



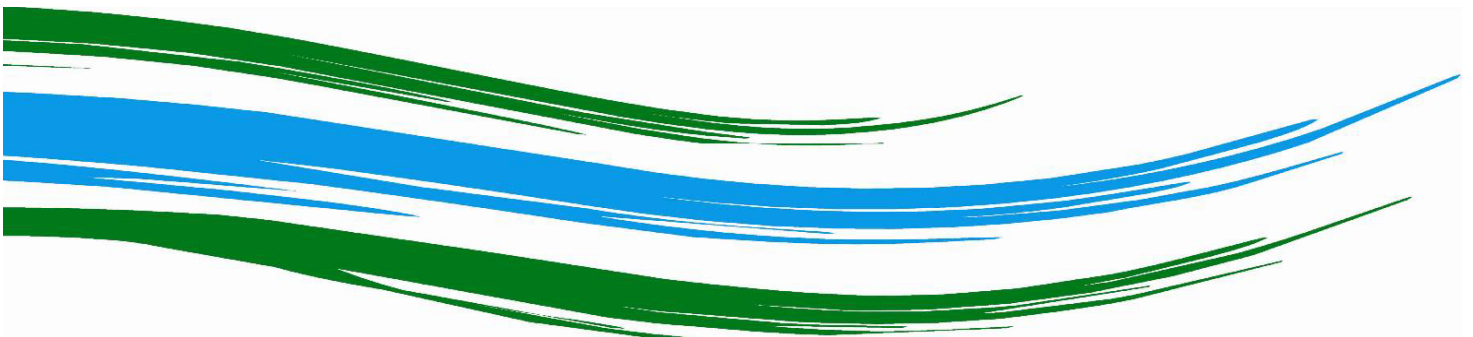
# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**12 August 2014**

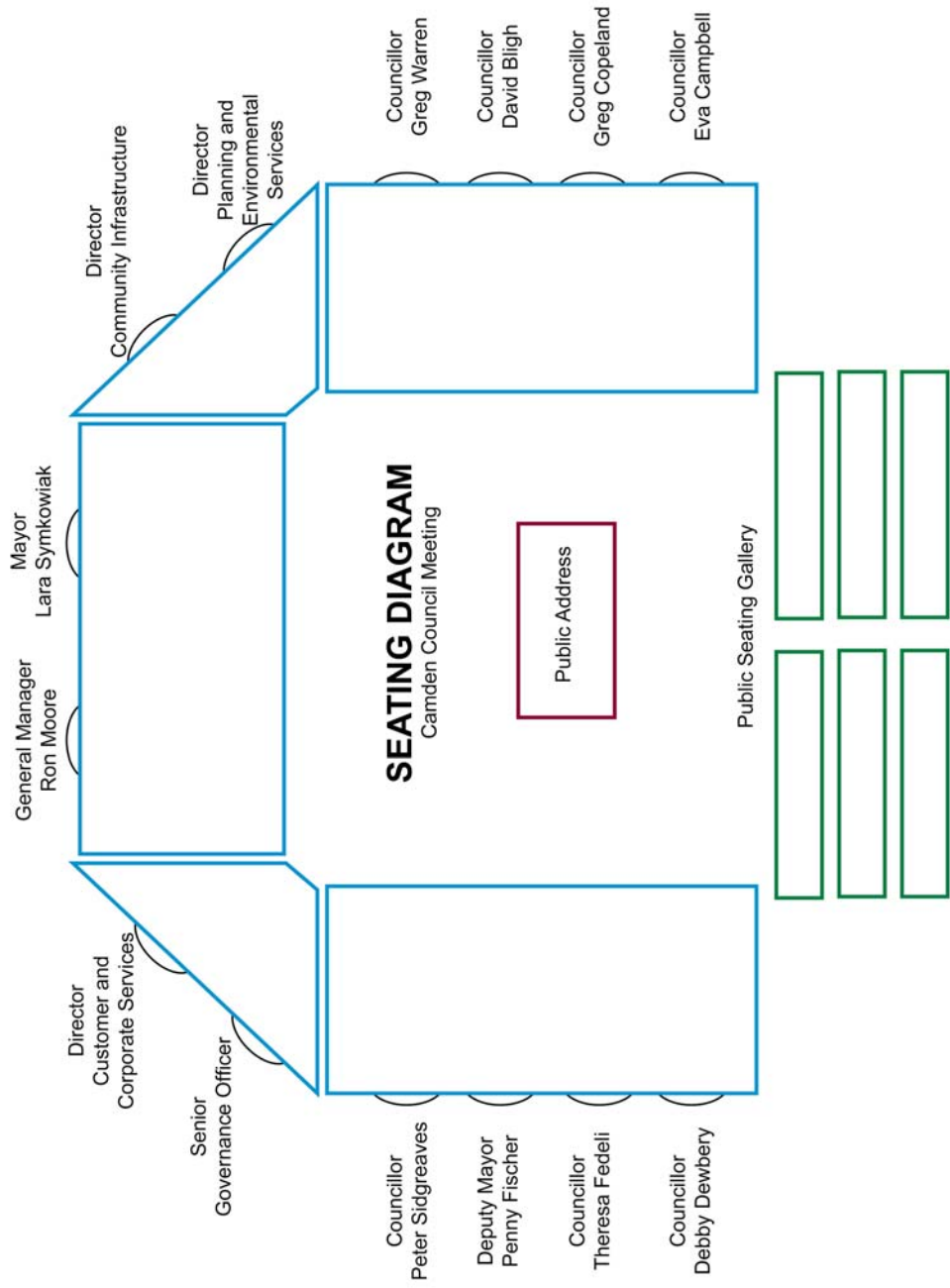
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## COMMON ABBREVIATIONS

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



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



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# ORDINARY COUNCIL

## ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer .....	6
Acknowledgment of Country .....	7
Recording of Council Meetings .....	8
Apologies .....	9
Declaration of Interest.....	10
Public Addresses .....	11
Confirmation of Minutes.....	12
Mayoral Minute .....	13
ORD01 Construction of a Two Storey Attached Dual Occupancy, Strata Subdivision and Associated Site Works At 321 South Circuit, Oran Park.....	14
ORD02 Business Alliance .....	45
ORD03 LGNSW Annual Conference 2014 .....	50
ORD04 Classification of Land - Lot 46 DP 1115480 Fairwater Drive, Harrington Park .....	52



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## ORDINARY COUNCIL

**SUBJECT: PRAYER**

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### PRAYER

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

Amen

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

Amen

\*\*\*\*\*

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

Amen

\*\*\*\*\*

### AFFIRMATION

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

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

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

\*\*\*\*\*

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

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

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## **ORDINARY COUNCIL**

**SUBJECT:      ACKNOWLEDGMENT OF COUNTRY**

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



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## **ORDINARY COUNCIL**

**SUBJECT:        RECORDING OF COUNCIL MEETINGS**

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



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## ORDINARY COUNCIL

**SUBJECT: APOLOGIES**

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

**RECOMMENDED**

**That leave of absence be granted.**

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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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

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

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

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

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

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

### **RECOMMENDED**

**That the public addresses be noted.**



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## ORDINARY COUNCIL

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 22 July 2014.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 22 July 2014, copies of which have been circulated, be confirmed and adopted.**



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## **ORDINARY COUNCIL**

**SUBJECT:      MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).

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## ORDINARY COUNCIL

ORD01

**SUBJECT: CONSTRUCTION OF A TWO STOREY ATTACHED DUAL OCCUPANCY, STRATA SUBDIVISION AND ASSOCIATED SITE WORKS AT 321 SOUTH CIRCUIT, ORAN PARK**

**FROM:** Director Planning & Environmental Services  
**TRIM #:** 14/101794

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**APPLICATION NO:** 324/2014  
**PROPOSAL:** Construction of a two storey attached dual occupancy, strata subdivision and associated site works  
**PROPERTY ADDRESS:** 321 South Circuit, Oran Park  
**PROPERTY DESCRIPTION:** Lot 3321, DP 1169105  
**ZONING:** R1 General Residential  
**OWNER:** Mobarak Investment Pty Ltd  
**APPLICANT:** Mr Ahmad Masri

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey attached dual occupancy, strata subdivision and associated site works at 321 South Circuit, Oran Park.

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

### SUMMARY OF RECOMMENDATION

That Council determine DA 324/2014 for the construction of a two storey attached dual occupancy, strata subdivision and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

### EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a two storey attached dual occupancy, strata subdivision and associated site works for 321 South Circuit, Oran Park.

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

The DA was publicly exhibited in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper supporting documents.**

The issues raised in the submission relate to the development not being in keeping with the development of Oran Park, other sites being more appropriate for this form of development and negative amenity and character impacts.

The proposed dual occupancy development is permitted with consent in the R1 applicable General Residential zone under the provisions of the SEPP. The proposed development also fully complies with all applicable planning controls outlined in the Oran Park DCP. It is considered that the proposed development is appropriate for the site and is consistent with the form of development envisaged for the area.

An objective of the R1 General Residential zone is “to provide for a variety of housing types and densities” which encourages a diverse range of housing for the area. The proposed development is not a medium density development and is considered appropriate for the site and the surrounding low density residential area.

It is not considered that the proposed development will adversely impact the lifestyle of surrounding residents. It is also not considered that the proposed development will be out of character with the surrounding area as a dual occupancy development of this type is a normal occurrence and expectation of a general residential zone such as this.

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

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

### AERIAL PHOTO



### THE SITE

The site is commonly known as 321 South Circuit Oran Park and is legally described as lot 3321, DP1169105.

The site has a frontage of 25m to South Circuit, a depth of 31.9m and an overall area of 725.4m<sup>2</sup>. The lot is currently vacant and falls gently from south to north.

The surrounding area is predominantly characterised by recently developed detached dwellings.

The surrounding area is characterised by lots varying in size from 375m<sup>2</sup> to 754m<sup>2</sup>. The majority of the lots along this section of South Circuit are occupied and contain single dwellings with both single and two storey construction.

The site is located within the developing Oran Park growth centre precinct and approximately 650m south west of the developing Oran Park Town Centre.

### HISTORY

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

Date	Development
2 June 2011	Creation of this lot approved by DA 788/2010

### THE PROPOSAL

DA 324/2014 seeks approval for the construction of a two storey attached dual occupancy, strata subdivision and associated site works.

Specifically the proposed development involves:

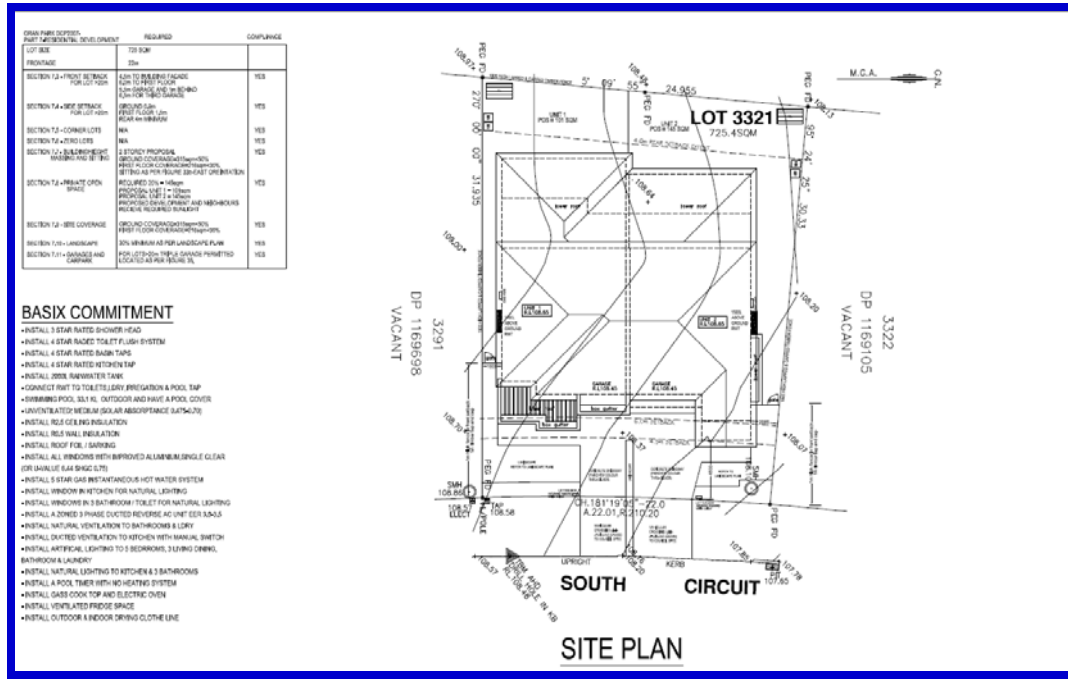
- construction of a two storey attached dual occupancy. Each dwelling will have 4 bedrooms with one having a single and the other a double garage. The dwellings will be constructed of brick veneer, with a render finish to the first floor and weatherboard cladding on the upper floor. The roof, fascia and gutters will be metal;
- construction of two driveways, landscaping and side and rear boundary fences; and
- strata subdivision to create two lots. Proposed lot 1 will have an area of approximately 349.4m<sup>2</sup> and proposed lot 2 an area of approximately 376.2m<sup>2</sup>.

The value of the works is \$400,000.

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

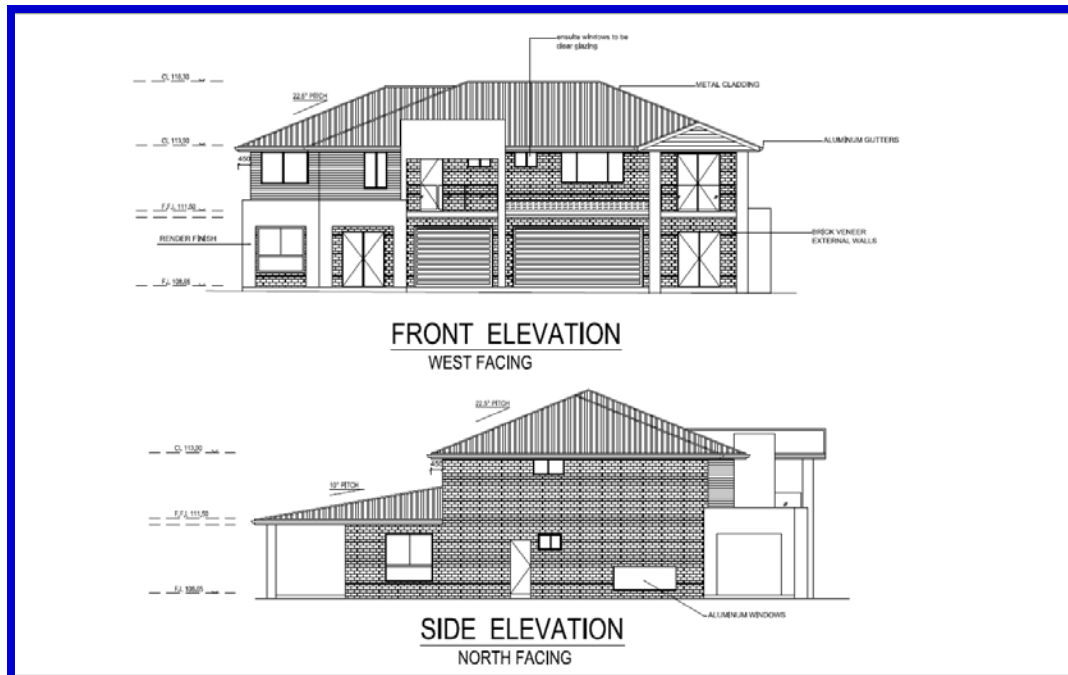


## PROPOSED SITE PLAN

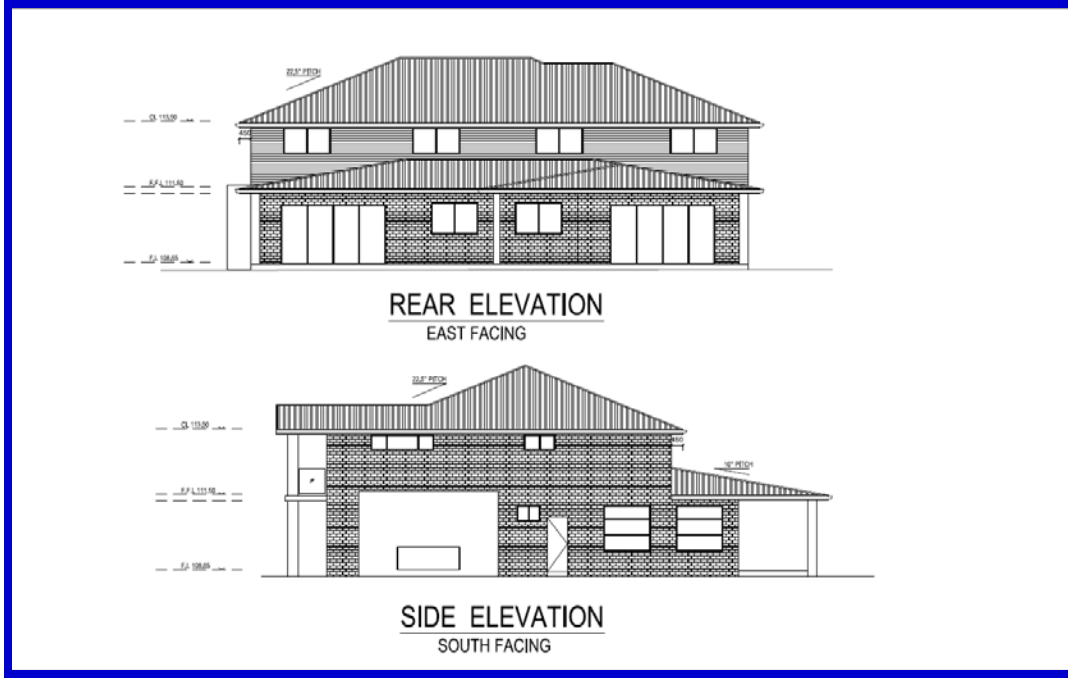


ORD01

## PROPOSED ELEVATIONS



ORD01

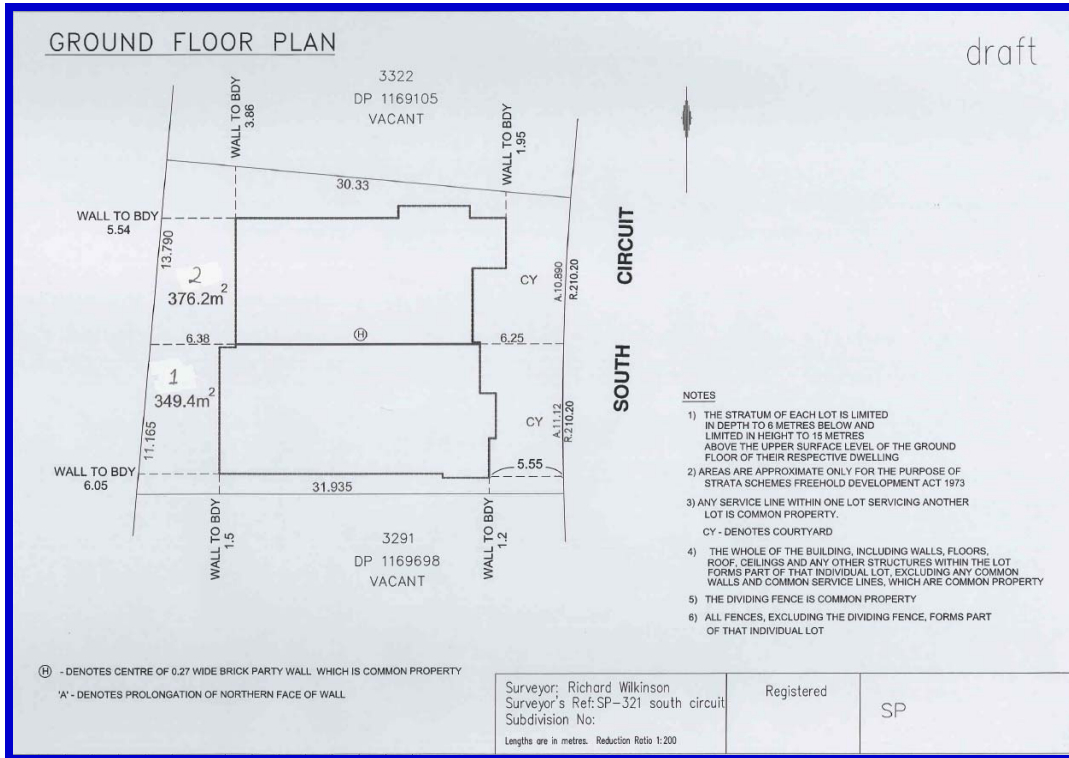


**3D PERSPECTIVE**



## PROPOSED STRATA PLAN

ORD01



## 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 55 – Remediation of land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Deemed State Environmental Planning Policy No 20–Hawkesbury-Nepean River

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

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

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent. Council staff have reviewed the site's history and remediation of the land was undertaken at the previous subdivision stage. Therefore it is considered that the risk of contamination is low.

Notwithstanding, a condition is recommended to ensure that if any unexpected finds of contamination are identified during construction, all works cease and Council be notified. Should any remediation be required, the developer will be required to comply with Council's Management of Contaminated Lands Policy. Subject to this occurring, the site will remain suitable for its continued residential use.

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

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

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

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)

*Permissibility*

The site is zoned R1 General Residential under the provisions of the SEPP. The proposed development is defined as a "dual occupancy" by the SEPP which is a permissible land use in this zone.

*Objectives*

The objectives of the R1 General Residential are as follows:

- To provide for the housing needs of the community.

Officer comment:

The proposed attached dual occupancy development will provide for the housing opportunities for the community.

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

Officer comment:

Attached dual occupancy development is an appropriate housing type in a residential zone. At 725.4m<sup>2</sup> the lot size is well in excess of the minimum lot size of 600m<sup>2</sup> for dual occupancies. The development will add to the variety of housing types and densities being provided throughout the Oran Park precinct.

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

Officer comment:

This objective is not relevant as the proposed development is for a dual occupancy development.

- To support the well being of the community, including educational, recreational, community, religious and other activities and, where appropriate, neighbourhood shops if there will be no adverse effect on the amenity of proposed or existing nearby residential development.

Officer comment:

This objective is not relevant as the proposed development is for a dual occupancy development.

- To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.

Officer comment:

This objective is not relevant as the proposed development is for a dual occupancy development.

- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.

Officer comment:

This objective is not relevant as the proposed development is for a dual occupancy development.

- To provide for a variety of recreational uses within open space areas.

Officer comment:

This objective is not relevant as the proposed development is for a dual occupancy development.

*Relevant Clauses*

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

Clause	Requirement	Provided	Compliance
4.1A Minimum Lot Size	Minimum lot size for dual occupancies of 600m <sup>2</sup>	The site has an area of 725.4m <sup>2</sup>	Yes
4.3 Height of Buildings	Maximum 9.5m building height	Proposed 7.7m maximum building height	Yes

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. Conditions requiring appropriate sediment and erosion controls and a stabilised access point are recommended.

***(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).***

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

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

Oran Park Development Control Plan 2007 (DCP)

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

Control	Requirement	Provided	Compliance
A2.1 Indicative Layout Plan	All development must be undertaken in accordance with the Oran Park ILP	The site is located within an area designated for low density residential development. The proposed development is considered appropriate in this area	Yes
A6.3 Salinity and Soil Management	All development must incorporate soil conservation and sediment and erosion control measures during and following construction	A standard condition is recommended that will require appropriate soil erosion and sediment control measures be undertaken	Yes
A6.7 Contamination Management	All investigations reporting and identified remediation works must be in accordance with Council's policy	Council staff have reviewed the site's history and remediation of the land was undertaken at the previous subdivision stage. Therefore it is considered that the risk of contamination is low.  Notwithstanding, a condition is recommended to ensure that if any unexpected finds of contamination are identified during construction, all works cease and Council be notified. Should any remediation be required, the developer will be required to comply with Council's	Yes

Control	Requirement	Provided	Compliance
		Management of Contaminated Lands Policy	
A6.9 Acoustics	Residential development shall be designed to comply with Council's Environmental Noise Policy	A condition is recommended that will require the dwellings to be constructed in accordance with the acoustic report approved as part of the original subdivision of the land	Yes
A7.2 Streetscape and Architectural Design	Primary façade of a dwelling must include two design features	The front façade of each dwelling provides design features including entry features, a balcony and a mixture of building materials	Yes
	Eaves should be a minimum of 450mm to 70% of the dwelling	450mm are proposed to at least 70% of the dwelling	Yes
	Colours and materials should be neutral	The colours and materials proposed are a combination of grey brick, white render and timber	Yes
	Exact mirror imaging for dual occupancy development is not permitted	The dwellings will be visually differentiated through the use of different design feature and materials	Yes
	Garage doors should recede from the front façade	Both garage doors are located 1m behind the main building façade	Yes
	Complex roof forms are not permitted. Roof pitch to be between 22.5 and 34 degrees	The proposed roof pitches are a maximum of 22.5 degrees	Yes
	Porticos and entry features must be in proportion with the scale of the dwellings	The proposed entry features are in scale with the proportions of the dwellings	Yes
All main entries to dwellings are to front the primary street	The main entries to the dwellings front South Circuit	Yes	
A7.3	Setbacks for lots		

ORD01

**ORD01**

Control	Requirement	Provided	Compliance
Front Setbacks	>15m wide		
	Building façade 4.5m to ground floor and 6m to upper floor	The front facades for the upper and lower floors for both dwellings are set back 6m from the front boundary	Yes
	Articulation zone 3.5m	The articulation zones for both dwellings are set back over 4m from the front boundary	Yes
Garage line 5.5m and 1m behind the building façade line		The garages will be set back a minimum of 6.6m and 1m behind the building façade line	Yes
	A7.4 Side and rear setbacks	Setbacks for lots >15m wide	
	Ground floor 0.9m	Side setbacks of 1.5m to the southern boundary and 1.9m to the northern boundary are proposed	Yes
Upper floor Side A 0.9m Side B 1.5m	The side setbacks for the upper floors are the same as the ground floor being setback 1.5m and 1.9m	Yes	
Rear setback 4m	Both dwellings have a rear setback greater than 4m	Yes	
A7.7 Dwelling Height, Massing and Siting	Housing can be single or two storeys in height	Both dwellings are two storey	Yes
	For lots greater than 350m <sup>2</sup> upper levels of a dwelling is to be no more than 30% of the lot area	Proposed lot 2 is greater than 350m <sup>2</sup> and dwelling 2 has an upper floor area of 103m <sup>2</sup> which is 27.4% of the lot area  Proposed lot 1 measures less than 350m <sup>2</sup> so the control is not applicable, however the upper level of dwelling 1 does not exceed 30% of the lot area	Yes
A7.8 Private Open Space	Private open space (POS) for lots >10m-15m		
	Minimum 20% of the lot area and minimum	Proposed lot 1 provides a total of 108m <sup>2</sup> private open space with a minimum	Yes



Control	Requirement	Provided	Compliance
	<p>dimension of 2m</p> <p>Principle private open space (PPOS) for lots &gt;10m-15m</p> <p>Minimum 20m<sup>2</sup> and minimum dimension 3.5m to be located behind the building façade line</p> <p>50% of the PPOS is required to be to receive 3 hours of sunlight</p> <p>PPOS to be directly accessible from living areas with a gradient of less than 1:10</p>	<p>dimension of 2m. This is approximately 31% of the area of proposed lot 1</p> <p>Proposed lot 2 provides a total of 138m<sup>2</sup> private open space with a minimum dimension of 2m. This is approximately 36% of the area of proposed lot 2</p> <p>Proposed lot 1 provides 58m<sup>2</sup> of PPOS with a minimum dimension of 3.5m. Proposed lot 2 provides 68m<sup>2</sup> of PPOS with a minimum dimension of 3.5m</p> <p>The PPOS is located to the rear of the dwellings will receive sunlight all day due to the site's east orientation. This has been demonstrated on the shadow diagrams submitted with the DA</p> <p>The PPOS for both dwellings is accessible from the main living areas and will have a gradient of less than 1:10</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
A7.9 Site cover and Landscaped Area	<p>A landscape plan is to be submitted showing one 75 litre tree in the front setback</p> <p>For lots &gt;10m-15m and lots &gt;15m site cover for two storey dwellings is 50% at ground floor and 30% at upper floor</p>	<p>A landscape plan has been provided showing one 75 litre tree in the front setback for each dwelling</p> <p>Proposed lot 1 has a site cover at ground level of 150.9m<sup>2</sup> which is 43.1% and upper level of 104m<sup>2</sup> which is 30%</p> <p>Proposed lot 2 has a site cover at ground level of 157m<sup>2</sup> which is 41.7% and upper level of 111m<sup>2</sup> which is 29%</p>	<p>Yes</p> <p>Yes</p>

**ORD01**

Control	Requirement	Provided	Compliance
	<p>Landscape area 30%</p> <p>Subsoil drainage</p> <p>Low water demand vegetation</p>	<p>Proposed lot 1 provides an area of 107m<sup>2</sup> which is 30% of the lot area</p> <p>Proposed lot 2 provides an area of 137m<sup>2</sup> which is 36% of the lot area</p> <p>The development will have two stormwater overflow pipes that will connect to the existing stormwater drainage system and will adequately drain the property</p> <p>Most of the plants proposed are natives, are low water demanding and are considered appropriate</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
A7.10 Garages, Site Access and Parking	<p>Parking to be provided with the requirement of Camden DCP 2006. Dwelling houses with more than 2 bedrooms require 2 car parking spaces, one of which must be behind the building line</p> <p>Garages are to be setback 5.5m from the front boundary and 1m behind the front building facade</p> <p>For lots &gt;10m-12.5m single front loaded garages only</p> <p>Lots &gt;20m Front loaded triple garages are permitted</p>	<p>Dwelling 1 has a single car garage and can provide one tandem space in front of the dwelling</p> <p>Dwelling 2 will provide 2 car spaces within a double garage</p> <p>The proposed garages are both set back greater than 5.5m and 1m behind the front building facade</p> <p>Dwelling 1 has a single garage and dwelling 2 has a double garage</p> <p>However, the overall site width is 22m for which a front loaded triple garage is permitted.</p> <p>The intent of the control is to avoid garages being dominant on front facades. As the proposed</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

Control	Requirement	Provided	Compliance
	<p>Where a garage entry forms part of the front façade of a dwelling, the garage is to be setback 5.5m from the front boundary</p> <p>Garage doors are to be visually recessed and the maximum total width of a garage door is to be less than 50% of the building façade length</p> <p>Maximum width of a driveway at the property boundary is 4.5m</p>	<p>development presents as one building frontage, is well articulated and complies with the DCP's other garage coverage controls the intent of this control is still achieved on this site</p> <p>The garages are setback 6.6m and 7.5m respectively</p> <p>Both garage doors are recessed 1m from the front building façade and are no more than 50% of each of their parent dwelling's front facades</p> <p>Lot 1's driveway will be 3.2m wide at the boundary</p> <p>Lot 2's driveway will be 4.2m wide at the boundary</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
A7.13 Fencing	<p>Maximum height:</p> <p>Front fencing 1m</p> <p>Side and rear fencing 1.8m</p>	<p>None proposed</p> <p>1.8m timber fence proposed</p>	<p>Yes</p> <p>Yes</p>
A8.1 Visual and Acoustic Privacy	<p>Direct overlooking of the main habitable area and private open space should be minimised</p> <p>In attached dwellings, bedrooms of one dwelling are not to share walls with</p>	<p>All the windows proposed on the side elevations of the upper floors have sill heights over 1.7m which will prevent overlooking into adjoining properties</p> <p>The proposed layout of the dwellings has been designed to comply with this control</p> <p>The layouts of both dwellings have been designed to minimise noise impacts</p>	<p>Yes</p> <p>Yes</p>

**ORD01**

Control	Requirement	Provided	Compliance
	<p>living spaces or garages of adjoining dwellings</p> <p>Layout to minimise noise transmission</p>		
A8.2 Sustainable Building Design	<p>A BASIX Certificate is to be provided for all new residential dwellings</p> <p>Building design is to respond to site conditions regarding passive solar access and to facilitate natural ventilation</p>	<p>A BASIX Certificate has been submitted and a standard condition is recommended to ensure compliance with it</p> <p>The main living areas are located where they will receive maximum solar access. All rooms have adequate windows to facilitate natural ventilation</p>	<p>Yes</p> <p>Yes</p>
A8.3 Stormwater and Construction Management	<p>A stormwater concept plan is to be submitted with each building DA</p>	<p>An appropriate concept stormwater drainage plan has been submitted with the DA</p>	<p>Yes</p>
A8.4 Waste Management	<p>All residential dwellings shall be provided with a garbage, recycling and green waste service</p>	<p>The proposed development can avail of Council's waste collection services</p>	<p>Yes</p>
A8.5 Site Facilities and Servicing	<p>Underground servicing is required for all domestic serving utilities</p> <p>Garbage, mail box structures, service metres etc. are to be integrated with the overall design</p>	<p>The proposed lots can be connected to the existing underground services on South Circuit</p> <p>The locations for these features have been shown on the plans and are considered appropriate</p>	<p>Yes</p> <p>Yes</p>
A8.7 Safety and Surveillance	<p>Development should aim to provide casual surveillance to the street by maximising outlooks and views and minimise the overlooking of neighbouring properties</p>	<p>The front façade of the dwellings have the entrances, balconies and large windows facing the street which will provide passive surveillance</p> <p>A combination of smaller windows and raised sill heights on the windows side elevations will minimise overlooking of neighbouring</p>	<p>Yes</p>

Control	Requirement	Provided	Compliance
		properties	

Camden Development Control Plan 2011 (DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and sedimentation	Erosion, sediment and dust control measures must be put in place	Standard conditions are recommended to ensure that appropriate erosion, sediment and dust control measures will be in place	Yes
B1.2 Earthworks	The maximum amount for both cut and fill shall not exceed 1m respectively	The site is relatively flat therefore minimal cut and fill is required	Yes
	Only clean fill material must be used	It is a recommended condition that only clean fill material be used in the development	Yes

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

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

***(a)(iv) The Regulations***

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

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

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

***(c) The suitability of the site***

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

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

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 9 to 23 May 2014. One submission was received (objecting to the proposed development).

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

1. *The area around South Circuit, Bartlett Street and Reed Street is built with single and double storey dwellings designed for family living mostly by the owners. The proposed development is not in keeping with what Oran Park town is designed to be.*

Officer comment:

The proposed dual occupancy development is permitted with consent in the R1 applicable General Residential zone under the provisions of the SEPP. The proposed development also fully complies with all applicable planning controls outlined in the Oran Park DCP.

It is considered that the proposed development is appropriate for the site and is consistent with the form of development envisaged for the area.

2. *No other type of dwelling has been proposed so far near the subject site. There will be blocks available at Oran Park Town for medium density residential housing where duplexes can be built. Those lots are especially designed for duplexes.*

Officer comment:

An objective of the R1 General Residential zone is “to provide for a variety of housing types and densities” which encourages a diverse range of housing for the area. The proposed development is not a medium density development and is considered appropriate for the site and the surrounding low density residential area.

3. *By having a duplex placed amongst the houses near lot 3321 this will impact on the lifestyle of the people living in this particular area. It is considered to be out of character with its surroundings.*

Officer comment:

As aforementioned the proposed development is permitted with consent in this zone, fully complies with all applicable planning controls. It is not considered that the proposed development will adversely impact the lifestyle of surrounding residents.

It is also not considered that the proposed development will be out of character with the surrounding area as a dual occupancy development of this type is a normal occurrence and expectation of a general residential zone such as this.

**(e) The public interest**

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

**EXTERNAL REFERRALS**

The DA was not required to be referred to any external agency for comment.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 324/2014 is recommended for approval subject to the conditions contained in this report.

**CONDITIONS**

**1.0 - General Requirements**

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

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Sheet DA01	Site Plan	Ozy Homes	20.3.2014
Sheet DA02	Ground Floor Plan	Ozy Homes	20.3.2014
Sheet DA03	First Floor Plan	Ozy Homes	20.3.2014
Sheet DA04	Elevation	Ozy Homes	20.3.2014
Sheet DA05	Elevation	Ozy Homes	20.3.2014
Sheet DA06	Shadow Diagram	Ozy Homes	20.3.2014
Sheet DA07	Landscape Plan	Ozy Homes	20.3.2014
Sheet DA08	Stormwater Drainage Layout	Ozy Homes	20.3.2014
-	Strata Plan – Ground floor	Richard Wilkinson	-
Certificate No. 542970M	BASIX Certificate	GEC Consulting Pty Ltd	17.4.2014
	Schedule of Colours and Finishes	-	28.3.2014
-	Waste Management Plan	-	-

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Building Code of Australia** - All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (3) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (DPC), the Applicant will have the establishment and maintenance responsibility for all hard and soft landscaping elements associated with this Consent.

The 12 month maintenance and establishment period includes (but not limited to) the Applicant's responsibility for the establishment, care and repair of all landscaping elements.

The Date of Practical Completion (DPC) is taken to mean completion of all civil works, soil preparation and treatment and initial weed control, and completion of all planting, turf installation and mulching.

It is the Applicant's responsibility to arrange a site inspection with the Principal Certifying Authority (PCA), upon initial completion of the landscaping works, to determine and agree upon an appropriate DPC.

At the completion of the 12 month landscaping maintenance and establishment period, all landscaping elements must 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 must comply with the approved Landscaping Plans.

(4) **Noxious Weeds -**

- (a) That the applicant must fully and continuously suppress and destroy, by appropriate means, any noxious or environmentally invasive weed infestations that occurs during or after subdivision and prior to sale of new lots. New infestations must be reported to Council.
- (b) As per the requirements of the *Noxious weeds Act 1993*, the applicant must also ensure at all times any machinery, vehicles or other equipment entering or leaving the site must be cleaned and free from any noxious weed material, to prevent the spread of noxious weeds to or from the property.
- (c) Maintenance work is to be carried out, involving regular surveys to determine if any species are becoming established through time. Any noxious or environmental weed infestations that occurs during subdivision, and prior to sale of new lots. These must be reported to Council and fully and continuously suppress and destroy, by appropriate means.

(5) **External Materials and Finishes** - The development shall be completed in accordance with the approved schedule of external materials, colours and finishes.

(6) **Fencing** – All fencing must comply with the Oran Park Development Control Plan 2007.

(7) **Water Tanks** - Overflow from any tank must be piped directly to the stormwater drainage system serving the house and/or other buildings on the property.

(8) **Stormwater Disposal** - Stormwater run-off from the whole development must be properly collected and discharged to the Council drainage system. Surface discharge across the footpath to the road gutter is not permitted. Provision must be made to cater for existing stormwater overland flow from adjoining properties.

(9) **Services** –



- (a) All services within the subdivision shall be underground.
  - (b) All service connections to existing works in Council's Road Reserve requires a Public Road Activity approval from Council. Connections to existing works within Public Reserve or Drainage Reserve will require owners permission (ie, Camden Council).
- (10) **Waste Management** - To ensure compliance with environmental legislation, the applicant must ensure that all wastes are stored in a manner that prevents the escape of pollutants to the environment.
- (11) **Noise Attenuation** – The dwellings are to be constructed in accordance with the 'Road Traffic Noise Assessment Report' Ref TD029-16F02' dated 30 December 2011 prepared by Renzo, Tonin and Associates.

**2.0 - Construction Certificate Requirements**

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

- (1) **Salinity** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of the Salinity Management Plan under 'Section 8' in the report titled 'Report on Salinity Investigation: Stage 3 – Tranche 3 Oran Park, prepared for Landcom, prepared by Douglas Partners, Project 40740.69 Rev 1, dated November 2010.

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 shall be submitted to the Principal Certifying Authority.

Details of compliance shall be forwarded to the certifying authority with the Construction Certificate application.

- (2) **Structural Engineers Details** - The piers/slab/footings shall be designed and certified by a practising structural engineer and shall take into consideration the geotechnical report applicable to the site.
- (3) **Section 94 Contributions** – Pursuant to the **Oran Park and Turner Road Precincts Section 94 Contributions Plan** adopted in February 2008, contributions shown in the following table (showing the infrastructure type and respective amount) must be paid to Council.

Infrastructure Type	Monetary Amount (a)	Land Area (m <sup>2</sup> ) (b)	Additional Land Area (sqm) (c)
Open space and recreation - land	\$11,333.00		
Open space and recreation – works	\$8,548.00		
Open space and recreation – project management	\$188.00		
<b>Open Space and recreation – sub total</b>	<b>\$20,069.00</b>		
Community facilities – land	\$129.00		
Community facilities – works	\$1662.00		
Community facilities – project management	\$37.00		
<b>Community facilities – sub total</b>	<b>\$1828.00</b>		
<b>Total</b>	<b>\$21,897.00</b>		

- (a) **Monetary Amount.** The monetary contribution specified in the Monetary Amount column of the above table must be paid to Council prior to the issue of a Construction Certificate. The monetary contributions must be indexed by the methods set out in clause 2.14 of the Contributions Plan at the date of payment.

At the sole discretion of Council the monetary contributions may be offset by works in kind. Such works cannot commence until an agreement is made with Council pursuant to the Contributions Plan. If such agreement is to be undertaken, it must be signed prior to the issue of a Construction Certificate.

- (b) **Land Area.** The amount of land specified in the Land Area column of the above table must be dedicated to Council free of cost.
- (c) **Additional Land Area.** The Indicative Layout Plan in the Oran Park Development Control Plan and the Oran Park and Turner Roads Precincts Section 94 Contributions Plan requires additional land for a public purpose associated with this development area. The amount of land specified in the Additional Land Area column of the above table must be dedicated to Council, with compensation to be agreed in writing between Council and the developer, such as through a Works In Kind Agreement.

**Note:** Any other land proposed by the applicant to be dedicated to Council, that is not land required to be dedicated to Council by the condition of consent relating to development contributions (ie not land identified in the above table), must be dedicated to Council free of cost.

### 3.0 - Prior To Works Commencing

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

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Erection of Signs** – The erection of signs shall be undertaken in accordance with Clause 98A of the Environmental Planning and Assessment Regulation 2000.
- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
  - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
  - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental*

*Planning and Assessment Act 1979* and Clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.

- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must 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).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

- (7) **Damage to Public Infrastructure** – All public infrastructure that adjoins the development site on public land shall be protected from damage during construction works.

Public infrastructure includes roadways, kerb and guttering, footpaths, service authority infrastructure (such as light poles, electricity pillar boxes, telecommunication pits, sewer and water infrastructure), street trees and drainage systems.

The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development. Where existing damage is present, a dilapidation survey of Council's assets, including photographs (with evidence of date) and written record, must be prepared by a suitably qualified person and submitted to Council prior to the commencement of construction works.

The applicant shall bear the cost of all restoration works to public property damaged during the course of this development. Any damage to public

infrastructure will be required to be reinstated to Council's satisfaction prior to the issue of a Final Occupation Certificate.

#### 4.0 - During Construction

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

- (1) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **Works By Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (3) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (4) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (5) **Retaining Walls** - If the soil conditions require it:
  - (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
  - (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

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

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

**Note:** Where Councils is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an

Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
  - (c) retaining walls shall not be erected within drainage easements;
  - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (6) **Hours of Work** – The hours for all construction work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
  - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
  - (c) work on Sunday and Public Holidays is prohibited.
- (7) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;
  - (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
  - (c) 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;
  - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
  - (e) a waste control container shall be located on the development site.
- (8) **Site Management - No Nuisance Creation** - The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise dust or other activity, to owners and occupiers of adjacent properties.
- (9) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.

- (10) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
  - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
  - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
  - (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (11) **Shoring and Adequacy of Adjoining Property** – Shoring and adequacy of adjoining property shall be in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000.
- (12) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - (b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work site and the public place.
- If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
- (13) **Drainage Easements** - No changes to site levels, or any form of construction shall occur within any drainage easements that may be located on the allotment.
- (14) **Roof Water to Street** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.
- Connection to the street gutter shall only occur at the existing drainage outlet point in the street gutter. New connections that require the rectification of the street gutter shall only occur with the prior approval of Camden Council.
- All roof water must be connected to the approved roof water disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.
- (15) **BASIX Certificate** – Under clause 97A of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that

all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
    - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
    - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
  - (b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.
- (16) **Driveway Gradients and Design** - The driveway gradient and design for the dwelling house must comply with Australian Standard AS2890.1-2004 - 'Off street car parking'. Please note the following:
- (a) The level for the driveway across the footpath area must achieve a gradient of 4%.
  - (b) Driveway and garage levels are critical and may be required to be confirmed during construction with the provision of a survey report.
- (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 earth works/ site preparation/ construction, then such works must cease immediately until a qualified environmental consultant has been contacted and conducted a thorough assessment. In the event that contamination has been identified as a result of this assessment and remediation is required, site works must cease in the vicinity of the contamination and the Consent Authority must be notified immediately.

Where remediation work is required the applicant will be required to comply fully with Council's Policy - Management of Contaminated Lands with regards to obtaining consent for the remediation works.

- (18) **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 submitted 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:

For 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 6000m<sup>3</sup> - 3 sampling locations,
- (f) greater than 6000m<sup>3</sup> - 3 sampling locations with 1 extra location for each additional 2000m<sup>3</sup> 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 <sup>3</sup> )
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.

(19) **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 for the control of construction site noise that specifies that:

For a cumulative period of exposure to construction activity noise of up to 4 weeks, the Laeq (15 minute) emitted by the works to specific residences should not exceed the LA90 background level by more than 20 dBA.



For a cumulative construction noise exposure period of between 4 to 26 weeks, the emitted Laeq (15 minutes) noise level should not exceed the LA90 level by more than 10 dBA.

For a cumulative construction noise exposure period greater than 26 weeks, the emitted Laeq (15 minute) noise level should not exceed the LA90 level by more than 5 dBA.

## 5.0 - Prior To Issue Of Occupation Certificate

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

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

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

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

- (2) **Component Certificates** - Where Camden Council is appointed as the Principal Certifying Authority (PCA) for the development, the following component certificates, as relevant to the development, shall be provided prior to the issued of a Final Occupation Certificate:
  - (a) Insulation installation certificates.
  - (b) Termite management system installation certificates.
  - (c) Smoke alarm installation certificate from installing licensed electrician.
  - (d) Survey certificate(s), prepared by a registered land surveyor, certifying that the building has been correctly and wholly located upon the subject allotment.
  - (e) Certification attesting that retaining walls have been constructed in accordance with Engineer's details or manufacturer's specifications as applicable.
  - (f) All certificates or information relating to BASIX compliance for the development.
  - (g) An 'Approval to Operate a Sewage Management System' issued by Camden Council (for areas that are not serviced by a Sydney Water sewer).

- (h) A certificate certifying that the wet areas have been waterproofed in accordance with the requirements of the *Building Code of Australia*.
- (i) All certificates relating to salinity, as required by conditions of the development consent.
- (j) Any other certificates relating to the development (for example, engineering certification for foundations, piers, reinforcing steel or hydraulic certification for all stormwater drainage works).

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

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

- (3) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.
- (4) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.
- (5) **Street Trees, their Tree Root Barrier Guards, Protective Guards and Bollards** - During any earthworks and development works relating to this Consent, the Applicant is advised:
  - (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
  - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing root guard barriers, are to be completed with the same type, species, plant maturity, materials and initial installation standards and the works and successful establishment of the trees carried out prior to the issue of the Occupation Certificate.
  - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the Street Trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred.
  - (d) The inspection must occur prior to the issue of the Occupation Certificate.

## 6.0 - Operational Conditions

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

- (1) **Residential Air Conditioning Units** - The operation of the approved air conditioning units must operate at all times so:
  - (a) as to be inaudible in a habitable room during the hours of 10.00pm to 7.00am on weekdays and 10.00pm to 8.00am on weekends and public holidays; and
  - (b) as to emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.
  - (c) as not to discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the Protection of the Environment Operations Act, 1997.

## 7.0 - Subdivision Certificate

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

- (1) **Stormwater Destination** – Prior to the issue of the Subdivision Certificate, pit lintels must be labelled with permanent stencilled signs in accordance with Camden Council's current Engineering Design Specifications.
- (2) **Compliance Certificate** – Prior to the issue of the Subdivision Certificate the applicant must submit to Council documentary evidence/compliance certificate to confirm compliance of all conditions of the subject consent.
- (3) **Services** – Prior to the issue of any Subdivision Certificate the following service authority certificates/documents must be obtained and submitted to the Principal Certifying Authority for inclusion in any Subdivision Certificate application:
  - (a) a certificate pursuant to s.73 of the *Sydney Water Act 1994* stating that both water and sewerage facilities are available to each allotment.  
  
Application for such a certificate must be made through an authorised Water Servicing Co-ordinator.
  - (b) a Notification of Arrangements from Endeavour Energy.
  - (c) Written advice from an approved telecommunications service provider (Telstra, Optus etc) stating that satisfactory arrangements have been made for the provision of underground telephone plant within the subdivision/development.
- (4) **Subdivision Certificate** - A Subdivision Certificate will not be issued until the building has been constructed in accordance with Development Consent No. 324/2014.

## RECOMMENDED

**That Council approve DA 324/20134 for the construction of a two storey attached dual occupancy, strata subdivision and associated site works at 321 South Circuit, Oran Park subject to the conditions listed above.**

**ORD01**

## ATTACHMENTS

1. Proposed Plan
2. Proposed Plan - *Supporting Document*
3. Submission - *Supporting Document*
4. Submission Map - *Supporting Document*

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## ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT: BUSINESS ALLIANCE**  
**FROM:** Director Planning & Environmental Services  
**TRIM #:** 14/108885

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### PURPOSE OF REPORT

To inform Council of the available governance models and options for the establishment of a Business Alliance for Council and to recommend the most suitable option, and steps for implementation.

### BACKGROUND

Council adopted an Economic Development Strategy in July 2013 which outlines the key priorities, target sectors and activities that will be undertaken in order to grow the local economy in the context of the significant urban development and population growth of the Camden area.

Council has identified that a higher level of planning and advocacy, and strategic and collaborative efforts across all levels of government, will be needed in order to maximise the unique opportunities that will arise from large-scale growth and development.

A Notice of Motion was put to the Council meeting of 26 November 2013, where the Council resolved to investigate options for the creation of a Business Alliance for the Camden Local Government area.

Workshops were then held with Councillors on 22 April and 24 June 2014 to consider the range of options available. This report details how a Business Alliance for Council might be structured, governed, administered and resourced. It aims to provide Council with an assessment of the relative advantages and challenges of each model, with a view to recommending the options most likely to deliver the desired outcomes and benefits for the Camden area. The full report, including case studies, is provided as **Attachment A to this report.**

### MAIN REPORT

#### *Introduction*

Local Government Business Alliances exist to foster and undertake actions that support the economic growth and development of an area. They bring together key local leaders to identify, secure and realise opportunities that will attract investment, deliver infrastructure, create jobs, and grow business and industry into the future. They provide a strong and united voice for a local area.

Council engaged Morrison Low Consultants to assist in identifying the range of options for the role, scope and function of a Business Alliance and assist Council in determining the best way to proceed. This process involved:

1. Identifying the structural options available to Council under the provisions of the Local Government Act
2. Investigating models of Business Alliances in operation around Australia and New Zealand
3. Providing recommendation as to the most appropriate models for a Business Alliance for Council to meet its objectives

### ***How Council Functions Can Be Delivered***

Under Section 355 of the *Local Government Act, (1993)*, Council has a range of options for the delivery of service functions. Taking into account the purpose and role of the Business Alliance the following options were considered as potentially suitable structures for a Business Alliance for Camden:

- Option 1 Committee of Council, No Delegated Authority
- Option 2 Section 355 Committee, Delegated Authority
- Option 3 Unincorporated Joint Venture
- Option 4 Company Limited by guarantee

The attached report provides detailed discussion of each of these options, including their legislative context, case studies, and advantages and disadvantages of each.

### ***Options Considered Most Appropriate for Council***

Taking into account the purpose and objectives of the Alliance, as well as the feedback from the workshops with Council, it is considered that the options most likely to meet the needs of Council are:

1. Section 355 Committee, or
2. Company limited by guarantee

#### **Section 355 Committee**

A Section 355 Committee is considered a relatively simple option to implement because all of the actions to do so are within Council's control. The structure is well understood by Council, does not add additional costs, other than standard administrative matters and allows for members of the business community to be appointed to the Committee to be part of the Business Alliance. However, it does not do so in as meaningful a way as the company structure and it does not separate Council from the Business Alliance. The report notes that a Section 355 Committee could be used as a transitional step toward an arm's length Business Alliance.

#### **Company limited by guarantee**

It is the view of the consultant preparing the report for Council, that a council owned company has the capacity to deliver the greatest benefit for Council because it will be a separate entity solely focused on the economic growth of the Camden area without the distraction of other Council issues and priorities. It is also considered to provide the best structure for partnering with the business community through appointing members of the business community as independent directors and separates Council from the Business Alliance.

A company limited by guarantee is considered the most suitable company structure because the not for profit nature matches the purpose of the Business Alliance. It also

assures a community focused role for the Business Alliance and is a common model used in Australian Business Alliances established as council owned companies. Council does not require the approval of the Minister to form a company limited by guarantee, however the approval of the Australian Tax Office will be required to register a not for profit company.

A key advantage of the company model is the ability to appoint members of the Camden business community as directors of the Business Alliance. The consultant's report indicates that the board of directors should be made up of a mix of councillors and independent directors with an independent chair. Further, that the independent directors be appointed to represent the Camden business community generally rather than specific sectors as is the case in other Business Alliances.

The formation of a company will require Council to adjust to the role of shareholder and to exerting control indirectly by monitoring the performance of the Business Alliance against the Statement of Corporate Intent and taking appropriate action.

Forming a company will incur costs both from establishing the company and in the ongoing costs of having a separate organisation with a board of directors and separate reporting requirements. The Business Alliance would be expected to generate sponsorship to support delivery of projects and Council will continue to provide key support services such as legal, finance and human resources. There is likely to be an ongoing requirement for Council to provide some funding to the Alliance.

#### *Basic control or strong control*

The establishment of the Business Alliance as a separate entity that has a clear purpose and a role in generating improved economic growth of the region may mean there are situations where the views of the Business Alliance and Council do not necessarily align. Such a situation may require Councillor representatives to manage such issues.

The consultant's report highlights the importance of having appropriate controls in place to ensure that the Business Alliance delivers on Council's objectives. The report presents two options for a company limited by guarantee; one with basic controls and one with strong controls.

A company with basic controls could rely on the rules set out in the Corporations Act and a basic constitution, like the Penrith Business Alliance, where the board could appoint its own directors. In contrast a company with strong controls would have a prescriptive constitution clearly setting out the objectives of the Business Alliance, rules of the company and term of directors. It would have a Statement of Corporate Intent that is made public which sets Key Performance Indicators that Council would require regular reporting against. The Council, not the board, would appoint and remove the directors of the Business Alliance. The clear inference in the consultant's report is that if the Business Alliance is established as a company then Council should ensure that appropriate control mechanisms are put in place to ensure the Alliance achieves the objectives.

A detailed implementation plan will need to be developed once Council has decided on the model to be used but an indicative set of next steps and a timeframe included in the report set out a timeframe of between 6 and 10 months to establish a company structure, incorporate the company, recruit and appoint the directors and staff (if necessary) and then finalise the Statement of Corporate Intent with the newly appointed Business Alliance.

## FINANCIAL IMPLICATIONS

The financial implications vary depending on the option selected by Council.

A Section 355 Committee would only require internal staff resources to establish the committee, including drafting of Terms of Reference, and recruitment and appointment of community representatives. Ongoing administration of the Section 355 Committee may require some additional staff resources in addition to the existing Economic Development function.

Establishing a separate organization such as the company limited by guarantee would introduce additional costs which are detailed in the attached report. Indicative estimates for a company limited by guarantee are:

1. Establishment - \$100,000 - \$200,000, which includes legal, tax and financial advice sufficient for ATO approval; drafting of Constitution and Statement of Corporate Intent; recruitment of Board and staff; set up of an office; and launch

Recurrent operational cost (not including staff costs) - \$50,000 - \$100,000 including premises, equipment, branding and promotions, and statutory reporting requirements. Wherever possible, cost will be minimised and absorbed into existing budgets.

## WHERE TO FROM HERE

This report will recommend that a company limited by guarantee be established as the best model for the implementation of a Business Alliance for Camden. The next steps towards implementation are outlined in **Attachment A to this report**. These include actions such as establishing a structure, including constitution, incorporation of a company including ATO approval, recruiting and appointment of staff and directors and operational matters such as determining a statement of corporate intent and associated Key Performance Indicators. It is anticipated that this process will be undertaken over a period of 6-10 months and that a further Council workshop be undertaken at the completion of the structure development and legal framework phase.

## CONCLUSION

Council engaged consultants to analyse the range of options available to Council in terms of the structure of a Business Alliance, and this review has determined that the most suitable options are the establishment of a Section 355 Committee or a Council owned company limited by guarantee. Whilst no recommendation was made by the consultants, their advice suggests that a company limited by guarantee has the capacity to deliver the greatest benefit for Council.

## RECOMMENDED

**That Council:**

- i. **establishment of a Business Alliance as a company limited by guarantee;**
- ii. **require a further workshop and report following completion of the structure development and legal framework phase in accordance with the next steps identified in the attached report.**





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## ATTACHMENTS

1. Options & Models for the Establishment of a Business Alliance for Camden Council

**ORD02**

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## ORDINARY COUNCIL

ORD03

**SUBJECT:** LGNSW ANNUAL CONFERENCE 2014  
**FROM:** Acting Director Customer & Corporate Services  
**TRIM #:** 14/112009

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### PURPOSE OF REPORT

The purpose of this report is to advise Councillors of the upcoming LGNSW Annual Conference and nominate Council voting delegations.

### BACKGROUND

The Local Government NSW Annual Conference will be held at the Coffs Ex-Services Club, Coffs Harbour from Sunday 19 to Tuesday 21 October 2014.

A copy of 2014 Conference Registration Brochure (**Attachment 1**) and the Draft Program for the conference (**Attachment 2**) are attached to this report.

### MAIN REPORT

The conference is the annual policy-making event for the 152 councils of NSW and is an opportunity for local councillors to come together to share ideas and debate issues that shape the way councils are governed.

All Councils are to advise LGNSW of the names of the voting delegates by Monday 6 October 2014. This year, Camden Council is entitled to have up to five (5) voting delegates.

It should be noted that under Council's Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy, "any costs relating to conference attendance, including registration fees...are to be paid from the Councillors annual allowance."

Councillors are advised that Early Bird registration, with relevant discounts, is open until 8 September 2014.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

### CONCLUSION

Council is entitled to nominate up to five (5) voting delegates to attend the LGNSW Annual Conference.

### RECOMMENDED

**That Council nominate up to five voting delegates, for attendance at the 2014 LGNSW Annual Conference.**

## ATTACHMENTS

1. 2014 Conference Registration Brochure
2. Draft Conference Program

**ORD03**



ORD04

## ORDINARY COUNCIL

ORD04

**SUBJECT: CLASSIFICATION OF LAND - LOT 46 DP 1115480 FAIRWATER DRIVE, HARRINGTON PARK**

**FROM:** Acting Director Customer & Corporate Services

**TRIM #:** 14/116887

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### PURPOSE OF REPORT

This report seeks Council approval to classify the recently acquired Lot 46 Fairwater Drive, Harrington Park as “operational” land.

### BACKGROUND

At the Council meeting held on 11 March 2014, Council resolved to acquire Lot 46 DP 1115480 Fairwater Drive, Harrington Park for consideration of \$1.00 and to place the proposed “operational” land classification on public exhibition.

### MAIN REPORT

The land was formally transferred into Council’s ownership on 20 May 2014. In accordance with the *Local Government Act 1993* (“the Act”), a Council may resolve that the land be classified as either “operational” or “community” land within 3 months after it acquires the land. Should there be no resolution passed within 3 months, by default the land will automatically be classified as “community” land.

The Act also requires public notice be given of a proposed resolution to classify public land, allowing for submissions to be made.

The proposed “operational” classification was placed on public exhibition and one submission was received against the proposed classification which is summarised below (a copy of the submission received is **attached in Supporting Documents**):

- 1. The existing zoning as residential with a restaurant as permissible use is clearly inconsistent with the report to Council on 11 March 2014 which shows the land as “car parks” as the justification for the proposed “operational” classification.**

The land is currently zoned R2 Residential with an additional permitted use under Schedule 1 for restaurant or café. The land however is currently used as a car park and the use of such is permitted under the R2 zoning.

All current car parks within the local government area are classified as “operational” land as a result of a resolution of Council on 14 June 1994 which states “*that all land acquired by Council for car parking or drainage purposes be classified as operational land*”. The reason provided for this resolution was that the operational land classification provides Council with flexibility in the management of car parking and drainage land as the case may be.

- 2. The residential zoning of the subject land must be rezoned to the adjoining open space zone, otherwise the land should be classified as “community” for the community to retain a participatory role in the future use of such a strategic piece of open space at the entrance to the Estate.**

Although it is possible that the land be rezoned as open space, the process for doing so can take anywhere between 12 to 24 months. Furthermore, the current zoning permits the use of the land for car parking. From a land use perspective, the land does not need to be rezoned to enable the existing use.

Under the LEP the definition of public land is not restricted to lands zoned as Open Space as per the *Local Government Act 1993* and includes all land vested in or under the control of Council (with some exceptions). Therefore, there is no conflict between the zoning and the classification of the land as “operational”.

- 3. The proposal is inconsistent with the intention of the developer in transferring the land as “car park” (letter of 5 November 2013) as the proposed “operational” classification would permit a future Council to develop the land as residential and possibly a restaurant with little or no public consultation.**

The developer, in their letter of 5 November 2013 (see **attached in Supporting Documents**) requested that the land be dedicated to Camden Council as “operational” land. They advised that they no longer intended to use the site as a restaurant and that it was their view that the land best serves the residents of Harrington Park if the current use as a car park is maintained.

There was no formal legal requirement for the developer to dedicate this land to Council which would in turn require that the land be classified as community land. The developer could have retained the ownership and limited access to the land.

The classification of the land as “operational” land is consistent with all other land used for car parking in the local government area. Further, the acquisition by Council was not subject to any obligation from the developer to provide a car park facility for the general public via monetary contributions or land dedication. The land in question was acquired by Council as the developer no longer had a use for it.

The operational land classification enables greater flexibility for Council to use the land and to carry out upgrades and hold events on the land should it wish to do so. It is also important to note that Council intends to continue to use the land for car park purposes.

### **FINANCIAL IMPLICATIONS**

There are no financial implications arising as a result of this report.

### **CONCLUSION**

The land is currently being used as a car park and it has previously been determined by Council that all land used as car parking be classified as “operational” land. As the land was never required to be dedicated to Council, and it was the developer’s intention to dedicate the land to Council as “operational” land, it is officer’s recommendation that the “operational” land classification should be adopted.

**ORD04**

**RECOMMENDED**

**That Council:**

- i. classify Lot 46 DP 1115480 Fairwater Drive, Harrington Park as “operational” land in accordance with the *Local Government Act 1993*; and**
- ii. write to the submitter advising the outcome of Council’s decision.**

**ATTACHMENTS**

1. Submission - *Supporting Document*
2. Council report - 11 March 2014
3. Attachments to Council Report of 11 March 2014 - *Supporting Document*