

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW120
DA Number	2015/621/1
Local Government Area	Camden
Proposed Development	Mount Annan Leisure Centre Stage 2 – Expansion & Refurbishment of Health & Fitness Areas, New 2 court multi – purpose sports hall, expansion of carparking and landscaping
Street Address	363 Welling Drive & 156A Waterworth Drive, Mount Annan Lot : 1101 DP: 884135, Lot : 53 DP: 857052
Applicant/Owner	Peter Peeters / Camden Council
Number of Submissions	A combined notification of two Council Projects being the extension and expansion of the Mount Annan Leisure Centre and the nearby Birriwa Reserve Outdoor Youth Space, resulted in three submissions being received. However, all submission comments relate to work proposed to the Birriwa Reserve Outdoor Youth Space.
Regional Development Criteria (Schedule 4A of the Act)	Capital investment value > \$13,523,946 Council related development over \$5 million (Council is the land owner and applicant)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No 55 – Remediation of Land • Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2011
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> • Assessment report and conditions • Statement of environmental effects • Architectural plans • Concept civil works • Landscaping plan
Recommendation	Deferred Commencement
Report by	Adam Sampson, Town Planner (East Team)

PURPOSE OF REPORT

The purpose of this report is to seek the Joint Regional Planning Panel's (the Panel) determination of a development application (DA) for the expansion and refurbishment of the Mount Annan Leisure Centre, which includes new health and fitness areas, new sports hall providing for two basketball courts, tiered seating, change rooms, the expansion of carparking and landscaping.

The Panel is the determining authority for this DA as, pursuant to Part 4 of State Environmental Planning Policy (State and Regional Development) 2011 and Schedule 4A of the *Environmental Planning and Assessment Act 1979*, the capital investment value (CIV) of the proposed development exceeds \$5 million for a Council related development to enable Council to determine this development application.

SUMMARY OF RECOMMENDATION

That the Panel determine DA 2015/621 for the expansion and refurbishment of the Mount Annan Leisure Centre, which includes new health and fitness areas, sports hall providing for two basketball courts, tiered seating and change rooms, expansion of carparking and landscaping pursuant to Section 80 of the *Environmental Planning and Assessment Act, 1979* by granting deferred development consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a Development Application for the expansion and refurbishment of the Mount Annan Leisure Centre, which includes new health and fitness areas, new sports hall providing for two basketball courts, tiered seating, change rooms, the expansion of carparking and landscaping.

The application has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant Environmental Planning Instruments, Camden Development Control Plan 2011 and policies. The outcome of this assessment is detailed further in this report.

The application was advertised and notified for a period of fourteen (14) days in accordance with the Camden Development Control Plan 2011. A combined notification of two Council Projects being the extension and expansion of the Mount Annan Leisure Centre and the nearby Birriwa Reserve Outdoor Youth Space, resulted in three submissions being received. However, all submission comments relate to the work proposed to the Birriwa Reserve Outdoor Youth Space.

The applicant proposes a variation to the building height development standard referenced in Clause 4.3 of the Camden Local Environmental Plan 2010. The LEP limits the height of buildings in this area to 9.5m. The proposed building is 10.73 metres high at its highest point, when measured from the curved roof to the existing natural ground level immediately below. Council staff have assessed this LEP variation via Clause 4.6, and recommend that it be supported.

The proposed height of the development is necessary to allow a range of indoor sporting activities to be conducted. In this instance, the internal height was established based on the clearance required for a basketball court which is 7 metres. The side wall is proposed to a height of 6.6 metres.

An engineered truss system will facilitate the curved roof to achieve the 7 metre internal clearance over the courts, resulting in an overall maximum height of 10.73 metres.

Whilst the development fails to meet the numeric height requirements, the additional height does not result in adverse amenity impacts with respect to overshadowing, visual impact and privacy loss.

The applicant also proposed a variation to Section B5.1 of Camden DCP 2011 in relation to motorbike spaces. As the land use within table B8 is considered to be 'public administration buildings and community facilities', the minimum car parking requirement is based on merit having regard to equivalent rates for similar uses as prescribed within Camden DCP 2011. As a result, 1 bicycle and 1 motorcycle space is required per 25 carparking spaces in excess of the first 25 car parking spaces.

The development therefore requires 9 motorcycle spaces, only 6 spaces are provided. Despite the shortfall of 3 spaces, it is noted the existing leisure centre has no motorcycle parking presently. The provision of 6 new motorcycle spaces is considered a reasonable outcome.

Based on this assessment, it is recommended that DA/2015/621/1 be approved on a deferred commencement basis subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The subject site is known as 363 Welling Drive and 156A Waterworth Drive, Mount Annan and legally described as Lot 1101, DP 884135 and Lot 53, DP 857052 respectively. The site is irregular in shape and is zoned RE1 Public Recreation, with a combined area of 3.2903 hectares fronting Narellan Road, Welling Drive and Waterworth Drive. The land is relatively flat with a gentle slope from north to south, with the land steeply rising to the east of the existing leisure centre.

The site currently contains the Mount Annan Leisure Centre, being a Council operated recreational facility providing an internal aquatic centre, gymnasium and crèche. Adjacent is a paved carpark providing 134 carspaces together with a temporary gravel finished parking area for overflow parking to the east of the building.

Tall dense landscaping in the form of clustered trees is located along the northern and western boundaries of the site, alongside the intersection of Narellan Road and Waterworth Drive. Scattered gum trees are also evident throughout the site. Along the eastern boundary of the site, native trees line a pedestrian path. The path way provides pedestrian access from Narellan Road to Welling Drive.

The surrounding area is characterized by commercial development to the west, industrial development to the northwest on the opposite side of Narellan Road, open space (Birriwa Reserve) to the south, with low density detached dwellings to the north east, east and south east.

HISTORY

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

Determination Date	Development
9 March 1999	Mount Annan Leisure Centre Stage 1: Swimming pool, gymnasium, multi purpose space, crèche and youth drop in
9 October 2001	Erection of a wall
14 April 2004	Construction of a concrete wading pool
21 July 2009	Internal alterations to the Mount Annan Leisure Centre
15 December 2010	New advertising signage
26 September 2011	Construction of a temporary staff car park ancillary to the Mount Annan Leisure Centre
28 June 2013	The use of two shipping containers for storage purposes.

THE PROPOSAL

DA/2015/621 seeks approval for:

- Proposed refurbishment of the existing leisure centre (1,256m² floor area). Proposed work includes refurbished offices, café, foyer, change rooms, crèche and meeting rooms;
- Construction of an additional 2,959m² of floor area, which will be utilized for a sports hall incorporating two indoor courts (basketball), tiered seating, storage and additional change rooms, a group exercise room, cardio room and spin room;
- Earthworks (predominately excavation of land to the east of the existing centre) to facilitate an expansion of the carpark to provide for an addition of 127 car parking spaces;
- Removal of 21 trees;
- Relocation of an existing concrete pedestrian pathway through the site;
- Installation of palisade fencing;
- Installation of 2 x 25,000 litre above ground rainwater tanks;
- Construction of a bio-retention basin;
- Proposed works will be staged to enable the leisure centre to continue operation during the construction phase.

The capital investment value of the works is \$13,523,946 million.

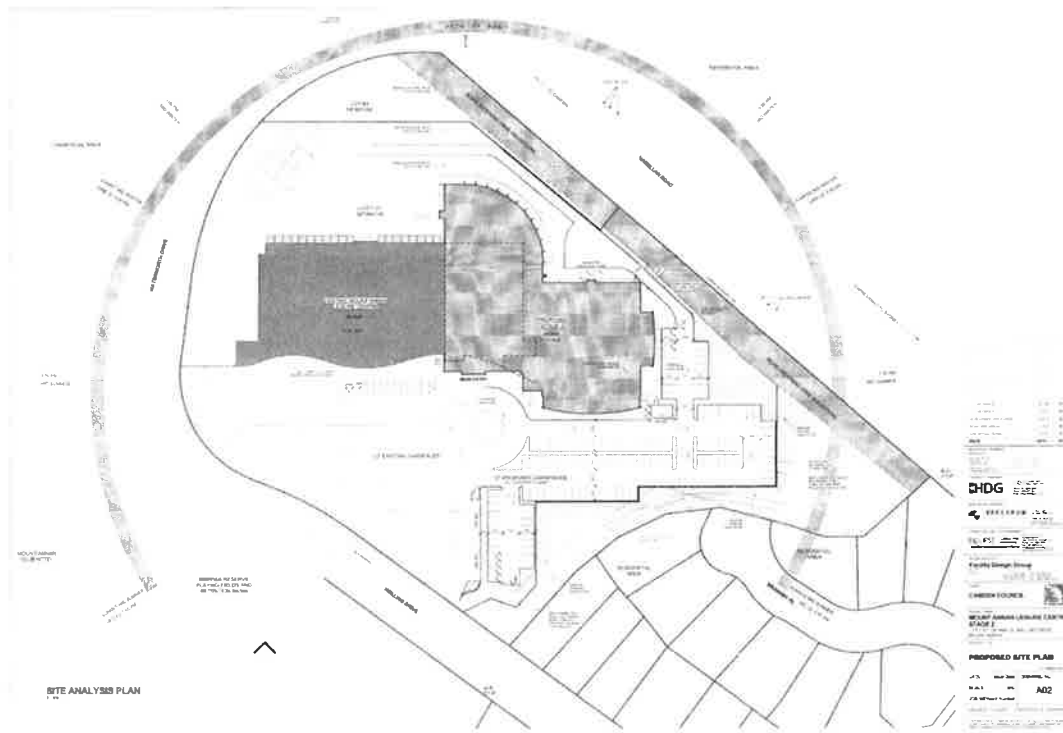
The proposal will be constructed using fibre cement and colourbond corrugated metal cladding, aluminum framed glazing and colourbond roofing. Various colours, patterns, horizontal and vertical architectural elements, including a curved roof over the sports hall, are proposed to create an aesthetically appealing development when viewed from Welling Drive and Narellan Road together with the public open space.

Existing hours of operation are proposed for the expanded facility, with the use of the basketball courts restricted to social and local competitions only, due to limitations of seating and court numbers.

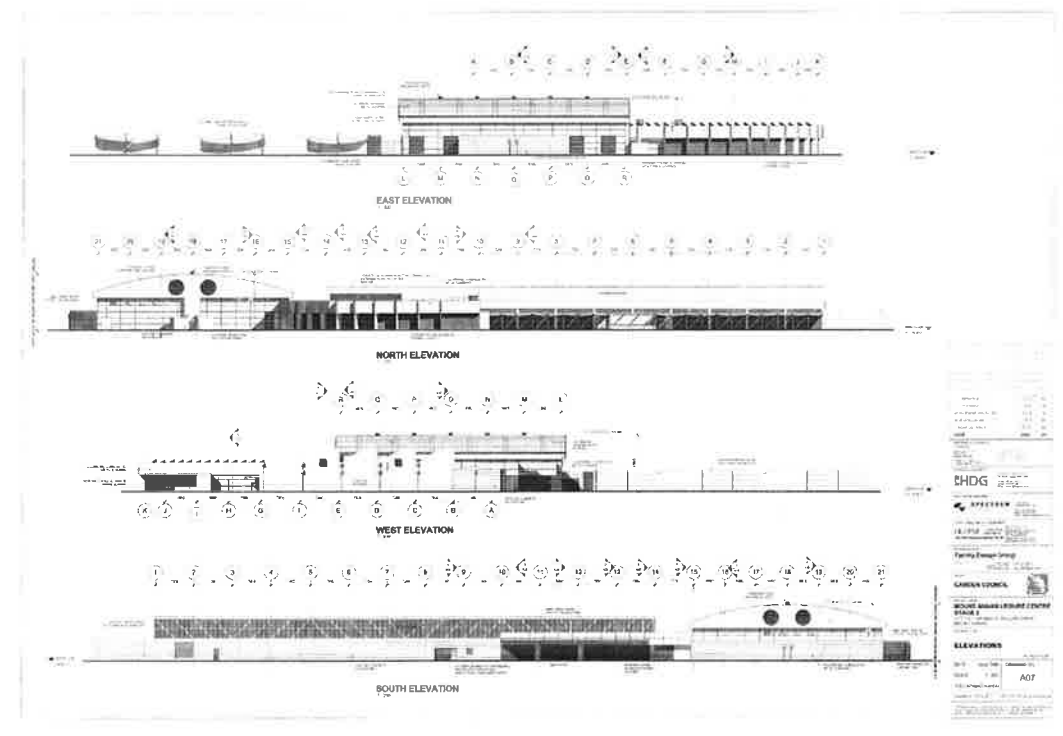


A perspective of the development as viewed from the north-east (Narellan Road)

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 (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

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

State Environmental Planning Policy (State and Regional Development) 2011 (SEPP)

Pursuant to Clauses 20 and 21 of the SEPP, the proposed development is included in Schedule 4A of the *Environmental Planning and Assessment Act 1979* and has a CIV of \$13,523,946 million. This exceeds the CIV threshold of \$5 million for Council related development to determine the DA and therefore it is referred to the Panel for determination.

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

The applicant has submitted a contamination and salinity assessment of the site. The assessment included testing of 14 samples from Stage 2 areas of the site. An analysis of this material was compared against Health Investigation Level E, but also below adopted Health Investigation Level A levels. Recent site inspections of the property reveal that no stockpiles of materials exist or contaminating activities being performed on site. The report findings and recommendations were accepted by Council's Environmental Health Officers. Accordingly, the land is considered suitable for the purpose of recreation facilities.

State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of SEPP (Infrastructure) lists types of developments that are to be referred to the Roads and Maritime Services (RMS) due to their size or capacity and the potential for impacts on the local road network, including classified roads. The proposed development exceeds the thresholds listed within Schedule 3 in respect to carparking numbers. In addition, earthworks are proposed within land reserved for road widening, which form part of the Narellan Road upgrade. The proposal was accordingly referred to the RMS on the 9th July 2015 for comment.

RMS have reviewed the proposed development and raised no objection on property grounds, provided that any new buildings or structures, together with any improvements integral to the future use of the site, are erected clear of the land required for road. The proposed development does not propose to erect any new buildings, structures or other improvements upon land reserved for road widening. One specific condition relating to stormwater works has been requested by the RMS, which is included as a recommended condition of approval.

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 a condition is recommended to provide a water pollution control device as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned RE1 – Public Recreation under the provisions of the LEP. The proposed development is defined as " Recreation Facilities (indoor) " by the LEP which is a permissible land use in this zone. The expansion of the carpark and associated landscape works are considered ancillary uses(to the Leisure Centre) and are also permitted with consent in this zone.

Zone Objectives

The objectives of the RE1 Public Recreation zone are as follows:

- To enable land to be used for public open space or recreational purposes.

Officer comment:

The expansion and refurbishment of the Mount Annan Leisure Centre will create an improved facility for the continuing use of the land for recreational purposes.

- To provide a range of recreational settings and activities and compatible land uses.

Officer comment:

Works proposed to the leisure centre will provide additional and improved recreational activities being able to be conducted within the centre, which are considered suitable activities in the context of the site and surrounding land uses.

- To protect and enhance the natural environment for recreational purposes.

Officer comment:

The development will provide a bio-retention basin in the north eastern corner of the site, which will protect and enhance the site and adjoining land by capturing and removing suspended solids, phosphorus and nitrogen from exiting the site and entering the catchment.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5 metres building height	10.73 metres building height	No – LEP variation 1
4.6 Exceptions to Development Standards	Written justification for all proposed development standard variations	The applicant has provided written justification for the proposed development standard variation.	Yes
5.9 Preservation of trees or vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation	The expansion of the Mount Annan Leisure Centre, including the creation of the carpark and associated batters, results in several tree's being required to be removed. Despite this loss, the bulk of the existing vegetation has been retained. The submitted landscape plan demonstrates that significant planting areas for shrubs and several new native trees are proposed. The landscape works proposed area considered to enhance the eastern portion of the site with increased vegetation and tree cover.	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
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining	The matters listed by this clause have been considered. Subject to the recommended conditions, the proposed earthworks are considered to be acceptable.	Yes

Clause	Requirement	Provided	Compliance
	properties		

LEP Variation 1 – Building Height

LEP Development Standard

Pursuant to Clause 4.3 of the LEP, the maximum building height permitted on this site is 9.5m.

The proposed building is 10.73 metres high at its highest point when measured from the curved roof to the existing natural ground level immediately below.

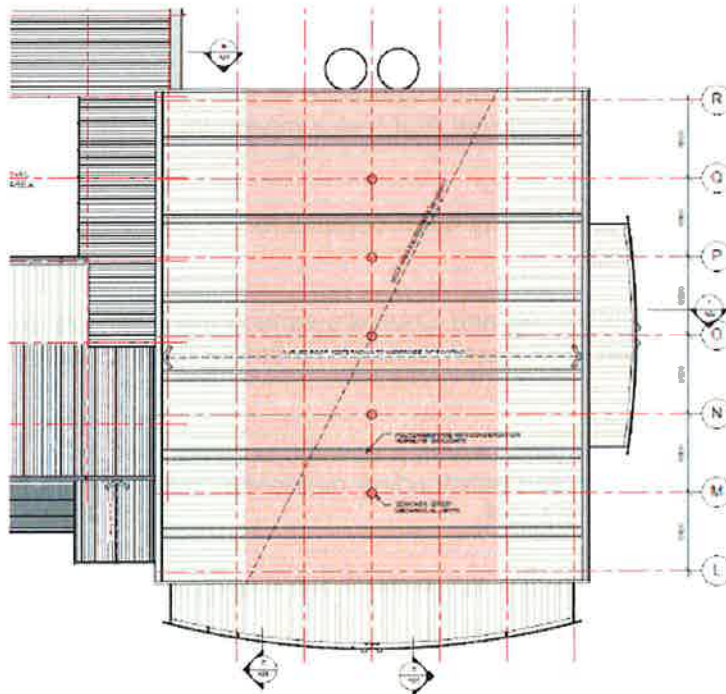


Figure 1 Area of height non-compliance marked in red

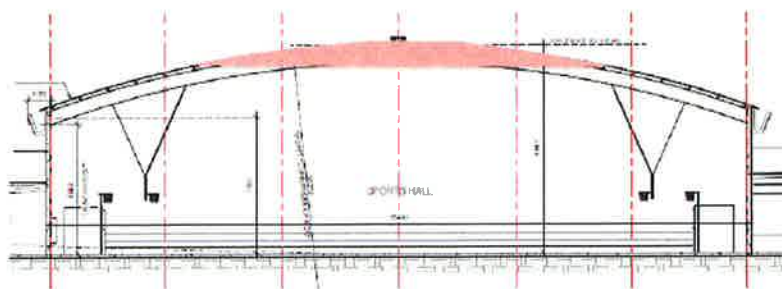


Figure 2 Area of height non-compliance marked in red – cross-section

Variation Request

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the LEP, the applicant has submitted a written request (outlined below) seeking a variation to the building height development standard (Clause 4.3) on the basis that:

- The proposed development satisfies the objectives of Council's Height of Buildings standard;
- The objectives of the RE1 Zone are also achieved by the proposed development;
- There are no apparent impacts arising as a result of the breach;
- The height breach is minor, is restricted to a small part of the roof area, and will be imperceptible when viewed from the wider locality;
- The utility of the building requires a minimum clearance of the roof. As a result, the structural design results in a curved roof that has a maximum height of 1.23 metres above the height limit.
- The additional height does not provide any other benefits to the proponent, be it financial, additional floor space etc.
- The land is identified, through its zoning and Council's various management and operational plans, as being used as a major recreational facility for the Camden LGA.
- Overall, the facility is highly unique and serves a specific purpose and as such, the height limit applied to this site and surrounding residential areas should be considered in a flexible manner on this site.
- The public interest is served through the approval of this expanded recreational facility.
- The variation complies with the objectives of Clause 4.3, which are:
 - (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality;*
 - (b) *to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and*
 - (c) *to minimise the adverse impact of development on heritage conservation areas and heritage items.*

Council Staff Assessment

Pursuant to Clause 4.6 of the LEP, it is considered that the applicant's justification adequately demonstrates that compliance with the building height development standard is reasonable as the additional height is required to provide an internal height clearance for providing increased recreational activities within the leisure centre. An engineered truss system has been designed to create a curved roof to allow for the required 7 metre internal clearance, resulting in an overall height of 10.73 metres at the highest point for a portion of the roof span.

Despite the non-compliance with the maximum height limit, the additional height does not result in adverse amenity impacts being generated with respect to overshadowing, visual impact, and privacy loss.

In support of the LEP variation it is noted that:

- The site is zoned RE1 Public Recreation and currently accommodates the Mount Annan Leisure Centre, a purpose built recreational facility;
- The subject site is significant in area to facilitate the expansion and improvement of the Mount Annan Leisure Centre;
- The proposed development has been architecturally designed to create visual interest when viewed from Narellan Road and Welling Drive and the public open space, through the use of colours, patterns, materials, horizontal and vertical architectural elements and a curved roof;
- The breach in height only applies to a small part of the curved roof, with the remainder of the development compliant with the development standard;
- The additional height does not result in adverse amenity impacts being generated with respect to overshadowing, visual impact, and privacy loss; and
- There is a public interest and public benefit to the community in providing expanded and improved recreational facilities.

Accordingly, it is recommended that the Panel support this proposed variation to the LEP building height development standard.

(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 are no Draft Environmental Planning Instruments applicable to the subject site.

(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. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion and sedimentation controls measures have been proposed. Conditions of consent are recommended to ensure that such measures are implemented throughout the course of development.	Yes

Control	Requirement	Provided	Compliance
B1.2 Earthworks	Minimise cut and fill	The proposed cut and fill is appropriate for the proposed 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 development site is considered to be nonaggressive to mildly aggressive to concrete and steel. Accordingly, no specific conditions are warranted in this instance.	NA
B1.4 Water management	Compliance with Council's engineering specifications	A standard condition is recommended requiring compliance with Council's engineering specifications.	Yes
B1.8 Environmental and Declared Noxious Weeds	Noxious weeds management	A standard condition is recommended requiring noxious weeds management in accordance with the DCP.	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)	A contamination assessment of the site was provided. The assessment was compared against Health Investigation Level E, but also below the adopted Health Investigation Level A. The assessment report concludes that that the topsoil, topsoil/fill, fill and natural residual soils within the site do not pose a risk of harm to human health and the environment under the form of development for recreational open space. As such, the soils are environmentally suitable to retain or to be reused on site for the proposed development. As no evidence of any stockpiles or contaminating activities was observed as occurring on site, Council concurs with this assessment.	Yes
B1.13 Mine Subsidence	Application for development	The application was submitted as integrated development	Yes

Control	Requirement	Provided	Compliance
	requires the approval of the Mine Subsidence Board prior to submission	requiring the concurrence of the Mine Subsidence Board. The Mine Subsidence Board have provided conditional approval, subject to specific requirements being met. This issue is discussed later within this report.	
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	Provided that recommendations for mechanical plant and the PA system are adopted into Stage 2, 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
B5.1 Off-street Car Parking Rates and Requirements	<p>Assessment is to be based on merit taking into consideration the proposed uses and equivalent rates for similar uses as prescribed in this DCP.</p> <p>1 bicycle and 1 motorcycle space is required per 25 parking spaces in excess of the first 25 parking spaces.</p> <p>9 bicycle spaces</p>	<p>First Principles Assessment and the RTA guide was used to calculate the future parking provision of the development.</p> <p>The development provides for 261 carspaces in total.</p> <p>Parking demand assessment of the existing site showed a peak vehicle demand of 173 vehicles. A conservative estimate of the future parking demands (which accounts for the existing shortfall) determined a need for some 101 – 110 additional spaces. As 127 additional spaces are provided as part of the development, the proposed parking provision is greater than expected future parking demands.</p> <p>5 bicycle spaces</p>	<p>Yes</p> <p>No. However, a condition of consent will be imposed requiring a minimum of 9 bicycle spaces to be provided on site</p>

Control	Requirement	Provided	Compliance
	9 motorcycle spaces	6 Motorcycle spaces	NO. DCP Variation 1

DCP Variation 1- Off Street Car parking rates and requirements.

DCP Control

The applicant proposes a variation to motorcycle spaces being available on site. The motorcycle parking rate is calculated at 1 space per 25 carparking spaces in excess of the first 25 carparking spaces. As the development provides for 261 carparking spaces, the development requires 9 motorcycle spaces to be provided. The proposed development provides for 6 spaces.

Variation Request

The applicant has requested that Council support a variation to this DCP control on the basis that:

- The existing leisure centre does not provide for motorcycles parking at present.

Council Staff Assessment

Council staff, including Traffic Engineers have reviewed this variation request and recommend that it be supported for the following reason:

- Despite the shortfall of 3 spaces, it is noted that the existing leisure centre does not provide for motorcycle parking at present. The introduction of 6 new motorcycle spaces is considered a reasonable outcome, given the original lack of motorcycle parking.

Consequently it is recommended that the Panel support this proposed variation to the DCP.

(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

The proposed development is not subject to a planning agreement pursuant to Section 93F of the Environmental Planning and Assessment Act 1979.

(a)(iv) The Regulations

The proposed development is not inconsistent with the relevant provisions of the Environmental Planning and Assessment Regulation, 2000.

(a)(v) Any Coastal Zone Management Plan

The development site is not within the coastal zone, and there is no relevant coastal management plan.

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

An assessment of the likely impacts of the proposed development has revealed the following issues that require particular attention:

The interface of the development (extension of the carpark) with existing residential development to the east

Consideration has been given to the interface of the development with other land uses, particularly the extension of the carpark to the east towards nearby residential zoned land. The eastern portion of the site where the additional 127 carspaces are proposed, this requires significant excavation to provide suitable levels for the carpark to operate. The levels rise steeply from approximately 95m RL approximately, to 100m RL. As a result, the carpark has been designed over several grades to facilitate the topography of the site.

At its closest, the carpark will be approximately 9 metres from the residential lots to the east. The applicant has addressed this concern, by limiting the number of trees to be removed to accommodate the proposed carpark together with the heavily vegetated areas of land and the land battering that surrounds the carpark.

The land levels of the residential development sit considerably higher than the proposed carpark. The views and vistas from the dwelling houses is toward the horizon across the carpark, which will not be significantly impacted by the proposal. The existing residential developments have 1.8m solid boundary fencing, mitigating direct views upon the carpark from nearby residents.

(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 14 days in accordance with the DCP. The exhibition period was from 23 July 2015 to 5 August 2015.

The combined notification of two Council Projects being the extension and expansion of the Mount Annan Leisure Centre and the nearby Birriwa Reserve Outdoor Youth Space, resulted in three submissions being received. However, all submission comments related to work proposed to the Birriwa Reserve Outdoor Youth Space.

(e) *The public interest*

Having regard to the relevant planning considerations, it is concluded that there is a public interest and a public benefit to the community in approving the expanded and improved recreational facility.

EXTERNAL REFERRALS

Roads and Maritime Services

Comments regarding Roads and Maritime Services have been discussed in earlier sections of this report.

Mine Subsidence Board

The Development Application was referred to the Mine Subsidence Board (MSB) on the 6th July 2015 as integrated development as the development seeks to erect improvements within a mine subsidence district.

On 19th August 2015, correspondence was received from MSB advising Council that there is a delay with the Board's assessment of this application for the following reasons:

- 1) The Board is waiting on the Colliery's advice on appropriate mine subsidence design parameters, based on anticipated future mining plans.
- 2) Due to the size of the development, a recommendation will need to be considered by the Members of the Board who meet monthly.

Within this correspondence, a date of the 23rd September 2015 for an upcoming board meeting was proposed.

On 9th September, further correspondence was received from MSB requesting the following additional information from the applicant:

Changed mine subsidence design parameters, a draft impact statement which demonstrates how the impact of mine subsidence will be managed and additional design drawings, including plans, long sections and elevations.

Following the amended submission to the MSB, the members of the board met on the 7th October 2015 to consider the recommendations of the proposal.

On 13th October, email correspondence was received from the MSB advising Council that a conditional approval had been granted. The conditional approval requests the applicant submit;

- An Impact Statement prior to commencement of detailed design for acceptance by the Mine Subsidence Board, which demonstrates how the impact of the mine subsidence will be managed.
- A final design incorporating the design methodology contained in the Subsidence Impact Assessment Report, for acceptance by the Mine Subsidence Board prior to commencement of construction. Including certification by a structural engineer that the improvement will remain "safe, serviceable and any damage from mine subsidence will be slight, localized and readily repairable" and taking into consideration the mine subsidence parameters.
- The final design shall be in accordance with set requirements.

As conditional approval has been granted by the MSB with the final design of the application unable to be finalized until such time as the MSB are satisfied, it is recommended that the application be deferred until such time as the matters raised by the MSB are resolved.

FINANCIAL IMPLICATIONS

This matter is being funded by Camden Council, as it is a public infrastructure delivery project.

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/2015/621 is recommended for approval on a deferred commencement basis subject to the conditions contained in this report relating to the Mine Subsidence Board.

RECOMMENDED

It is recommended that:

- A) The written request lodged pursuant to Clause 4.6 of *Camden Local Environmental Plan 2010* to the maximum building height control be supported; and
- B) The Panel approve DA/2015/621 for the expansion and refurbishment of the Mount Annan Leisure Centre, which includes new health and fitness areas, sports hall providing for two basketball courts, tiered seating and change rooms, expansion of carparking and landscaping pursuant to Section 80 of the *Environmental Planning and Assessment Act, 1979* by granting deferred development consent subject to the following conditions.

PART A

- (1) **Deferred Commencement** - The following deferred commencement conditions shall be complied with to the satisfaction of Council within 12 months from the date of this Notice of Determination in order to obtain an operational Development Consent.
- 1) Submit an "Impact Statement" - a detailed design for acceptance by the Mine Subsidence Board is required, which demonstrates how the impact of mine subsidence will be managed. It shall identify:
 - a) Mine subsidence design parameters adopted.
 - b) The main building elements, materials and finishes.
 - c) The outcomes of a mine subsidence risk assessment.
 - d) Mine subsidence mitigation measures proposed.
 - 2) Submit a final design incorporating the design methodology contained in the "Subsidence Impact Assessment Report," for acceptance by the Mine Subsidence Board. This shall include certification by a qualified structural engineer certifying the improvements will remain *"safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable"*, taking into consideration the mine subsidence parameters;
 - a) Maximum vertical subsidence: 1900mm.
 - b) Maximum ground strain: $\pm 2.5\text{mm/m}$.
 - c) Maximum tilt: 8mm/m.
 - d) Maximum radius of curvature: 10 km.
 - 3) The final design shall:
 - a) Be developed from the concept design accompanying the Development Application.
 - b) Include sufficient drawing plans, long sections, elevations and details, to describe the work and proposed mine subsidence mitigation measures.
 - c) Include design mitigation measures to reduce the transfer of horizontal strain into building structures.
 - d) Include design mitigation measures to relieve excessive strains into the building structures.
 - e) Include an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas.
 - f) For underground pipes or conduits, allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.
 - g) Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence.
 - h) Locate underground structures to facilitate ease of repair and replacement.

- i) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.
- j) Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations.
- k) Ensure there is provision for isolation joints between adjoining structures.
- l) Ensure roads, driveways and pavement areas are designed as flexible structures with an asphalt surface course. If a concrete surface course is required, it shall be designed so any damage is slight classification and include expansion and crack control joints or sacrificial sections.

The operational development consent will be issued by Council when the applicant provides documentary evidence to Council that the deferred commencement conditions have been satisfied.

The following conditions of consent will be included in the operational development consent.

PART B - General Conditions Of Consent

- (1) **General Terms of Approval** - The General Terms of Approval from state authorities shall be complied with prior to, during, and at the completion of the development.

The General Terms of Approval are:

1. Letter dated 8 October 2015 from the Mine Subsidence Board.

- (2) **Roads and Maritime Requirements** – The requirements of the Roads and Maritime Services shall be complied with prior to, during, and at the completion of the development.

The requirements are:

1. Letter dated 18 August 2015 from the Roads and Maritime Services.

- (3) **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
A02 Rev B	Proposed site Plan	Facility Design Group Architects	14/9/2015
A03 Rev B	Floor Plan	Facility Design Group Architects	14/9/2015
A03A	Staging Plan	Facility Design Group Architects	14/9/2015
A04	Refurbishment Plan	Facility Design Group Architects	30/6/2015
A05	Roof Plan	Facility Design	30/6/2015

		Group Architects	
A07 Rev B	Elevations	Facility Design Group Architects	14/9/2015
A08 Rev B	Sections 1	Facility Design Group Architects	14/9/2015
A09 Rev B	Sections 2	Facility Design Group Architects	14/9/2015
A10 Rev B	Sections 3	Facility Design Group Architects	14/9/2015
A11 Rev B	Sections 4	Facility Design Group Architects	14/9/2015
C01-B Rev B	Pre & Post Development Catchment Plans	Eclipse Consulting Engineers	30/6/2015
C02-B Rev B	Pre & Post Development Catchment Plans	Eclipse Consulting Engineers	30/6/2015
C03-B Rev B	Bulk Earthworks Plan	Eclipse Consulting Engineers	30/6/2015
C04-B Rev B	Proposed site sections	Eclipse Consulting Engineers	30/6/2015
C05-C Rev C	Sediment and erosion control plan	Eclipse Consulting Engineers	16/9/2015
C06-B Rev B	Stormwater Catchment Plan	Eclipse Consulting Engineers	30/6/2015
C07-B Rev B	Stormwater Drainage Plan – Sheet 1 of 2	Eclipse Consulting Engineers	30/6/2015
C08-B Rev B	Stormwater Drainage Plan – Sheet 2 of 2	Eclipse Consulting Engineers	30/6/2015
C09-B Rev B	External Pavement Plan	Eclipse Consulting Engineers	30/6/2015
C10-B Rev B	Stormwater & External Pavement Details	Eclipse Consulting Engineers	30/6/2015
C11-B Rev B	Bio-Retention Basin Details	Eclipse Consulting Engineers	30/6/2015
3412.L.01 Issue D	Key Plan	Environmental Partnership NSW	30/6/2015
3412.L.02 Issue D	Landscape Plan Sheet 1	Environmental Partnership NSW	30/6/2015
3412.L.03 Issue D	Landscape Plan Sheet 2	Environmental Partnership NSW	30/6/2015
3412.L.04 Issue D	Landscape Plan Sheet 3	Environmental Partnership NSW	30/6/2015
3412.L.05 Issue D	Landscape Plan Sheet 4	Environmental Partnership NSW	30/6/2015
3412.L.06 Issue D	Landscape Details	Environmental Partnership NSW	30/6/2015

Document Title	Prepared by	Date
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BCA Assessment Report Revision O Project No. 150155	Blackett Maguire + Goldsmith	May 2015
Building Code of Australia Section J Assessment Report BC 15/140	Building & Energy Consultants Australia	April 2015
Proposed Stage 2 Mount Annan Leisure Centre Facility Contamination & Salinity Assessments and Waste Classification of Soils	Geotechnique Pty Ltd	11 October 2011
Mt Annan Leisure Centre Stage 2 – Noise Assessment Report No. nss22261	Noise and Sound Services	June 2015
Traffic and Parking Assessment Report Report No. PT15006r01 and addendum letter	Positive Traffic	May 2015 & Letter dated 10 September 2015

(4) **Modified Documents and Plans** – The development shall be modified as follows:

- a) The bike rack adjacent to the main entry into the Leisure Centre shall be capable of securing 9 bicycles.

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

- (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) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (7) **Protect Existing Vegetation and Natural Landscape Features** - Approval must be sought from Council prior to the removal, pruning, impact upon or any disturbance of the existing vegetation and natural landscape features, other than any existing vegetation and/or natural landscape feature authorised for removal, pruning, impact upon or disturbance by this Consent.

The following procedures shall be strictly observed:

- a) no additional works or access/parking routes, transecting the protected vegetation shall be undertaken without Council approval,
- b) pedestrian and vehicular access within and through the protected vegetation shall be restricted to Council approved access routes.

The protection of existing trees and other landscape features, other than any existing trees and natural landscape features authorised for removal, pruning, impact upon or disturbance by this Consent, must be carried out as specified in the Australian Standard AS 4970-2009 Protection of Trees on Development Sites.

All initial procedures for the protection of existing trees and landscape features, as detailed in AS 4970-2009, must be installed prior to the commencement of any earthworks, demolition, excavation or construction works on the Development site.

The works and procedures involved with the protection of existing trees and other landscape features are to be carried out by suitable qualified and experienced persons or organisations. This work should only be carried out by a fully insured and qualified Arborist.

Suitable qualifications for an Arborist are to be a minimum standard of Australian Qualification Framework (AQF) Level 3 in Arboriculture for the actual carrying out of tree works and AQF Level 5 in Arboriculture for Hazard, Tree Health and Risk Assessments and Reports.

- (8) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.

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) **Hoarding Application** - A hoarding application for the erection of a class A (fence type) or class B (overhead type) hoarding along the street frontage complying with WorkCover requirements shall be provided to Council for approval with a footpath occupancy fee based on the area of footpath to be occupied.

A Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, shall be obtained with a copy also provided to the Roads Authority. The Policy is to note Council as an interested party and nominate the location of works. Hoardings shall not be erected until written approval has been received from Council. The copy of the Public Risk Insurance Policy is to be provided to the Roads Authority.

- (2) **Acoustic Report** - The development shall be constructed and operated in accordance with Mt Annan Leisure Centre Stage 2 – Noise Assessment prepared by Noise and Sound Services, June 2015, Report No. nns 22261 final. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **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.
- (4) **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.

- (5) **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.

- (6) **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.
- (7) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
- (8) **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.
- (9) **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.
- (10) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining land uses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;
 - b) Measures to suppress odours and dust emissions;
 - c) Soil and sediment control measures;
 - d) Measures to control air emissions that includes odour;
 - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) Any other recognised environmental impact; and
 - g) Community Consultation.
- (11) **Construction Noise Management Plan** - A construction noise management plan shall be provided to the Certifying Authority and include the following:
 - a) Noise mitigation measures
 - b) Noise and/or vibration monitoring
 - c) Use of respite periods
 - d) Complaints handling, and
 - e) Community liaison and consultation
 - (12) **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.

- (13) **Mechanical Exhaust System** - Mechanical exhaust system(s) shall 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.
- (14) **Food Premises** - The design, construction, fit-out, use and ongoing operation of the food premises and/or food storage area shall comply with all applicable Acts, Regulation, codes and standards including:
- a) The *Food Act 2003*;
 - b) The Food Regulation 2004;
 - c) Food Standards Australia and New Zealand – Food Standards Code 2003;
 - d) Council's Food Premises Code;
 - e) AS 1668 'The use of ventilation and air conditioning in buildings'; and
 - f) The BCA.
 - g) AS 4674-2004. Design, construction and fitout of food premises

Details demonstrating compliance shall be provided to the Certifying Authority.

- (15) **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.
- (16) **Outdoor Lighting** - All lighting shall comply with AS 1158 and AS 4282.
- (17) **Parking Facilities Compliance** – Vehicle and motorcycle parking facilities are to be designed in accordance with Australian Standard AS/NZS 2890.

3.0 - Prior To Commencement Of Works

The following conditions of consent shall be complied with prior to any works commencing on the construction 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) **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

(3) **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.

(4) **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.

(5) **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.

(6) **Performance Bond** - Prior to commencement of works a performance bond of \$25,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

(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.

4.0 - During Works

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

- (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) **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.

- (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:

a) 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) **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*.

(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) **Infrastructure in Road and Footpath Area** – Any costs incurred due to the relocation or reconstruction of light poles, kerb inlet pits, service provider pits, street trees or other restrictions in the street footpath area for the proposed development shall be borne by the developer.

(8) **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.

- (9) **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/envguidlms/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.

- (10) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (11) **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.
- (12) **Delivery Register**- The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be provided to the Council at the completion of the development.
- (13) **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.

- (14) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (15) **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).
- (16) **Construction Noise Management Plan** - All operations must be carried out in accordance with the recommendations contained in the Construction Noise Management Plan, including:
 - a) Noise mitigation measures
 - b) Noise and/or vibration monitoring
 - c) Use of respite periods
 - d) Complaints handling, and
 - e) Community liaison and consultation
- (17) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

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

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

(18) Installation Requirements –

(A)

(i) All plumbing work is to be carried out by a licensed plumber and must be carried out in accordance with AS/NCS 3500:2003. A permit in accordance with the NSW Code of Practice – Plumbing and Drainage 2006 (as amended) is to be obtained from Sydney Water for the work to be carried out.

(B)

- (i) Rainwater tanks shall be designed to include, but not be limited to the following:
- (ii) Rainwater tanks shall be fixed to structurally adequate bases or walls in accordance with manufactures specifications or engineers details.
- (iii) Shall not be fixed to, or otherwise supported by a bounding common fence, wall or the like, without prior approval from adjacent land owners.
- (iv) All roof gutter downpipes must be fitted with a first flush device in accordance with the manufacturer's recommendations.
- (v) Openings being suitably sealed to prevent access by children and being fitted with fine mesh screens in order to prevent penetration of contaminants and insects such as mosquitoes.
- (vi) All gutters, downpipes and associated supply pipe work must be free draining to prevent ponding of rainwater and made of suitable non corrodible materials.
- (vii) Shall have an overflow device being fitted to the rainwater tank which directs water into an existing stormwater drainage system, and shall have a suitable drainage plug/tap fitted and positioned in a manner that facilitates flushing and cleaning.
- (viii) The water supply system from a rainwater tank shall be clearly marked at intervals not exceeding 500mm with the word 'RAINWATER' in contrasting colour, in accordance with AS1345. Water outlets shall be identified as 'RAINWATER', or with a rainwater tap identified by a green coloured indicator with the letters 'RW'.
- (ix) A suitable back up water supply using potable water must be provided to ensure that essential services such as toilet flushing are not contradicted where there is inadequate rainfall to meet demand or the rainwater harvesting system fails.

Rainwater tanks that are not directly connected with the potable supply, the indirect connection shall be by means of a visible " air gap " external to the rainwater tank, in accordance with the provisions of the National Plumbing Code AS / NZS 3500 – Minimum air gap requirements.

Where a rainwater tank is to be directly cross connected with the Sydney Water supply, an appropriate testable device shall be provided at the meter

location on the potable water supply to prevent backflow of rainwater. This device must meet the requirements of Sydney Water.

- (x) Water pumps are to be located so as not to cause an “offensive noise” as defined by the *Protection of the Environment Operations Act 1997* to any affected receiver.

(C) Proximity to other services.

- (i) That all rainwater pipes must be separated from any parallel drinking water service. Above ground pipes must be 100mm away and below ground 300mm away from any drinking water pipe.

(D) Marking and labelling

- (i) Above ground distribution pipes shall be continuously marked ‘RAINWATER’ in accordance with AS1345. Alternatively, adhesive pipe markers clearly labelled ‘RAINWATER’ made in accordance with AS1345 can be used.
- (ii) Below ground distribution pipes shall be continuously marked ‘RAINWATER’ at intervals not exceeding 500mm in accordance with AS1345. Alternatively, identification tape/pipe sleeve continuously marked ‘RAINWATER’ made in accordance with AS 2648 can be used.
- (iii) All rainwater tank outlets, taps, valves and tank apertures shall be identified as ‘RAINWATER’ with a sign complying with AS1319 or a green coloured indicator with the letters ‘RW’. Alternatively, a permanent sign at the front of the premises and visible to all visitors may be displayed advertising rainwater use.

(E) Maintenance

- (i) All rainwater tanks installed are to be maintained by the owner in accordance with these provisions, the NSW Health Department Circular no. 2002/1 “Use of rainwater tanks where a reticulated potable supply is available” and any other local water utility requirements.
- (ii) The rainwater collection system shall be constantly maintained in accordance to the manufacturer’s instructions and in line with any approved maintenance plan so as to prevent risk of pathogenic microbial contamination including legionella and organisms.

5.0 - Prior To Issue Of An Occupation Certificate

The following conditions shall be complied with prior to the issuing of an Occupation Certificate. The issue of an “Interim” Occupation Certificate may occur if the Principal Certifying Authority (PCA) is satisfied that outstanding matters will be completed within a reasonable time frame. Additional fees for the issue of interim Occupation Certificates may be applied by the PCA.

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Compliance Certificate** - Once the installation of the mechanical ventilation system is completed, a Certificate of Compliance prepared by a suitably qualified mechanical engineer with details of tests carried out shall be provided to the PCA. Verification shall be provided that the air handling system as installed has been tested and

complies with the approved plans and specifications, including ventilation requirements and fire precautions.

- (3) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the PCA in accordance with the requirements of the EP&A Regulation 2000.
- (4) **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.
- (5) **Compliance with Acoustic Requirements** – Documentary evidence shall be provided to the PCA confirming the buildings have been constructed, and the operational controls are in accordance with the approved Acoustic Report “Mt Annan Leisure Centre Stage 2 – Noise Assessment, prepared by Noise and Sound Services, June 2015, Report No. nns 22261 final”.
- (6) **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.
- (7) **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.
- (8) **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.
- (9) **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.
- (10) **Sydney Water Clearance** – Prior to the issue of an Occupation Certificate a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water and submitted to the Principal Certifying Authority.
- (11) **Water Quality Measures** – A water quality facility must be provided for the site in accordance with Council's Engineering Specifications including the source control of hydrocarbons from the site.
- (12) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.
- (13) **Rainwater Harvesting** – Prior to the issue of an Occupation Certificate, a detailed operations and procedures manual shall be developed for the rainwater harvesting system including site specific risk and treatments and in accordance with “Australian Guidelines for water recycling: managing health and environmental risks (phase 2) Stormwater harvesting and re-use, July 2009”, who and when inspections shall be

carried out, details of emergency shutdown procedures and periodic testing to ensure water quality.

6.0 – Ongoing Use

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (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) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements.

The date of practical completion is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turn installation, street tree installation and mulching.

At the completion of the 12 month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

At the completion of the maintenance and establishment period, the landscaping works shall comply with the approved landscape plans.

- (4) **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 (e.g. probe thermometer) that:

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

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.

- (5) **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.

- (6) **Rainwater Harvesting** – That only rain water, captured from the roof catchment areas shall be reused for the flushing of toilets.

The proposed usage of rainwater on the site shall comply with "Australian Guidelines for water recycling: managing health and environmental risks (phase 2) Stormwater harvesting and re-use, July 2009 ", in particular section 2.

7.0 – Fire Safety Schedule

Nil.

8.0 – Prior To Issue Of A Subdivision Certificate

Nil

Our Ref: 15.61

Your Ref: DA 621/2015

11 September 2015

General Manager
Camden Council
PO Box 183
Camden NSW 2570

Penrith
Suite 5 488 High Street
P 4731 2730
F 4731 2370

Tamworth
108 Brisbane Street
P 6766 5505

All mail to
PO Box 1912 Penrith NSW 2751

Attn: Adam Sampson – Town Planner

Dear Adam

Re: DA 621/2015 – Mount Annan Leisure Centre, 363 Welling Drive & 156A Waterworth Drive, Mount Annan

I refer to our previous correspondence and recent phone discussions regarding the above application and Council's request for a revised request for variation of a development standard in accordance with Clause 4.6 of *Camden Local Environmental Plan 2010*. As you are aware, a minor variation is being sought in relation to the proposed building height.

This firm prepared a Clause 4.6 variation as part of the submitted Statement of Environmental Effects, specifically section 4.4.1 of that report. Council has requested that the recent Land and Environment Court Case *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* warrants a revision to that section of the report, specifically in respect to how compliance with the development standard is unreasonable and unnecessary. The following is therefore to be considered as an addendum to the Statement of Environmental Effects.

Clause 4.6 – Exceptions to Development Standards

The proposed development seeks a variation to the maximum height limit applicable to the subject height. Clause 4.6 allows flexibility in applying development controls in some cases to particular developments. The relevant sub clauses include:

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

(ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) *the concurrence of the Director-General has been obtained*

Standard from which variation is sought

This request for variation is submitted in relation to the Height of Buildings standard contained in Clause 4.3 of the Camden Local Environmental Plan 2010.

The maximum height of buildings control is 9.5m

Deviation from the Standard

The proposed development will see a building constructed with a maximum overall height of 10.73m. This does not comply with the LEP requirement of 9.5m.

We are advised that indoor recreational facilities generally need to provide a minimum internal height so as to allow a range of sporting activities to be conducted. The minimum is usually based on a clearance required for a basketball court being 7m. In the case of this project, the 7m clearance has been provided across the areas of the courts and this has resulted in a side wall height of 6.66m. As a result the building has been minimized in height as much as possible.

Structurally however, for the roof to not require internal support a specifically engineered truss system is required that creates an arc between the buildings side walls. For this project, the truss system has been minimized in 'height' as much as possible but results in an overall maximum building height of 10.73m for a small area of the roof as shown in Figures 7 and 8. Through additional design work, the overall height of the building has been lowered from what was presented to Council in the original pre-DA meeting by applying the required overhead clearance to that area above the playing court only.

The variation sought is 1.23m above the maximum building height.

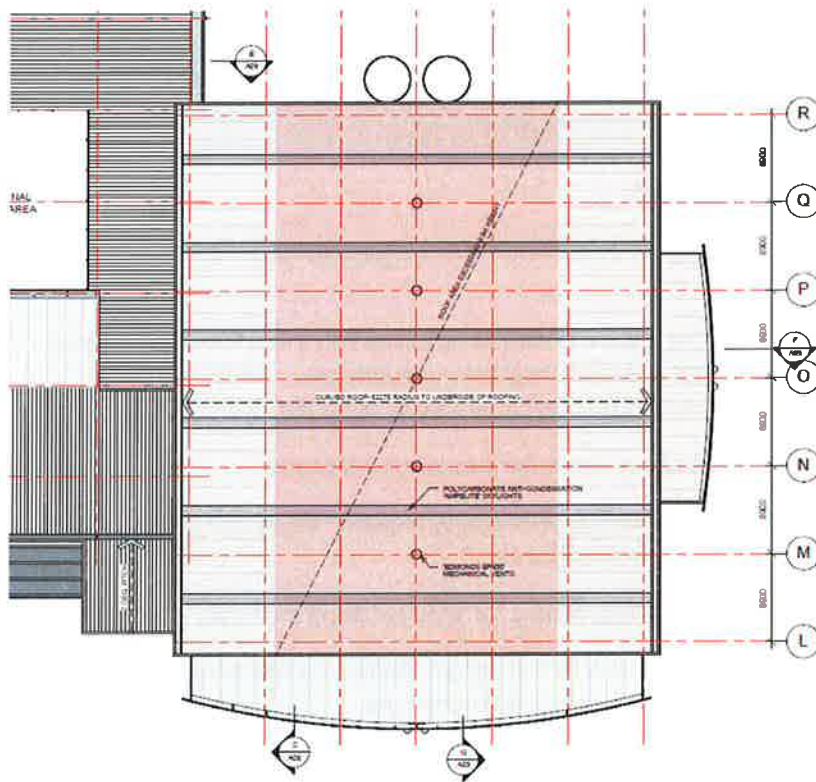


Figure 1 Area of height non-compliance marked in red

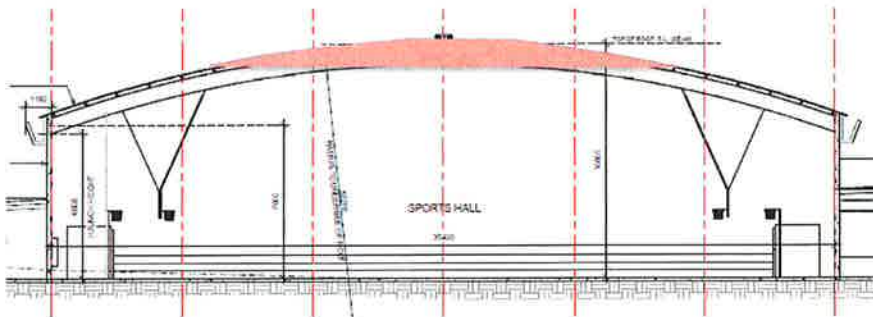


Figure 2 Area of height non-compliance marked in red - cross-section

Grounds for Clause 4.6 Variation

Objectives of the Development Standard – LEP 2010

The LEP 2010 Clause 4.3 Objectives are:

- a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.*

- b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,*
- c) *to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- d) *to nominate heights that will provide a transition in built form and land use intensity.*

Assessment against the relevant objectives of the LEP 2010

- a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*

In determining if compatibility is achieved, the planning principle for determining compatibility arising from *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant. The planning principle states: *"Where compatibility between a building and its surrounding is desirable, its two major aspects are physical impact and visual impact."*

In order to test whether a proposal is compatible with its context, two questions should be asked:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding site.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?"*

"...For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment. ...

... The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character..."

Whilst the subject site sits adjacent to a residential area, as well as being within reasonable proximity to the Mt Annan Local Centre, the site is specifically zoned for recreational uses and is intended to provide a regional scale recreation facility for the Camden community. Physically, the size and scale of the existing building is what one would expect to provide the necessary function that the building provides for the wider community. The proposed extension is consistent with that scale and expectation, with the internal clearance being the determining factor in the final design outcome. Despite there being no local environmental constraints really applicable to the site that create the non-compliance, it is the utility of the building and the resultant wider public benefit that the request for the variation is sought.

The design of the building complements that of the existing facility, the scale and bulk of the two buildings are not significantly different. The visual impact will be minimal as the proposed works are consistent with the function and operation of the site.

Whilst there will be increased traffic movements as a result of the proposed works, the impacts on the surrounding residential area will be minimal given the location and access arrangements to the site. There will be no significant overshadowing, bulk and scale, or privacy impacts arising from the proposed development.

There are a number of components to the overall development and it is submitted that the minor breach in height will be imperceptible when viewed from the surrounding area and public domain. This is confirmed in Figures 7 and 8 earlier in the report.

As such, the proposed development is considered to be in harmony with the locality, consistent with the zoning objectives, and will not result in any unacceptable impacts on the adjoining and nearby residential area.

- b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,*

Visual Impact

The proposed development will not have any negative visual impact to the area. The proposed development is of a scale and size that is consistent with expected built form on the site. The minor breach in height relates to one small part of the proposal, and all attempts have been made to minimize the structural nature of the roof.

Solar Access

The proposed development will not create any solar access impacts on nearby or adjoining development.

Objectives of the Zone – LEP 2010

The second consideration under clause 4.6(4)(a)(ii) is to ensure the development is consistent with the objectives for development within the zone. This has been considered in the Statement of Environmental Effects, but is reproduced as follows:

The subject site is zoned *RE1 Public Recreation*. The objectives of the RE1 zone listed in the LEP are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposed development is consistent with the objectives in that:

- The site will continue to be used for recreational purposes.
- Additional recreational options will be provided for the community as a result of this proposal.
- Any potential impacts on the natural environment have been minimised.

The Public Interest

There is no public benefit in maintaining a height of 9.5m when the additional building scale which arises will not result in any unacceptable impacts on the surrounding built form or locality. The public interest is served through the provision of an expanded and improved recreational centre that will provide facilities for an even greater number of community members. There is also no issue of precedence as this is a development for a site specific purpose, and it requires the height for the utility of the building.

Is compliance unreasonable or unnecessary – environmental planning grounds

For completeness, the Land and Environment Court Case *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* has been considered particularly in light of the environmental planning grounds that make strict compliance with the development standard unreasonable or unnecessary. It is submitted that strict compliance is unreasonable and unnecessary on the basis that:

1. The subject site is zoned for this recreational use, has been so for a significant period of time, and has accommodated the existing recreational facility which is of reasonable scale and built form.
2. The proposed development satisfies the aims and objectives of the zone.

3. The subject site is of a size that allows the natural expansion of the existing centre. The site is suitable for the development in this regard. The site is obviously a central location for the provision of a recreational offering for the surrounding community and beyond.
4. Council's strategic documents account for the provision of recreational facilities to meet the needs of all of the community. This proposal satisfies that objective.
5. The existing facility is proposed to be expanded to satisfy the increasing needs of the community, specifically by providing additional sporting opportunities that have not been provided previously, namely basketball.
6. Recreational facilities for basketball require specific clearances above the playing court that can be accommodated on the site without resulting in any negative impacts on nearby or adjoining land. Those clearances are provided for in the submitted plans and ensure that the investment in this facility will provide the best utility in return to the wider community.
7. The required clearances can be provided above the playing surface, but minimised outside of the area of the playing surface so as to reduce the perceived scale and bulk of the building when viewed from the surrounds.
8. The resultant breach in height is minor, being contained to one, 'narrow' length of the top of the curved roof.
9. The breach in height will not create any overshadowing or privacy issues to nearby or adjoining properties.

It is submitted that the proposed non-compliance is therefore unreasonable and unnecessary on environmental planning grounds in the context of the reasons listed above.

Summary

In summary, the proposed variation to the height limit can be considered favourably by the consent authority for the following reasons:

- The proposed development satisfies the objectives of Council's Height of Buildings standard.
- The objectives of the RE1 Zone are also achieved by the proposed development.
- There are no apparent impacts arising as a result of the breach.
- The height breach is minor, is restricted to a small part of the roof area, and will be imperceptible when viewed from the wider locality.
- The utility of the building requires a minimum clearance of the roof. As a result, the structural design results in a curved roof that has a maximum height 1.23m above the height limit.
- The additional height does not provide any other benefits to the proponent, be it financial, additional floor space etc.
- The land is identified, through its zoning and Council's various management and operational plans as being used as a major recreational facility for the Camden LGA.
- Overall, the facility is highly unique and serves a specific purpose and as such, the height limit applied to this site and surrounding residential areas should be considered in a flexible manner on this site.
- The public interest is served through the approval of this expanded recreational facility.

It is recommended that the variation to the height limit be supported.

We trust this submission will assist Council in finalising the development application favourably. Please call the undersigned on 4731 2730 should any additional information be required.

Sincerely

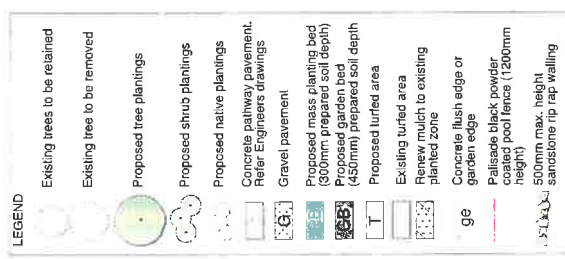
Stimson & Baker Planning



Warwick Stimson MPiA CPP

Director

Carpark tree plantings to be coordinated with final carpark light mast location.



SHEET 2 REFER LD 03
SHEET 3 REFER LD 04

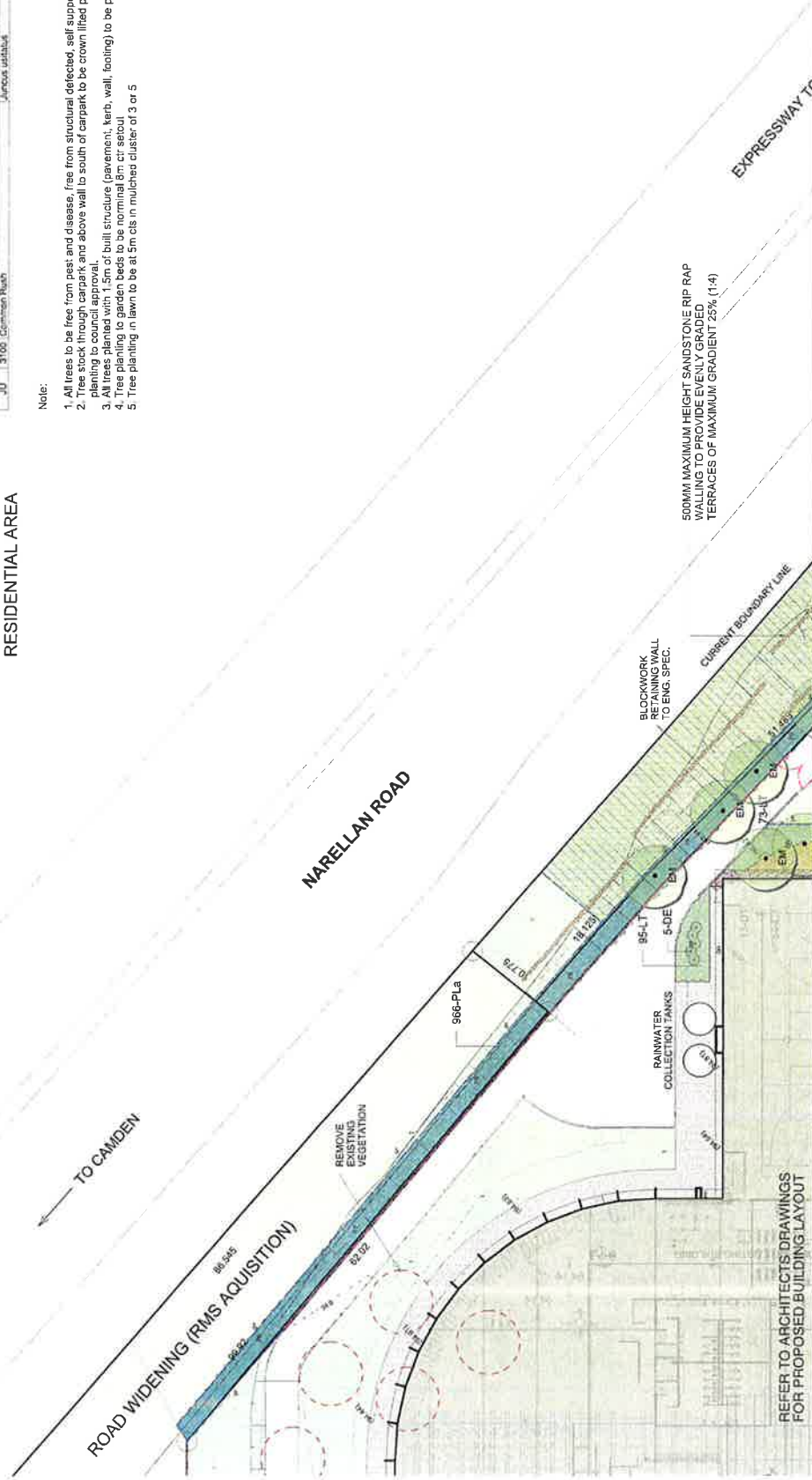
GENERAL NOTES: 1. Do not scale of drawings. Follow written instructions for construction and dimensions. 2. Verify all dimensions on site. 3. Verify all dimensions on site. 4. Read in conjunction with the specifications and drawings. 5. Read in conjunction with the specifications and drawings.	ISSUE D PRELIMINARY FOR DA REVISIONS REVIEWED FOR DA EP	DATE 10.06.15 12.06.15 19.06.15 22.06.15 22.06.15	DESIGNED EP DWAN	PREPARED FOR:  Candem 10/10/15	LANDSCAPE ARCHITECTS: Environmental Partnership NSW Suite 402 2800 20/21 10/10/15	PROJECT MOUNT ANNAN LEISURE CENTRE Key Plan PROJECT ADDRESS: LOT 1101 WELLING DRIVE, MOUNT ANNAN	DRAWING TITLE DRAWING NO.: 3412.L.01	DATE: SCALE: 1:5000 A1 1:10000 A4 DRAWING NO.: 3412.L.01	SEPTEMBER 2015 ISSUE: D

Plant Schedule				
ID	Qty	Common Name	Botanical Name	Size
Tree				
CM	6	Spotted Gum	Corymba maculata	25 Litre
EM	22	Grey Box	Eucalyptus maculata	15 - 20m
EM	2	Moreton Bay Fig	Ficus macrophylla	15 - 35m
EM	13	Chesnut Elm	Ulmus parvifolia	10 - 15m
Shrub				
CT	254	Common Fringe-myrtle	Calytrix tetragyna	200mm
DE	21	Gymea Lily	Doryanthes aequalis	12 - 20m
DE	14	Black Heath	Leucophaea juncea	1.2 - 2m
GS	129	Pink Spider Flower	Goodenia spicata	1.5 - 3m
ME	123	Pink Honey Myrtle	Myrtus laevis	0.8 - 1.2m
ME	60	Pink Heath	Leucophaea juncea	1.2 - 2m
Climber				
LM	470	Guinea Lily	Lilium reginae	0.5 - 1m
LM	1508	Spiny-headed mistle	Leucophaea juncea	0.5 - 1m
TA	891	Woollybush	Adiantum species	0.5 - 0.8m
TA	891	Woollybush	Adiantum species	0.5 - 0.8m
JU	3100	Common Rush	Juncus tenuis	0.9 - 1.5m
Native Grasses				
LM	470	Guinea Lily	Lilium reginae	0.5 - 1m
LM	1508	Spiny-headed mistle	Leucophaea juncea	0.5 - 1m
TA	891	Woollybush	Adiantum species	0.5 - 0.8m
TA	891	Woollybush	Adiantum species	0.5 - 0.8m
JU	3100	Common Rush	Juncus tenuis	0.9 - 1.5m

Note:

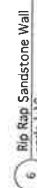
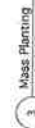
1. All trees to be free from pest and disease, free from structural defects, self supporting.
2. Tree stock through carpark and above wall to south of carpark to be crown lifted prior to planting to council approval.
3. All trees and shrubs to be planted in mulched beds (pavement, kerb, wall, footing) to be provided with root barrier as per detail 1/L06.
4. Tree planting to garden beds to be nominal 6m c/s set out.
5. Tree planting in lawn to be at 5m c/s in mulched cluster of 3 or 5

RESIDENTIAL AREA



LEGEND	
	Existing trees to be retained
	Existing trees to be removed
	Proposed tree plantings
	Proposed shrub plantings
	Proposed native plantings
	Concrete pathway pavement
	Gravel pavement
	Proposed mass planting bed (300mm prepared soil depth)
	Proposed garden bed (450mm prepared soil depth)
	Proposed turf area
	Existing turf area
	Renew mulch to existing planted zone
	Concrete flush edge or garden edge
	Palisade black powder coated pool fence (1200mm height)
	500mm max. height sandstone rip rap walling

GENERAL NOTES:		DESIGNED	PREPARED FOR:	LANDSCAPE ARCHITECTS:	PROJECT:	DRAWING TITLE:	DATE:
1. All dimensions are in metres. Follow written dimensions. If in doubt, obtain written dimensions.	ES	30.06.15	EP	Environmental Partnership NSW	MOUNT ANNAN LEISURE CENTRE	Landscape Plan - Sheet 2	SEPTEMBER 2015
2. Refer to the approved drawings for all dimensions.	ES	30.06.15	EP	State of New South Wales Urban 2007			SCALE: 1:250 @ A1
3. Refer to the approved drawings for all dimensions.	ES	30.06.15	EP	APNS 15.000 15.017			1:500 @ A2
4. Refer to the approved drawings for all dimensions.	ES	30.06.15	EP				ISSUE: D
5. Refer to the approved drawings for all dimensions.	ES	30.06.15	EP				DRAWING NO: 3412.L03



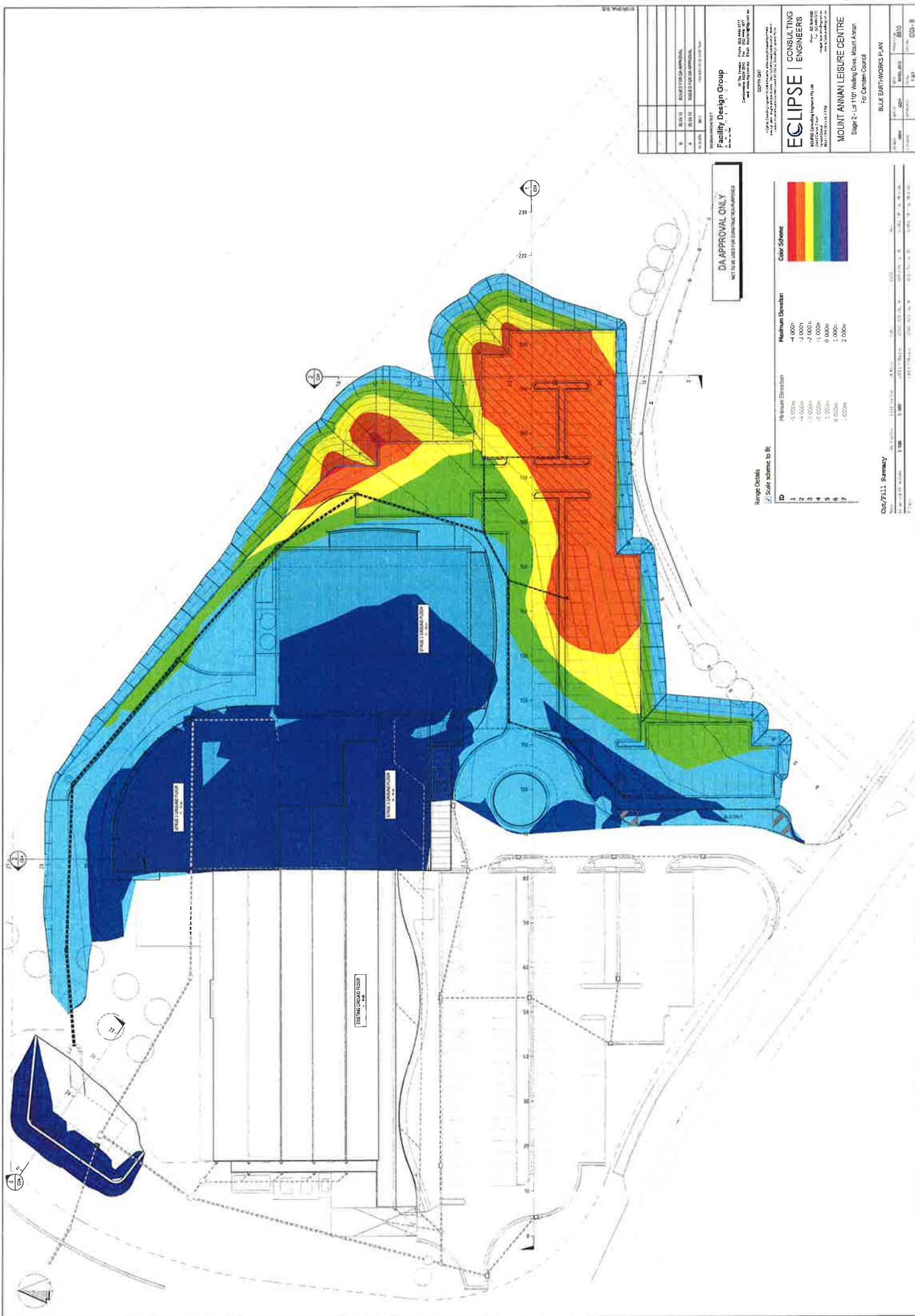
GENERAL NOTES 1. Read all notes and drawings. Follow written instructions. If a doubt obtain written instructions from the Supervisor. 2. Refer to legend for all symbols and notes. 3. Read in conjunction with the specifications. 4. Read in conjunction with all associated drawings.	DESIGNED FOR: EP	DESIGNED ES 30.06.15 ES 30.06.15 ES 30.06.15 ES 10.06.15 ES 22.05.15	DATE DRAWN AMENDMENT	PREPARED FOR:  Camden Council	LANDSCAPE ARCHITECTS Environmental Partnership NSW Suite 1.10, 21-23 Prahran Street - Ulmarra 2077 Phone: 02 939 0000 Fax: 02 939 0001 Email: j.adams@epnsw.com.au ABN 52 760 176 427	PROJECT MOUNT ANNAN LEISURE CENTRE PROJECT ADDRESS LOT 1101 WELLING DRIVE, MOUNT ANNAN	DRAWING TITLE Landscape Details	DATE:	SCALE: As Shown @ A1	ISSUE: D	SEPTEMBER 2015
									DRAWING NO: 3412L.06		

CONCEPT CIVIL WORKS

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KCL PSL Consulting Engineers Pty Ltd
 200/1 Central Road
 Page 42 of 46

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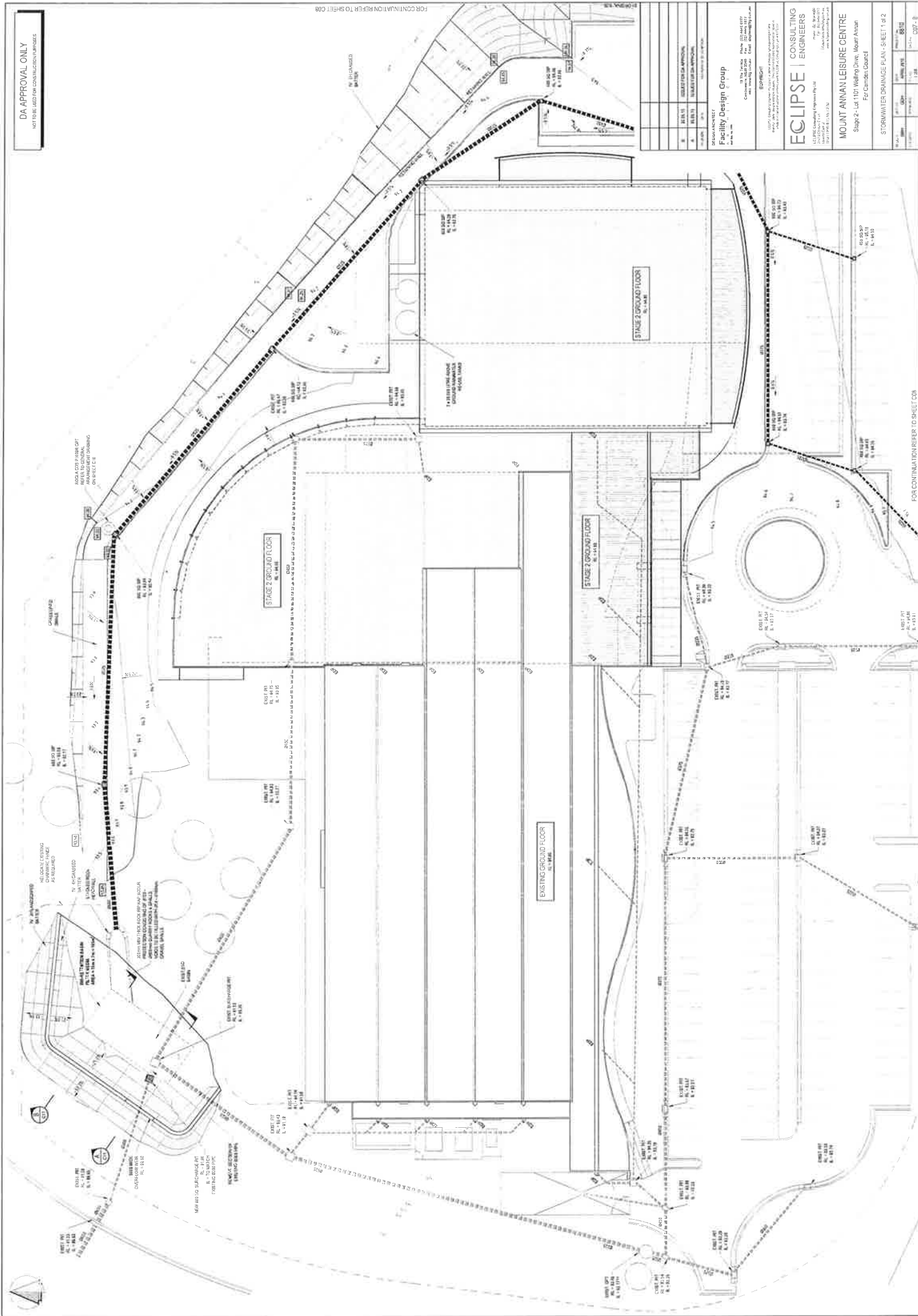
10000 E. 15th Avenue, Suite 1000, Denver, CO 80231
Tel: 303.755.1100
Fax: 303.755.1101
www.eclipse-engineers.com

MOUNT ANNAN LEISURE CENTRE
Stage 2 - Lot 1101 Wellington Drive, Mount Annan
For Camden Council

STORMWATER CATCHMENT PLAN	DATE: 10/10/10	BY: J. J. J.	FOR: J. J. J.
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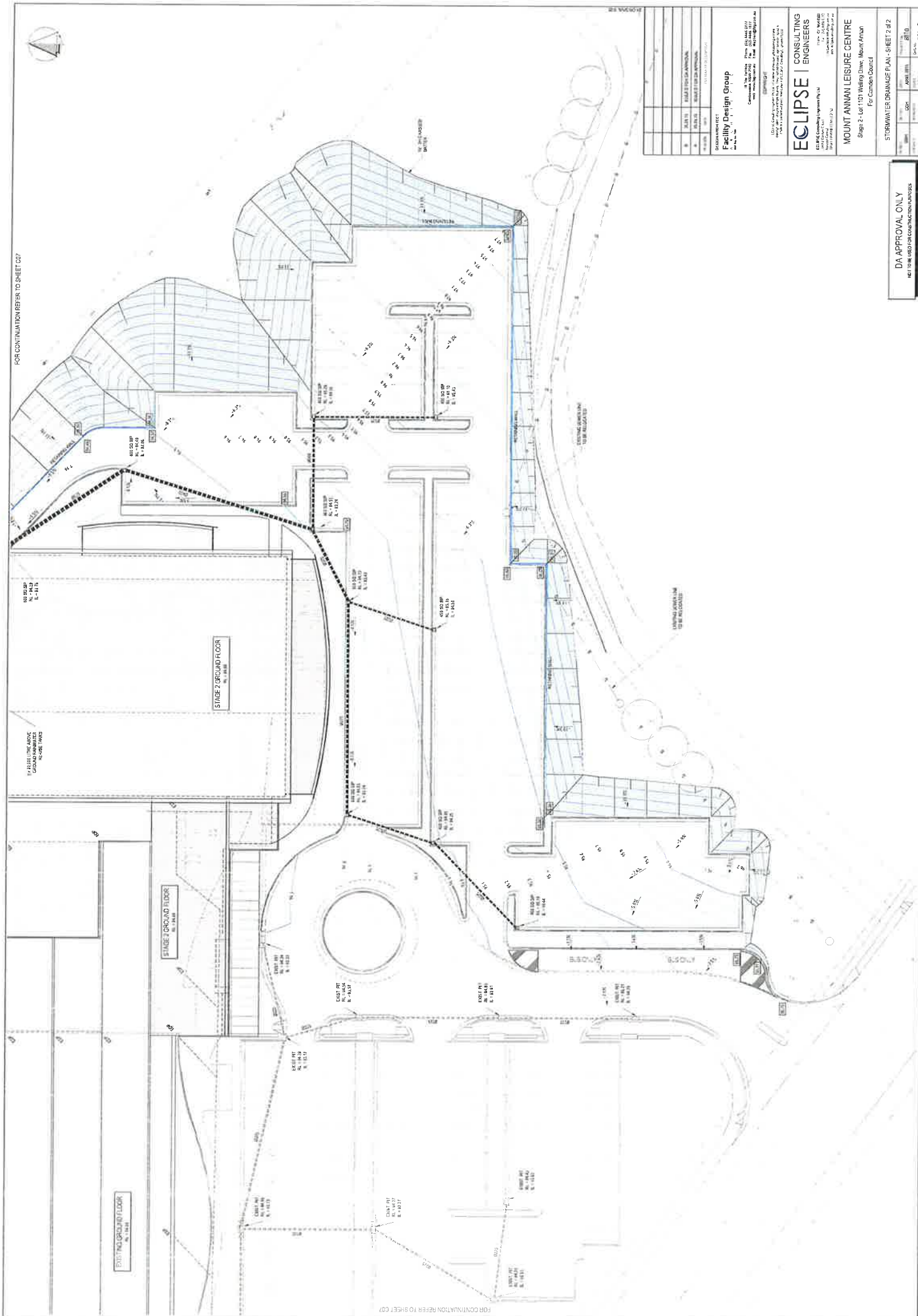
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FOR CONTINUATION REFER TO SHEET C08



FOR CONTINUATION REFER TO SHEET C06

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Contingent

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MOUNT ANNAN LEISURE CENTRE
Stage 2 - Lot 1101 Welling Drive, Mount Annan
For Camden Council

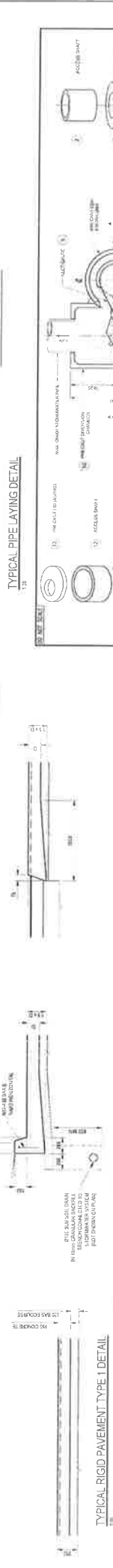
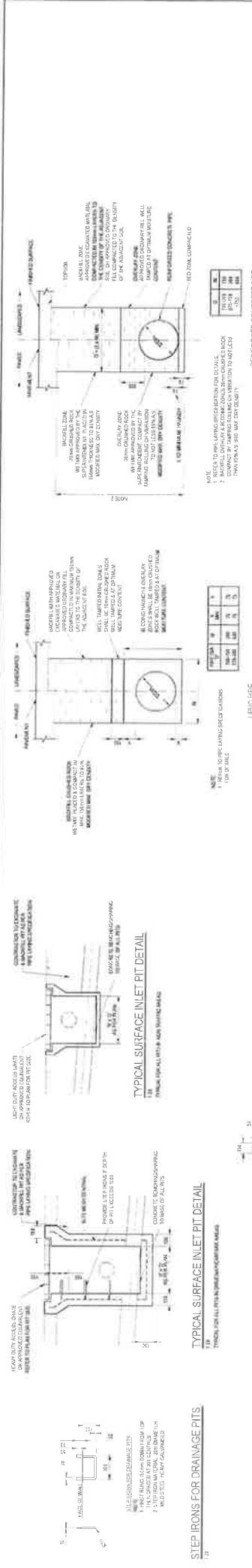
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STORMWATER DRAINAGE PLAN - SHEET 2 of 2

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GENERAL ARRANGEMENT

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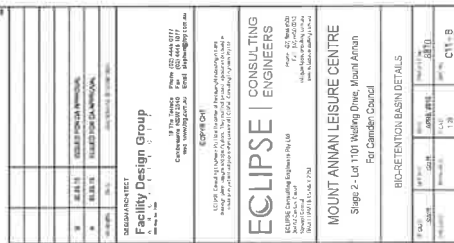
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DESIGN AN OBJECT

Facility Design Group

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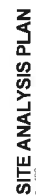
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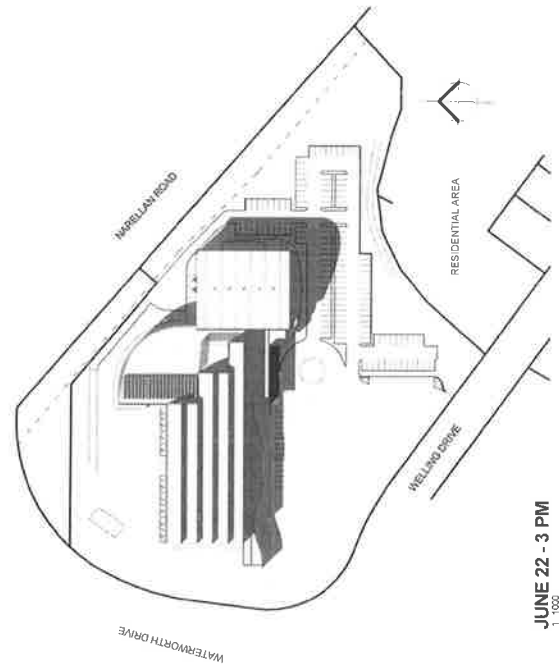
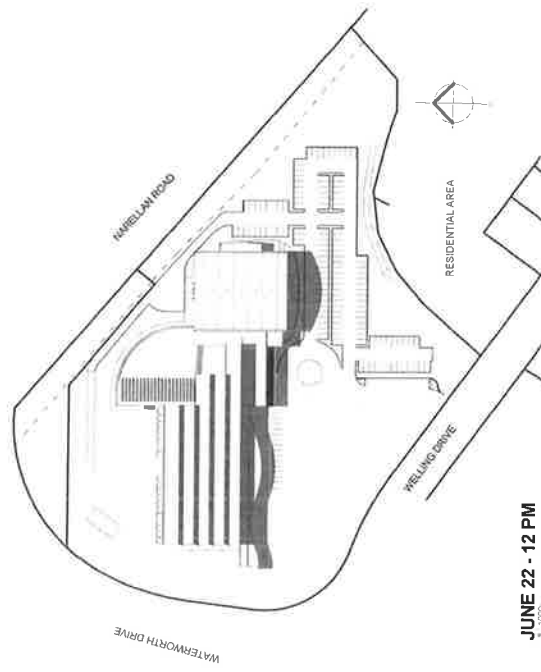
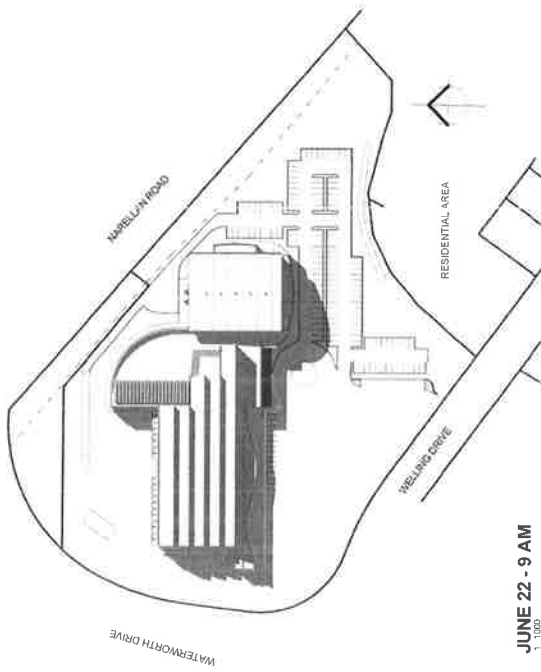
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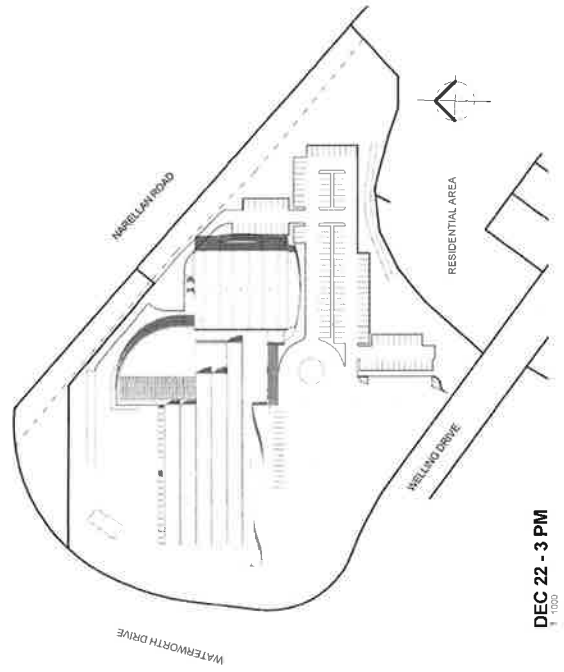
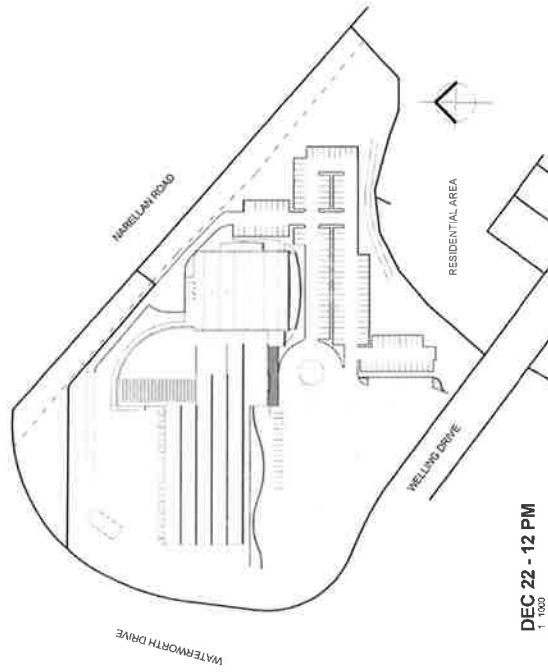
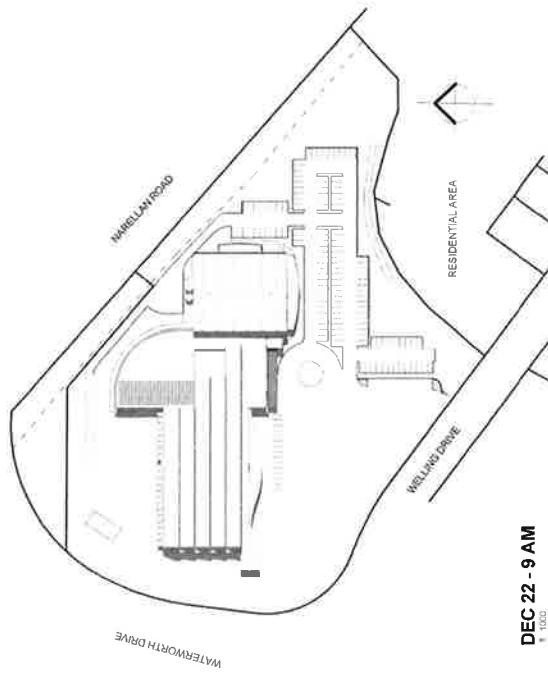
Eclipse Consulting Engineers Pty Ltd
Level 10, 100 Market Street
Sydney NSW 2000
Australia
Tel: +61 2 9231 1111
Fax: +61 2 9231 1112
Email: info@eclipse-engineers.com.au

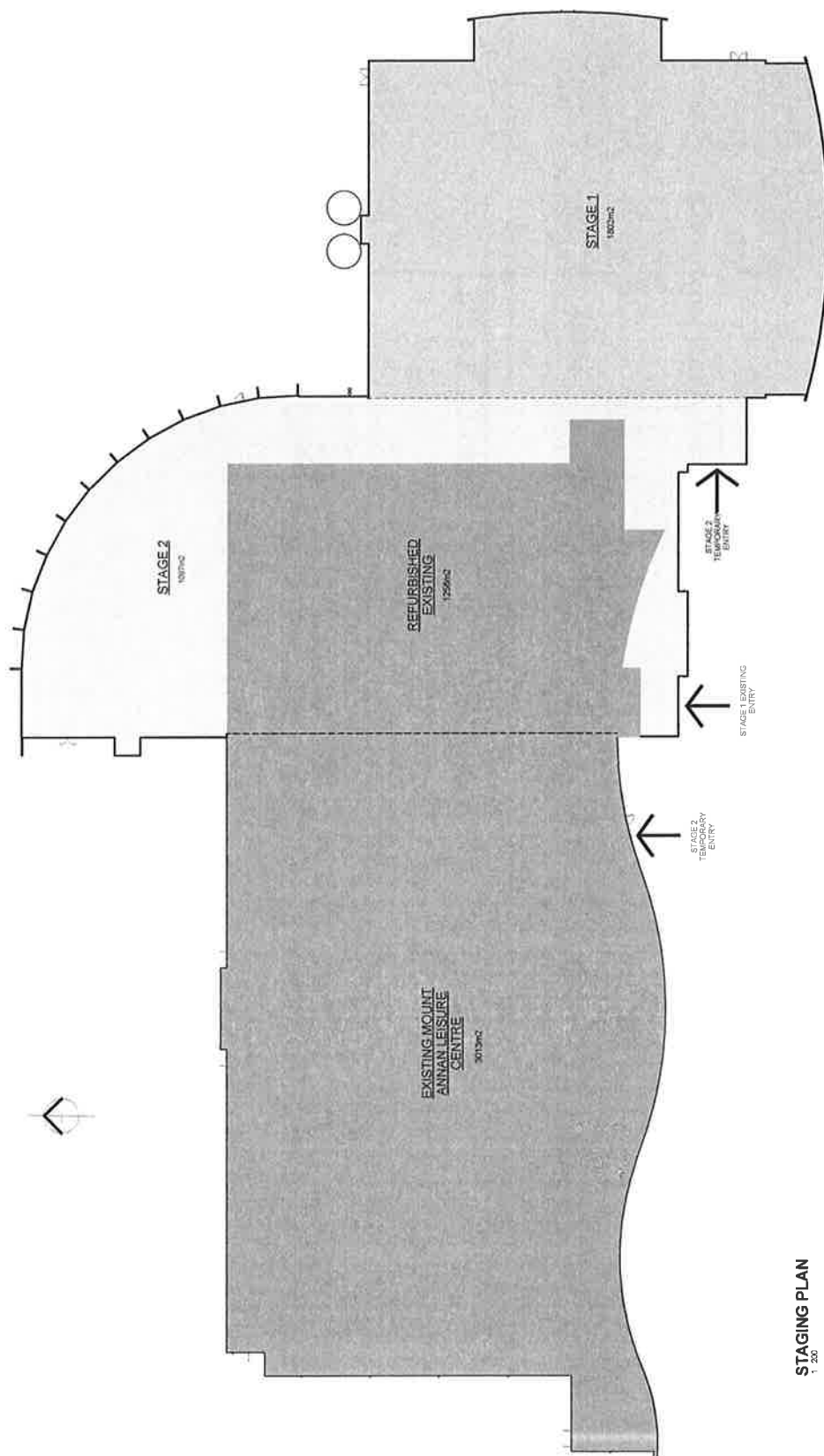
MOUNT ANNAN LEISURE CENTRE
Stage 2 - Lot 1101 Welling Drive, Mount Annan
For Camden Council

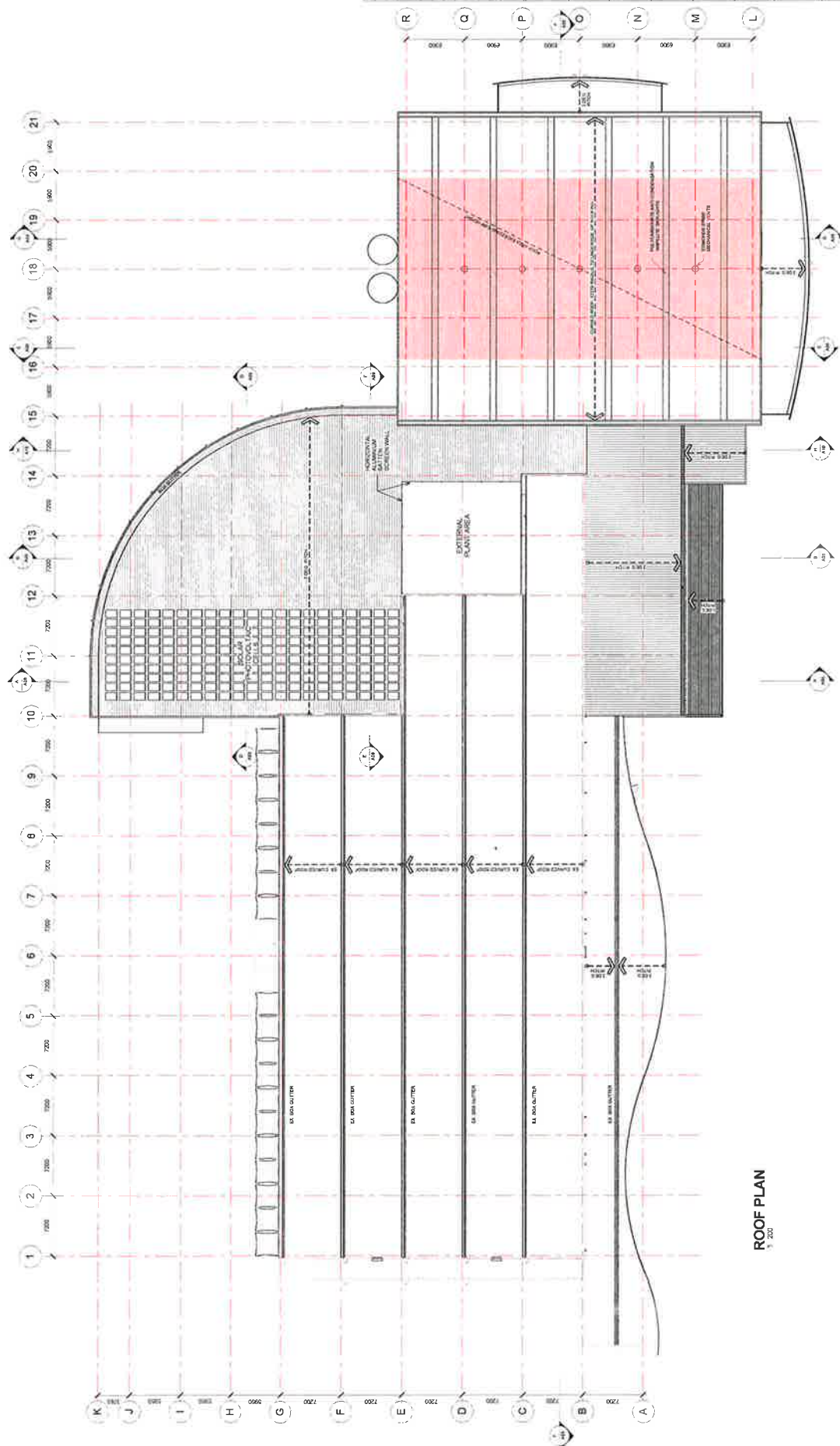
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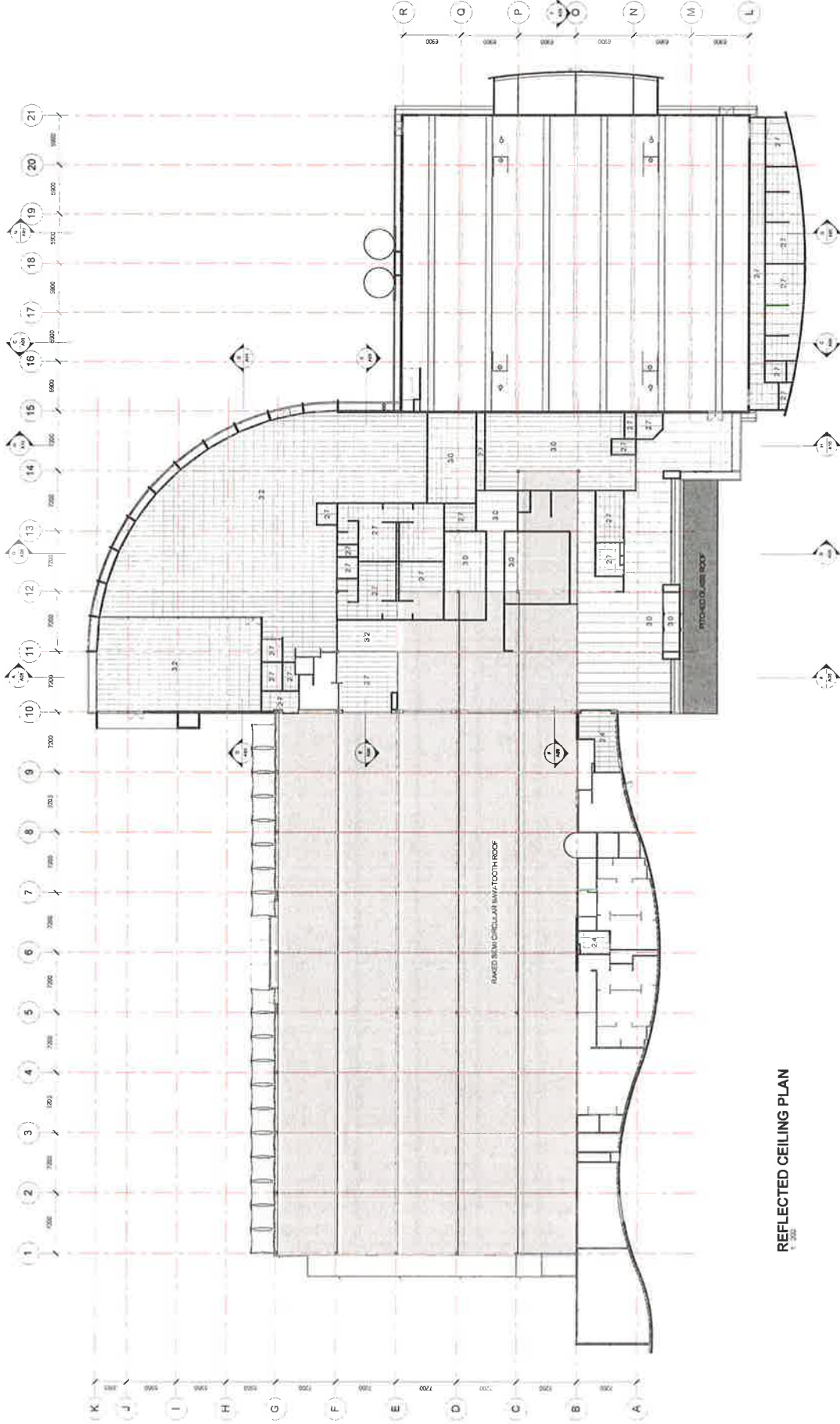


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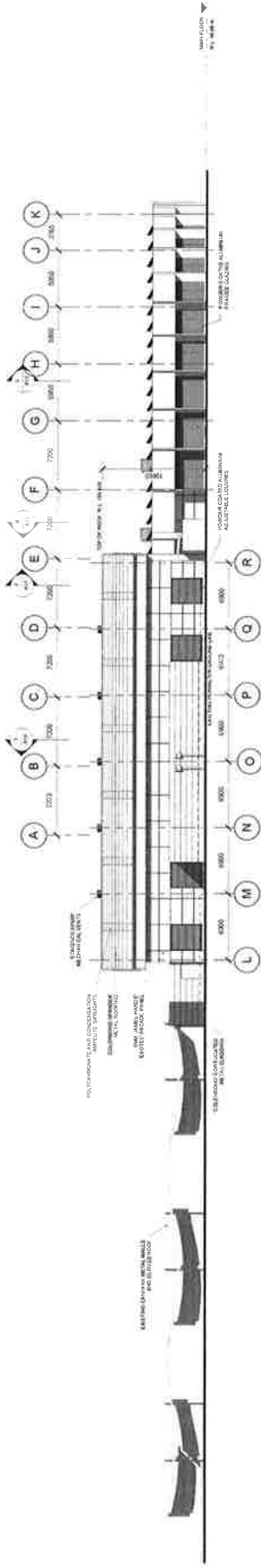


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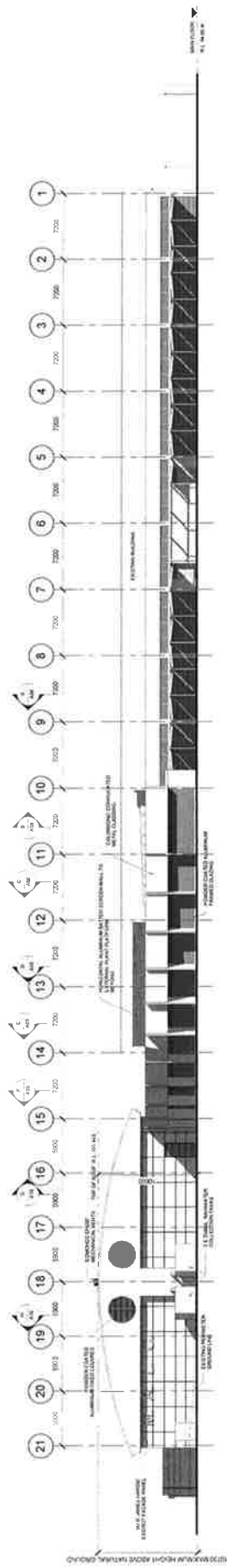
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CHECKED BY: HJDG	DATE: 18/01/2024
APPROVED BY: HJDG	DATE: 18/01/2024
PROJECT: MOUNT ANNAN LEISURE CENTRE STAGE 2	
LOCATION: LOT 1101, DP 884135, VIELING DRIVE, MOUNT ANNAN	
CLIENT: CAMDEN COUNCIL	
DESIGNER: ECLIPSE ENGINEERING	
ENGINEER: ECLIPSE ENGINEERING	
ARCHITECT: ECLIPSE ENGINEERING	
STRUCTURAL: ECLIPSE ENGINEERING	
MECHANICAL: ECLIPSE ENGINEERING	
ELECTRICAL: ECLIPSE ENGINEERING	
PLUMBING: ECLIPSE ENGINEERING	
HEATING: ECLIPSE ENGINEERING	
Cooling: ECLIPSE ENGINEERING	
Lighting: ECLIPSE ENGINEERING	
Acoustic: ECLIPSE ENGINEERING	
Fire: ECLIPSE ENGINEERING	
Security: ECLIPSE ENGINEERING	
Accessibility: ECLIPSE ENGINEERING	
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Health & Safety: ECLIPSE ENGINEERING	
Other: ECLIPSE ENGINEERING	

REFLECTED CEILING PLAN

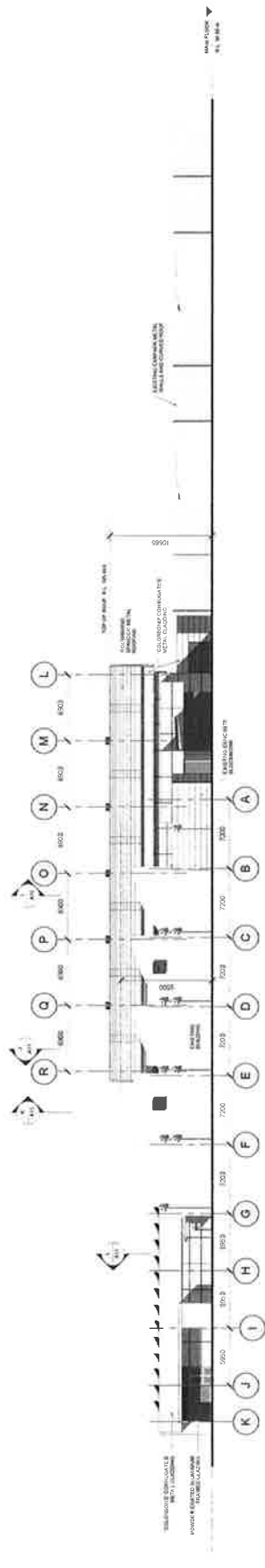
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JOS PROJECT NUMBER		
DRAWN BY: HJDG	CHECKED BY: HJDG	



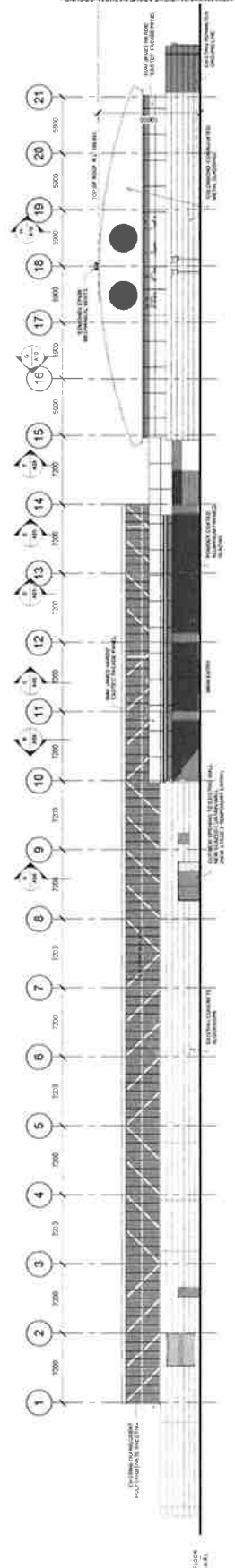
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1:200



NORTH ELEVATION
1:200

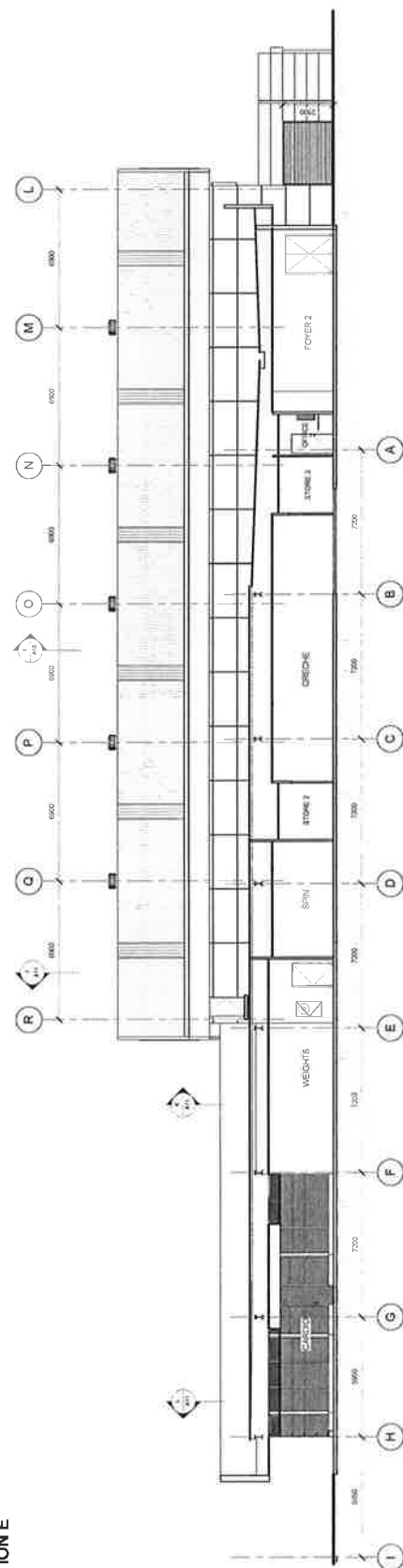
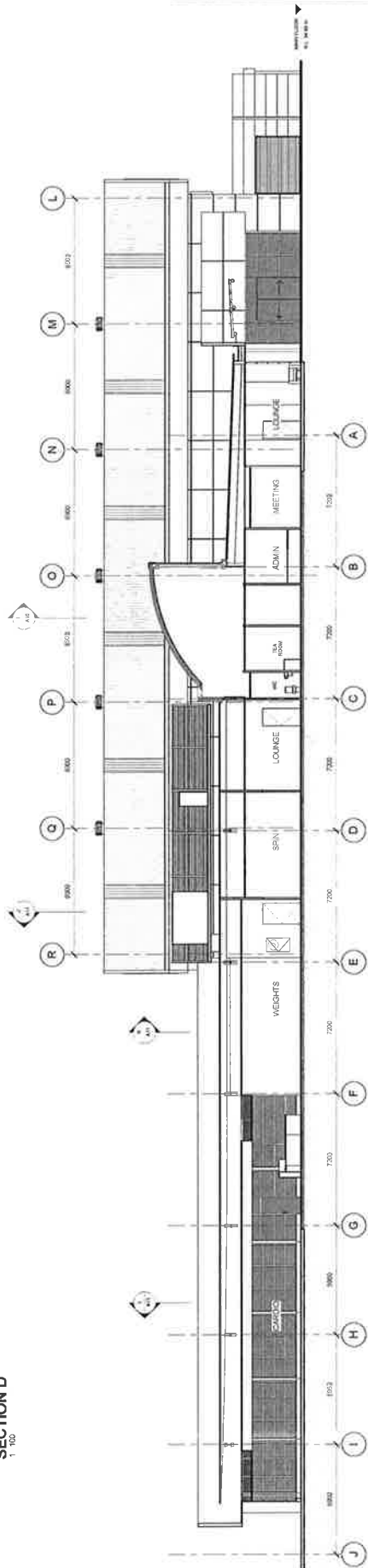
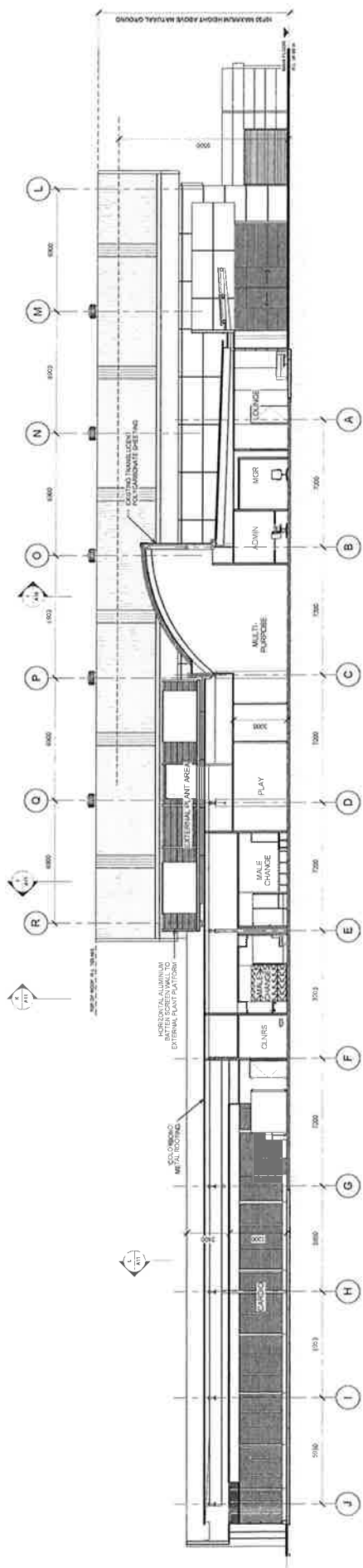


WEST ELEVATION
1:200



SOUTH ELEVATION
1:200

PROJECT NO.	1000000000
CLIENT	SPECTRUM
DESIGNER	ECLIPSE
DATE	01/01/2017
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JOB NUMBER	1000000000
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PROJECT ADDRESS	LOT 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



SECTIONS 2

DATE		ISSUE DATA		DRAWING NO	
SCALE		1" = 100'		A09	
JOB NO/Project Number					

[illegible]

HDG
METALLIC ENGINEER

1000 22nd Construction
+ 1000 22nd West, N.W. 1000
1000 22nd West, N.W. 1000
1000 22nd West, N.W. 1000

01/01/2013 10:00:00 AM

 Linnell & Sons, 2006, 500 Union
 Street, Portland, ME 04101
 Phone: (207) 761-1111
 Fax: (207) 761-1112

ECLIPSE CONSULTING ENGINEERS
111-111 111th Avenue, Suite 111
111-111 111th Avenue, Suite 111
111-111 111th Avenue, Suite 111
111-111 111th Avenue, Suite 111

DESIGN ARCH TEXT
Facility Design Group
A M C H I

Call

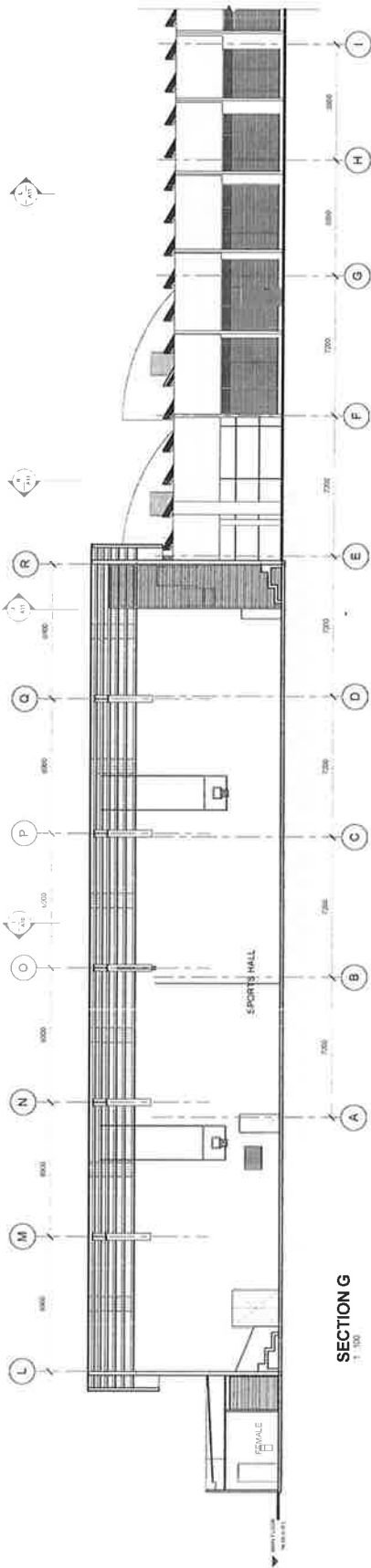


Free info: 800/843-6841 or on-line: www.3m.com
1-800-843-6841 or www.3m.com

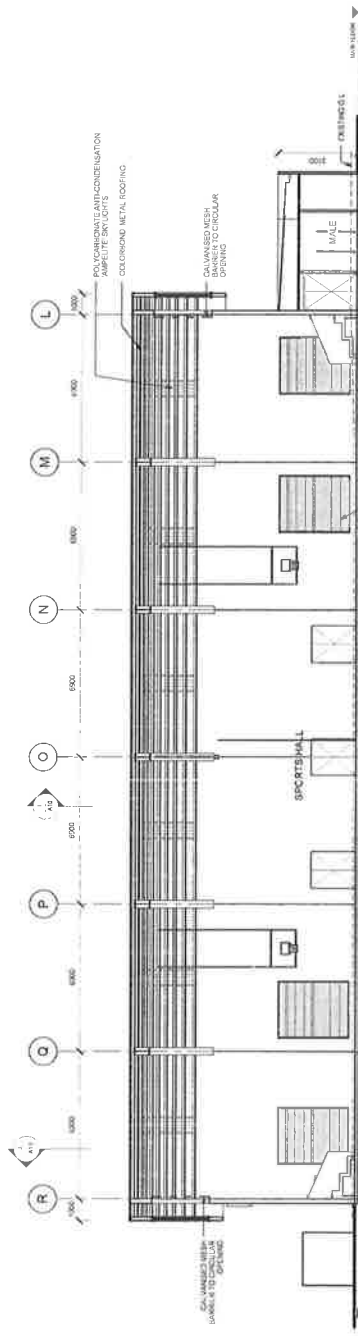
AMERICAN COUNCIL

STAGE 2
MOUNT ANNAN LEISURE CENTRE
LOT 1101 DP 894135 WELLING DRIVE

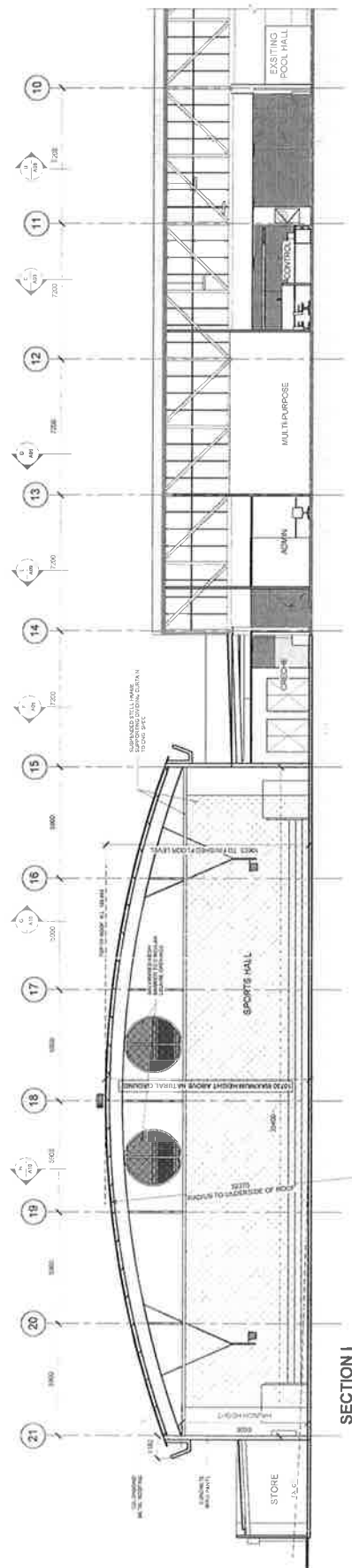
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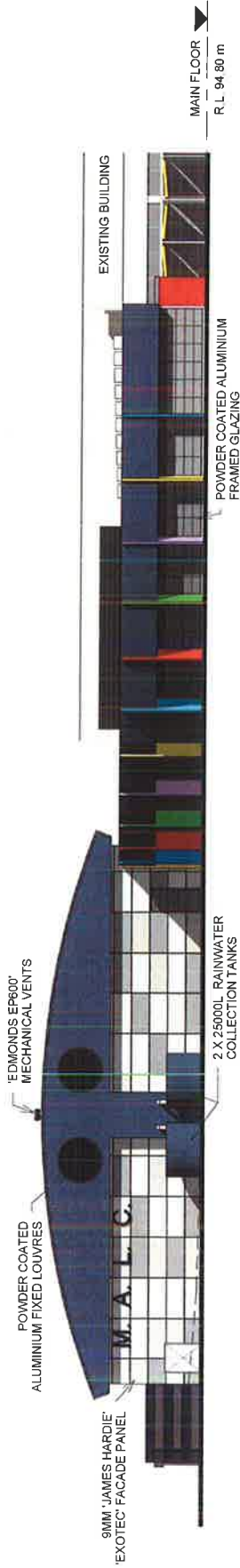


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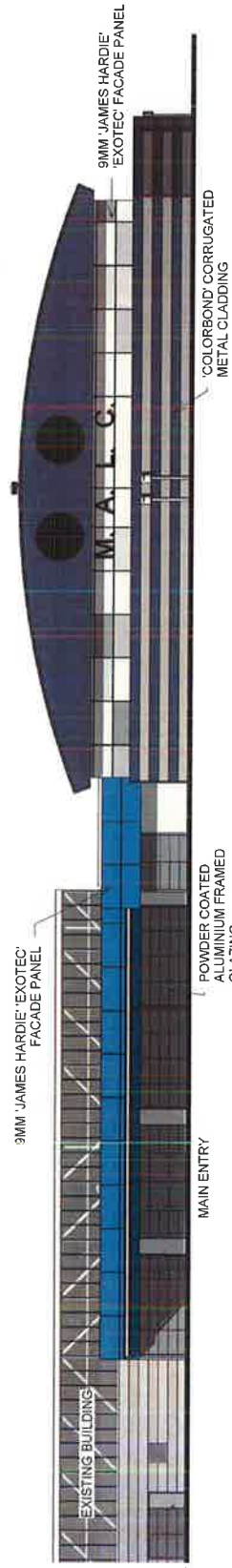
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NORTH ELEVATION.

1/300



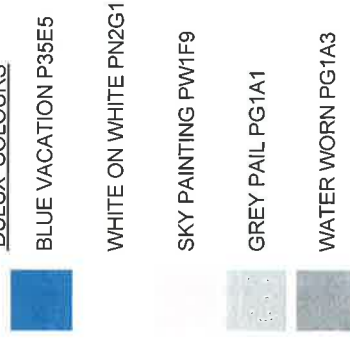
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1/300

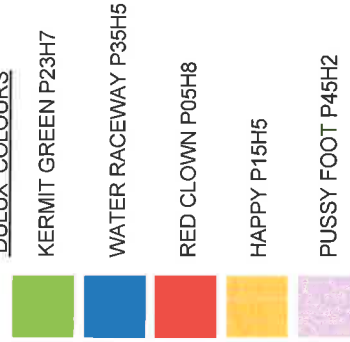
'COLORBOND' METAL CLADDING COLOURS



FACADE PANELS- 'DULUX' COLOURS



FIBRE CEMENT CLADDING- 'DULUX' COLOURS



MOUNT ANNAN LEISURE CENTRE - STAGE 2

SHEET NO

C01

EXTERNAL COLOURBOARD

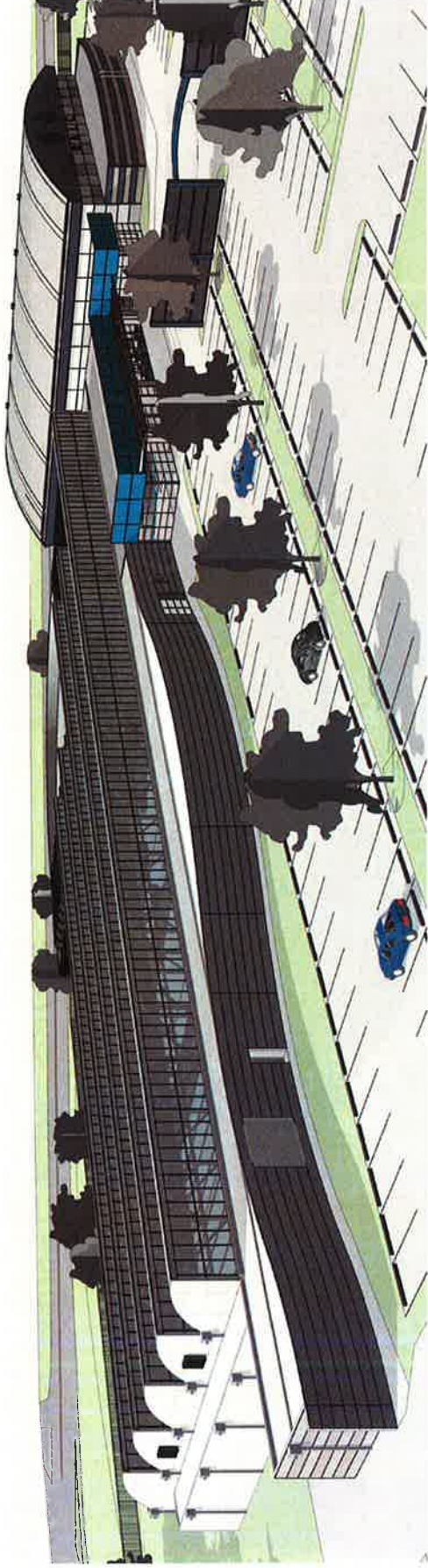
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Facility Design Group
ARCHITECTS

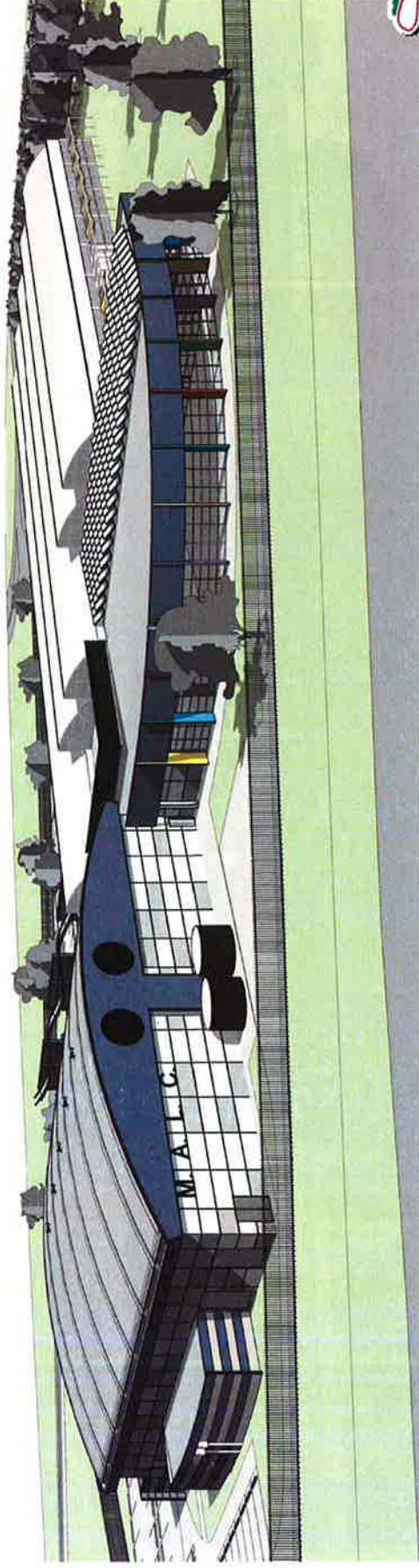
19 The Terrace
Canberra, NSW 2540

Phone: (02) 4446 0777
Fax : (02) 4446 1077
Email : stephen@fdg.com.au





south- west overall.



north-east overall.

MOUNT ANNAN LEISURE CENTRE - STAGE 2

SHEET NO.

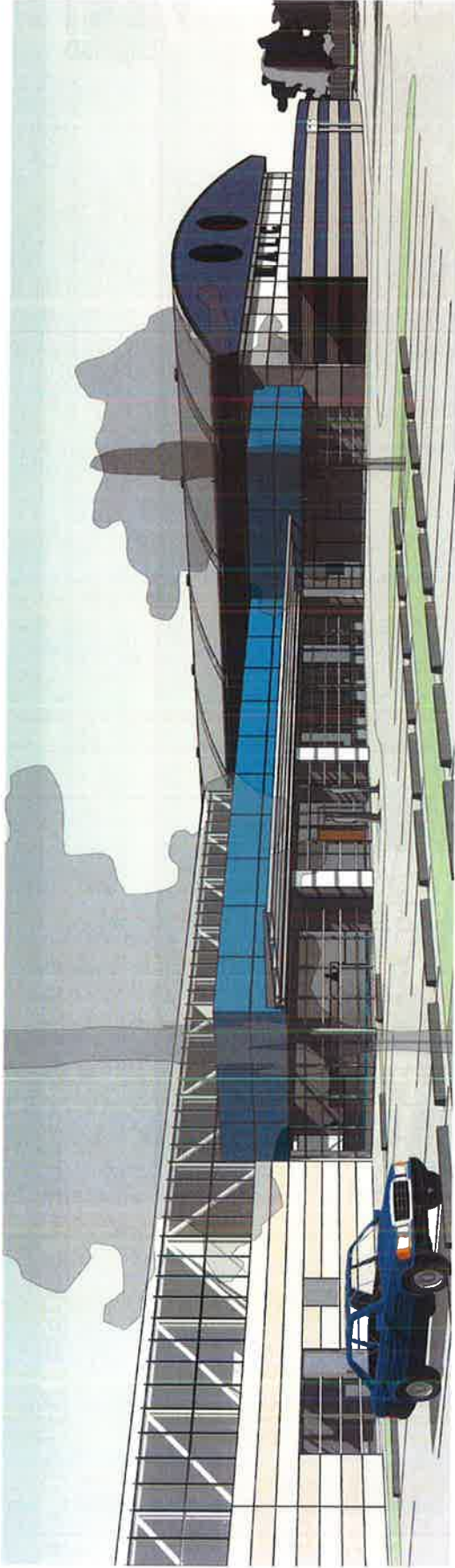
P01 overall perspectives

DA ISSUE 30.6.15



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south- west entry view



south- east view.

MOUNT ANNAN LEISURE CENTRE - STAGE 2

SHEET NO

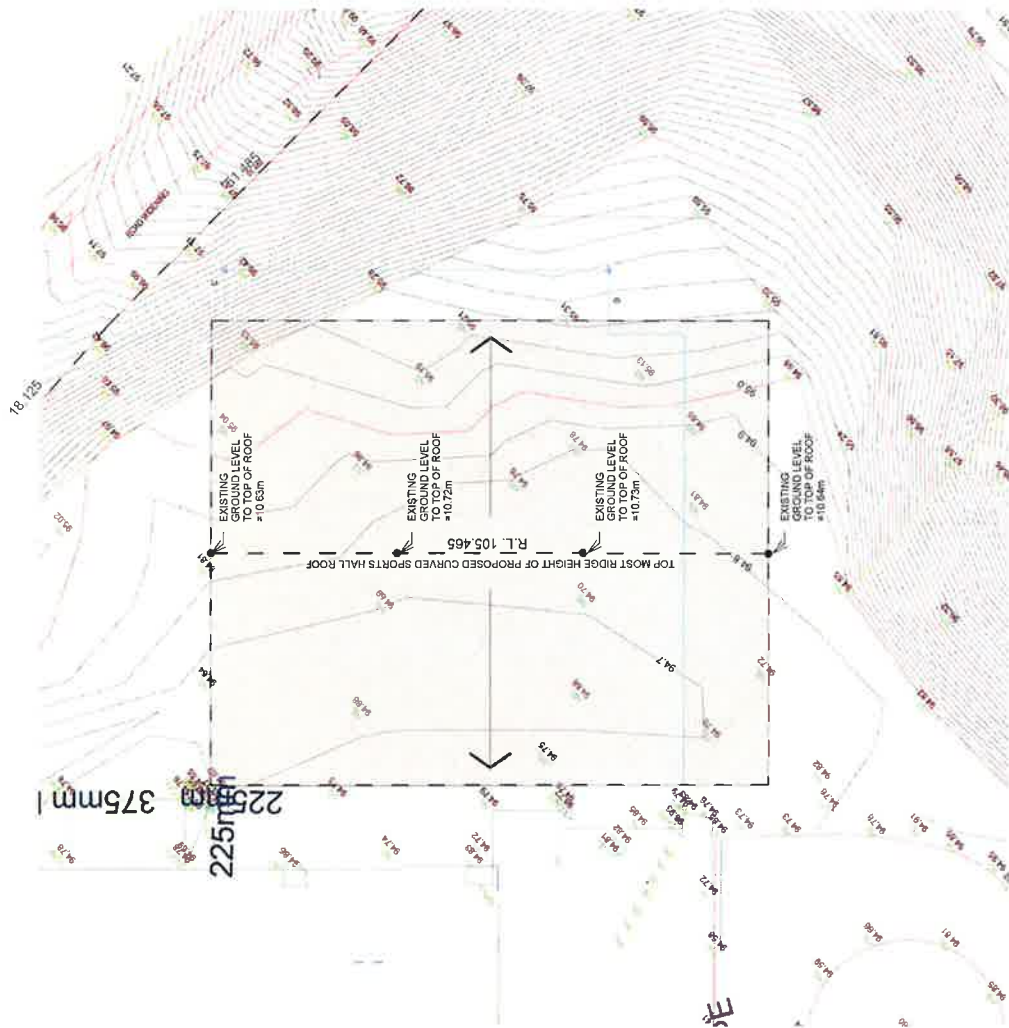
P02 southern perspectives

DA ISSUE 30.6.15

Facility Design Group
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Email : stephen@fdg.com.au





SPORT HALL ROOF HEIGHT
1:400

MOUNT ANNAN LEISURE CENTRE - STAGE 2

SHEET NO.

SHA

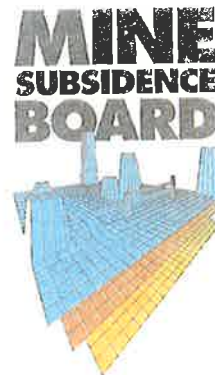
SPORTS HALL ROOF ANALYSIS

14.9.15



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ABN: 87 445 348 918

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Newcastle West 2302
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Facsimile: (02) 4929 1032
DX 4322 Newcastle West

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100 Argyle Street
Picton 2571
PO Box 40 Picton 2571
Telephone: (02) 4677 1967
Facsimile: (02) 4677 2040
DX 26053 Picton

SINGLETON

The Central Business Centre
Unit 6, 1 Pitt Street
Singleton 2330
PO Box 524 Singleton 2330
Telephone: (02) 6572 4344
Facsimile: (02) 6572 4504

WYONG

Suite 3 Feldwin Court
30 Hely Street
Wyong 2259
PO Box 157 Wyong 2259
Telephone: (02) 4352 1646
Facsimile: (02) 4352 1757
DX 7317 Wyong

HEAD OFFICE

PO Box 488G
Newcastle 2300
Telephone: (02) 4908 4395
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In reply please send to: Newcastle District Office

Our reference: FN88-01679P0

Your reference: CMC DA 621/2015/1

Contact: Peter Evans (02) 4908 4391

CAMDEN COUNCIL
ATTENTION: MR ADAM SAMPSON
DX 25807
CAMDEN



8 October 2015

Dear Sir,

DEVELOPMENT APPLICATION NO. TBA15-12852P2
LOT 1101 DP 884135 NO 363 NARELLAN RD MOUNT ANNAN

At its meeting on 07 October 2015, the members of the Mine Subsidence Board granted its "conditional approval" of Council's Integrated Development Application, dated 6 July 2015, for an extension to the Mount Annan Leisure Centre. The Board's conditions 1 to 4, follow;

1. Submit an "Impact Statement" prior to commencement of detailed design for acceptance by the Board, which demonstrates how the impact of mine subsidence will be managed. It shall identify;
 - a) Mine subsidence design parameters adopted.
 - b) The main building elements, materials and finishes.
 - c) The outcomes of a mine subsidence risk assessment
 - d) Mine subsidence mitigation measures proposed
2. Submit a final design incorporating the design methodology contained in the "Subsidence Impact Assessment Report", for acceptance by the Board prior to commencement of construction. This shall include certification by a qualified structural engineer to the effect that the improvements will remain "safe, serviceable and any damage from mine subsidence will be slight, localised and readily repairable" taking into consideration the mine subsidence parameters;
 - a) Maximum vertical subsidence: 1900 mm.
 - b) Maximum ground strain: ± 2.5 mm/m.
 - c) Maximum tilt : 8 mm/m.
 - d) Maximum radius of curvature: 10 km.

Standard (Auto) BAs


3. The final design shall;

- a) Be developed from the concept design accompanying the Building Application.
- b) Include sufficient drawing plans, long-sections, elevations and details, to describe the work and proposed mine subsidence mitigation measures.
- c) Include design mitigation measures to reduce the transfer of horizontal strain into building structures.
- d) Include design mitigation measures to relieve excessive strains into building structures.
- e) Include an additional grade for tilt due to mine subsidence, in excess of the minimum Code requirements for structures including pipes, gutters and wet areas.
- f) For underground pipes or conduits, allow for flexible joints, flexible bedding surround and flexible building connections and penetrations.
- g) Ensure there is sufficient capacity in any storage structure for tilt due to mine subsidence.
- h) Locate underground structures to facilitate ease of repair and replacement.
- i) Ensure internal finishes are installed in accordance with relevant codes and standards and industry best practice guidelines with additional provision for mine subsidence.
- j) Ensure there is suitable provision for articulation jointing in building elements. All control joints including articulation for mine subsidence are to be shown on the design plans and elevations,
- k) Ensure there is provision for isolation joints between adjoining structures.
- l) Ensure roads, driveways and pavement areas are designed as flexible structures with an asphalt surface course. If a concrete surface course is required, it shall be designed so any damage is slight classification and include expansion and crack control joints or sacrificial sections.

4. Upon completion of construction, work-as-executed certification by a qualified engineer is to be forwarded to the Board confirming that construction was in accordance with the plans previously approved by the Board.

This "conditional of approval" remains current for 2 years from the date of this letter. If you have any queries concerning this matter, please contact Mr John Rawes Acting District Manager at the Boards Picton Officer, ph 46771967.

Yours faithfully



Peter Evans
Subsidence Risk Engineer

Copy:

District Manager Picton

Statement of Environmental Effects

Proposed Extensions to Existing Mount
Annan Leisure Centre

Welling Drive, Mount Annan

June 2015

Client: Facility Design Group Architects

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This submission has been prepared by



Warwick Stimson MPA CPP
Director



This report dated June 2015 is provided to 'the client' exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the report and upon the information provided by the client.

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1 Introduction

1.1 Overview

Stimson and Baker Planning has been engaged by Facility Design Group Architects to prepare a Statement of Environmental Effects in relation to proposed extensions to an existing leisure centre on the subject site at Welling Drive, Mount Annan.

The proposed development includes the construction of an additional 2,959sqm on floor area and the refurbishment of an existing 1,256sqm. An additional 119 car parking spaces, associated engineering and landscaping works also forms part of this application.

The site is zoned *RE1 Public Recreation* under *Camden Local Environmental Plan 2010* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act). Section 76A of the EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third party approvals are required.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 79C(1) of the EPA Act.

1.2 Report Structure

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Development Proposal – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Context – provides for consideration of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Section 79C Assessment – provides an assessment against section 79C of the EPA Act.

- Section 6: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 Introduction to Client and Purpose of Application

This project is being carried out by Camden Council. The purpose of this application is to obtain consent for an expanded and improved regional recreational facility for the Camden community.

1.4 Pre-lodgement Meeting

The proposal was discussed at a pre-lodgement meeting held with the relevant officers at Council on 16 April 2015 where a range of issues was discussed. Whilst it was considered that the proposal could be supported, this Statement of Environmental Effects and accompanying information addresses the technical and planning compliance issues raised in that meeting and in summary include:

Summary of Issues to Address	Section of SEE /Accompanying information
<p>Statement of Environmental Effects (SEE) must be submitted with the DA that fully describes the proposed development and assesses it against all relevant environmental planning instruments and development control plans applicable to the development and site. These may include (but are not strictly limited to):</p> <ul style="list-style-type: none"> • 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; and • Camden Development Control Plan 2011. <p>In addition, the SEE must adequately describe the proposed development. This includes details relating to the staging of the development, proposed construction works, access and service arrangement and operational details (e.g. numbers of patrons expected at any one time, hours of operation, class details, sport events, i.e. state competitions etc.).</p>	<p>This report contains a response to these issues raised. It has been prepared by information provided by Camden Council.</p>
<p>The site has a maximum building height of 9.5m pursuant to the Camden LEP 2010. You have noted that the proposed height of Stage 2 will exceed the height</p>	<p>The height limit is breached in one small section of the roof. The plans and elevations submitted clearly show the</p>

<p>limitation by up to 3m. In the first instance Council staff request that the 9.5m height limitation is met where possible.</p> <p>In the instance you feel the height control is unreasonable in this instance, you will need to lodge a Clause 4.6 variation request and address the specific matters set out in Clause 4.6 of the Camden LEP 2010. This will need to clearly identify the reason for the exceedance and demonstrate that a better outcome can be achieved for and from the development by allowing flexibility in this circumstance. Plans should be provided which clearly denotes the area of the building which exceeds 9.5m.</p>	<p>extent of the breach.</p> <p>A request to vary the applicable height limit has been included in this report in accordance with Clause 4.6 of the LEP. The variation is justified on the basis of that the proposed building is for a specific recreation purpose, and that a certain internal height needs to be provided. The height breach will not result in any negative impacts in the locality, and given the unique nature of the building and the subject zoning and its objectives, the breach will not create an unacceptable precedence for the Council. Given the public benefits that will arise out of a refurbished and expanded leisure centre, it is submitted that the proposed variation to the height limit is in the public interest and can be supported.</p>
<p>The interface with existing residents to the east of the subject site will require careful consideration and sufficient screening should be provided to protect those residents. At present, there is a number of existing mature trees which create a visual buffer between the subject site and those dwellings and is it strongly recommended that those trees remain in place.</p>	<p>A detailed landscape plan accompanies the application. It is submitted that suitable screening and separation is provided.</p>
<p>It should also be noted that the north western portion of the site sits on a separate Lot and DP, being Lot 53, DP 857052. It is assumed that whilst this parcel of land is also owned by Camden Council, it will be part of the Narellan Road upgrade and all works should occur outside of this Lot and DP. Additionally, on the north eastern boundary, your site plan identifies an area of land which appears to be set aside for road widening. It is also suggested that no works occur in that area so as to allow for road upgrade works in the future.</p>	<p>Noted.</p>
<p>All proposed elevations must incorporate suitable articulation to provide visual interest. Long expanses of blank walls that are visible from public areas will not be permitted. The presentation of buildings to Narellan Road and Waterworth Drive must be to a high standard and should incorporate a range of colours and finishes and architectural articulation features such as awnings, varying material textures and glazing.</p>	<p>The proposed architecture is of high quality that has responded to the clients brief. It is consistent with the existing established centre.</p>
<p>Details of any lighting within or around the car park must be provided. All lighting must comply with AS1158 and details of this will need to be provided with the DA lodged.</p>	<p>Noted. We that this requirement could form part of a condition of consent.</p>

Suitable landscaping that provides visual softening and screening must be incorporated into the development in accordance with Camden DCP 2011	A detailed landscape plan accompanies the application.
Any proposed signage must address the controls set out under both State Environmental Planning Policy No. 64 – Advertising and Signage and Camden Development Control Plan 2011 (DCP). Under the DCP, a maximum of two signs to a total combined area of 4m2 will be permitted.	No advertising signage is proposed as part of this application.
As noted, the site is located within an area of mine subsidence and the DA will need to obtain concurrence from the Mine Subsidence Board (MSB) prior to lodgement.	Noted.
The DA application form will need to be signed by an authorised delegate from Council and contact should be made with Kim Fury in Council's Governance Team on (02) 4654 7763. This will need to be obtained prior to the lodgement of the DA.	Noted.
A salinity assessment and management plan will also be required for this development and must be submitted with the DA. The salinity assessment and management plan must comply with Council's " <i>Building in a Saline Prone Environment</i> " policy.	Noted.
An acoustic assessment for the proposed development must be submitted with the DA. The assessment must be in accordance with Council's <i>Environmental Noise Policy</i> . It should be noted that the acoustic report must take into account noise from both the car park and the mechanical plant being installed and their impacts on adjacent residential development.	An acoustic assessment accompanies the application and supports the proposal.
Details of all proposed kitchen areas must be submitted to demonstrate compliance with the Council's Food Premises Code, the Food Act 2003 and the Food Regulations 2004.	Noted.
Engineering Advice	All engineering and traffic advice provided by the Council has been incorporated into the final design.
Traffic Advice	

1.5 Legislation, Environmental Planning Instruments and Policies to be considered

This application has been prepared in the context of the following relevant and applicable strategic and statutory instrument and policies:

- *Camden Local Environmental Plan 2010*
- *Camden Development Control Plan 2011*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River*
- *State Environmental Planning Policy (Infrastructure) 2007*

1.6 Consent Authority

Being a Council initiated development proposal with a value in excess of \$5million, the Sydney West Region Joint Planning Panel has the function of determining the application in accordance with Section 23G of the *Environmental Planning and Assessment Act 1979*.

2 The Site and Surrounds

2.1 Local Context

The subject site is located in the suburb of Mt Annan and has three road frontages – being Narellan Road, Welling Drive and Waterworth Drive. The site is within close proximity to the Mt Annan Marketplace which provides a local centre function for the surrounding community.



Figure 1 Local Context

2.2 The Subject Site and Surrounds

The site is accessed from Welling Drive on the southern side of the existing facility. The site is legally described as Lot 1101 DP 884135 and is approximately 3ha in area. Surrounding land uses are predominantly of a residential nature, however as previously mentioned, the Mt Annan Marketplace is situated across Waterworth Drive to the west.



Figure 2 Subject site and surrounds

Topography

Whilst the site is relatively level, the area to be developed will require earthworks to match the levels of the existing facility.

Vehicular Access

There is direct vehicular access to the site from Welling Drive.

Pedestrian Access and Public Transport

There is a formalised pedestrian pathway across the Welling Drive frontage of the site as well as a series of informal pedestrian paths in the locality.

There are bus stops along Welling Drive providing public transport links to the wider area.

Utilities and Services

There are existing reticulated sewer, water and electricity services to the site.

Vegetation

There are no significant examples of vegetation on the site. The area proposed for new construction is currently an open, grassed area.

Most trees that currently exist at the eastern end of the site will be retained, while additional planting is proposed to better screen the development when viewed from nearby residential properties.

2.3 Existing Development

The property is occupied by an existing recreational centre. Within the building is an aquatic centre and associated facilities. Some 127 existing car parking spaces are also found on the site.

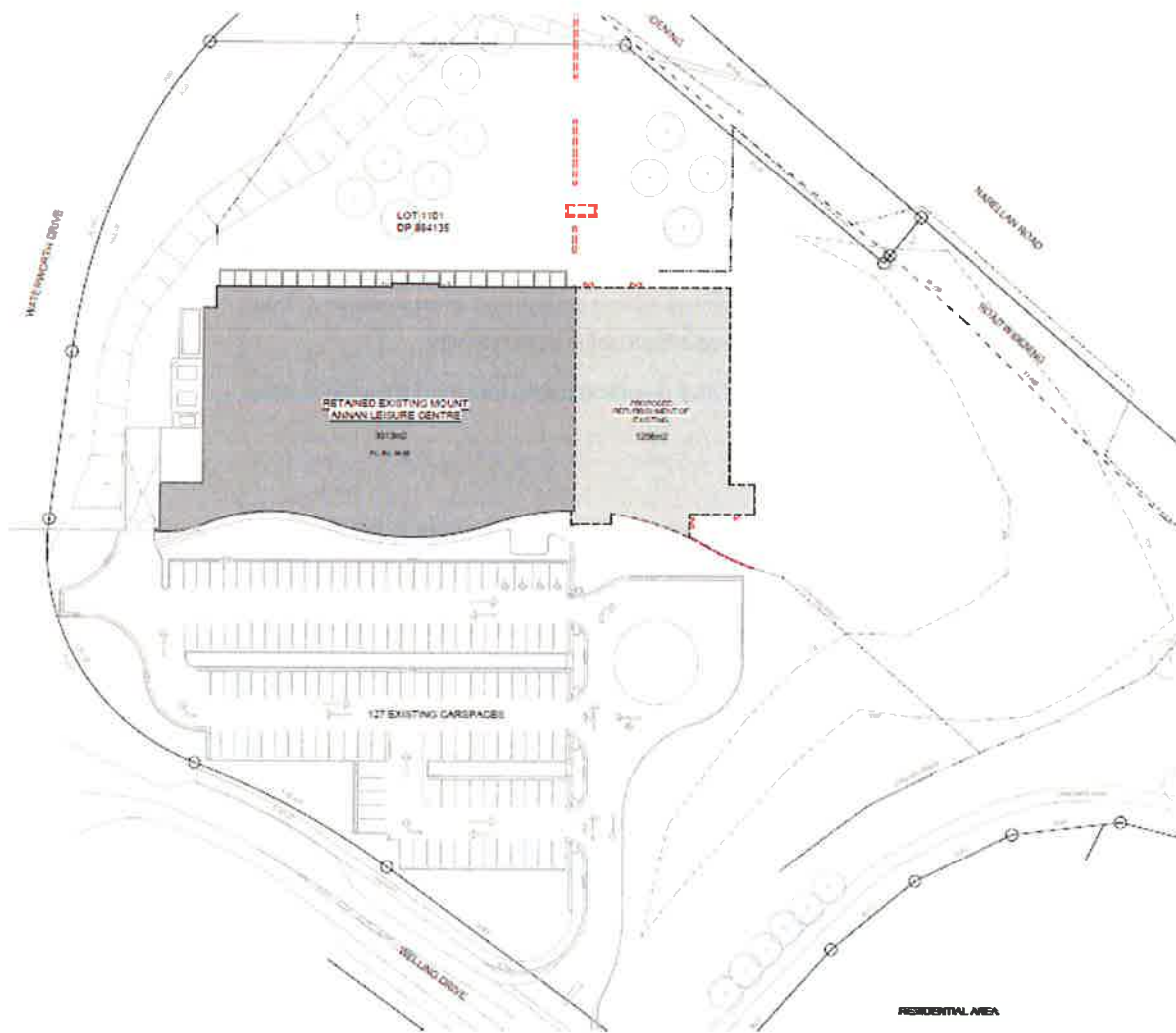


Figure 3 Existing Site Layout

3 Development Proposal

3.1 Objectives of the Proposal

This application seeks consent for the refurbishment of an existing section of the leisure centre, and a newly constructed addition

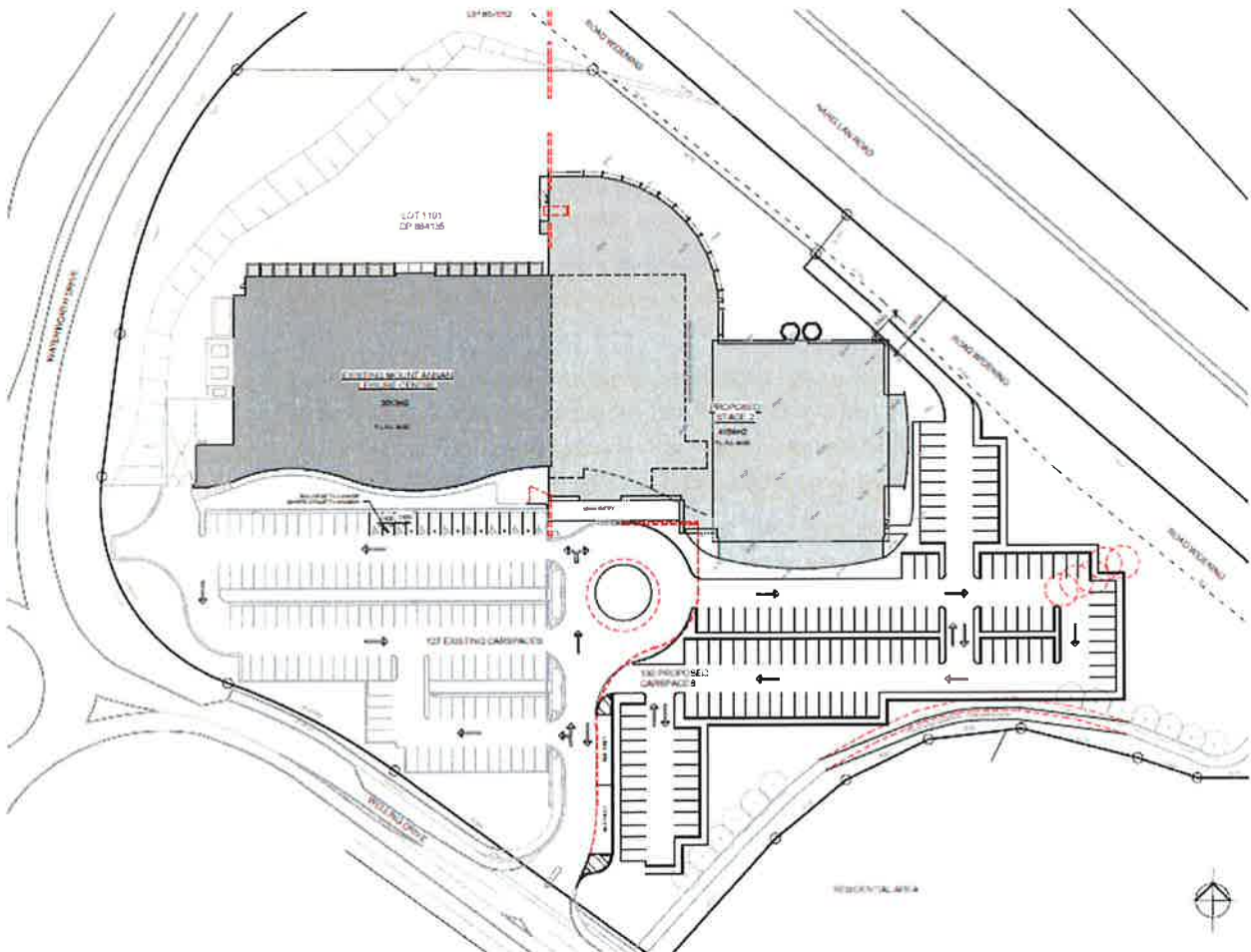


Figure 4: Proposed Site Plan

3.2 Details of the Proposal

The proposed development includes the following key elements:

- Refurbishment of an existing 1,256sqm of floor space. This area is proposed to accommodate refurbished offices, foyer, change rooms, crèche and

- meeting rooms.
- Construction of an additional 2,959sqm of floor space. This area will accommodate a group exercise room, cardio room, spin room, a sports hall incorporating two indoor courts, tiered seating, storage and additional change rooms.
- An additional 119 car parking spaces with revised set down and vehicle circulation area.
- Associated engineering and landscaping works.

Design Principles

The proposal adopts the following design principles (extracted from architects design statement):

The current building has been constructed with a particular palette of materials consisting of banded split faced grey concrete blockwork, off white roofing metal and wall cladding, off white expressed joint fibre cement panels.

We believe we can respect this palate and still provide some modern colour and vibrancy that will greatly enhance the existing building and allow it to comfortably fit with the new model designed by FDG.

Whites and soft greys to the expressed joint matrix of panels on both the new build and the existing semi circular gables and wall facades. This random dappled effect will provide an interesting texture and interest to the new and old facades without dramatically changing the language of the building.

Mid grey horizontal metal cladding will provide a soft contrast and definition to the elements being clad against the flat texture of fc panels. This will help to break up the enormous size of the building and add a unique character to the façade.

Vertical and horizontal blades will be used to provide great depth to the most public façade – the curved Narellan northern façade – these will be painted in a strong series of colours that will very much catch the eye – without overpowering the subtleness of the buildings primary colour scheme.

The proposed extension represents a high quality building with contemporary design features consistent with other modern recreational buildings.

Land Uses

The proposal being recreation facilities (indoor) is a permissible land use under the LEP.

Access and Internal Circulation

An appropriate level of access is provided to the building, both for vehicular and pedestrian traffic.

Accessible requirements in accordance with the provisions of the Disability (Access to Premises) Standard 2010 have been incorporated into the design of the building.

The proposal provides for accessible toilet facilities within the development.

Landscaping and Open Space

A Landscape Plan accompanies the application and demonstrates high quality landscaping outcomes and good screening opportunities around the site.

Management, Hours of Operation and Employee Numbers

Whilst additional part time employees are expected to be at the centre as a result of this increased offering, the hours of operation and management procedures are proposed to remain the same.

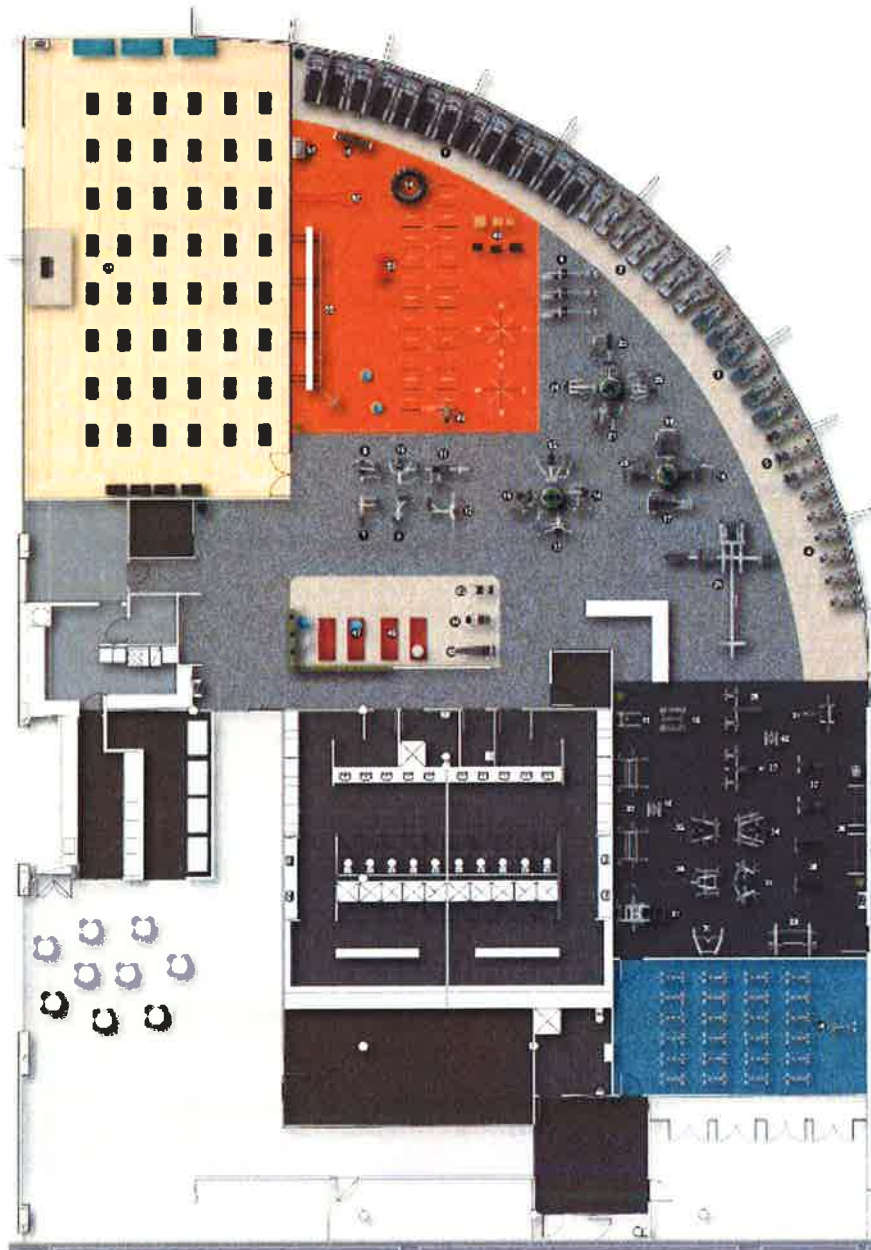


Figure 5 Proposed internal fitout

Population of users

Using the Council's business case and operational history, the population of the overall leisure centre has been calculated as follows"

BUILDING COMPONENTS

2 COURT INDOOR SPORTS HALL	- 4 TEAMS X 9 PEOPLE	= 36 PARTICIPANTS
TIERED SEATING BLEACHES	- 100 PEOPLE INC CHANGE OVER=	100 SPECTATORS
GROUP FITNESS ROOM	- 50 + 1 INSTRUCTOR MAX CAP	= 51 PARTICIPANTS
GYM	- 68 EQUIPMENT BIRTHS MAX CAP=	58 PARTICIPANTS
SPIN ROOM	- 24 BIKES + 1 INSTRUCTOR	= 25 PARTICIPANTS
MULTI PURPOSE ROOM	- 20 PEOPLE + 1 INSTRUCTOR	= 21 PARTICIPANTS
CRECHE	- 30 CHILDREN + 3 SUPERVISORS=	33 PEOPLE
CAFÉ ZONE & LOUNGE	- 30 PEOPLE	= 30 SPECTATORS

It is reasonable to assume that the centre will never be at full capacity, with a 75% capacity being a more appropriate figure to consider.

Signage

No advertising signage forms part of this application.

Stormwater Drainage

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls.

Utilities

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority.

Civil Works

Civil works will be required in the vicinity of the proposed car park to the east. Some 13,300 cubic metres will be required to be excavated.

Waste Management Strategy

A waste management plan has been submitted covering the construction phase of the project.

During operation, current waste management procedures will continue to apply.

Contamination

The location of the proposed buildings is proposed on is currently cleared land that has been this way for a number of years. There is unlikely to be contamination on the site given its previous use and the various contamination assessments that would have been undertaken at the time when residential subdivision in the area was initially developed. SEPP 55 is addressed within this report.

National Construction Code Compliance

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal and it is expected that Council will require matters relating to NCC compliance.

Sustainability Measures

The following sustainability measures are proposed to be incorporated into the development:

- Roof water collection and re-use to toilets for flushing etc
- 100kW photovoltaic solar field
- LED lighting
- Double glazed thermally broken external window frames
- Air conditioning systems to each zone with motion sensors for automatic control

Staging of Proposed Works

The proposed development will be completed in the following distinct stages:

- Site preparation and excavation.
- Completion of the two indoor sports halls and associated group fitness entry and amenities.
- All fitness activities will be relocated into the sports hall temporarily. A new opening into the aquatic staff area will be provided as a temporary aquatic entry, and a separate sports hall entry will be provided through the group entry node.
- Construction will then occur in the centre of the site/building and once completed, the fitness area will be relocated back, front awnings will be completed and the temporary entry to the aquatic hall will be closed in with a glass wall.
- The centre will be reopened on final completion.

4 Statutory Context

The following section provides an assessment of the proposed development against the relevant planning instruments and policies.

4.1 State Environmental Planning Policy (Infrastructure) 2007

The aim of SEPP Infrastructure is to facilitate the effective delivery of infrastructure across the State.

The SEPP has triggered the need for an acoustic report and it accompanies the application. The report summarises the assessment as follows:

Providing the recommendations for mechanical equipment and PA noise emissions are incorporated into the design and construction of Stage 2 of Mount Annan Leisure Centre, noise emissions are predicted to comply with the conditions of Camden Council and the NSW EPA for the outside acoustic environment.

Additionally, the SEPP will require the application to be referred to Roads and Maritime Services for comment. A Traffic Report has been submitted in relation to those relevant matters and concludes as follows:

The findings of this review are presented below:

1. *The traffic impacts of the development would be minimal with future traffic flows on surrounding roads within acceptable limits.*
2. *Intersections surrounding the development would continue to operate at levels of service to that which currently occurs.*
3. *The proposed expansion of the parking area to provide 264 spaces and two (2) bus parking spaces would be sufficient to accommodate forecast future parking demands at the site under a number of potential demand scenarios.*
4. *The design of the car parking areas and access arrangements complies with AS2890.1 and is considered satisfactory.*
5. *Proposed modified circulation arrangements of the existing car parking area as noted on the design plans should be adopted upon construction of the additional car parking areas.*

Overall the traffic impacts of the proposal are considered acceptable.

4.2 State Environmental Planning Policy No 55 – Remediation of Land

The aims and objectives of *State Environmental Planning Policy No 55* (SEPP 55) are to provide a statewide planning approach to contaminated land remediation. It also promotes the remediation of contaminated land to reduce the risk of harm.

SEPP 55 applies where consent is being sought for works on potentially contaminated land and/or where remediation works are proposed.

Clause 7 of SEPP 55 requires Council to consider prior to determination whether contamination may be present and if contamination is present if it is suitable for the proposed use. This assessment is applied through consideration of a contamination assessment as specified by SEPP 55.

The site is currently being used as a recreational facility for the community and the location of the proposed buildings is cleared land and has been this way for a number of years. There is unlikely to be contamination on the site given its previous use and the various contamination assessments that would have been undertaken at the time when residential subdivision in the area was initially developed. The current use of the site is unlikely to generate contaminants that would hinder future development.

4.3 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

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

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

4.4 Camden Local Environmental Plan 2010

The LEP is the primary environmental planning instrument relating to the proposed development. The objectives of the LEP are as follows:

- (a) *to ensure Camden retains its valued traditional qualities, character and scenic landscapes while providing for sustainable urban growth,*
- (b) *to ensure that new communities are planned and developed in an orderly, integrated and sustainable manner and contribute to the social, environmental and economic sustainability of Camden,*
- (c) *to ensure natural assets within Camden are protected and enhanced,*
- (d) *to minimise the impact on existing and future communities of natural hazards such as bush fires and flooding,*
- (e) *to ensure that appropriate housing opportunities are provided for all existing and future residents of Camden at all stages of their lives,*
- (f) *to ensure that the economic, employment and educational needs of all existing future residents of Camden are appropriately planned for,*

- (g) *to ensure the agricultural production potential of rural land, and prevent the fragmentation of agricultural holdings,*
- (h) *to ensure that the recreation, cultural and social needs of all existing and future residents of Camden are appropriately planned for,*
- (i) *to protect and restore the environmental values of land, including waterways and riparian lands, as part of the natural systems,*
- (j) *to conserve and enhance the built and landscaped heritage of Camden.*

The proposed development is consistent with the objectives in that:

- The subject site has been nominated as a location for a large community recreation facility. This proposal is consistent with that designation.
- The proposal will enhance the recreational and community facility offering to the Camden population.
- The proposal has been designed to minimise its impact on the locality.
- Additional employment opportunities will arise for the community.

The subject site is zoned *RE1 Public Recreation*. The objectives of the RE1 zone listed in the LEP are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposed development is consistent with the objectives in that:

- The site will continue to be used for recreational purposes.
- Additional recreational options will be provided for the community as a result of this proposal.
- Any potential impacts on the natural environment have been minimised.

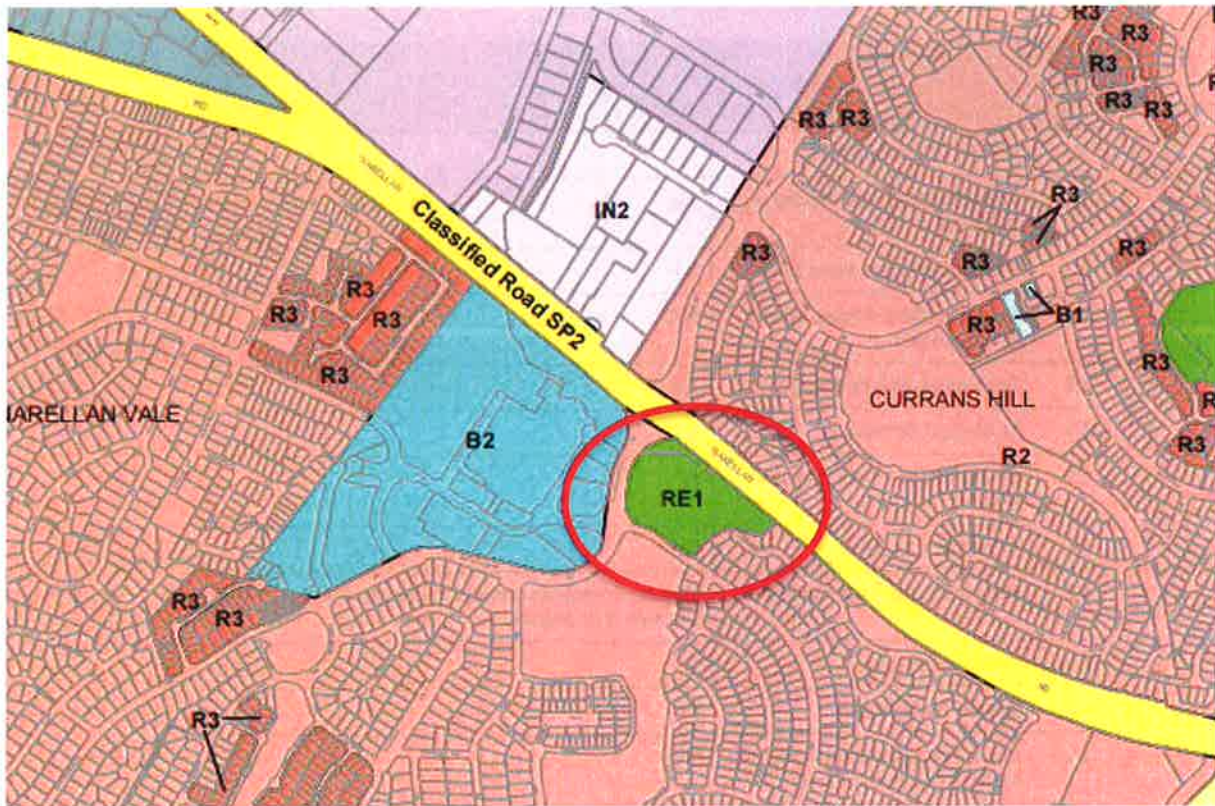


Figure 6 Land zoning

The Land Use Table of the LEP nominates *Recreation Facilities (indoor)* as a permissible form of development in the zone, given the notation on the zoning. The Dictionary definition of *Recreation Facilities (indoor)* is:

A building or a place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:

Standard	Permitted	Proposed	Comment
4.1 Minimum subdivision lot size:	N/A	N/A	N/A
4.2 Rural Subdivision:	N/A	N/A	N/A
4.3 Height of Buildings:	9.5m	10.66m	Variation sought under Clause 4.6 later in this report.
4.4 Floor Space Ratio	N/A	N/A	N/A

Part 5 Miscellaneous Provisions		
Provision		Comment
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous permissible uses	N/A
5.5	Development within the coastal zone	N/A
5.6	Architectural roof features	N/A
5.7	Development below mean high water mark	N/A
5.8	Conversion of fire alarms	N/A
5.9	Preservation of trees and vegetation	There are no significant examples of vegetation that is impacted on as a result of the proposal.
5.10	Heritage conservation	N/A
5.11	Bush fire hazard reduction	N/A
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
Part 7 Additional Local Provisions		
Provision		Comment
7.1	Flood Planning	N/A
7.2	Airspace operations	N/A
7.3	Development in areas subject to airport noise	N/A
7.4	Earthworks	Minor earthworks are required to facilitate the construction of the proposed building.
7.5	Child care centres	N/A
7.6	(Repealed)	N/A
7.7	Restricted premises	N/A
7.8	Road widening of Camden Valley Way, Catherine Field (Lakeside)	N/A

There are no other clauses relevant to the proposal.

4.4.1 Clause 4.6 – Exceptions to Development Standards

The proposed development seeks a variation to the maximum height limit applicable to the subject height. Clause 4.6 allows flexibility in applying development controls in some cases to particular developments. The relevant sub clauses include:

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained*

Standard from which variation is sought

This request for variation is submitted in relation to the Height of Buildings standard contained in Clause 4.3 of the Camden Local Environmental Plan 2010.

The maximum height of buildings control is 9.5m

Deviation from the Standard

The proposed development will see a building constructed with a maximum overall height of 10.66m. This does not comply with the LEP requirement of 9.5m.

We are advised that indoor recreational facilities generally need to provide a minimum internal height so as to allow a range of sporting activities to be conducted. The minimum is usually based on a clearance required for a basketball court being 7m. In the case of this project, the 7m clearance has been provided across the areas of the courts and this has resulted in a side wall height of 6.66m. Structurally however, for the roof to not require internal support a specifically engineered truss system is required that creates an arc between the buildings side walls. For this project, the truss system has been minimized as much as possible but results in an overall maximum building height of 10.66m for a small area of the roof as shown in Figures 7 and 8. Through additional design work, the overall height of the building

has been lowered from what was presented to Council in the original pre-DA meeting.

The variation sought is 1.16m above the maximum building height.

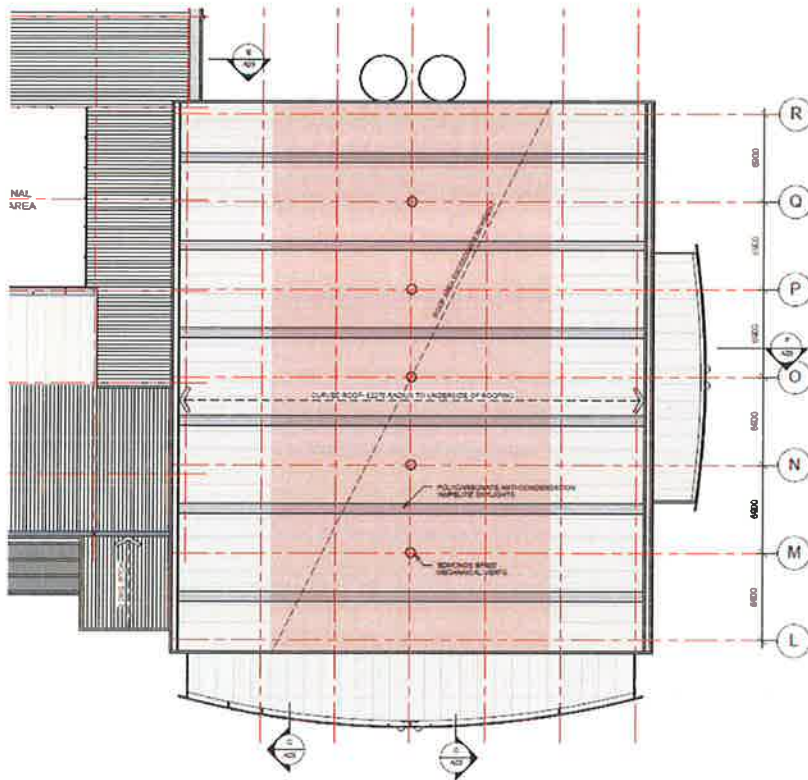


Figure 7 Area of height non-compliance marked in red

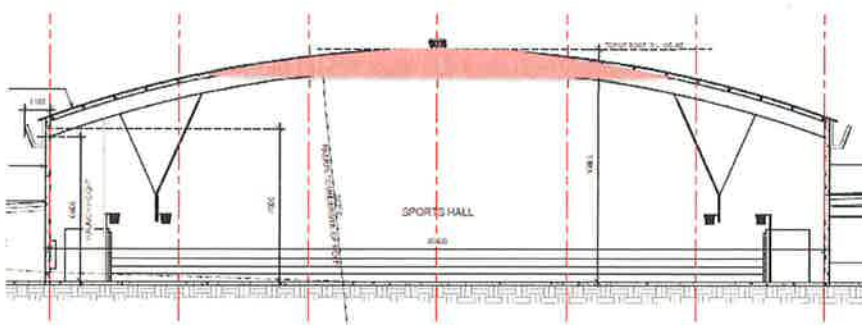


Figure 8 Approximate area of height breach highlighted in cross section.

Grounds for Clause 4.6 Variation

Objectives of the Development Standard – LEP 2010

The LEP 2010 Clause 4.3 Objectives are:

- a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
- b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,*
- c) *to minimise the adverse impact of development on heritage conservation areas and heritage items,*
- d) *to nominate heights that will provide a transition in built form and land use intensity.*

Assessment against the relevant objectives of the LEP 2010

- a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*

In determining if compatibility is achieved, the planning principle for determining compatibility arising from *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 is relevant. The planning principle states: *"Where compatibility between a building and its surrounding is desirable, its two major aspects are physical impact and visual impact."*

In order to test whether a proposal is compatible with its context, two questions should be asked:

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding site.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?"*

"...For a new development to be visually compatible with its context, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment..."

... The most important contributor to urban character is the relationship of built form to surrounding space, a relationship that is created by building height, setbacks and landscaping. In special areas, such as conservation areas, architectural style and materials are also contributors to character..."

Whilst the subject site sits adjacent to a residential area, as well as being within reasonable proximity to the Mt Annan Local Centre, the site is specifically zoned for recreational uses and is intended to provide a regional scale recreation facility for the Camden community. Physically, the size and scale of the existing building is what one would expect to provide the necessary function that the building provides for the wider community. The proposed extension is consistent with that scale and expectation, with the internal clearance being the determining factor in the final design outcome. Despite there being no local environmental constraints really

applicable to the site that create the non-compliance, it is the utility of the building and the resultant wider public benefit that the request for the variation is sought.

The design of the building complements that of the existing facility, the scale and bulk of the two buildings are not significantly different. The visual impact will be minimal as the proposed works are consistent with the function and operation of the site.

Whilst there will be increased traffic movements as a result of the proposed works, the impacts on the surrounding residential area will be minimal given the location and access arrangements to the site. There will be no significant overshadowing, bulk and scale, or privacy impacts arising from the proposed development.

There are a number of components to the overall development and it is submitted that the minor breach in height will be imperceptible when viewed from the surrounding area and public domain. This is confirmed in Figures 7 and 8 earlier in the report.

As such, the proposed development is considered to be in harmony with the locality, consistent with the zoning objectives, and will not result in any unacceptable impacts on the adjoining and nearby residential area.

b) to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas, including parks, streets and lanes,

Visual Impact

The proposed development will not have any negative visual impact to the area. The proposed development is of a scale and size that is consistent with expected built form on the site. The minor breach in height relates to one small part of the proposal, and all attempts have been made to minimize the structural nature of the roof.

Solar Access

The proposed development will not create any solar access impacts on nearby or adjoining development.

Objectives of the Zone – LEP 2010

The second consideration under clause 4.6(4)(a)(ii) is to ensure the development is consistent with the objectives for development within the zone. This has been considered in Section 4.2 of this report.

The Public Interest

There is no public benefit in maintaining a height of 9.5m when the additional building scale which arises will not result in any unacceptable impacts on the surrounding built form or locality. The public interest is served through the provision of an expanded recreational centre that will provide facilities for an even greater number of community members.

Summary

In summary, the proposed variation to the height limit can be considered favourably by the consent authority for the following reasons:

- The proposed development satisfies the objectives of Council's Height of Buildings standard.
- The objectives of the RE1 Zone are also achieved by the proposed development.
- There are no apparent impacts arising as a result of the breach.
- The height breach is minor, is restricted to a small part of the roof area, and will be imperceptible when viewed from the wider locality.
- The utility of the building requires a minimum clearance of the roof. As a result, the structural design results in a curved roof that has a maximum height 1.16m above the height limit.
- The additional height does not provide any other benefits to the proponent, be it financial, additional floor space etc.
- The land is identified, through its zoning and Council's various management and operational plans as being used as a major recreational facility for the Camden LGA.
- Overall, the facility is highly unique and serves a specific purpose and as such, the height limit applied to this site and surrounding residential areas should be considered in a flexible manner on this site.
- The public interest is served through the approval of this expanded recreational facility.

It is recommended that the variation to the height limit be supported.

4.5 Camden Development Control Plan 2011

Development Control Plans contain finer grain planning controls in respect of specific development types. The following Part of the DCP is the most relevant in the case of the proposal.

Part B: General Land Use Controls		
Control		Comment
B1.1	Erosion and Sedimentation	Appropriate erosion and sediment control measures will presumably be imposed as conditions of consent.
B1.2	Earthworks	Some minor earthworks will be required to facilitate the construction of the proposed building. There will be little impact arising from the works.
B1.3	Salinity Management	A Salinity Management Plan accompanies the application addressing the requirements.
B1.4	Water Management	Camden Council's Engineering Specifications have been considered in the preparation of this application.

B1.5	Trees and Vegetation	No significant examples of trees or vegetation will be impacted by this proposal.
B1.6	Environmentally Sensitive Land	N/A
B1.7	Riparian Corridors	N/A
B1.8	Environmental and Declared Noxious Weeds	N/A
B1.9	Waste Minimisation and Management	Noted. A Waste Management Plan has been provided.
B1.10	Bushfire Risk Management	N/A
B1.11	Flood Hazard Management	N/A
B1.12	Contaminated Land	N/A.
B1.13	Mine Subsidence	Noted.
B1.14	Development Adjoining SCA Controlled Lands	N/A
B1.15	Development near Camden Airport	N/A
B1.16	Acoustic Amenity	An acoustic report addressing these requirements has been prepared and accompanies the application.
B1.17	Air Quality	N/A
B1.18	Trial Periods	N/A
B2	Landscape Design	A detailed Landscape Plan has been prepared addressing Council's DCP.
B3	Environmental Heritage	N/A
B4	Advertising and Signage	N/A
B5	Access and Parking	A traffic and parking report has been submitted with the application addressing Council's DCP requirements.

5 Section 79C Assessment

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken.

5.1 Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The relevant environmental planning instruments have been considered earlier in this report.

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant requirements.

5.2 Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no known draft Environmental Planning Instruments applicable to the subject site.

5.3 Section 79C(1)(a)(iii) – Any Development Control Plan

Compliance against the relevant DCP's has been considered earlier in this report.

5.4 Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site or development.

5.5 Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

5.6 Section 79C(1)(b) – The Likely Impacts of the Development

The following impacts have been considered in the preparation of this development proposal.

5.6.1 Stormwater and Flooding

A stormwater concept plan has been submitted with the development application demonstrating compliance with Council's requirements in this regard and is consistent with the discussions held at the pre-lodgement meeting.

5.6.2 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

5.6.3 Noise Impacts

Whilst there will be some noise associated with the construction of the development, longer term there is not expected to be any noise impacts above and beyond what might normally be associated with a school/educational environment.

Notwithstanding an acoustic report has been commissioned and accompanies the application and concludes the following:

The existing noise environment has been measured and recorded over a period of 8 days. Noise goals for the proposed development have been based on the recorded levels. Noise models have been developed for the noise sources associated with the occupation of each space.

Noise emissions from the occupied spaces have been calculated and predicted levels compared to the noise goals and noise criteria. Noise emissions from occupied spaces are predicted to comply with the noise criteria with the currently proposed structural design. Maximum permissible sound power levels for outdoor mechanical equipment have been specified in order to achieve the noise criteria at the residential boundaries.

Noise emissions from the proposed car park expansion have been calculated based on a developed scenario. Noise emissions from the expanded car park are predicted to comply with the LAeq, 15 minutes noise goal of 51 dBA at the residential boundaries without further noise amelioration measures. Maximum noise levels (LAFmax) from the car park will not cause sleep disturbance to the residents or interfere with daily repose.

Providing the recommendations for mechanical equipment and PA noise emissions are incorporated into the design and construction of Stage 2 of Mount Annan Leisure Centre, noise emissions are predicted to comply with the conditions of Camden Council and the NSW EPA for the outside acoustic environment.

5.6.4 Heritage Issues

There are no heritage consideration for this proposed development.

5.6.5 Visual Impact

The proposed development is designed with a high level of architectural merit that is consistent with the existing centre. Its visual impact will be as expected for a regional recreation facility, but blend into the context of the Mount Annan centre precinct.

Most trees that currently exist at the eastern end of the site will be retained, while additional planting is proposed to better screen the development when viewed from nearby residential properties.

5.6.6 Services

The site is appropriately serviced to allow for the proposed development.

5.6.7 Overshadowing

There will be no unacceptable overshadowing impacts as a result of the proposed development. This is largely due to the central location of the building and the substantial setbacks that result.

5.6.8 Social and Economic

Additional employment opportunities will arise. Increased recreation opportunities are a wider positive social impact.

There are no negative economic or social impacts considered relevant to the proposal.

5.6.9 Crime Prevention Through Environmental Design (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the *"Crime Prevention and Assessment of Development Application Guidelines under Section 79C of the Environmental Planning and Assessment Act 1979"* published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

Surveillance

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along frontages allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Active communal areas at the front and rear of the building are well positioned.
- Clear visual pathways from the car park and around the site.
- Areas of entrapment are limited due to multiple exit points from around the development.
- Some level of CCTV will likely be incorporated into the development.

Access Control

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to the building can be effectively managed through lockable entry doors. Common areas at all locations and levels will have access control measure in place. With respect to fire escape points and building services rooms, the location of these access points, the use of lockable doors and other environmental cues will make it clear that these are not public entry points.

Overall access to the building will be managed by on-site employees.

Territorial Reinforcement

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site

furnishings and paving will provide good environmental cues about the transition or movement between these spaces.

Space Management

For commercial-like developments, space management is carried out in a professional manner, in this case presumably by Council itself or the operator of the building. Therefore, the effectiveness of management systems such as light globe replacement, removing graffiti, and fixing broken site furnishings will influence the perceived level of care of the project. In this case, on-site management will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

Site cleanliness is also a factor that influences the perceived and actual level of care of an area.

Cleanliness of the project will be overseen by the on-site manager. The selection of lighting should also be vandal proof, and materials facilitate ease of maintenance in the long-term, to delay the appearance of decay.

5.6.10 Waste Management

Appropriate waste management measures would be put in place on the site that are consistent with existing procedures.

5.7 Section 79C(1)(c) – The Suitability of the Site

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the building would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons outlined in this report the site is considered suitable for this development proposal.

5.8 Section 79C(1)(d) – Any Submission Made

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to those.

5.9 Section 79C(1)(e) – The Public Interest

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

5.10 Section 79C(3A) – Development Control Plans

Section 79C(3A) has been considered below in respect of this application.

Clause	Clause Summary	Proposed Development
79C(3A)(a)	<p>If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:</p> <p>(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and</p>	The proposal is satisfactory when considered against the provisions of the DCP.
79C(3A)(b)	<p>(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and</p>	The provisions in the DCP do not significantly impact on those within the LEP.
79C(3A)(b)	<p>(c) may consider those provisions only in connection with the assessment of that development application.</p>	Council will undertake its assessment accordingly.

6 Conclusion and Recommendation

The proposed development has been assessed against the requirements of the Camden LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed development would not result in any unacceptable impact on the locality. The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development as well as the intended future use of the land on which it is proposed.

A minor height variation is sought and detailed in this report as per Clause 4.6 of the Camden LEP. The merits of the resultant building are obvious and importantly, will not result in any unacceptable impacts or any precedence. Council is able to confidently support the height variation.

An assessment against section 79C of the EPA Act has not resulted in any significant issues arising.

Accordingly it is recommended that the proposed development of extensions of the existing leisure centre at Welling Drive, Mount Annan be approved.

