with entry only access. The DA has been reviewed by the RMS who has raised no objection to the access arrangements.

When originally lodged, the DA proposed two pylon signs of 9.645m height, one at the site entry and one at the corner of Camden Valley Way and Gregory Hills Drive. An assessment of the proposed signage under State Environmental Planning Policy No 64 (Advertising and Signage) and under the relevant DCP controls has determined that only one pylon sign with a maximum height of 6m should be permitted at the site entry. This has been discussed with the applicant and a condition is recommended to ensure this occurs.

The DA **fully complies** with all relevant planning controls and all Council policies applicable to the site.

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

AERIAL PHOTO



THE SITE

The site is commonly known as 650 Camden Valley Way, Gledswood Hills and is legally described as Lot 811, DP1189248. It is located on the northern side of Gregory Hills Drive, and at the north western corner of the site, at the intersection with Holborn Circuit.

The site with an area of approximately 2,730m² has a frontage of approximately 36.83m to Gregory Hills Drive and approximately 44.2mm to Holborn Circuit, with a frontage of 20.95m to the splay corner. The northern and western boundaries of the site will adjoin the car park areas of a proposed bulky goods complex which is being separately assessed under DA958/2014.

The site is vacant land. The site is relatively level, having been filled as part of previous subdivision approval.

The surrounding properties are characterised by developing employment related business and industrial uses. The site is within the larger Turner Road Employment area, containing business and industrial development lands. More specifically the site is part of the employment land located on the northern side of Gregory Hills Drive, being developed by Gregory Hills Corporate Park Pty Limited.

The surrounding area contains the Turner Road residential release areas of the South West Growth Centre to the east and north, at Gregory Hills and Gledswood Hills. On the opposite side of Camden Valley Way to the north west and west is the Oran Park precinct of the South West Growth Centre, as well as the Harrington Grove release area.

HISTORY

This DA relates to Lot 811 approved under DA277/2012 (as modified) and the relevant development history of the site is summarized in the following table:

Date	Development
14 August 2012	DA277/2012 - Staged industrial subdivision to create 32 business development lots and 2 residue lots including road construction, drainage, riparian works, landscaping and associated site works. This consent included significant bulk earthworks which have been undertaken, including filing and levelling of the site.
27 March 2013	DA/277/2012/2 – <ul style="list-style-type: none"> • inclusion of proposed road no. 8 within Stage 1; • Importation of fill 24 hours 7 days a week for a period of three months; and • Relocation of retaining wall on the northern boundary.
25 July 2013	DA/277/2012/3 – <ul style="list-style-type: none"> • addition of Stage 1A which involves the change in lot sizes; • addition of a new lot, lot 811 will become proposed lot 802 and 803;and • the amendment of lot sizes.
19 February 2014	DA/277/2012/4 – <ul style="list-style-type: none"> • Modification of an approved fill management plan to comply with recent changes in legislation to the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM).
20 June 2014	DA/277/2014/5 – <ul style="list-style-type: none"> • Modification to staging.

A separate application (DA958/2014) is also being assessed for the construction of bulky goods complex, adjacent to the service station. The service station will be partly integrated with the Bulky Goods complex, with vehicular access provided in to the service station from the car park of the bulky goods complex.

THE PROPOSAL

DA 963/2014 seeks approval for the construction of a service station, signage, landscaping and associated site works. Specifically the proposed development involves construction of a service station including:

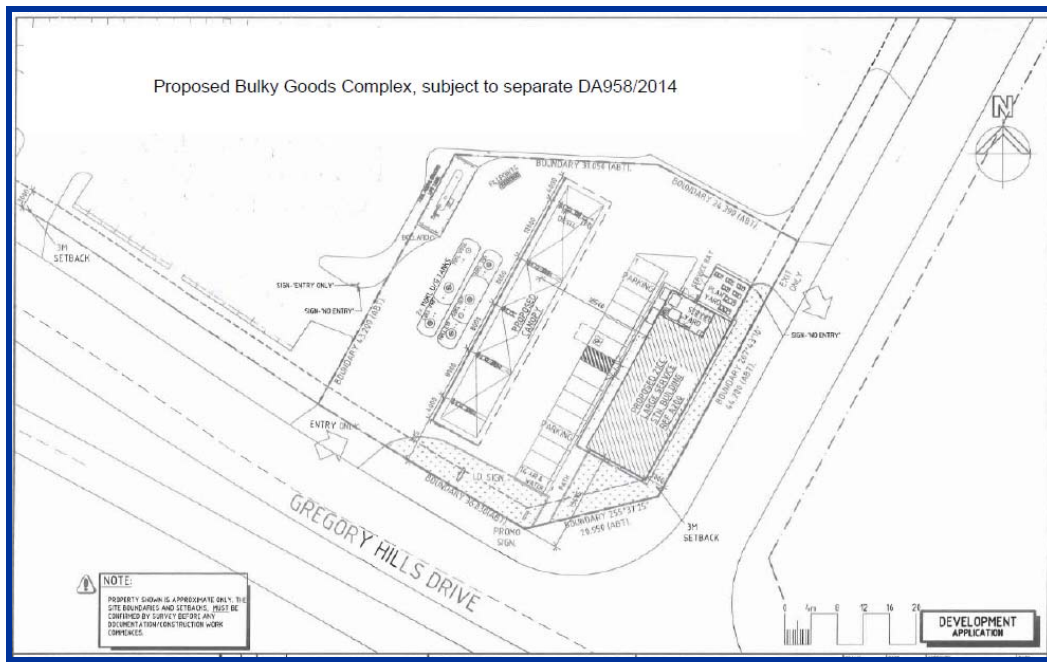
- A convenience store/ service area with a gross floor area of approximately 230m²;
- Installation of 2 x110,000L underground fuel petrol and diesel tanks, and above ground LPG tank;
- Provision of new vehicular driveway crossings to and from the site including an entry only from Gregory Hills Drive and an exit only to Holborn Circuit, at the eastern side of the site;
- Provision of internal vehicle driveways and hardstand areas, including 14 car parking spaces (with 1 accessible space);

- Landscaping and site civil and drainage works;
- Provision of business identification signage including;
 - a) Canopy and shop fascia signs;
 - b) 5 x shop wall signs;
 - c) Street promo sign; and
 - d) 2 x amalgamated price and business identification pylon signs of 9.645m height, one at the site entry and one at the corner of Camden Valley Way and Gregory Hills Drive; and
- Hours of operation up to 7 days a week and 24 hours a day.

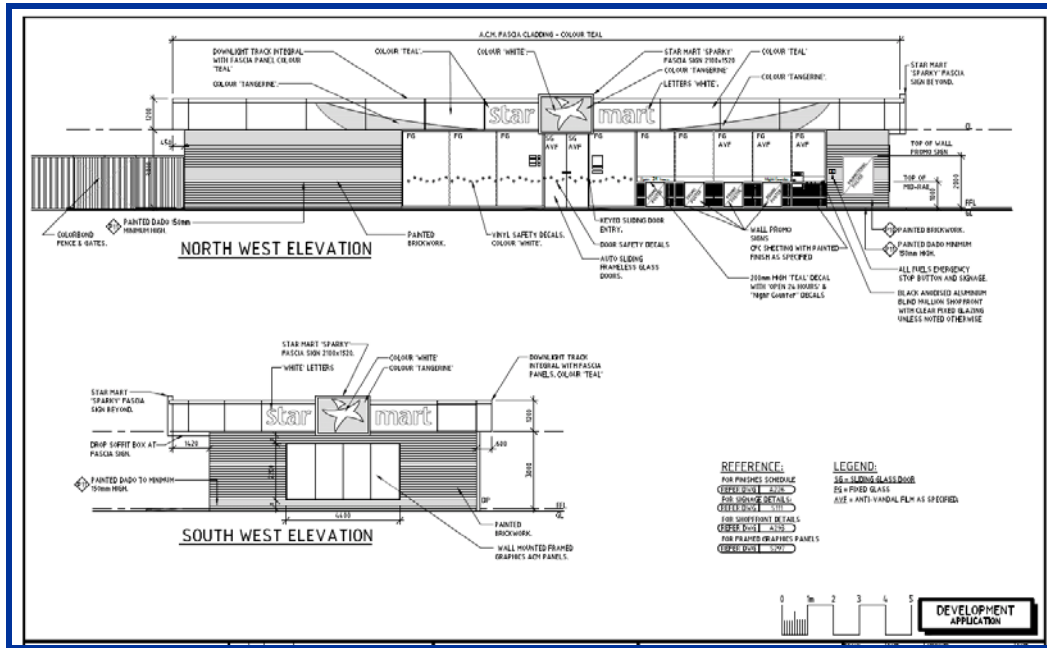
The value of the works is \$3,345,000 (including GST).

A copy of the proposed plans is provided as attachment 1 to this report.

PROPOSED PLANS



PROPOSED ELEVATIONS



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- State Environmental Planning Policy No 33 – Hazardous and Offensive Development
- 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 (Deemed State Environmental Planning Policy)

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Permissibility

The site is zoned B5 – ‘Business Development’ under the provisions of the Growth Centres SEPP. The proposed development is defined as a service station which is permissible in this zone.

Zone Objectives

The objectives of the B5 Business Development zone are as follows:

- To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.

Officer comment:

The proposed development will provide for development of a service station, consistent with and compatible with a mix of uses servicing business development in the area.

- To provide for a wide range of employment generating development.

Officer comment:

The proposed development will generate new employment opportunities by allowing a new business to operate on the site.

- To provide for a mix of ancillary uses to support the primary function of providing employment generating development.

Officer comment:

The proposed development will provide for an ancillary uses consistent with this objective.

- To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.

Officer comment:

The proposed development limits the extent of proposed general retailing consistent with this objective and relevant provisions of the SEPP.

- To provide for a range of uses, including recreational uses and function centres that complement other permissible employment generating land uses within the zone.

Officer comment:

The proposed development of a service station will be consistent with and complement the range of uses within the Employment Area.

Relevant Clauses

The DA was assessed against the following relevant clauses of the SEPP.

Clause	Requirement	Provided	Compliance
4.1E Shops – Turner Road	Total area to be used for shops in B5 zone must not exceed 2,500m ² in the Turner Rd precinct and	This clause does not apply to a 'service station' which is a separately defined	Yes

Clause	Requirement	Provided	Compliance
	<p>must not exceed 500m² in a particular development.</p> <p>These controls do not apply to a service station use.</p>	<p>use to a 'shop'.</p> <p>The service station includes the sale of some convenience goods which is consistent with the definition of this use which includes the ancillary retail sale of general merchandise.</p>	
4.3 (5) Height of Buildings	<p>A 15m height limit applies, above finished ground level (land with frontage to Badgally Rd, now Gregory Hills Drive)</p>	<p>The proposed building height is 4.2m, while the canopy to the bowser area is 6m in height, which complies with this control.</p>	Yes
6.1 Public utility infrastructure	<p>Public utility is to be available or adequate arrangements made for infrastructure</p>	<p>Public utilities are available to the site and the proposed development.</p>	Yes
6.6 Development in special areas	<p>The land subject of the DA is mapped as a special area, being within the Turner Road Employment Area.</p> <p>The consent authority must not grant development consent for development on land in a special area unless a development control plan providing detailed development controls has been prepared for the land.</p> <p>The Turner Road DCP contains controls for land containing a Riparian Protection Area.</p>	<p>The DCP contains controls relating to the Turner Rd Employment Area, which are addressed in the following sections of this assessment report, in respect to the Turner Road DCP.</p> <p>The proposed development will not be inconsistent with the DCP provisions.</p>	Yes

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

This SEPP requires Council to assess the potential hazardous nature of development. The service station will include the retailing and above ground storage of LPG which is potentially hazardous. A Preliminary Hazard Analysis has been undertaken for the DA and additionally, a SEPP 33 screening analysis has also been undertaken in regard to the underground petrol and diesel storage tanks and associated dispensers. It is concluded that the proposal:

- Does not constitute a potentially hazardous or offensive activity.
- Will be safe and incorporate all the latest standards of storage and handling for LPG.
- Will satisfy requirements of Work Cover NSW, planning guidelines and relevant Australian Standards.

This has been reviewed by Council's environmental officers and found to be satisfactory. The recommended conditions of consent include provisions of the installation of fuel storage facilities in accordance with Australian Standards, as well as certification of compliance.

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

This SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

The approved subdivision (DA277/2012) was supported by a Phase 2 contamination assessment which found that based upon field observations and soil testing, no signs of unacceptable contamination. Accordingly it was determined that the site was suitable for commercial and light industrial use.

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

The aims of this SEPP include regulating signage and ensuring that signage (including advertising) is compatible with the desired amenity and visual character of an area; provides effective communication; and is of high quality design. The proposed development includes:

- Canopy and shop fascia business identification signs;
- 2 x amalgamated price and business identification pylon signs of 9.645m height, one at site frontage on Gregory Hills Drive and one at the corner of Camden Valley Way and Gregory Hills Drive;
- 5 x promotional wall signs on the north west elevation adjacent to the entry to the service station building (four x 1m x 0.8m and one x 1.5m x 1.2m) and 1 promotional sign (2.3m x 1.3m) at the street frontage to Gregory Hills Drive; and
- 2 x wall mounted graphic display panels (containing 'lifestyle' images) with one located on south east elevation to Gregory Hills Drive (2.2m x 4.4m) and the other on the east elevation to Holborn Circuit (2.2m x 3.3m).

Pursuant to Clause 4(1) of the SEPP, the majority of the proposed signs are considered to be "business identification signs" rather than "advertisements" in that they identify the business, and do not include the general advertising of products, goods or services.

The applicant has undertaken an assessment of the proposed signage in relation to SEPP 64 and indicated that it would satisfactorily meet the aims and assessment criteria of the SEPP. In particular it is indicated that the 2 x pylon signs of 9.645m height are necessary to safely and effectively identify the site and convey product and

pricing information, having regard to statutory obligations in regard to product and pricing information.

Despite this, it is considered that the proposed signage strategy would result in a proliferation of signage, including an additional pylon sign outside the immediate site area, which would be inconsistent with the desired future character of the area and would otherwise lead to a poor precedent.

Only one pylon sign should be permitted at the site entry and this should be reduced to 6m height. Council has consistently imposed the DCP controls to restrict the height and number of pylon signs. The pylon sign non compliances have been raised with the applicant who has advised that a condition may be imposed to satisfy the height requirements of the DCP.

The extent of proposed promotional signs in conjunction with the proposed graphic display panels has potential to provide for general advertising beyond that required for business identification purposes, and result in a proliferation of signage within the development.

The promotional wall signs are generally integrated with the 'shop front' of the sales building and would not be substantially detract from the visual character of the development and the area. However the provision of a promotional sign (2.3m x 1.3m) at the Gregory Hills Drive frontage is not supported, as this unduly adds to the proliferation of signage and the proposed pylon sign and signage on the building will provide for satisfactory business identification.

In addition the provision of a graphics display panel on the east elevation is not supported for similar reasons as above, as this unduly adds to the proliferation of signage and this elevation is not the primary frontage of the site. The retention of a graphic display panel to the south east elevation to Gregory Hills Drive can be supported as this will assist in providing some articulation to this elevation of service station building at the primary frontage of the site.

Overall it is considered that the proposed signs will be consistent with the aims, objectives and Schedule 1 assessment criteria of the SEPP, subject to only one pylon sign of 6m height and the deletion of the street promo sign at the frontage of the site, as well as the graphics display panels on the east elevation of the building. This is dealt with in the recommended conditions of consent.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and water pollution control devices will be implemented as part of the proposed development.

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

(a)(ii) The Provisions of any Draft Environmental Planning 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 Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Turner Road Development Control Plan 2007(DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

Control	Requirement	Provided	Compliance
General Controls in the DCP			
A3.1 Street Network and Design	The street network is to be provided generally in accordance with the Indicative Layout Plan (ILP) and the Street Network Plan (Figures 2 and 5).	The approved subdivision of the site (DA277/2012) has been undertaken generally in accordance with the ILP and street network plan	Yes
	No direct vehicular site access is permitted to Camden Valley Way	The site does not front Camden Valley Way	Yes
	Direct vehicular site access to proposed 4 lane sub-arterial road will be considered to neighbourhood centres in exceptional circumstances only, such as for large scale developments and/or the servicing of multiple developments.	<p>The proposed development provides for an access entry driveway of approximately 9m width, off Gregory Hills Drive.</p> <p>The proposed access arrangements are considered to be consistent with the objectives of the controls, including the provision of safe and convenient access.</p> <p>This is discussed further in regard to the impact of the development and in regard to issues raised in the public submission.</p>	Yes

ORD03

Control	Requirement	Provided	Compliance
A6.3 Salinity & Soil Management	Minimise property damage due to existing saline soils	<p>A Salinity Investigation and Management Plan was prepared in May 2012. The subject site is within the boundaries of the area of this salinity investigation. This identified soils within the site as being non- saline to very saline. The proposed development will be satisfactory if carried out in accordance with the findings and recommendations of this salinity report. This is required as part of the recommended conditions.</p> <p>Proposed underground fuel tanks will be located at a depth of 5-6m, beyond the 3m depth of investigation in the Salinity report. However the tanks are of fibreglass construction and are not susceptible to salinity corrosion</p>	Yes
A8.1 Sustainable Building Design	Buildings and development not affected by BASIX are to achieve a 40% reduction of baseline potable water consumption.	It is considered that this can be achieved through construction certificate plans	Yes
A8.2 Stormwater & construction management	Manage stormwater discharge, to minimise impacts for downstream properties Submit a stormwater concept plan	Satisfactory concept stormwater drainage details have been submitted with the application	Yes
A8.3 Waste management	Waste management to be submitted Adequate waste storage to be provided on site.	No demolition is proposed as the site is vacant. The applicant accepts that a final construction management plan, as well as site management and soil	Yes

Control	Requirement	Provided	Compliance
		and erosion controls can be required as part of the consent conditions, to deal with waste management from the construction of the development. Adequate waste storage areas are proposed, with an enclosed service yard including waste storage	
A8.6 Safety & surveillance	The building is to be designed to provide for casual surveillance; enhance public surveillance of the street; avoid creation of areas of concealment; and incorporate crime prevention through environmental design (CPTED) principles. Pedestrian and communal areas are to have sufficient lighting.	The design of the development will allow for surveillance of the site and development frontages. CCTV cameras are to be installed within the store and to capture the forecourt area and staff will be present on site 24 hours. A CPTED assessment of the proposed development has been provided by the applicant and also local police, and this is discussed below in this report. The development can be appropriately conditioned to deal with safer by design requirement, and to include recommendations made by the police.	Yes
B3 - Controls for Turner Road Employment Area			
B3.1 Land uses	Development to be undertaken generally in accordance with the preferred land use plan Figure 2, bulky goods and 'highway retail' Active uses, such as showrooms and the	The proposed development is with the preferred land use for 'highway retail' The service station use is considered to be	Yes Yes

ORD03

Control	Requirement	Provided	Compliance
	<p>like should front Gregory Hills Drive & Camden Valley Way, to provide visual interest</p> <p>Max. 2,500m² leasable floor area of retail premises in Business Development Lands, and 1,250m² either to the north or south of Gregory Hills Drive</p>	<p>consistent with the provision of active uses fronting Gregory Hills Drive.</p> <p>These DCP controls relate to the provisions of clause 4.1E of Growth Centres SEPP regarding maximum area for shop premises, which do not apply in respect to a service station use, which includes ancillary retail of general merchandise</p>	<p>Yes</p>
<p>B3.4 Public Domain & Interface areas</p>	<p>The principles of crime prevention through environmental design (CPTED) are to be incorporated within the design of the development</p> <p>Camden Valley Way Development along Camden Valley Way and Gregory Hills Drive:</p> <ul style="list-style-type: none"> • Provide active frontages and articulated building facades; • Be characterised by high quality landscaping not dominated by parking; • Pedestrian amenity and shelter at entry at 	<p>The proposal is considered to be generally consistent with CPTED with the site being readily visible from the street. Measures to be taken include the provision of CCTV cameras, with staff in attendance 24 hours.</p> <p>A CPTED assessment has been undertaken by the applicant and by the Police who have provided recommended conditions</p> <p>The development will be generally consistent with the aim and intent of the DCP controls having regard to the relatively small scale of the main building with an elevation of only 10.3m to Gregory Hills Drive.</p> <p>Appropriate architectural articulation can be provided by the roof canopy overhang d along with glazing to the main sales elevation and mixture of</p>	<p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>entrance to buildings;</p> <ul style="list-style-type: none"> Emphasise entry points and corners; Avoid long expanses of blank walls; Provide a coordinated signage scheme; Be consistent with the setback controls. 	<p>materials, and colours. high quality landscaping is to be provided.</p> <p>Appropriate pedestrian amenity can be provided with covered entry areas.</p> <p>A co-ordinated signage strategy with future signage areas identified on the elevation plans.</p>	
B3.5 Site Planning	<p>Setbacks to be consistent with Figure 5, requiring 5m setback to Camden Valley Way and Gregory Hills Drive. 2m to 3m setback to riparian corridor, 3m to Holborn Circuit.</p> <p>Front setbacks are to be landscaped and not dominated by car parking or loading facilities.</p> <p>On site detention (OSD) is required to minimise the impact of stormwater</p>	<p>The proposed setbacks from Gregory Hills Drive range from 7.125m to 15.4m, while secondary setback to Holborn Circuit will be 3m.</p> <p>The minimum required 5m front setback will be landscaped.</p> <p>OSD is provided for as part of the proposed stormwater management strategy.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
B3.6 Building design	<p>Use of glazing and building articulation; Use high quality materials, with metal cladding discouraged; and Blank building facades facing primary frontages not permitted. Glazing not to exceed 20% reflectivity.</p>	<p>The proposal will meet the building design requirements with suitable articulation and glazed areas. Blank building facades are considered secondary in this case, having regard to the relatively small scale of the sales/store building, which will have appropriate materials and finishes, and roof canopy overhang to provide articulation. Glazing reflectivity will not exceed 20%</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
B3.7 Employment operations	Access, parking, loading to be provided, as per Camden DCP, which requires	Access parking and loading can be provided in accordance with the DCP	Yes
B3.8 Fencing	Controls provided related to fencing forward of building line	No fencing is proposed forward of the building lines, with landscaped front setbacks provided to Camden Valley Way and Road No 1 (Holborn Circuit)	N/A
B3.9 On site landscaping	Front setbacks are to be landscaped. Where parking is forward of the building line, a minimum 2m wide landscape strip shall be provided	The front setback landscaping will be generally minimum 5m or greater, minimum 3m to Holborn Circuit	Yes
B3.10 Outdoor storage	No external storage of goods, or waste/garbage bins where visible from public domain	An enclosed service yard and waste storage area is proposed, including use of louvered wall and gates to north elevation to screen the area	Yes
Camden Development Control Plan 2011 (under clause 1.3 of the Turner Road DCP, the following provisions of Camden DCP apply to the development)			
Control	Requirement	Provided	Compliance
B4.4 Signage	Total display area not to exceed 20% of the visible wall area No more than 2 signs per elevation that is visible from a public place	The proposed signage will generally comply and will be satisfactory subject to the amendments as specified in the SEPP 64 assessment, in this report	Yes
	One pole or pylon sign not exceeding 6m above natural ground level is permitted per development.	Two pylon signs are proposed incorporating business identification, fuel prices and product information (one pylon sign at the site frontage and the other at the corner of Camden Valley Way and Gregory Hills Drive). Following discussions with the applicant, 1	Yes

Control	Requirement	Provided	Compliance
		pylon is recommended to ensure compliance with the DCP	
B5 Access & Parking	<u>Parking</u> Minimum 11 spaces, based upon 1 space/22m ² of gross floor area of convenience store with no services work bays proposed	<u>Parking</u> 14 spaces	Yes

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

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

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in 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

Traffic and Access

The DA has been accompanied by a traffic assessment report which has assessed the traffic generation rates of the development, based upon RMS guidelines, at weekday evening peak hours, as 165 vehicle trip per hour. This has been reviewed by Council's traffic engineers, in conjunction with the DA and traffic assessment for the development of the adjoining site for a bulky goods complex (DA958/2014). Council's traffic engineers have advised that these traffic generation rates can be appropriately accommodated within the existing and proposed road network.

Vehicular access to the site is proposed by means of a 9.1m wide entry only driveway off Gregory Hills Drive and 9.2m wide exit only driveway to Holborn Circuit. These driveways will provide access and egress for both customers' vehicles and service vehicles (including fuel tankers). The access driveway off Gregory Hills Drive will be located over 230m from Camden Valley Way, and approximately 50m to the east of the driveway access off Gregory Hills Drive to the proposed bulky goods complex on the adjoining site (DA958/214). It will be approximately 30m from Holborn Circuit further to the east. Swept path diagrams have been provided with the DA to demonstrate that tankers can appropriately access and exit the site.

The applicant's traffic consultant has advised there will be suitable distance from traffic signals as well as suitable sight distances for this access to the site, having regard to the minimum and desirable sight distances as set out within Australian Standard 2890.1 (2004) along with consideration of 60km/hour speed controls on Gregory Hills Drive. It is also indicated that entry to the service station off Gregory Hills Drive has the advantage of spreading access (rather than limiting it to Holborn Circuit) and also helps

in clearing traffic safely from Gregory Hills Drive, without this traffic impacting on the intersection of Holborn Circuit and Gregory Hills Drive.

This access has been reviewed by Council's traffic engineer who has advised that from a traffic perspective the access arrangements for this service station are appropriate, and also that it would be very unusual for a corner site service station to have its access only off a side road.

Landscaping

The concept landscape plans submitted with the DA have been reviewed by Council's landscape officer who has advised that while these detail acceptable plant species and densities, the majority of plantings will achieve mature height under 1 metre with shrubs to 2 metres on two sides of the retail building. It is therefore proposed that 1 large tree *Lophostemon confertus* (Brush Box) and 7 smaller trees *Magnolia grandiflora* 'Exmouth' (Exmouth Magnolia) or equivalent be installed. This can be dealt with by means of conditions of consent. This additional tree planting will be adjacent to the southern and eastern elevations of the sales building and would not generally disrupt views or surveillance from Gregory Hills Drive of the main service station areas and would therefore not be inconsistent with safer by design or CPTED requirements.

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) *The suitability of the site*

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development. The development provides for a service station, being an ancillary use which can service the business development within the Turner Road Employment Area, consistent with the vision for the employment area.

(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 DCP. The exhibition period was from 6 November 2014 to 19 November 2014. One submission was received (objecting to the proposed development) **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

Council staff contacted the submission writer regarding their concerns however were unsuccessful in resolving the issues raised in the submissions.

The following discussion addresses the issues and concerns raised in the submission.

1. Provision of an access driveway off Gregory Hills Drive is contrary to the provisions of the Turner Road DCP which restricts direct vehicular access to Gregory Hills Drive.

Officer Comments

The proposed development provides for an entry driveway only of approximately 9m width, off Gregory Hills Drive. The submitter has referred to section 3.1(14) of the Turner Road DCP to indicate that there should be no direct vehicular access provided

to the proposed development from Gregory Hills Drive. Section 3.1(14) specifies that direct vehicular site access to 4 lane sub arterial roads (such as Gregory Hills Drive) will be considered to neighbourhood centres in exceptional circumstances only such as for large scale developments and/or servicing of multiple developments.

The submitter further indicates that the reference to the neighbourhood centre relates to the future shopping centre at Gregory Hills, and that under the terms of the control this is the only exception for direct vehicular access and that no other single development fronting Gregory Hills Drive, either in the business lands or the residential areas is permitted to have direct vehicular access.

The proposed access to the development off Gregory Hills Drive is considered to be consistent with the DCP, as it will provide for safe and convenient access to the site. Under clause 1.4.1 of the DCP Council may grant consent to a proposal that does not comply with the controls, providing the intent of the controls is achieved. In this regard the intent of the controls is to provide for safe and convenient access to development.

This has been reviewed both by Council's Traffic Engineer and RMS. RMS has raised no objections to this access and Council's traffic engineer has indicated that entry only access off Gregory Hills Drive is appropriate for a service station in this context, and 230m from the intersection at Camden Valley Way.

2. Proposed pylon sign exceeds the maximum permissible height.

Officer Comments

The application includes a proposed pylon sign of 9.645m height. This does not comply with the relevant DCP controls which require that the sign height not exceed 6m above natural ground level. This matter was raised with the applicant and a condition is recommended to satisfy the DCP controls.

(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 proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Roads and Maritime Services (RMS)

The DA was referred to RMS for assessment pursuant to Clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*, in regard to traffic generating development. The RMS comments have been reviewed by Council's traffic engineers, and accordingly the following is noted:

- provision of plans for Council's review of the swept paths for the longest vehicle entering and exiting the subject site, off Holborn Circuit;
- provision of vehicular connection between Holborn Circuit and Central Hills Road prior to the operation of the proposed development, otherwise the layout of the signalised intersection at Gregory Hills Drive and Central Hills Drive would need to be reviewed; and

- the proposed restriction of 'no entry' from the service station back into the car park of the adjoining bulky goods complex (DA958/2014) needs to be enforced by physical means such as a boom gate.

Swept path diagrams have been provided for the longest vehicles including tankers entering and exiting the site off Holborn Circuit, which demonstrates satisfactory access can be provided for these vehicles.

The RMS comments have been reviewed by Council's traffic engineers. The full extent of Holborn Circuit has been constructed and will provide for access to the eastern frontage of the site. As access to Central Hills Drive signalised intersection via Holborn Circuit is considered necessary for this development to function effectively, the recommended conditions of consent require that the development is not operational until these roads are publically accessible.

A vehicular access driveway is proposed from the adjoining car park of the bulky goods complex (DA958/2014) as entry access only into the service station. Restricting customer vehicles from exiting the service station back into the bulky goods car park can be dealt with by narrowing this access point (in addition to proposed signage) thereby providing additional physical control, as the boom gate suggested by the RMS is considered impractical in this context.

NSW Police

The application was referred to the Camden Local Area Command for a safer by design evaluation having regard to the nature of the development and the hours of operation up to 24 hours, 7 days. The Police have identified that the development will have a medium crime risk, and they have provided recommended conditions related to matters such as provision of CCTV cameras and surveillance equipment, outdoor lighting, and access controls. These conditions are included with recommended conditions of consent.

The only exception is the request for all vegetation to be clear of or setback 3m to 5m from pathways as noted on Page 5 of the safer by design evaluation. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA958/2014 is recommended for approval subject to the conditions contained in this report.

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 documentation, 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
P1364-A098	Proposed site location plan	Caltex	09.07.2014 Rev B
P1364-A099	Existing Site Plan	Caltex	09.07.2014 Rev B
P1364-A100	Proposed Site Plan	Caltex	21.01.2014 Rev B
P1364-A107	Proposed Truck Paths	Caltex	21.01.2014 Rev B
P1364-A20	Proposed Floor Plan	Caltex	21.01.2014 Rev A
P1364-A201	Shop Elevations Sheet 1	Caltex	21.01.2014 Rev A
P1364-A202	Shop Elevations Sheet 2	Caltex	21.01.2014 Rev A
P1364-A204	Dimensioned floor plan	Caltex	21.01.2014 Rev A
P1364-A226	Finishes and equipment schedule	Caltex	21.01.2014 Rev A
P1364-A310	Proposed canopy plan	Caltex	21.01.2014 Rev A
P1364-A311	Proposed canopy elevations, sheet 1	Caltex	21.01.2014 Rev A
P1364-A312	Proposed canopy elevations, sheet 2	Caltex	21.01.2014 Rev A
P1364-S100	Proposed Site Signage Plan	Caltex	09.07.2014 Rev B
P1364-S110	Site Signage Details Sheet 1	Caltex	21.01.2014 Rev A
P1364-S111	Signage Details Sheet 2	Caltex	10.07.2014 Rev B
P1364-L100	Landscaping Plan & Schedule, Sheet 1	Caltex	18.08.2014 Rev A
P1364-L101	Landscaping Plan & Schedule	Caltex	18.08.2014 Rev A
P1364-L102	Landscaping Plan & Schedule	Caltex	18.08.2014 Rev A
P1364-L103	Landscaping Specification & Details	Caltex	18.08.2014 Rev A
P1364-B152	Site Management Notes	Caltex	16.06.2014 Rev A

P1364-B150	Site Management Plan	Caltex	14.08.2014 Rev A
P1364-B151	Site Management Details	Caltex	16.06.2014 Rev A
P1364-H130	Proposed Site Stormwater Plan	Caltex	30.09.2014 Rev B
P1364-H160	Stormwater Drainage Notes & Schedules	Caltex	30.09.2014 Rev B
P1364-H161	Stormwater Drainage Details	Caltex	30.09.2014 Rev B
P1364-H162	Stormwater Drainage OSD and Gully Pit Details	Caltex	30.09.2014 Rev B
P1364-H164	Long Section Diagram Sheet 2	Caltex	30.09.2014 Rev B

Document Title	Prepared by	Date
Salinity Investigation and Management Plan, Proposed Subdivision Lot 701 DP 1154722, Gregory Hills Drive, Gledswood Hills Project 76510.00	Douglas Partners	May 2012

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

- a) The proposed pylon sign (Caltex I.D. sign) at the Camden Valley Way frontage of Lot 811 DP 1189248, is not approved and shall be deleted from the approved plans;
- b) The proposed pylon sign (Caltex I.D. sign) at the Gregory Hills Drive frontage of the site must be reduced to a maximum height of 6m;
- c) The wall mounted framed graphics ACM display panel to the east elevation of the building and street promo sign are not approved and must be deleted from the approved plans;
- d) The access/entry driveway from the car park of the adjacent bulky goods complex (DA958/2014) shall be narrowed to maximum 4m width.

Note: This is required to deter vehicles egressing from the service station into the car park of the adjacent bulky goods complex and enforce the 'no entry' signage restrictions, rather than deterring this egress by means of boom gate/s as recommended by the RMS in their correspondence dated 27 November 2014.

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

- (3) **Additional Landscaping Requirement** - The submitted landscaping plans must be amended to provide the additional landscaping, as detailed below.
- (a) 1 x *Lophostemon confertus* (Brush Box tree) and 8 x *Magnolia grandiflora* 'Exmouth' (Exmouth Magnolia) at minimum 75 litre pot size shall be installed, in addition to the landscape planting provided in the approved plan, in the location generally as marked in red on the approved plan.
- Amended landscape plans demonstrating compliance with these requirements shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.
- (4) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (5) **Salinity Management Plan** - All proposed earthworks, landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the "Salinity Investigation and Management Plan prepared by Douglas Partners, report 76510.00 dated May 2012.
- (6) **Plant and Operational Noise Restriction** – The level of total continuous noise emanating from operation of all the plant or processes in all buildings (LAeq measured for at least 15mins) must not exceed the background level by more than 5dBA when measured at any point on any residential boundary and must comply with the acoustic criteria contained within Camden Council's Environmental Noise Control Policy.
- (7) **Liquid Wastes** - All liquid wastes other than stormwater generated on the premises must be discharged to the sewer in accordance with the requirements of Sydney Water.
- (8) **Disposal of Stormwater (Generally)** – All stormwater collected on site must be managed on site so that it does not pollute waters in accordance with "Section 120 – Prohibition of pollution of water" of the Protection of the Environment Operations Act 1997.
- (9) **Environmentally Satisfactory Manner** - The operation of the proposed business/development is to be undertaken in an environmentally satisfactory manner as defined under section 95 of the Protection of the Environment Operation Act 1997 and must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health.
- (10) **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.
- (11) **Outdoor Lighting** - All lighting shall comply with AS 1158 and AS 4282.
- (12) **Reflectivity** - The reflectivity of glass index for all glass used externally shall not exceed 20%.

- (13) **Roof Mounted Equipment** - All roof mounted equipment such as air conditioning units, etc., required to be installed shall be integrated into the overall design of the building and not appear visually prominent or dominant from any public view.
- (14) **Safety By Design** - The development must be undertaken in accordance with the letter from NSW Police Force dated 13 January 2015. In particular, the following Police requirements are required to be implemented:
- (a) Installation of CCTV cameras internally and externally of all the buildings, i.e. entry and exit points;
 - (b) Regularly testing of CCTV footage and alarm system/s;
 - (c) Any ATMs are to be incorporated into a monitored intruder system, and are to be fixed securely with specially designed anchoring system and quality bolt work; and positioned to restrict physical observation of PIN numbers;
 - (d) Provision of duress alarms for console operator/service counter, night times;
 - (e) Establish a lighting maintenance policy, and provide lighting in accordance with AS/NZS 1158;
 - (f) Public area lighting must be bright and even (to permit facial recognition, at 15m);
 - (g) All lighting should be vandal proof throughout the complex;
 - (h) Gates to service yard provided with permeable materials and locked at all times
 - (i) Provisions of bollards of sufficient strength to stop 'ram raids'.

The only exception is the request for all vegetation to be clear of or setback 3m to 5m from pathways as noted on Page 5 of the safer by design evaluation. The vegetation as shown on the proposed landscape plans is deemed to be acceptable.

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) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (2) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- (5) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (6) **Sydney Water Trade Waste** - The applicant shall contact the Commercial Trade Waste section of Sydney Water regarding the trade waste requirements. A written response from Sydney Water demonstrating compliance shall be provided to the Certifying Authority and Council.
- (7) **Pollutants** - Discharge of pollutants is strictly forbidden. Measures to prevent the pollution of waters, air and land shall be incorporated into the development to comply with the requirements of the *Protection of the Environment Operations Act 1997*.

Where there is potential for pollutant discharge, a report by a suitably qualified expert shall be provided to the PCA detailing the pollution mitigation measures incorporated into the building design so that any discharges comply with the requirements of the *Protection of the Environment Operations Act 1997*.
- (8) **Bundling of Transfer Areas** - All areas used for fuel transfer, refuelling or fuel/oil decanting shall be paved and banded in accordance with the requirements of the Council and NSW EPA. Details demonstrating compliance shall be provided to the Certifying Authority.
- (9) **Leakage Detection Plan** - The applicant shall provide details of the proposed measures for preventing and detecting leakages from underground fuel storage tanks on the site. Details demonstrating compliance shall be provided to the Certifying Authority.
- (10) **Protect Stormwater System** - The forecourt area must be banded by way of speed humps etc. to prevent contaminated water entering into the Camden Council's stormwater system. This area must be drained to a sump(s). These sump(s) may be connected to the sewer system, with Sydney Waters' consent. Full details of the proposal must be submitted to the Principal Certifying Authority for approval prior to the Construction Certificate being issued.
- (11) **Oil Water Separator and Disposal** - All waste water including waste water from the banded refuelling area must be collected and stored for treatment.

Treatment of waste water must occur via the proposed and Sydney Water approved (VGS) stand mounted oil water separator. The operation and maintenance of such treatment systems must be in accordance with manufacturer's instructions and recommendations.

Where any waste water is destined for disposal to sewer this must occur via a trade waste permit approved by Sydney Water.

Full details of the final water treatment system and a copy of the trade waste permit must be provided to the Consent Authority prior to the issue of the Construction Certificate.

- (12) **Landscape Plan** - A detailed Landscape Plan prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority.
- (13) **Potable Water Consumption** – Prior to the issue of a Construction Certificate, details must be provided to the PCA which demonstrates the ability of the building to achieve a 40% reduction of baseline potable water consumption.

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) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Performance Bond** - Prior to the issue of the Construction Certificate a performance bond of \$15,000.00 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (3) **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.
- (4) **Notice 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 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.
- (5) **Construction Certificate Required** - In accordance with the provisions of Section 81A of 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 Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - 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
- the PCA is notified in writing of the name and contractor licence number of the owner/builders intending to carry out the approved works.
- (6) **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;
 - 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.

- (7) **Site is to be Secured** - The site shall be secured and fenced to the satisfaction of the PCA. All hoarding, fencing or awnings (associated with securing the site during construction) is to be removed upon the completion of works.
- (8) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (9) **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.

Soil erosion and sediment control measures shall be maintained during construction works and shall only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

- (10) **Protection of Existing Street Trees** - No existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip(s), street tree(s), tree guard(s), protective bollard(s), garden bed surrounds or root barrier installation(s) during all works applicable to this consent, shall be installed in accordance with AS 4970-2009 'Protection of Trees on Development Sites'.

4.0 - During Works

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

- (1) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (2) **Site Management Plan** - The following practices shall be implemented during construction works:
 - a) a sign shall be erected at all entrances to the subdivision site and be maintained until the subdivision has reached 80% occupancy. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$1,500 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.

- (3) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA’s Environmental Noise Control Manual. This manual recommends:

Construction period of 4 weeks and under:

The L10 level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

Construction period greater than 4 weeks:

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

- (4) **Bundling of Forecourt/Fuel Dispensing Area** – Suitable bunding must be provided to the ground surface in the forecourt / fuel dispensing area to collect spilt fuel and /or contaminated water and direct such liquid to an oil and water separator for collection / treatment prior to discharge to a sewer under a trade waste agreement.
- (5) **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.
- (6) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (7) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage; and
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact “Dial Before You Dig” prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

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

- (8) **Site Management Plan** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site, nor shall wind blown rubbish be allowed to leave the site. All waste shall be disposed of at an approved waste disposal depot;
 - d) a waste control container shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc.);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

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) **Underground Diesel Fuel Tank** - Installation of the tank shall comply with the requirements of the NSW WorkCover Authority and AS1940-2004 'The Storage and handling of flammable and combustible liquids'. The tank shall be licensed by the WorkCover Authority. A Certificate of Compliance and WorkCover Dangerous Goods licence is to be provided to the PCA. A copy is to be provided to Council.
- (2) **Underground Fuel Tank** - Installation of the underground fuel tank and associated pipework shall be in accordance with AS4897-2008 'Design, installation and operation of underground petroleum storage systems'. The tank and pipework shall be licensed by the WorkCover Authority. A Certificate of

Compliance and WorkCover Dangerous Goods licence is to be provided to the PCA prior to backfilling and/or use of the tank. A copy is to be provided to Council.

- (3) **Groundwater Monitoring Wells** - Groundwater monitoring wells shall be designed and installed by a qualified person in accordance with the relevant specifications. The same person shall provide documentation to the PCA confirming compliance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008.
- (4) **Waste Disposal** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. No garbage is to be placed on the public way (e.g. footpaths, roadways, plazas, reserves) at any time.
- (5) **Food Premises** - The following notifications shall occur:
 - a) Council shall be notified that the premises is being used for the preparation, manufacture or storage of food for sale and an inspection of the completed fit out is to be conducted. A 'Food Business Registration' form can be found on Council's website.
 - b) the NSW Food Authority shall be notified and a copy of the notification shall be provided to Council. Notification can be completed on the NSW Food Authority website.
- (6) **Plans of Groundwater Monitoring Wells** – Plans showing the location of groundwater monitoring wells must be provided to the Consent Authority (Camden Council) prior to the issue of an occupation certificate.
- (7) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:

Restriction as to use - Salinity Management Plan - All proposed earthworks, landscaping, buildings and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the "Salinity Investigation and Management Plan prepared by Douglas Partners, report 76510.00dated May 2012.
- (8) **Directional Traffic Flow Signs** - All driveways shall be suitably signposted and directional arrows painted on the internal driveways. All signs shall be maintained in good repair at all times.
- (9) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (10) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.

6.0 – Ongoing Use

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

- (1) **Liquid Spills** - Sufficient supplies of appropriate absorbent materials and other spill prevention and clean-up materials shall be kept on site to recover any liquid spillage. Liquid spills shall be cleaned up using dry methods, by placing absorbent material on the spill and sweeping or shovelling the material into a secure bin. Materials used to clean up shall be disposed of to an appropriately licensed waste facility.
- (2) **Offensive Noise** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997* and shall comply with the NSW Industrial Noise Policy 2000 (as amended).
- (3) **Service Station Design** - All wastewater from the service station shall be managed in accordance with the requirements of the Australian Institute of Petroleum and specifically "Surface Water Management on the Covered Forecourt areas of Service Stations" prepared by the EPA.
- (4) **Handling Hazardous Materials** - Material Safety Data Sheets shall be held at the premises for all hazardous materials to ensure their correct handling.
- (5) **Compliance with Regulations** - The operation of the development shall comply with the minimum requirements contained within the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and Protection of the Environment Operations (Clean Air) Amendment (Vapour Recovery) Regulation 2009. A duly qualified person must provide to the consent authority (Camden Council) prior to the issue of an occupation certificate all certificates of compliance that confirms that the above Regulations have been complied with.
- (6) **Food Premises** - All equipment (including pie warmers, hot food display units, etc.) used for the display or storage of hot food shall maintain the food at a temperature of not less than 60°C.

All equipment used for the display or storage of cold food shall maintain the food at a temperature of not more than 5°C.

A food business must, at food premises where potentially hazardous food is handled, have a temperature measuring device (eg probe thermometer) that:

- a) Is readily accessible; and
- b) Can accurately measure the temperature of potentially hazardous food to +/-1 oC

A suitable waste contractor(s) must be engaged for the removal of wastes generated at the premises. All bins and waste storage facilities at the premises are to be sealed and emptied on a regular basis to prevent odour, vermin and fire hazards from occurring.

- (7) **Packaged Food only Food Premises** - Where consent has been granted to a food premises to sell single item packaged food only, there will be no cooking, preparing or handling of food on site without prior written approval of Council.
- (8) **Environment Protection Plan (EPP)** – An environment protection plan (EPP) must be prepared by a suitable qualified person for the operational

management of the underground petroleum storage systems. The plan must include as a minimum procedures to cover: loss monitoring, incident management, loss detection, incident notification, system maintenance, and record keeping.

- (9) **Compliance Certificate** - Prior to the issue of Occupation Certificate a report from an acoustic consultant shall be submitted to the principal certifying authority certifying that all Mechanical plant/ air conditioning and refrigeration units while in operation do not exceed 36dB(A), at night time when measured as a LAeq15minute at the following most affected point on nearest residential boundary being in the Sandhurst drive, Gledswood Hills.

For any non-compliance, the acoustic compliance report must make recommendations for compliance or further attenuation of noise sources and these recommendations will be enforced by Council at the cost of the owner / occupier. The applicant must arrange for the submission of an application pursuant to s.96 of the Environmental Planning and Authority (Camden Council) for determination.

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

- (11) **Display of Goods on Footpath** - No goods are to be displayed outside the confines of the building.
- (12) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (13) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (14) **Approved Hours of Operation** - The approved hours of operation for this development are 24 hours a day, seven days a week.
- (15) **Storage or Hazardous Goods** - Dangerous and hazardous goods shall be stored in accordance with NSW WorkCover Authority requirements, dependant on the quantities stored. Any flammable or combustible liquids shall be stored in accordance with AS 1940 'The Storage and Handling of Flammable and Combustible Liquids'.

Hazardous and/or industrial waste arising from the use shall be removed and/or transported in accordance with the requirements of the EPA and the NSW WorkCover Authority.

- (16) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site.

The loading dock (if provided) shall be used for loading and unloading operations in connection with the approved use.

- (17) **Parking – Signage (Loading docks)** - Proposed parking areas, service bays, truck docks, driveways and turning areas shall be maintained clear of obstructions and be used exclusively for purposes of car parking, loading/

unloading, and vehicle access respectively for the life of the development. Under no circumstances are such areas to be used for the storage of goods or waste materials.

- (18) **Approved Signage Maintenance** - The approved signs shall be maintained in a presentable and satisfactory state of repair.

The level of illumination and/or lighting intensity used to illuminate the sign/s shall comply with AS 1158 and AS 4282.

- (19) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.

- (20) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.

RECOMMENDED

That Council approve DA963/2014 for construction and operation of a service station at 650 Camden Valley Way, Gledswood Hills, subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Police Comment
3. Submission - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: CAMDEN DEVELOPMENT CONTROL PLAN 2011 (DRAFT AMENDMENT NO.16) - FORMER SCHOOL SITE AT SPRING FARM

FROM: Director Planning & Environmental Services

TRIM #: 15/7922

PREVIOUS ITEMS: ORD04 - SPRING FARM SCHOOL SITE AND ASSOCIATED DCP AMENDMENTS - POST EXHIBITION REPORT - Ordinary Council - 25 Feb 2014 6.00pm
ORD06 - Spring Farm School Site and associated DCP amendments - Ordinary Council - 12 Nov 2013 6.00pm

PURPOSE OF REPORT

The purpose of this report is to outline proposed changes to Camden DCP 2011 in relation to the former school site at Spring Farm and to seek a resolution to place these changes on public exhibition.

BACKGROUND

On 25 February 2014, Council considered a report regarding the post exhibition outcomes for an amendment to the Camden DCP 2011 (including the Spring Farm Master Plan).

Figure 1 – Subject Site (Highlighted dark blue)



At this meeting, Council resolved to defer the matter of the former school site (Refer to Figure 1) until further investigations were completed. The deferment of the former school site came about as a result of a land owner submission and consideration of the complexity of the matter, it was resolved that the matter be reported back to Council at a later date following investigations by Council staff.

Since this time, Council staff have been working with the landowners to address issues that affect the site. Council subsequently commissioned an independent consultant to undertake a review of the site and its associated development opportunity. Further work was also undertaken to investigate the potential subdivision layouts and densities for the site. Based on the conclusions of Council’s consultant, draft DCP controls have prepared for the purposes of public exhibition. The draft DCP is **provided as Attachment 2 to this report.**

Councillors were briefed on this matter on 24 February 2015.

MAIN REPORT

Site Analysis

The site comprises three (3) separate lots owned by three different landowners (Refer to Figure 3). The site is constrained by bushfire and sensitive vegetation (E2 Environment Conservation zoned land). Refer to Figure 2 below for zoning map.

Figure 2 - Zoning Map

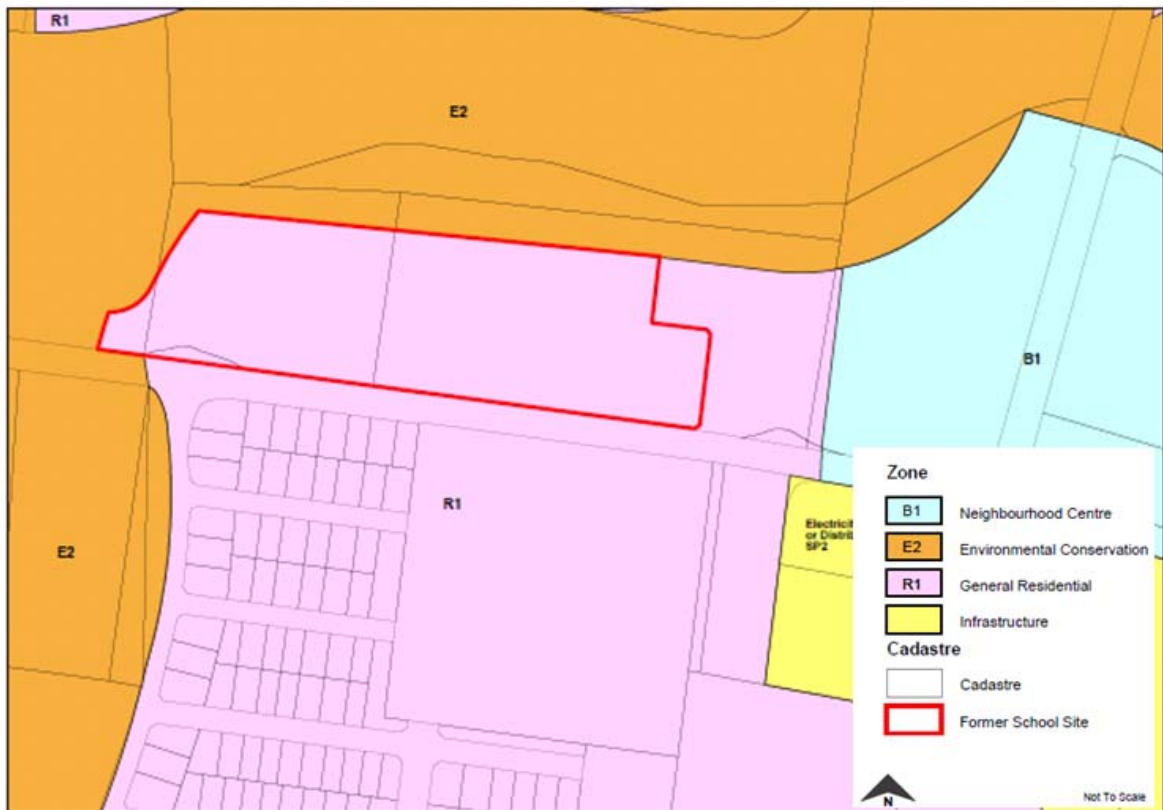


Figure 3 – Aerial Photograph and land ownership

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An analysis of the constraints and potential developable area of each lot is provided in the Table 1 below.

Table 1 – Site Analysis

Property Description	Site Analysis
Lot 101 DP1121699 (Mirvac site)	Located at the western end of the site, this lot is the smallest of the three lots with an area of approximately 1,015m ² and is zoned wholly R1 General Residential. The land is adjoined by the E2 Conservation zone to the north and west. For this reason, there are significant bushfire implications to this lot. It is likely that a significant Asset Protection Zone (APZ) would be required on this lot. The APZ would be required to be provided wholly within the site.
Lot 200 DP1182085 (AV Jennings site)	Lot 200 has an area of approximately 19,145m ² and is zoned part R1 General Residential and part E2 Environment Conservation. The R1 zoned part has an area of 15,355m ² and the E2 an area of 3,790m ² . The location of the riparian corridor to the north and west raises the bushfire risk of the site and the requirement for an APZ. Due to the sensitivity of the vegetation within the E2

Property Description	Site Analysis
<p>Lot 2 DP1175939 (Tripodi site)</p>	<p>zone portion of the site and the objectives of the E2 zone, the APZ needs to be located wholly outside of the E2 zoned part of the site. ².</p> <p>Lot 2 represents over half of the site with an area of approximately 4.7ha and is zoned part R1 and part E2. The R1 zoned part has an area of 32,835m² and the E2 an area of 7,865m².</p> <p>The site is traversed by an electrical easement along the eastern boundary within the site. Immediately to the east, the site abuts 254A Richardson Road, Spring Farm, being the future Spring Farm Neighbourhood Centre. The Centre has approval for a shopping centre containing a supermarket, commercial and retail premises and associated parking.</p> <p>To the north of the Lot 2 is the riparian corridor. The proximity to this corridor and bushland raises the bushfire risk and the requirement for an APZ.</p> <p>Lot 2 benefits from an existing approval for earth works, which includes a Vegetation Management Plan (VMP) which approved the revegetation of the whole of the E2 zoned portion of the site. This is consistent with the objectives of the E2 zone.</p> <p>Due to the sensitivity of the vegetation within the E2 zone portion of the site and the objectives of the E2 zone, the APZ needs to be located wholly outside of the E2 zoned part of the site.</p>

Environmental considerations

As noted in Table 1, the former school site is adjoined by E2 Conservation zoned land. The land comprises predominately Elderslie Banksia Scrub Forest (EBSF) which is listed as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*.

EBSF was nominated and exhibited in August 2014 as a Preliminary Nationally listed threatened ecological community under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). If EBSF is nationally listed, any future development application that proposes clearing of vegetation may need to be referred to the Commonwealth Government.

The subject E2 zoned land forms part of a wider network of riparian bush corridor land within the Spring Farm Area which is covered by the Spring Farm Conservation Implementation Strategy (Anne Clements & Associates, December 2003). The Strategy demonstrates how conservation outcomes are to be implemented in the Spring Farm Urban Release Area.

Proposed DCP changes

Based on the analysis provided by Council's consultant, draft DCP controls have been prepared for the purposes of public exhibition. A schedule of amendments is **provided as Attachment 1 to this report**. The draft DCP is provided as **Attachment 2 to this report**.

The draft controls provide an opportunity for the land owners to work with Council to deliver a workable and innovative solution, without being overly restrictive.

Change 1 – Removal of green space shown on Lot 2 DP 1175936 (Tripodi site)

During the exhibition period of the Spring Farm School Site and associated DCP amendments (reported to Council on 25 November 2014 - ORD04), Council received a submission which identified the need to remove green space shown on Lot 2 DP 1175936 (see Figure 4).

Figure 4 – Location and size of 'green space'



This green space was originally intended as private open space as part of an out of school care "OOSHCARE" facility. Given that the school has been relocated. The green space is not required for that purpose.

As such, it is proposed to remove the green space from the Spring Farm Master Plan and associated maps. The road layout around the green space is also proposed to be removed. It should be noted that there is no change to the public open space provision.

Change 2 – Inclusion of a dwelling density range of 40-50 dwellings on the former school site.

Given the site was originally identified for a school, there is currently no dwelling density range identified for the site.

The new primary school site (which was earmarked for housing) was expected to deliver between 36 and 40 residential lots. It is proposed to amend the Residential Dwelling Range Map to accommodate a higher yield (40-50 dwellings) for the former school site, resulting in an increase of up to 10 dwellings. The site, being located adjacent to the Spring Farm Neighbourhood Centre, is well positioned to accommodate a slightly higher yield. The additional 10 dwellings was calculated so as to not exceed 15dw/ha for the site.

Change 3 – New control for bushfire management

Given the complex bushfire constraints on the site, it is proposed to add a new site specific control which stipulates that any development application for the site is required to demonstrate appropriate consideration and documentation for the appropriate management of bushfire in accordance with RFS *Planning for Bushfire* requirements. Any proposed road layout would also be required to satisfy these requirements.

Change 4 – New Control for variation of block depth

The Camden DCP 2011 (Control C7.2(1)) currently adopts a typical block depth of 60m in the traditional subdivisions area, and 50m in the small lot and medium density areas. Given the constraints and shape of the site, it is proposed that a new site specific control be added which allows the existing block depth controls to be reduced where it can be demonstrated to provide a better urban design and traffic outcome.

This site specific control will allow greater flexibility and provide opportunity for an innovative solution for the site. It is likely it will also assist in the efficient assessment of any development application.

Change 5 – Rectify DCP mapping anomaly

It is proposed to amend Figure C22 (Spring Farm Street Network and Design Map) to rectify a mapping anomaly in the previous DCP amendment. This figure does not accurately reflect the approved development application (DA541/2013) for the construction of the Spring Farm Neighbourhood Centre and should be corrected.

The DCP mapping change will include the identification of the approved road along the Spring Farm Neighbourhood Centre's northern boundary with a 6m wide carriage way and a 2.5m shared path. This is a minor change that will help ensure the Spring Farm DCP maps are accurate and up to date.

Section 94 considerations

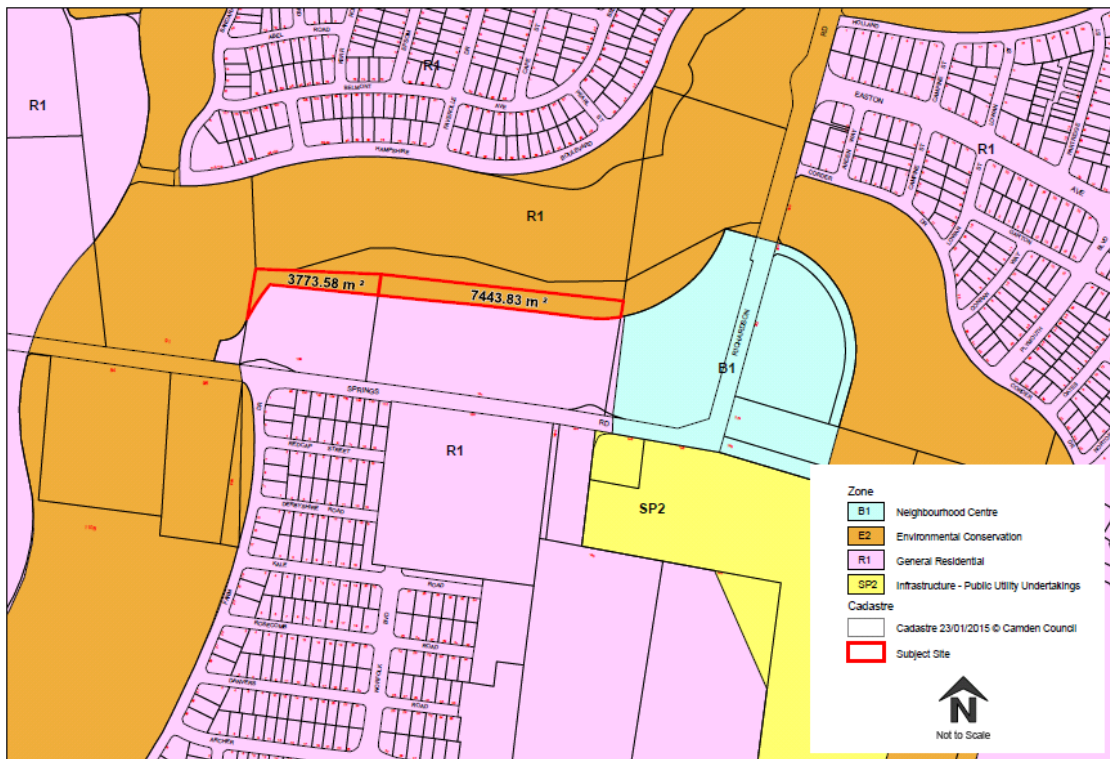
During the exhibition period of the previous Spring Farm DCP amendment (reported to Council on 25 February 2014 – ORD 04), there was a request for an amendment to the Section 94 Plan. The request was to include the acquisition of the E2 land as well as half road construction for a bush corridor perimeter road (Refer to Figure 5). Consideration of this matter was deferred.

Council is not in a position to amend the Camden Contributions Plan 2011 in relation to Spring Farm as it is the subject of a Ministerial Direction (21 August 2012) that specifically exempts this area from the cap (\$30,000) on contributions. If Council were

to amend the plan, a revised Ministerial Direction would be required and is unlikely to be granted as the proposed changes would result in an increase to the contributions rates. There is currently no alternative funding source to acquire the E2 Environmental Conservation land and address the half road construction.

A perimeter road was previously shown on the exhibited draft Masterplan when the Spring Farm primary school was relocated. However, after further investigation it is not proposed to include this road layout. Instead, the draft controls provide the opportunity for the land owners to deliver a workable and innovative solution that may or may not require a perimeter road.

Figure 5 – Size and location of subject E2 zoned land (outlined in red).



Public Exhibition

Should Council resolve to support the proposed amendments to the DCP, these will be publicly exhibited for a period of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000*. A notification will be placed in the local newspaper and the exhibition material available at:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy); and
- Council website for the length of the exhibition period (Electronic Copy).

During the exhibition period, a letter notifying land owners in the vicinity of the subject site will be sent to advice of the proposed changes. At the conclusion of the exhibition period, a report will be submitted back to Council detailing the submissions received.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as it is not proposed to amend Camden Contributions Plan 2011.

CONCLUSION

Extensive consideration of potential development options for the Spring Farm Former School Site has been undertaken by Council staff and verified by an independent peer review.

The draft controls provide an opportunity for the land owners to work with Council to deliver a workable and innovative solution, without being overly restrictive.

RECOMMENDED

That Council:

- i. support the draft amendment to Camden Development Control Plan 2011 outlined in this report;**
- ii. publicly exhibit the draft DCP for a period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Regulations 2000 and**
- iii. consider a further report at the conclusion of the public exhibition.**

ATTACHMENTS

1. Attachment 1 Schedule of Proposed changes - Spring Farm - Former School Site - ~ 10 3 2015
2. Draft amendments to Camden DCP 2011 (changes in red)

ORDINARY COUNCIL

ORD05

ORD05

SUBJECT: PROMOTING BETTER PRACTICE PROGRAM
FROM: Acting Director Customer & Corporate Services
TRIM #: 15/31924

PURPOSE OF REPORT

Council volunteered to be part of the Office of Local Government's ('OLG') new Promoting Better Practice Program. The purpose of this report is to table the final report completed by the OLG.

BACKGROUND

The Promoting Better Practice Program ('the Program') commenced in May 2014. Council officers completed a self-assessment checklist prior to on-site visits by OLG officers which took place on 20 and 23 May 2014. During the on-site visits, the OLG officers conducted a range of activities including: conducting interviews with the Mayor, General Manager and senior officers. During the interview, the OLG officers discussed the areas where Council demonstrated 'best practice' and the areas that would benefit from further development.

Following the visit, the review team examined a range of information and assessed this material in line with applicable legislation, policy and guidelines where possible. The review team also called on the resources of a number of other agencies while drafting this report.

In July 2014, the OLG provided Council with a summary of the action items identified for Council's review. In October, Council received a copy of the OLG's draft report for feedback, which Council responded to in November 2014.

Council received the final report from the OLG on 18 February 2015 for tabling at the next available Council meeting.

MAIN REPORT

A copy of the final Promoting Better Practice Program report is **attached**. The Program was a voluntary review that aimed to assist in strengthening the local government sector by assessing performance and promoting continuous improvement. Participation in the Program was viewed by Council's Executive as a useful opportunity for Council to further inform itself on best practice while developing its plan for organisational improvement.

The Program focused on the following:

- working with councils to identify, share and promote better practice in key areas;
- working cooperatively with councils to promote strong relationships within the sector;
- providing councils with feedback on areas requiring improvement or further development, and assisting them in developing solutions;
- identifying trends and issues arising from council reviews to support policy and legislative changes for the local government sector; and

- encouraging and facilitating innovation within the NSW local government sector.

The key strategic areas considered include the following:

- community strategic planning;
- governance;
- financial sustainability; and
- service delivery.

The Promoting Better Practice Program report is structured in the following way:

- Section 2 provides an overview of Camden Council and the local area, including a snap-shot of the key strategic challenges facing the Council;
- Section 3 sets out the key findings of the Program, including analysis of examples of better practice and areas for further development;
- Section 4 summarises what is considered to be 'better practice' by Camden Council; and
- Section 5 summarises areas for further development. This is presented as an Action Plan, developed in consultation with Council, which contains recommendations to assist Council to increase its overall strategic capacity and its ability to deliver appropriate services to its community in the longer term.

In summary, the report is largely positive, with the areas identified for action corresponding to those recognised in Council's Organisational Development/Business Improvement Plan. The 'better practice' examples include:

- Council's draft Communications and Community Engagement Framework (which is being reported to Council this evening - ORD06);
- six-monthly reporting on the implementation of the Delivery Program/Operational Plan;
- Council's Resourcing Strategy document;
- financial planning, analysis and reporting practices;
- the Community Infrastructure Renewal Program;
- use of developer contributions to fund community infrastructure needs;
- policies and processes to ensure effective Councillor decision making; and
- the Organisational Development/Business Improvement Plan.

The areas incorporated into the Action Plan relate to:

- community engagement;
- asset service levels and asset management plans;
- updating the Workforce Plan;
- finalisation of the asset management life-cycle tracking processes;
- review the following key governance areas – risk management, fraud control, reporting on legislative compliance, disposal of assets, monitoring of contractor performance and complaint handling.

As discussed above, the areas identified for action correspond to those recognised in Council's Organisational Development/Business Improvement Plan.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. However, where funds are required as a result of the Action Plan, funding will be provided for those items through Council's usual budget processes.

CONCLUSION

The Promoting Better Practice Program report is, on the whole, positive of Council's position in the local government sector and recognises that Council had identified the areas for improvement consistent with the Action Items contained in the Organisational Development/Business Improvement Plan.

With a view to sharing better practice with other councils, a PDF version of the report will be made available on the OLG website, along with the finalised reports of other councils who have participated in the Program.

The OLG have commended Council for its progress in implementing a number of the recommendations and asks that Council continue to use the Action Plan to monitor progress in implementing the report's recommendations. There are no further reporting requirements.

RECOMMENDED

That Council:

- i. notes the Promoting Better Practice Program report submitted by the Office of Local Government;**
- ii. write to the Office of Local Government advising that the report was tabled at the Ordinary Council Meeting of 10 March 2015; and**
- iii. place a copy of the Promoting Better Practice Program report, as attached, on Council's website.**

ATTACHMENTS

- 1. Promoting Better Practice Program Report**

ORDINARY COUNCIL

ORD06**SUBJECT: DRAFT COMMUNICATION AND COMMUNITY ENGAGEMENT STRATEGY AND RELATED POLICIES****FROM:** Acting Director Customer & Corporate Services**TRIM #:** 15/7395

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement for the following documents to be placed on public exhibition for 28 days:

- Draft Communications and Community Engagement Strategy (Attachment 2)
- Draft Community Engagement Policy (Attachment 3) to replace the existing Community Consultation Policy (Attachment 9)
- Draft Special Events Management Policy (Attachment 4)
- Draft Civic and Ceremonial Functions and Representation Policy (Attachment 5)
- Draft Council Media Policy (Attachment 6) to replace the existing Dealing with the Media Policy (Attachment 7)

The report also notes the Communications and Community Engagement Toolkit (Attachment 8) which will replace the existing Community Consultation Resource Kit.

The draft Communications and Community Engagement Strategy and its related policies and documents will provide a new and contemporary approach to Council's communications and community engagement activities.

As the Camden Local Government Area and Council itself experiences rapid growth, it is important that Council has a strong communications and community engagement framework and strategic direction to meet the needs of a growing community.

The draft Media Policy will replace the existing Dealing with the Media Policy which hasn't been reviewed by Council since 1994. The Community Engagement Policy and Communications and Community Engagement Toolkit will replace the existing Community Consultation Policy and Resource Kit which has not been reviewed by Council since its adoption in 2005.

BACKGROUND

A strong and positive relationship with the community is integral to a local government authority effectively serving its community. As the population continues to grow, it is imperative that Camden Council has a proactive, contemporary and effective communications and engagement strategy.

Council's existing Community Consultation Policy and Resource Kit is almost ten years old, pre-dating the introduction of some new social media tools. The review sought to

evaluate Council's current engagement practices, build on relationships, create consistent messages and provide long-term goals and a framework for greater communication with residents.

This Strategy and its related policies will provide a framework for communication between Camden Council and its many audiences. It will help ensure that communication is accurate, timely and reflects the values expressed in Council's Community Strategic Plan, Camden 2040.

The framework recognises and supports the community engagement processes linked to the Camden 2040 Community Strategic Plan, which aim to regularly assess and reassess the community's priorities and concerns. By doing this, the Camden 2040 Strategic Plan and the actions and decisions that it directs, will ensure Council continues to be responsive to our growing and changing community into the future.

The Communications and Community Engagement Strategy was presented to Council at a Briefing on 25 November 2014.

MAIN REPORT

Camden Council faces the challenge of meeting the communications and engagement expectations of our growing community, and doing this within a finite budget.

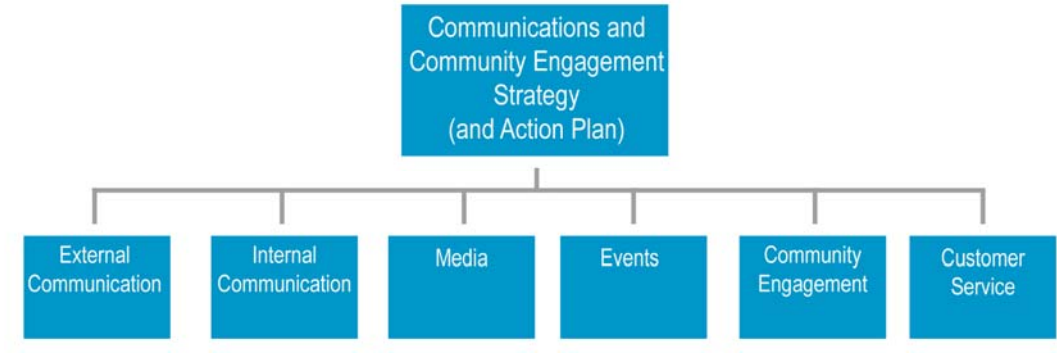
The community expects that Council will, through the provision of excellent communication and engagement mechanisms, provide accurate and timely information.

The projected growth of the Camden Local Government Area is a key driver for Council to ensure that its communication and engagement is effective, timely and consistent across all audiences and incorporates innovative strategies to meet the growing communication needs of our community.

As a result, Council has developed a framework for Council's communication and engagement activities which is shown below. The overarching Strategy will provide a guide for all interactions with Council's audiences and underpins a number of policies that articulate Council's position on communications and community engagement. The strategy is further supported by the Communications and Community Engagement Toolkit and the development of internal and external communication procedures. These will provide the resources and guidance for staff to undertake effective and consistent communication and community engagement activities.

The new framework and related policies and documents will replace existing outdated policies and documents that were in need of review. These include the existing Dealing with the Media Policy which hasn't been reviewed by Council since 1994 and the existing Community Consultation Policy and Resource Kit which has not been reviewed by Council since its adoption in 2005. This new framework provides Council with an integrated, contemporary and strategic approach to how it communicates and engages with its audiences.

Detailed below is a graphic illustration of the Communications and Community Engagement Framework. This includes the overarching Communications and Community Engagement Strategy which underpins identified high level action areas of internal and external communications, media, events, community engagement and customer service. These action areas will be supported by a range of policies, guidelines and tools for staff.



Following adoption of the Strategy and its related policies and documents, Council staff will be provided with training and resources to effectively implement and utilise the Strategy and the related documents. This is included in the Strategy Action Plan.

Customer Service will be integrated into this framework through the development and implementation of a Customer Service Strategy which is a high priority in Council's Business Improvement Plan.

A table outlining the proposed and existing documents can be found in Attachment 1.

FINANCIAL IMPLICATIONS

Any financial implications will be considered within existing budgets. Any actions that cannot be funded within the existing budget will be considered during the normal budget process.

CONCLUSION

To ensure effective and efficient communications and engagement in a rapid growth environment, Council requires a framework which is strategic, integrated and contemporary.

The Strategy and its related documents will be reviewed on a regular basis including through updates to the General Manager and reporting to Council's Executive Leadership Group and Senior Management Team twice annually. The Strategy will be reported for review to Council at the commencement of each Council term. The policies adopted by Council that relate to this framework will fall within Council's Corporate Policy review.

The Strategy and its related documents present a new, dynamic and innovative approach and will evolve and be refined as the Community and Council grows. The

Toolkit is to be noted rather than adopted as this is an internal document for staff that will constantly evolve, change and develop.

This Strategy and its related policies will also provide the necessary procedures and tools for staff to ensure that Council's communication and community engagement activities meets the needs and expectations of a growing community and is consistent across the organisation.

RECOMMENDED

That Council:

- i. endorse the draft Communications and Community Engagement Strategy, draft Community Engagement Policy, draft Special Events Management Policy, draft Civic and Ceremonial Representation Policy and draft Media Policy to be placed on Public Exhibition for 28 days;**
- ii. if no unresolved public submissions are received during the public exhibition period, grant delegation to the General Manager to adopt the abovementioned policies;**
- iii. remove the existing Dealing with the Media Policy (Council Policy 5.22);**
- iv. remove the existing Community Consultation Policy and Resource Kit (Council Policy 4.30); and**
- v. note the Communications and Community Engagement Toolkit**

ATTACHMENTS

1. Table of Proposed and Existing Documents
2. Draft Communications and Community Engagement Strategy
3. Draft Community Engagement Policy
4. Draft Special Event Management Policy
5. Draft Civic and Ceremonial Functions and Representation Policy
6. Draft Media Policy
7. Existing Council Policy - Dealing with the Media
8. Communications and Community Engagement Toolkit
9. Existing Community Consultation Policy and Resource Kit

ORDINARY COUNCIL

ORD07

**SUBJECT: COMMUNITY SPONSORSHIP PROGRAM - FUNDING ALLOCATIONS
JANUARY TO JUNE 2015, ADJUSTMENT TO GUIDELINES AND
DELEGATION OF AUTHORITY**

FROM: Acting Director Customer & Corporate Services

TRIM #: 15/37355

PURPOSE OF REPORT

This report seeks Council's endorsement of the recommended sponsorship allocations received, both monetary and in-kind, by the Sponsorship Allocation Committee as per the Community Sponsorship Program. These recommendations are for events/activities to be held January to June 2015.

This report also seeks endorsement of changes to be made to the guidelines in the Community Sponsorship Program. The changes aim to provide clarity regarding ineligibility for sponsorship and allow consideration to be given to those who may have received funding for projects, other than those applied for under the Community Sponsorship Program, as part of the Community Financial Assistance Policy.

This report also seeks endorsement for delegated authority to be given to the Mayor and General Manager to approve sponsorship applications received outside the application timeframes and that are considered urgent.

BACKGROUND

The Community Sponsorship Program was adopted by Council in October 2013, as a component of the Community Financial Assistance Policy. It sets out how Council will administer incoming sponsorship requests from community groups and organisations.

The Program is intended to provide encouragement and support to community organisations based on the needs of such groups, by supplementing funds raised for their events/activities.

Applications can be made twice per year during the following periods – 1 February to 1 March and 1 September to 1 October. All written applications are assessed by the Sponsorship Allocation Committee using set guidelines and criteria to ensure probity and consistency in evaluating requests.

A briefing for Councillors was also held on 24 February 2015.

MAIN REPORT

All previous applicants for sponsorship and those organizing external events were sent an application form and application timeframes were also advertised in the local newspaper and on Council's website.

A total of nine (9) applications were received. Each application was assessed against the Program guidelines and criteria, with further consideration given to the benefit for

the local community including social and economic, level of appeal and demonstrated need for funding.

After assessment against the guidelines and criteria, seven (7) applications have been recommended for monetary and/or in-kind support.

The following events/activities are recommended:

	Event	Total Recommended Monetary	Total Recommended In-Kind
1	Rotary Police Officer of the Year Awards	\$1,200	
2	2015 Camden Show	\$6,000	\$20,000 estimate
3	Camden and District Netball Carnival	\$1,000	
4	Macarthur Lions ANZAC Fun Run	\$3,000	
5	Kids of Macarthur Foundation Annual Ball	\$1,800	
6	St Paul's Catholic Primary School Fete		\$110
7	Street Chalk Art Festival	\$1,300	\$250
	Total	\$14,300	\$20,360
	Total Monetary and In-kind Sponsorship	<u>\$34,660</u>	

Please note: an allocation for sponsorship of the Street Chalk Art Festival is recommended however this is subject to finalisation of ongoing negotiations with the Camden Chamber of Commerce regarding a suitable site and concurrence from Council's Traffic Committee.

The following events/activities were not recommended for sponsorship by the Sponsorship Allocation Committee as they did not meet the criteria:

- NSW JP's Conference
- Children's Themed Garden, Forest Lawn Cemetery

ADJUSTMENT TO GUIDELINES - INELIGIBILITY

A change is proposed in relation to the guidelines regarding ineligibility for sponsorship. The change seeks to give clarity and consideration to those who seek sponsorship of an event/activity but may have received funding for other projects via other programs under the Community Financial Assistance Policy during the same financial year.

An example of this is a community organisation that may have received funding to purchase or repair equipment and then apply for support in the form of sponsorship for a community event they intend to hold.

Proposed Wording (Highlighted in red)

INELIGIBILITY FOR SPONSORSHIP

- The following **will NOT** be eligible for funding via this program:
 - Council currently provides financial assistance to the community through a variety of avenues. Applications that are eligible under the policies/programs listed below **would not normally be** eligible under the policies/programs listed below:
 - i. Community Financial Assistance Program
 - ii. Community Support Policy – Donations to Gifted Persons
 - iii. Civic Centre Fee Relief for Musical Performances
 - iv. Emergency Relief Funds
 - v. Donations Policy
 - vi. Annual Subsidy

DELEGATION OF AUTHORITY

Each year applications, seeking both monetary and in-kind sponsorship from Council, are invited from organisers of community activities/services/events. Applications can be made twice per year during the following periods - 1 February to 1 March and 1 September to 1 October.

Currently any application received which requires consideration outside of the timeframes of this Program are to be submitted to Council by way of a report for determination.

Due to the timing of an event/activity to be held, some applications received outside the set application periods may require urgent attention. It is proposed that the Mayor and General Manager be given delegation to approve applications received outside the application periods and that are under \$5,000.

This delegation would only be exercised in exceptional circumstances and for those that required urgent attention. These would be assessed as per the Community Sponsorship guidelines and would also be dependent upon the availability of funds.

Event/activity organisers will still be strongly encouraged to apply for sponsorship through the main applications rounds and timeframes.

Council would be informed of any use of this delegation in the next scheduled sponsorship report.

FINANCIAL IMPLICATIONS

At the Council meeting held 24 June 2014, Council resolved to allocate cash and in-kind support to the value of \$29,636 for events and activities to be held July to December 2014.

A total of \$34,660 comprising of \$14,300 cash and \$20,360 in-kind support, has been recommended by the Sponsorship Allocation Committee for events and activities to be held January to June 2014.

A total of \$6,072 funding remains to cover sponsorship requests for the remainder of the financial year.

CONCLUSION

The breadth of events/activities being undertaken by a range of community organisations, contributing to the increase in social capital and improved community well-being, within the Camden LGA, has been demonstrated by the quality and range of worthwhile events/activities seeking sponsorship assistance.

Applications have been assessed against the criteria contained in the Program guidelines and recommendations reflect this assessment. A full list of application requests is contained in the attached supporting document.

Projects recommended for funding will complement existing events/activities within the community and provide improved opportunities for the community to access and attend events/activities within the Camden LGA.

Changes to the guidelines in the Community Sponsorship Program will provide clarification and allow consideration to be given for those who may have received funding for projects, other than those applied for under the Community Sponsorship Program.

The delegation of authority to the Mayor and General Manager to approve applications in exceptional circumstances and for those that require urgent attention will improve Council's ability to assess and consider the application and allow a quick turn-around in providing a response to the applicant.

RECOMMENDED

That Council:

- i. approve sponsorship to the events/activities 1 to 6, totalling \$27,110 and comprising of \$13,000 cash and \$14,110 in-kind as recommended by the Sponsorship Allocation Committee and funded from the 2014/2015 budget allocation; and**
- ii. write to each applicant, both successful and unsuccessful, advising them of the outcome; and**
- iii. approve the changes to the Community Sponsorship Guidelines in relation to ineligibility; and**
- iv. approve the Delegation of Authority to the Mayor and General Manager to approve applications, considered urgent and of an exceptional circumstance, and are under \$5,000.**

ATTACHMENTS

1. 2015 Jan to June - Council Community Sponsorship Program Summary of Allocations
2. Guidelines Community Sponsorship Program doc

ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: MOUNT ANNAN LAKE ANNAN CDS UNIT AND ROADWAY CONSTRUCTION

FROM: Director Community Infrastructure

TRIM #: 15/34513

PURPOSE OF REPORT

To provide details of the tenders received for contract T006/2015, being the construction of a new gross pollutant trap (GPT) facility with service road at Lake Annan, and to recommend that Council accept the tender submitted by Athassel Civil Pty Ltd.

BACKGROUND

The existing open GPT has been identified in the Lake Annan Plan of Management to have operational problems and maintenance concerns. A Consultant has reviewed its performance and recommended that it be decommissioned and a new below ground GPT be constructed approximately 65 metres upstream.

Detailed design for the new GPT facility with service road has been completed and the proposed construction works include:

- supply and install a Rocla CDS P3018R unit with cast-situ diversion chamber;
- construction of drainage structures, stormwater pipes and subsoil drainage;
- earthworks and new pavement construction for service road;
- demolish and remove trash rack and concrete weir in the existing GPT; and
- construct one security fence panel to match existing in the existing GPT.

The invitation to submit a tender for the proposed construction works was advertised on 16 December 2014, via the Camden Advertiser, Sydney Morning Herald and the NSW e-tendering website. The closing date for submissions was 30 January, 2015.

MAIN REPORT

Tender Submissions

Tenders were received from companies listed below in alphabetical order:

Company	Location
• Athassel Civil Pty Ltd	Bronte
• Brefni Excavation & Earthmoving Pty Ltd	Picton
• Celtic Civil Pty Ltd	Concord
• Citywide Civil Engineering (NSW) Pty Ltd	Kingsgrove
• Green Civil Con Pty Ltd	Blacktown
• Haines Bros Earthmoving and Drainage	Bringelly
• Hargraves Urban Pty Ltd	Gordon

- North Shore Paving Co. Pty Ltd Lindfield West
- Optimal Stormwater Pty Ltd Chatswood
- Select Civil Pty Ltd Kembla Grange
- Starcon Group Pty Ltd Greenacre
- Stefanutti Construction Pty Ltd Unanderra

A summary of the submissions is provided in the **Supporting Document**.

Tender Evaluation

The intention of the tender process is to appoint a contractor with proven capacity and experience in similar scale projects, as well as providing good value and quality services to Council.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors, as agreed by the evaluation panel. Price was given weighting of 60% and non-price factors a weighting of 40%.

Non Price Factors considered for this project include:

- understanding of the project and proposed methodology for the works;
- demonstrated capacity and technical ability to carry out the works;
- experience in similar scale projects;
- construction program; and
- WHS consideration.

Athassel Civil Pty Ltd provided the most competitive tender in terms of price and non-price factors, and met all requirements of Council's tender documentation.

The evaluation panel concluded that the tender by Athassel Civil Pty Ltd represented the best value to Council.

Relevant Legislation

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005) and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

Lead in time for the manufacture and supply of CDS components is 10 weeks. Athassel Civil Pty Ltd will be engaged to place an order immediately for the CDS unit. Construction works are due to commence in May 2015 and will be completed in August 2015.

FINANCIAL IMPLICATIONS

Council has allocated funding for the project in the 2014/15 "Capital Works Delivery Program" as follows:

- | | |
|---------------------------------------|------------------|
| • General Fund Stormwater Maintenance | \$158,643 |
| • Stormwater Levy Reserve | <u>\$216,357</u> |
| Total: | <u>\$375,000</u> |

\$7,633 has been expended in the preliminary investigative works and a balance of \$367,367 is currently available for the construction works.

There are sufficient funds available from existing Stormwater Maintenance and Improvements budgets to enable allocation of additional funding of \$20,000 to this project.

CONCLUSION

Athassel Civil Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer by Athassel Civil Pty Ltd represents best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council:

- i. accept the tender provided by Athassel Civil Pty Ltd for the lump sum of \$361,896 (GST exclusive);**
- ii. transfer \$20,000 from the 2014/15 “Existing Maintenance and Improvements Program” to the project; and**
- iii. authorise the relevant documentation to be completed under Council’s Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13.**

ATTACHMENTS

- 1. Tender Evaluation - Lake Annan CDS Unit and Roadway Construction - *Supporting Document***