



Camden Council

Business Paper

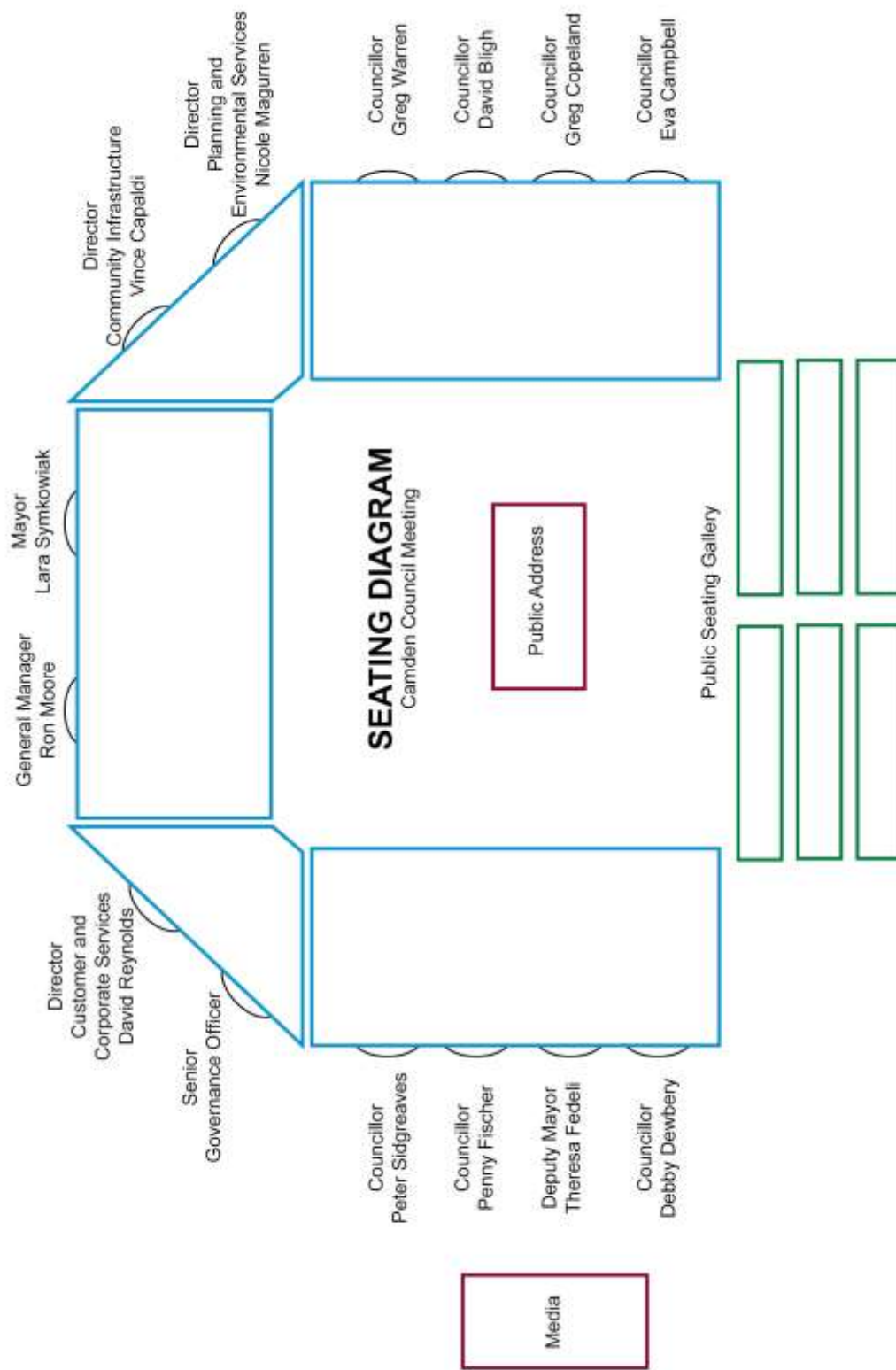
Ordinary Council Meeting
14 July 2015

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

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



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



ORDINARY COUNCIL

ORDER OF BUSINESS - ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGMENT OF COUNTRY

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



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.



ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 23 June 2015

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 23 June 2015, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORD01

ORDINARY COUNCIL

ORD01

SUBJECT: CONSTRUCTION OF A SINGLE STOREY DWELLING, STUDIO DWELLING AND ASSOCIATED SITE WORKS, 1 FIRTH AVENUE, ORAN PARK
FROM: Director Planning & Environmental Services
TRIM #: 15/78740

APPLICATION NO: DA 2014/1141
PROPOSAL: Construction of a single storey dwelling, studio dwelling and associated site works
PROPERTY ADDRESS: 1 Firth Avenue Oran Park
PROPERTY DESCRIPTION: Lot 9205, DP 1153076
ZONING: R1 General Residential
OWNER: Messrs D C Lubarda & D Miu
APPLICANT: Fowler Homes Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a single storey dwelling, studio dwelling and associated site works at 1 Firth Avenue, Oran Park.

The DA is referred to Council for determination as there remain unresolved issues received in two submissions from the public. There is also a minor variation proposed in relation to balcony width which is considered acceptable.

SUMMARY OF RECOMMENDATION

That Council determine DA 1141/2014 for the construction of a single storey dwelling, studio dwelling and associated site works at 1 Firth Avenue, Oran Park 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 single storey dwelling, studio dwelling and associated site works at 1 Firth Avenue, 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 for a period of 30 days (over the extended Christmas period) in accordance with the DCP. Two submissions were received (both objecting to the proposed development). **A copy of the submissions is provided with the Business Paper supporting documents.**

Council staff contacted the submission writers to discuss their concerns, however were unsuccessful in resolving the issues raised in the submissions.



The issues raised in the submissions relate to overshadowing; privacy from the windows and balcony of the proposed studio dwelling; safety concerns due to the location of the driveway; devaluation of neighbouring properties as a result of the DA; permissibility of proposal; and the design of the three car garage.

The issue of overshadowing from the proposed studio dwelling has been assessed and shadow diagrams have been lodged in support of the DA. The shadow diagrams demonstrate that more than 3 hours of sunlight between 9am and 3pm in winter time will be received by at least 50% of the required Principal Private Open Space (PPOS) of both the proposed development and neighboring properties. This complies with the requirements of the DCP for solar access.

Privacy impacts on adjacent properties from the studio dwelling have been considered. A condition is recommended requiring the studio living area and kitchen windows to be raised or obscured to a height of 1.5m above finished floor level to reduce overlooking. The remaining windows are bedroom windows and do not require any further treatment.

Safety concerns have been raised on the access arrangements for the single storey dwelling from Firth Avenue. However the proposed principal dwelling does not propose any vehicular access from Firth Avenue. Access for both the single storey dwelling and studio dwelling will occur from Gall Place. A condition is recommended to ensure no vehicular access from Firth Avenue occurs.

Loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, however no evidence has been provided to suggest there will be devaluation in property values as a result of this DA.

The permissibility of the proposal has also been addressed as concerns were raised with the site's ability to accommodate two dwellings. The DA proposes a single storey dwelling and studio dwelling (which sits above the proposed garage) and both a studio dwelling and single storey dwelling are permissible in the R1 zone.

A dual occupancy development is also permissible in the R1 zone, however for the purposes of this DA the development is defined as a single storey dwelling and studio dwelling.

The Oran Park DCP permits rear loaded triple garages (ie. garages accessed from the rear of the site). The design of the proposed three car garage has been considered and is deemed to be acceptable. The triple garage is articulated by recessing the third garage, and through a range of materials and colours provides for an acceptable frontage to Gall Place. The proposed 3 car garage with a studio dwelling above is consistent with other developments located directly to the north of the site on 235, 239 and 241 South Circuit. Further, the Oran Park DCP requires the provision of 3 car parking spaces noting the principal dwelling requires 2 spaces and the studio dwelling requires 1 space.

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 1 Firth Avenue, Oran Park and is legally described as lot 9205, DP 1153076.

The site has a frontage of 22.78m fronting Firth Avenue and a secondary street frontage of 18m to Gall Place, a depth of 29.98m to the northwest boundary and 32.66 to the southwest boundary and an overall area of 639m². The site is relatively flat and currently vacant.

The surrounding area is characterised by dwelling homes together with their associated driveways, garages, landscaping and fencing. Studio dwellings have been approved along Miller Way directly to the north of the site and include No's 235, 237, 239, 241 and 243 South Circuit as highlighted in the map below. No. 235, 239 and 241 South Circuit also have triple garages.



HISTORY

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

| Date | Development |
|-------------------|--|
| 15 September 2010 | DA/2010/453 - Approved (Tranche 9) a subdivision for 159 residential lots, 3 super lots 1 residue lot and 1 open space lot and associated site works |

THE PROPOSAL

DA 1141/2014 seeks approval for a single storey dwelling and studio dwelling including associated landscaping, driveways and site works at 1 Firth Avenue, Oran Park.

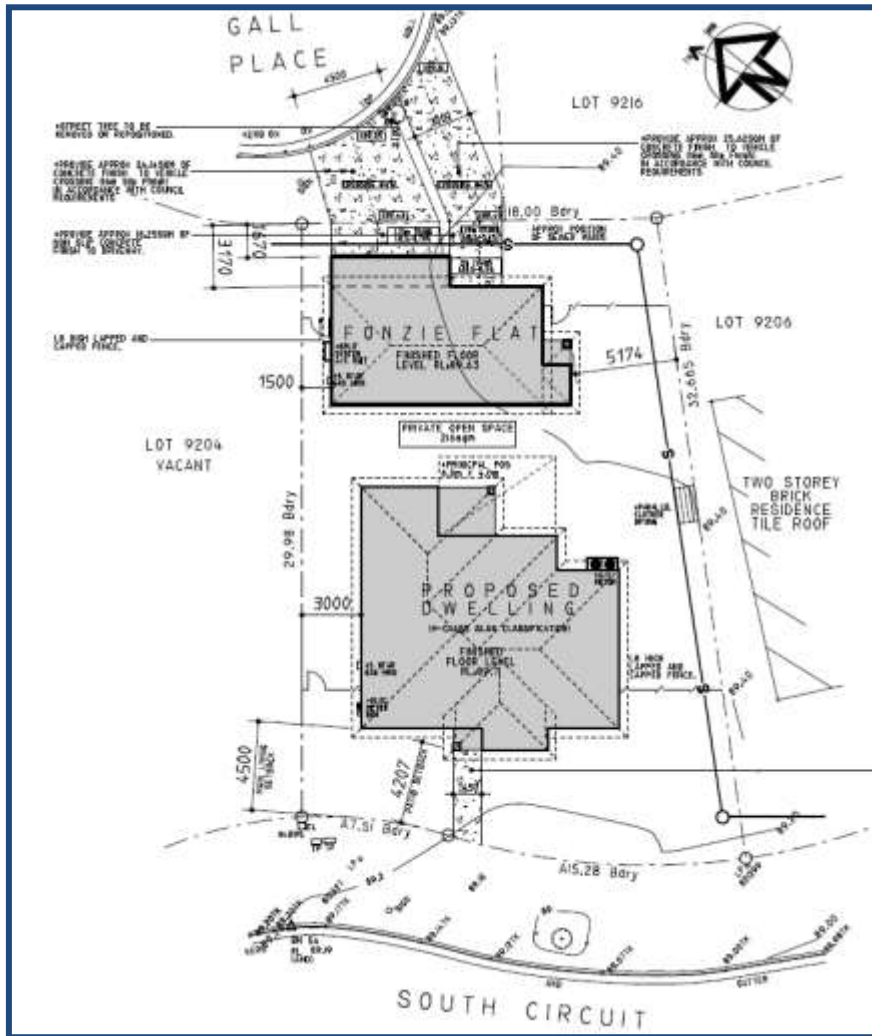
Specifically the proposed development involves:

- construction of a brick single storey dwelling and associated site works. The single storey dwelling will contain four bedrooms and has a maximum height of 5.3m;
- construction of a brick two bedroom studio dwelling located above a three car garage; and
- associated site works to include driveway, drainage and landscaping.

The value of the works is \$362,995.00 (including GST).

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

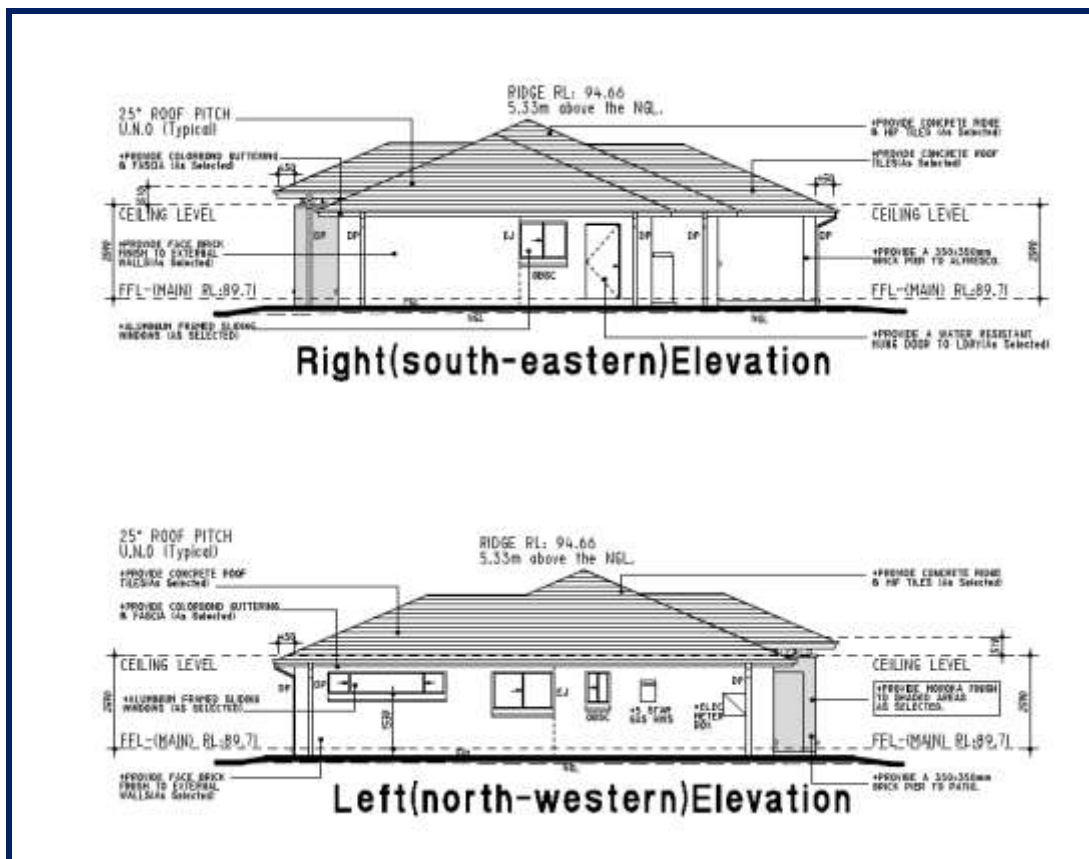
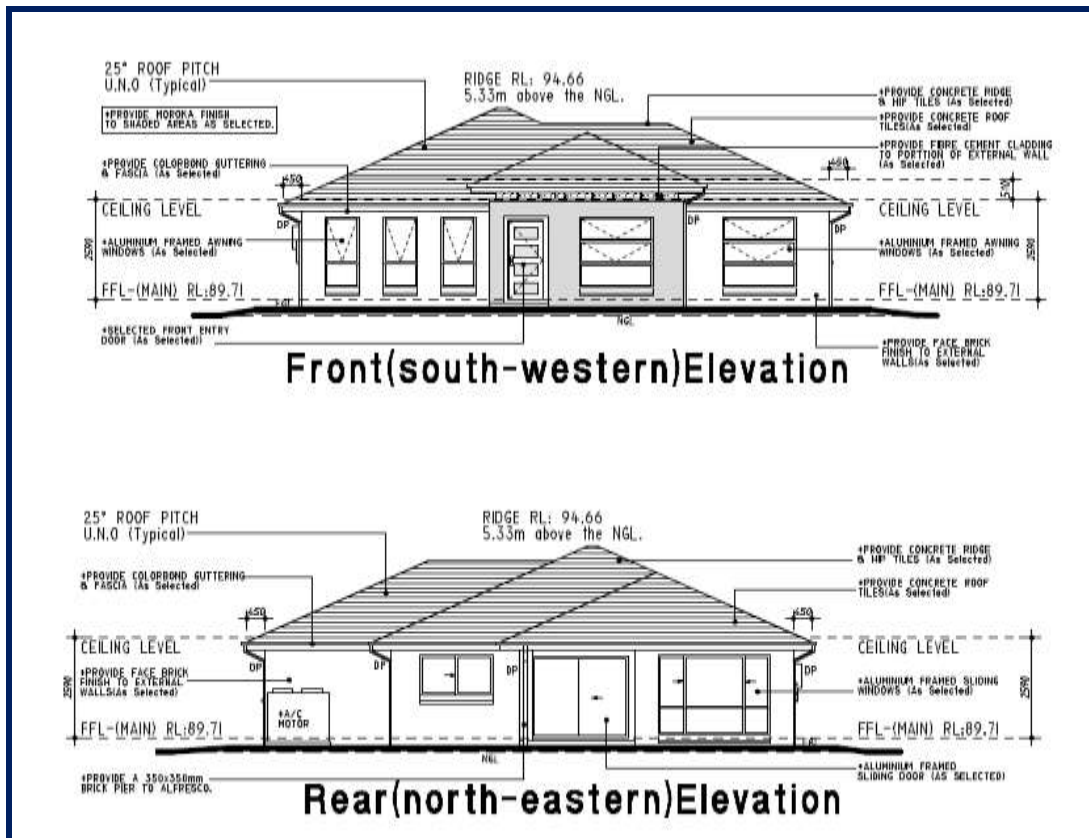
PROPOSED SITE PLAN



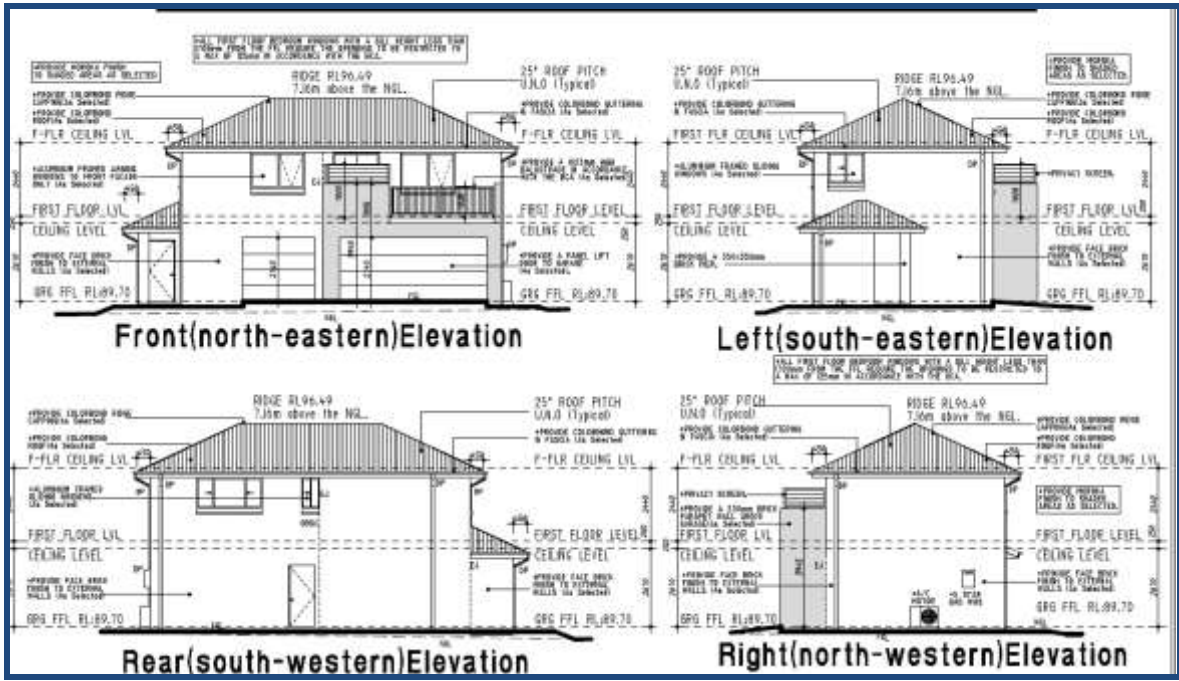


PROPOSED ELEVATIONS - SINGLE STOREY DWELLING

ORD01



PROPOSED ELEVATIONS - STUDIO DWELLING



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:

- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- State Environmental Planning Policy (Building Sustainability Index: BASIX 2004)
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Oran Park Development Control Plan 2007 (DCP)

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

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 as part of the proposed development.



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

The proposed development is consistent with the aim of the SEPP (Building Sustainability Index: BASIX 2004 and all of its planning controls.

As part of lodgement, the applicant has provided a BASIX Certificate and compliance with this has been achieved. Appropriate sustainability control measures have been proposed and a condition is recommended requiring compliance be placed on the development consent.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Permissibility

The site is zoned R1 General Residential under the provisions of the SEPP. The proposed development is defined as a “dwelling house” and “studio dwelling” by the SEPP both of which are permissible land uses in this zone.

Zone Objectives

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

- To provide for the housing needs of the community.

Officer comment:

The proposed development will provide for the housing needs of the community.

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

Officer comment:

The proposed development will provide for a variety of housing types and densities through the provision of a single storey dwelling and studio dwelling.

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

Officer comment:

This objective is not relevant to this proposal.

- 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:

The proposal will not adversely affect the amenity of the existing residential 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.
- To allow for small scale intensity tourist and visitor accommodation that does not interfere with residential amenity.
- To provide for a variety of recreational uses within open space areas.

Officer comment:

These objectives are not relevant as the proposal is for residential accommodation.

Relevant Clauses

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

| Clause | Requirement | Provided | Compliance |
|-----------------------------------|--|--|------------|
| 4.3 Height | Maximum height limitation of 9.5m | Single Storey Dwelling 5.33m Studio Dwelling 7.16m | Yes |
| 6.2 Public utility infrastructure | Public utility infrastructure is provided to the development | Public utility infrastructure is available to service the proposed development | Yes |
| 6.4 Dual Occupancies | Dual occupancies must be located on lots that meet the minimum lot size for that lot | The DA does not propose a dual occupancy, however it does meet the minimum lot size for a dual occupancy under the provisions of the minimum lot size of the Growth Centres SEPP (this DA has been assessed based on a single storey and studio dwelling definition) | Yes |

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

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

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

Oran 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 |
|--|--|--|------------|
| Site Analysis Plan (7.5.1) | Site analysis plan to be provided | Site analysis plan lodged and acceptable | Yes |
| Cut & fill (7.5.2) | Max 1m | Max approx. 400mm cut and fill proposed | Yes |
| Fill distance from boundary (7.5.2) | No fill within 2m of boundary (unless drop edge beam (DEB)). DEB ≤ 1m | Drop edge beam provided | Yes |
| Streetscape & Architectural Design (7.6.2) | Primary street & secondary street façades to address the street and to incorporate 2 design features | Primary street frontage of principal dwelling provides for a patio and elevated roof. Studio dwelling street frontage provides a balcony and recessed entry patio | Yes |
| Eaves (7.6.2) | ≥ 450mm | 450mm eaves provided for the principal dwelling and the studio dwelling | Yes |
| Roof pitch (7.6.2) | ≥ 22.5° to ≤ 35° | 25.5° Roof pitch for the principal and studio dwelling | Yes |
| Front façade (7.6.2) | Include 1 habitable room with a window fronting street | The principal dwelling provides a master bedroom with windows fronting the street and the studio dwelling provides living quarters that front the street | Yes |
| Streetscape (7.6.2) | Consistent street character (see Figure 41) | The principal dwelling is consistent with the streetscape and the studio dwelling is consistent with the neighbouring properties located to the north | Yes |
| Car parking requirements (7.6.8) | 1 to 2 bedroom dwelling – 1 space > 2 bedroom dwelling – 2 spaces | 2 car parking spaces provided for the principal dwelling a 1 car parking space provided for the studio dwelling | Yes |
| Visual and acoustic privacy (7.6.9) | Direct overlooking of main habitable areas & POS of adjacent dwellings minimised | The principal dwelling is single storey and will not overlook habitable rooms of adjacent dwellings. The studio | Yes |

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| | | provides a balcony that will look onto the street. Screening is proposed for the balcony and a condition is recommended requiring the studio living area and kitchen windows to be raised or obscured to a height of 1.5m above finished floor level to ensure no overlooking occurs. All remaining windows are bedroom windows and do not require any further treatment | |
| | Windows not to face adjoining dwelling windows & POS (see DCP) | The principal dwelling is single storey, and there are no overlooking issues. A condition is recommended requiring the studio living area and kitchen windows to be raised or obscured to a height of 1.5m above finished floor level to reduce overlooking | Yes |
| Fencing (7.6.10) | Side/rear fence ≤ 1.8m | 1.8m height permitted | Yes |
| Sustainable building design (7.5.3 & 8.1) | BASIX Certificate to be provided | BASIX provided and is acceptable | Yes |
| Stormwater & construction management (8.2) | Stormwater concept plan provided | Stormwater concept plan provided | Yes |
| Safety and surveillance (8.6) | No roller shutters on doors and windows facing street | None provided | Yes |
| | Provide for casual surveillance | The principal dwelling and the studio dwelling provide for casual surveillance via the habitable rooms facing both street frontages | Yes |



ORD01

| Rear accessed dwellings with frontage width \geq 4.5m | | | |
|---|--|---|-------------------|
| | Control | Proposed | Compliance |
| Front setback (7.6.3) | 4.5m to building façade line or 3.5m if fronting open space | 4.5m to building façade | Yes |
| Front articulation (7.6.3) | 3m to articulation zone or 2m if fronting open space | 4.2m to articulation zone | Yes |
| Side setback (7.6.4) | 0.9m where detached | Side setback of 3m and 1.5m | Yes |
| Rear setback (7.6.4) | 0.5m to garage line | The garage is setback greater than 0.5m from the rear boundary | Yes |
| Height (7.6.5) | 2 storey height limitation | The principal dwelling is single storey | Yes |
| Site Coverage (7.6.5) | Upper level to be less than 40% | The upper level site coverage is less than 40% | Yes |
| Height of ground floor level (7.6.5) | \leq 1m above finished ground level | Finished floor level is 400mm above finished ground level | Yes |
| Landscaped area (7.6.5) | \geq 15% of lot area | 45% of the site is proposed to be landscaped | Yes |
| Principal private open space (7.6.7) | 16m ² & min dimensions of 3m & gradient \leq 1:10 | 24m ² with dimensions of 6m x 4m provided with a compliant gradient | Yes |
| Principal private open space solar access (7.6.7) | \geq 3hrs solar access between 9am to 3pm on 21 June to \geq 50% of PPOS and adjoining dwelling PPOS | 3hrs solar access at 3pm will be achieved and the adjoining dwelling can achieve solar access between 9am and 3pm | Yes |
| Garage Size (7.6.1 – Table 16) | Rear loaded garages or car spaces | Rear loaded triple car garage is provided | Yes |

| Studio Dwelling (7.7.2) | | | |
|--------------------------------|---|--|-------------------|
| | Control | Proposed | Compliance |
| Gross floor area | \leq 75m ² | 63m ² gross floor area provided | Yes |
| Site coverage | Combined upper level site coverage may be | The overall site coverage of the | Yes |



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| | exceeded subject to privacy and solar access not being compromised | principal and studio dwelling is 45% | |
| Privacy | Windows and POS must not overlook POS of adjacent dwellings including principal dwelling. Must either have obscured glazing, be screened or have a minimum sill height of 1.5m above floor level | Windows will not overlook the POS of adjacent dwellings and the principal dwelling subject to a condition requiring the studio living area and kitchen window to be raised or obscured to a height of 1.5m above finished floor level. The proposed balcony has been redesigned and located so that it faces the street. Further privacy screens are proposed on the eastern corner and edge of the balcony to reduce the opportunity for overlooking | Yes |
| Setbacks | Where a secondary or studio dwelling is built over a rear garage and separated from the upper levels of the principal dwelling, there must be a minimum separation of 5m between the upper floor rear façade of the principal dwelling and the secondary or studio dwelling. | The proposed principal dwelling is single storey and therefore this requirement is not relevant. However relevant conditions have been placed on the consent requiring BCA separation requirements to be met | Yes |
| Car parking | 1 additional space behind the building line | 1 additional space is provided for the studio dwelling which is recessed behind the rear building line | Yes |
| Private open space | ≥ minimum size of 8m ² & min. dimension of 2m | A balcony is provided off the living area with an area of 8.3m ² and a minimum dimension of 1.5m. This is a minor non-compliance noting that the minimum dimension required is 2m. Notwithstanding, | No – Minor variation acceptable |



ORD01

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|--------------|---|---|-----|
| | | the proposed balcony is of a sufficient size to be utilised as private open space and enlargement of the balcony would reduce the rear setback and have a greater privacy impact. As such the minor non-compliance is considered acceptable | |
| Access | Separate access from the principal dwelling and fronting a public street, lane or shared access way | Separate access is provided for the studio dwelling | Yes |
| Services | Provision for separate services, such as mail delivery and waste collection, and an on-site garbage storage area so that bins are not visible from public street or laneway. To be located on a street address that is able to be accessed by garbage collection and mail delivery services. May be serviced from the front residential street via the principal dwelling lot | Separate services can be provided on site. Garbage storage areas for the principal and studio dwelling can be located so that bins are not visible from the road | Yes |
| Surveillance | Balconies or living areas to overlook laneways | The proposed balcony overlooks the laneway and therefore provides passive surveillance | Yes |
| Location | Studio dwellings are only permitted at rear where the lot has access from a rear lane or secondary street | Studio dwelling is located facing a secondary street | Yes |

(a)(ilia) 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.



ORD01

(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

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

(c) The suitability of the site

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

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

The DA was publicly exhibited for a period of 30 days (over the extended Christmas period) in accordance with the DCP. Two submissions were received (both objecting to the proposed development). **A copy of a public exhibition and submissions map is provided with the Business Paper supporting documents.**

Council staff contacted the submission writers to discuss their concerns however were unsuccessful in resolving the issues raised in the submissions.

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

1. Concerns raised with the possibility of over shadowing from the proposed studio dwelling.

Officer comment:

Over shadowing from the proposed studio dwelling has been assessed and shadow diagrams have been lodged in support of the DA. The shadow diagrams demonstrate that more than 3 hours of sun light between 9am and 3pm in winter time will be received by at least 50% of the required Principal Private Open Space (PPOS) of both the proposed development and neighboring properties. This complies with the requirements of the DCP for solar access.

2. Issue with privacy from the windows proposed for the studio dwelling and over looking into neighboring properties.

Officer comment:

Reduction of privacy to adjacent properties as a result of windows being proposed on the studio dwelling has been considered. The proposed windows in the studio dwelling have been assessed against the DCP, and a condition is recommended requiring the studio living area and kitchen window to be raised or obscured to a height of 1.5m above finished floor level to reduce overlooking.

In addition, the applicant has revised the proposed location of the balcony and included privacy screens on the eastern corner and edge of the balcony to reduce overlooking.

3. Concerns raised in relation to access from the single storey dwelling on to Firth Avenue.



Officer comment:

Safety concerns have been raised on the access arrangements for the single storey dwelling from Firth Avenue. However, the proposed principal dwelling does not propose any vehicular access from Firth Avenue. Access for both the single storey dwelling and studio dwelling will occur from Gall Place. A condition is recommended to ensure no vehicular access from Firth Avenue occurs.

4. Proposed development will result in devaluation of property in the surrounding area

Officer comment:

Loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, however no evidence has been provided to suggest there will be devaluation in property values as a result of this DA.

5. Concern is raised in relation to permissibility and the ability of the site to accommodate the development.

Officers comment:

The DA proposes a single storey dwelling and studio dwelling (which sits above the proposed garage) and both a studio dwelling and single storey dwelling are permissible in the R1 zone.

A dual occupancy development is also permissible in the R1 zone, however for the purposes of this DA the development is defined a single storey dwelling and studio dwelling.

Similar developments have been approved within the immediate vicinity of the site.

6. Design concerns are raised on the three garages and driveway.

Officers comment:

The Oran Park DCP permits rear loaded triple garages (i.e. garages accessed from the rear of the site). The design of the proposed three car garage has been considered and is deemed to be acceptable. The triple garage is sufficiently articulated by recessing the third garage and through a range of materials and colours and provides for an acceptable frontage to Gall Place. The proposed 3 car garage with a studio dwelling above is consistent with other developments located directly to the north of the site on 235, 239 and 241 South Circuit. Further, the Oran Park DCP requires the provision of 3 car parking spaces noting the principal dwelling requires 2 spaces and the studio dwelling requires 1 space.

(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

NSW Rural Fire Service

The DA was referred to NSW RFS for assessment as the development proposes a studio dwelling that potentially could result in future subdivision of land and therefore requires a referral the NSW RFS in accordance with section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes. The proposed development is therefore classed as Integrated Development

The RFS raised no objection to the proposed development subject to general terms of approval relating to the asset protection zone, water utilities, design and construction and landscaping. Compliance with these general terms of approval is a recommended condition.

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 1141/2014 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **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. NSW Rural Fire Service, Ref: DA15/0899. DA15040896424 SD dated 6 May 2015

- (2) **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 | Dated |
|-------------------------------------|---------------|-----------------------------------|--------------|
| MFHL840-13 Sheets 1 to 14 Issue B-3 | Architectural | Fowler Homes and Marretta Designs | 24 June 2015 |

| Document Title | Prepared by | Date |
|----------------------------------|------------------|--------------|
| BASIX Certificate No. 5723826_02 | Marretta Designs | 24 June 2014 |



-
- (3) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (4) **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.
- (5) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i. has been informed in writing of the name and licence number of the principal contractor; and
 - ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i. has been informed in writing of the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (6) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation; and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

- (7) **Highlight Windows** – The studio living room window and studio kitchen window shall be highlight windows with the window sills located no less than 1.5m above finished floor level.

Alternatively, the lower portion of the windows shall be fixed, opaque glass with the openable portion located no less than 1.5m above finished floor level.

Details demonstrating compliance are to be submitted with the application for the Construction Certificate.



2.0 – Prior to Issue of a Construction Certificate

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

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

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

- (4) **Salinity (Dwellings & Outbuildings)** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of the Salinity Management Plan approved by the parent subdivision

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

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

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



- (6) **Section 94 Contributions – Monetary (Turner Road and Oran Park) – A** contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

| Plan Name | Contribution Type | Indexed Rate | Amount Payable |
|---|--|------------------------------------|----------------|
| Oran Park and Turner Road Precincts Section 94 (OP & TR) Contributions Plan | Open Space & Recreation Land Acquisition | \$ 6,181.00 per lot or dwelling | \$ 6181.00 |
| OP & TR Contributions Plan | Open Space & Recreation Capital Work | \$4,739.00 per lot or dwelling | \$4,739.00 |
| OP & TR Contributions Plan | Open Space & Recreation Project Management | \$104.00 per lot or dwelling | \$104.00 |
| OP & TR Contributions Plan | Community Facilities Land Acquisition | \$70.00 per lot or dwelling | \$70.00 |
| OP & TR Contributions Plan | Community Facilities Capital Work | \$921.00 per lot or dwelling | \$921.00 |
| OP & TR Contributions Plan | Community Facilities Project Management | \$20.00 per lot or dwelling | \$ 20.00 |

- (7) **Separation of Studio Dwelling** – The studio dwelling shall be separated from the principal dwelling and any associated building which is non-appurtenant to the studio dwelling, in accordance with the Building Code of Australia (BCA).

Note: Separation refers to the Fire separation requirements of the BCA.

In addition, the studio dwelling must be adequately separated from the garage to insulate against the transmission of airborne sound to prevent loss of amenity to the occupants.

Details shall be provided with the application for the Construction Certificate.

3.0 - Prior to Commencement of Works

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

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

- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;



- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the PCA.

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

- (5) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

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

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and

connected to, a stormwater disposal system within the property boundaries;

- c) retaining walls shall not be erected within drainage easements;
- d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

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

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

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

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

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

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Occupation Certificate Required** - An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.



-
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.
 - (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
 - a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and
 - c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.
- (2) **Vehicular Access** – No vehicular access is permitted from either the single storey principal dwelling or studio dwelling from Firth Avenue. All access is to occur from Gall Place.

RECOMMENDED

That Council approve DA 1141/2014 for the construction of a single storey dwelling, studio dwelling and associated site works at 1 Firth Avenue, Oran Park subject to the conditions listed above.

ATTACHMENTS

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

REVISION SCHEDULE

| ISSUE | DESCRIPTION | BY | DATE |
|-------|-----------------------------|----|----------|
| A | PRELIM PLANS | AM | 07.02.14 |
| B | ESTATE APPROVAL | AM | 02.09.14 |
| B-2 | ON APPEAL | BB | 04.12.14 |
| B-3 | ADDITIONS TO COUNCIL LETTER | DW | 24.06.15 |

GENERAL BUILDING NOTES

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE PRELIMINARY PLANS.

2. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH BUILDERS TENDER DOCUMENTATION.

3. COLOURED DIMENSIONS MUST TAKE PREFERENCE TO BLACK DIMENSIONS.

4. DIMENSIONS APPROXIMATE AND TO BE CONFIRMED ON SITE BY SURVEYOR.

5. DRAINAGE CONCEPT PLAN IS SCHEMATIC ONLY. RELATED HYDRAULIC DESIGN ASPECTS TO BE CONFIRMED BY AN ENGINEER.


6. ALL ENGINEER DRAWINGS ARE REQUIRED SUCH THAT TAKE CONSIDERATION OF BUILDING WORKS BY REGISTERED SURVEYOR.

7. ALL DIMENSIONAL CLEARANCES MUST BE VERIFIED BEFORE COMMENCEMENT OF BUILDING WORKS.

8. ALL DIMENSIONS TO BE TAKEN ACCORDING TO THE DIMENSIONING SYSTEM OUTLINED IN ACCORDANCE TO THESE DRAWINGS.

9. BUILDERS TO STRICTLY COMPLY WITH ALL RELEVANT BUILDING REGULATIONS AND STANDARDS.

10. IN CASE OF ALTERATIONS OR DISCREPANCIES NOTIFY MARRETTA DESIGN IMMEDIATELY.



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PROPOSED:
New S-Storey Dwelling with Fonzie Flat

CLIENT:
Mr Lubarda & Mr Miu

LOCATION:
LOT: 9205 DP: 1153076
South Cir,
Oran Park
Job# 3670

DESCRIPTION:
Custom Nuovo Facade

COUNCIL:
Camden

DATE ISSUED:
07.02.14

DRAWN:
B-3

DESIGNED/DRAWN:
FS

SHEET:
04 OF 14

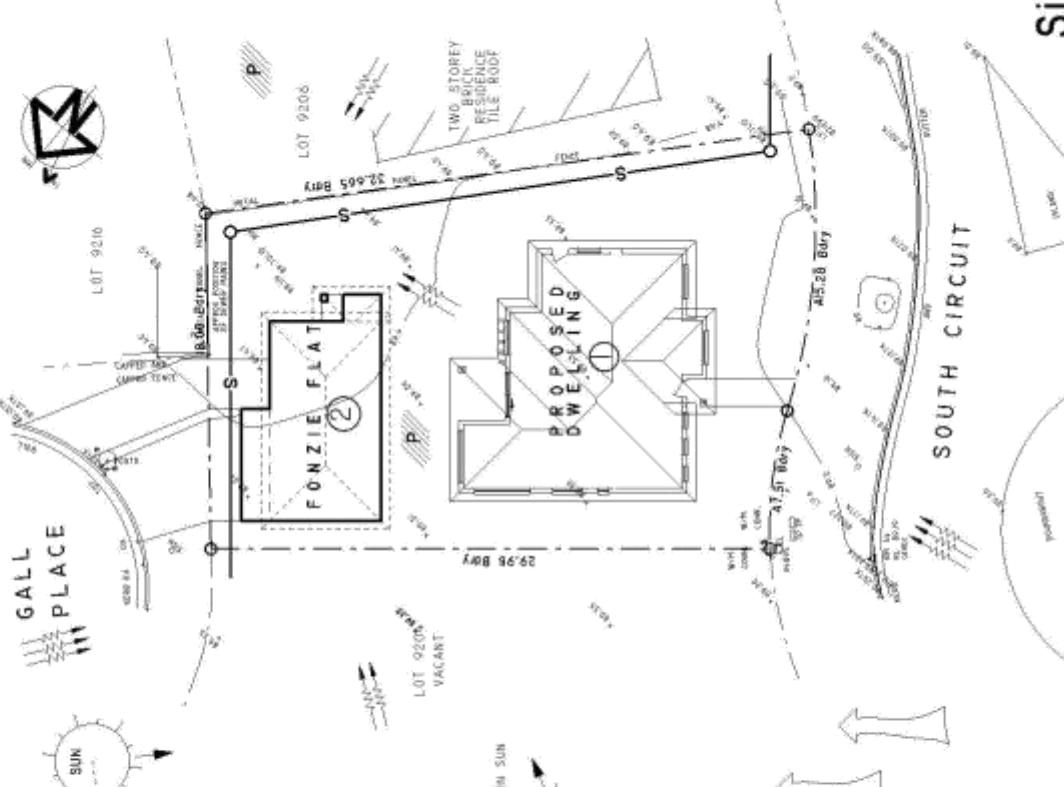
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1:100 UTM

REFERENCE:
MFHL840-13

SITE ANALYSIS SCHEDULE

- PRIVATE OPEN SPACE
- OVERLOOKINGS
- SINGLE STOREY
- DOUBLE STOREY
- PRECLEARANCE RISERS
- DOMESTIC WALLS
- TRAFFIC NOISE

ALL EXISTING OBSTACLES SHALL BE ASSESSED FOR THEIR REMOVAL



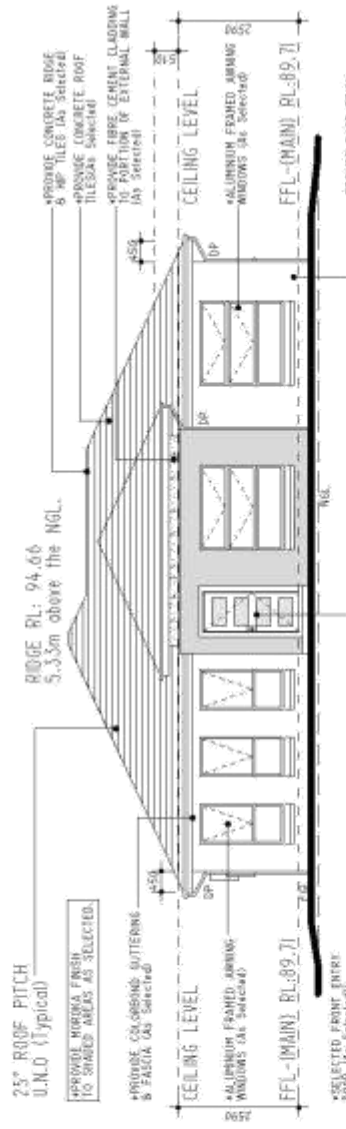
Site & Context Analysis Plan
SCALE 1:500

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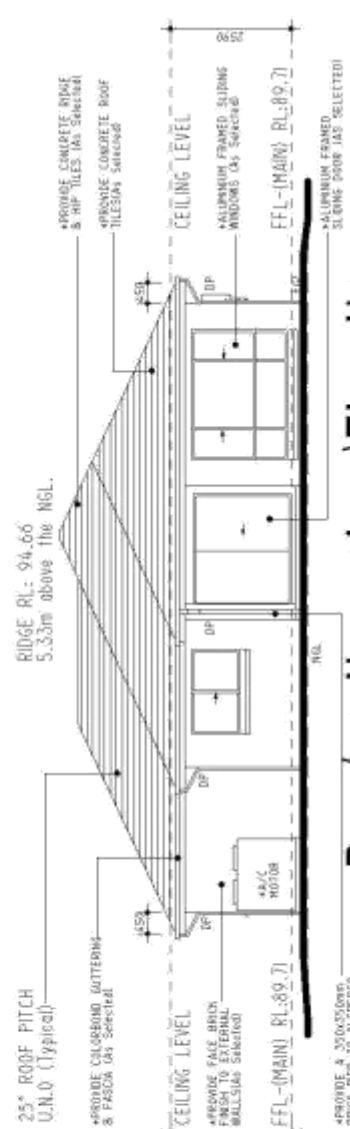
Attachment 1

ORD01

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Front (south-western) Elevation



Rear (north-eastern) Elevation

| REVISION SCHEDULE | | | |
|-------------------|------------------------------|----|----------|
| ISSUE | DESCRIPTION | BY | DATE |
| A | PRELIM PLANS | AM | 07.02.14 |
| B | ESTIMATE APPROVAL | AM | 02.09.14 |
| B-2 | DA APPROVAL | BR | 04.12.14 |
| B-3 | AMENDMENTS TO COUNCIL LETTER | DW | 24.06.15 |

GENERAL BUILDING NOTES

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS PROVIDED.
2. ALL WORK IS TO BE DONE IN ACCORDANCE WITH BUILDING TENDER CONTRACT DOCUMENTATION.
3. PAINTED OPERATIONS MUST TAKE REFERENCE TO SCHEDULE 8.2 FOR FINISHES.
4. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE SCHEDULE 8.2 FOR FINISHES.
5. DRAINAGE CONCEPT PLAN IS SCHEMATIC ONLY. RELATED OPERATIONS MUST TAKE REFERENCE TO SCHEDULE 8.2 FOR FINISHES.
6. IF ENGINEERED DRAWINGS ARE REQUIRED, SUCH MUST TAKE REFERENCE TO SCHEDULE 8.2 FOR FINISHES.
7. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE SCHEDULE 8.2 FOR FINISHES.
8. BUILDING WORKS TO BE CARRIED OUT STRICTLY IN ACCORDANCE WITH THE SCHEDULE 8.2 FOR FINISHES.
9. BUILDING IS TO SIMPLY COMPLY WITH ALL RELEVANT BUILDING CODES OF AUSTRALIA CONSTRUCTION.
10. ALL WORK IS TO BE DONE IN ACCORDANCE WITH THE SCHEDULE 8.2 FOR FINISHES.
11. IN CASE OF ANY DISCREPANCIES OR DISCREPANCIES, NOTIFY MARRETTA DESIGN IMMEDIATELY.

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PROPOSED:
New 3-Storey Dwelling with Fonzie Flat

CLIENT:
Mr Lubarda & Mr Miu

LOCATION:
**LOT: 9205 DP: 1153076
South Cir,
Oran Park
Job #: 3670**

| DATE DRAWN | ISSUE | SHEET | OF | IN | REFERENCE |
|------------|-------|-------|----|----|-----------|
| 07.02.14 | B-3 | 01 | 01 | 16 | |

DESIGNED: DRAWN: SCALE: 1:100 UNITS
FS AM/7B

COUNCIL: **Camden**
DESCRIPTION: **Custom Nuovo Facade**


MFHL840-13

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| REVISION SCHEDULE | | |
|-------------------|-----------------------------|-------------|
| ISSUE | DESCRIPTION | BY DATE |
| A | PRELIM PLANS | AM 07.02.14 |
| B | ESTIMATE APPROVAL | AM 02.09.14 |
| B-2 | ON APPROVAL | BB 04.12.14 |
| B-3 | AMENDMENTS TO COMPL. LETTER | DW 24.06.15 |

GENERAL BUILDING NOTES

1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECIFICATIONS.
2. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH BUILDERS TENDER CONTRACT DOCUMENTATION.
3. PLOTTED DRAWINGS MUST TAKE PREFERENCE TO SCALING ON SITE BY SURVEYOR. APPROPRIATE ADD TO BE COMPLETED BY SURVEYOR.
4. DRAINAGE CONCEPT PLAN IS SCHEMATIC ONLY. RELATED HYDRAULIC DESIGN MUST BE WORKED UP BY AN ENGINEER.
5. ALL ENGINEER DRAWINGS ARE SECURED SUCH THAT TAKE RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS.
6. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
7. ALL DIMENSIONAL CLEARANCES MUST BE VERIFIED BEFORE COMMENCEMENT OF BUILDING WORK BY REGISTERED SURVEYOR.
8. ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
9. BUILDERS TO STRICTLY COMPLY WITH ALL APPLICABLE STANDARDS AND REGULATIONS.
10. IN CASE OF ALTERATIONS OR DISCREPANCIES NOTIFY MARRETTA DESIGN IMMEDIATELY.



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PROPOSED:
New 5-Storey Dwelling with Fonzie Flat

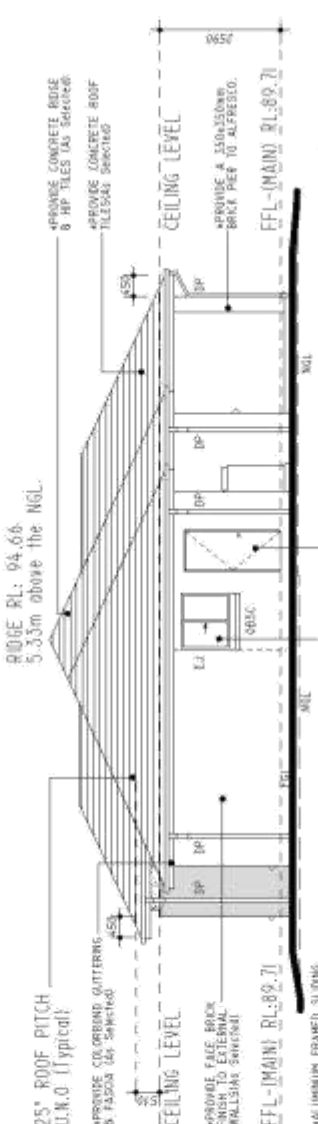
CLIENT:
Mr Lubarda & Mr Miu

LOCATION:
**LOT: 9205 DP: 1153076
South Cir,
Oran Park Job# 3670**

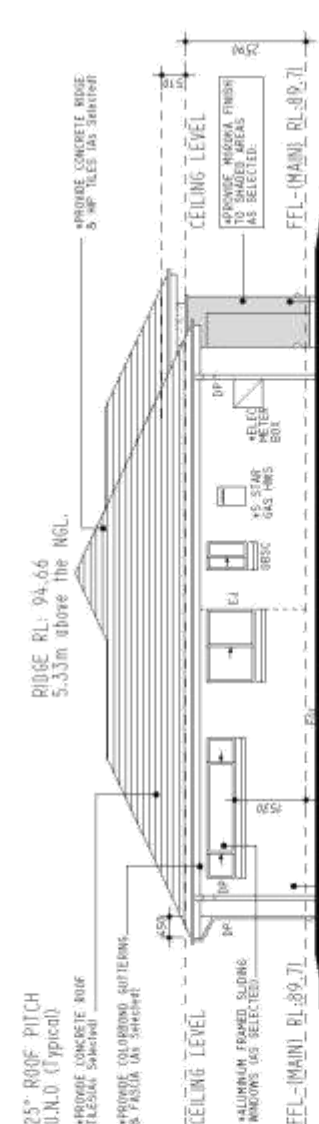
COUNCIL:
Camden

DESCRIPTION:
**Custom
Nuovo Facade**

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| DATE DRAWN: 07.02.14 | SHEET: B-3 | US OF IN: | REFERENCE: |
| DESIGNED: DRAWN: | SCALE: | 1:100 URG | MFHL840-13 |



Right(south-eastern)Elevation

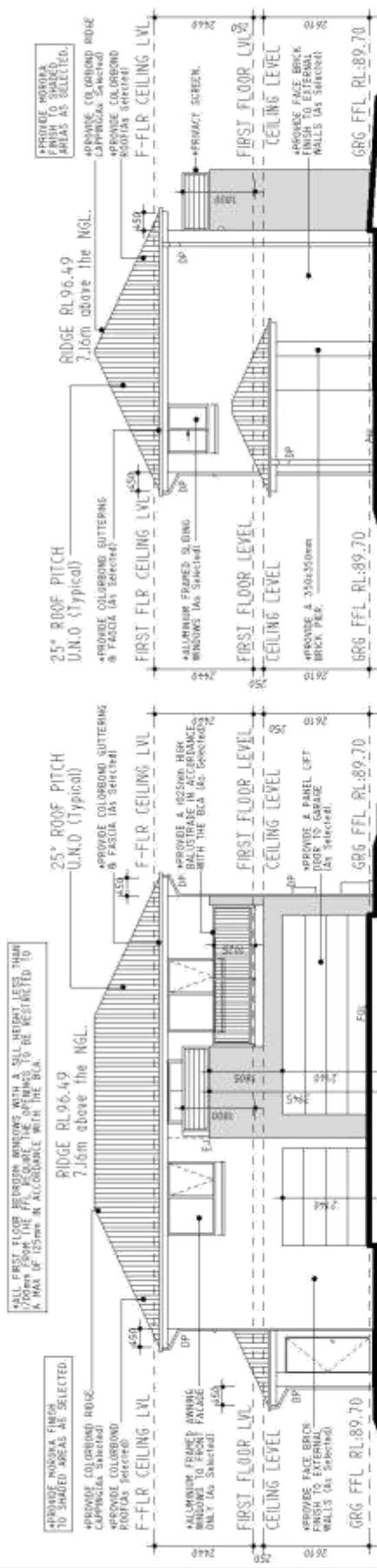


Left(north-western)Elevation

ORD01

Attachment 1

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Front(north-eastern)Elevation

Left(south-eastern)Elevation



Rear(south-western)Elevation

Right(north-western)Elevation

| REVISION | SCHEDULE | DESCRIPTION | BY | DATE | ISSUED | FS | PROPOSED | DESCRIPTION |
|----------|--------------------------------|-------------|----|----------|-------------------------|------------|--|---------------------|
| A | PRELIM PLANS-PREP TO CONTRACT | | AM | 07/02/14 | SRM | AM/7B | NEW S-STOREY DWELLING WITH FONZIE FLAT | Custom Nuovo Facade |
| B | ESTATE APPROVAL | | AM | 02/09/14 | | | MR LUBARDA & MR MIU | Camden |
| B-2 | 3A APPROVAL | | BR | 04/12/14 | DATE DRAWING(S) ISSUED: | | LOT:9205 DP:1153076 | |
| B-3 | IMPROVEMENTS TO COUNCIL LETTER | | DN | 24/06/15 | SCALE: | 1:100 UNID | SOUTH CIR, ORAN PARK | |

Job # 3670

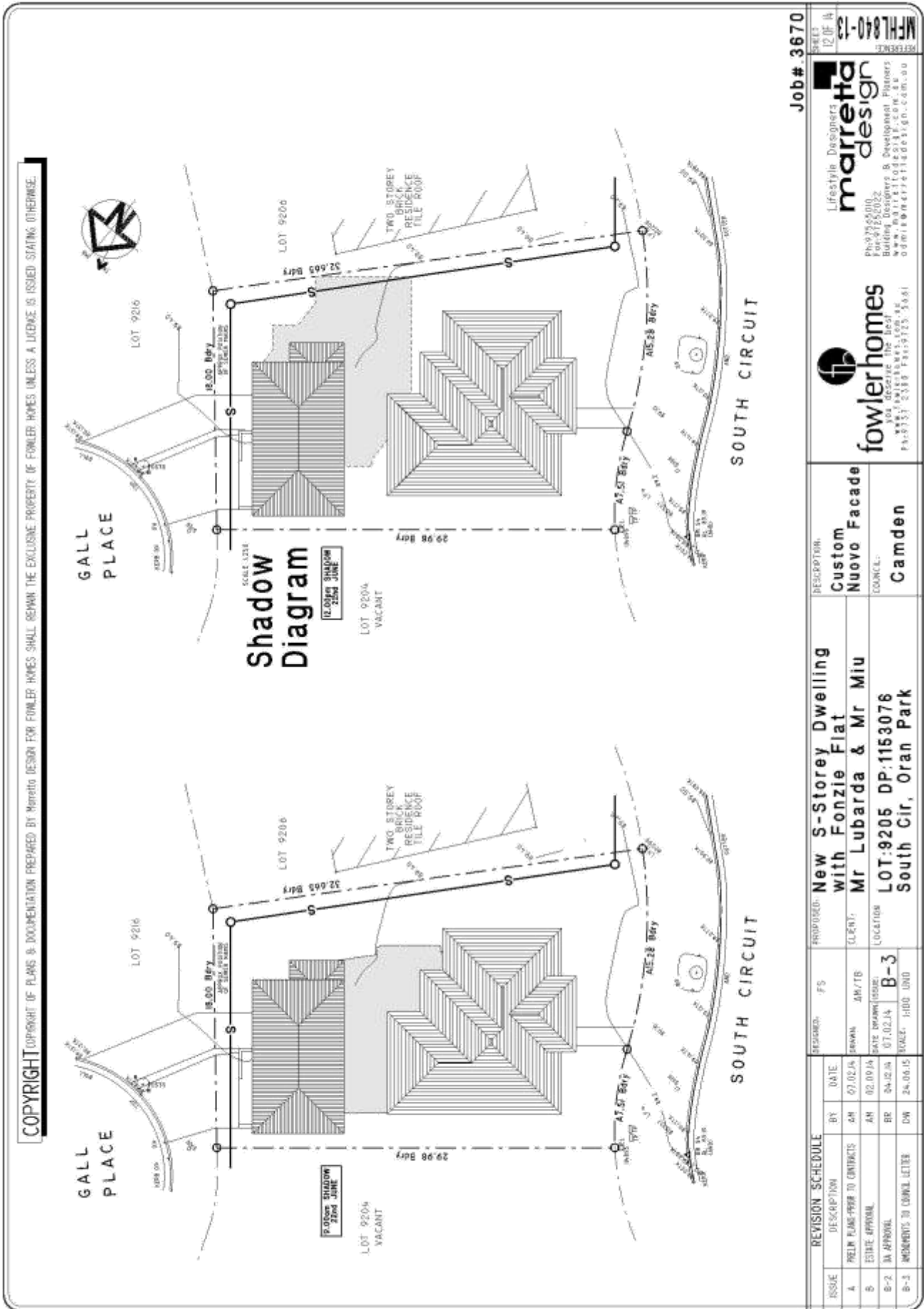
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 SHEET 10 OF 14



Job # 3670
SHEET 12 OF 14
MFL840-13

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ADDRESS: 4771 115th Ave, Cam. Au

DESCRIPTION:
Custom Nuovo Facade
COUNCIL:
Camden

PROPOSED: **New S-Storey Dwelling with Fonzie Flat with Mr Lubarda & Mr Miu**
LOT: **LOT: 9205 DP: 1153076**
LOCATION: **South Cir, Oran Park**

REVISION: FS
DATE: 07.02.14
DRAWN: AM/7B
SCALE: 1:100 UNID

| ISSUE | REVISION | DESCRIPTION | BY | DATE |
|-------|--------------------------------|-------------|----------|------|
| A | PREL PLANS PER TO CONTRACTS | AM | 07.02.14 | |
| B | ESTATE APPROVAL | AM | 02.09.14 | |
| B-2 | 3A APPROVAL | BR | 04.12.14 | |
| B-3 | IMPROVEMENTS TO COUNCIL LETTER | DW | 24.06.15 | |

Attachment 1
ORD01

ORD01

Attachment 1

Shadow Diagram

Job # 3670

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| REVISION | | SCHEDULE | | ISSUED | | REMARKS | | FS | PROPOSED | DESCRIPTION |
|----------|-------------------------------|----------|----------|--------|------|---------|------|----|----------|---|
| ISSUE | DESCRIPTION | BY | DATE | DATE | DATE | DATE | DATE | | CLIENT | |
| A | PRELIM PLANS PREP TO CONTRACT | AM | 07/02/14 | | | | | | | New S-Storey Dwelling with Fonzie Flat |
| B | ESTIMATE APPROVAL | AM | 02/09/14 | | | | | | | Mr Lubarda & Mr Miu |
| B-2 | 3A APPROVAL | BR | 04/12/14 | | | | | | | LOT: 9205 DP: 1153076 |
| B-3 | INFORMANTS TO COUNCIL LETTER | DM | 24/06/15 | | | | | | | South Cir, Oran Park |



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: CAMDEN DEVELOPMENT CONTROL PLAN 2011 (DRAFT AMENDMENT NO.15) - REVIEW OF CHILD CARE CENTRE CONTROLS.

FROM: Director Planning & Environmental Services

TRIM #: 14/136904

PURPOSE OF REPORT

The purpose of this report is for Council to consider amendments to the Camden Development Control Plan 2011 (Camden DCP) in relation to the requirements for child care centres and DA notification. It is recommended that Council place the draft amendments to the Camden DCP on public exhibition.

BACKGROUND

The Camden DCP came into force on 16 February 2011, and since that time there has been a series of amendments. The proposed amendments subject to this report form Amendment 15 to the Camden DCP and are included as **Attachments 1 and 2 to this report**.

Child care centres

As the Camden community grows, the demand for childcare centres, including large child care centres, is increasing. *Part D5.1 Child Care Centres* of the Camden DCP was prepared in 2010 and has not been subject to a comprehensive review since that time.

In light of the increase in demand for child care centres, the recent Land and Environment Court decision [Hayek v Camden Council 2014], and changes in regulations and practices within the childcare industry it is considered timely that Council review its controls for child care centres.

DA Notification Requirements

A review of the requirements within Part A of the Camden DCP has been undertaken to ensure a more consistent and clearer application of the DA notification requirements.

Attachments 1 and 2 to this report contain summaries of the proposed changes and a copy of the proposed draft amendments.

Councillors were briefed on the proposed changes on 14 April 2015.

MAIN REPORT

Summary or Draft Amendments to Childcare Centres Controls

The proposed changes to the Camden DCP relate to Part D.5 (Child Care Centres) and Part B5 (Access and Parking). The changes seek to ensure that child care centres respond positively to their context and setting and minimise adverse impacts on the surrounding area.



In addition, the proposed changes remove standards mandated by other legislation associated with childcare centres, as these are not part of the DA process, but required to be considered as part of the licensing by the Department of Education and Communities.

1. Site Selection

The proposed changes will provide guidance to applicants when purchasing and selecting potential child care centre sites.

It is proposed to insert the following controls:

- Child care centres must **not** be located on the following sites:
 - sites with frontage less than 20m wide (residential only);
 - on narrow roads (less than 7.4m carriageway); and
 - in cul-de-sacs or one-way streets.

The proposed controls will discourage child care centres on narrow lots and roads or roads with limited accessibility (i.e cul-de-sacs and one-way streets).

2. Built form, scale and character

Insertion of a series of new controls, relating to form, scale and massing of proposals in accordance with the local context in both existing areas and greenfield locations.

Summary of proposed controls:

- building design is to be compatible with the built form, scale, massing, roof design and articulation of existing dwellings, and in the case of localities yet to undergo new residential development, in accordance with the built form contemplated by this DCP;
- the maximum site coverage for a child care centre in residential zones is 50%;
- the maximum height is two storeys; and
- the gross floor area of the second storey should not exceed 30% of the total GFA.

The proposed changes strengthen the requirements for child care centres to address the impact on character and visual amenity of the streetscape.

3. Landscaping

The proposed changes strengthen the controls for landscaping and provide specific controls for landscaping in residential areas and on corner sites.

Summary of proposed changes:

- increased focus on landscaping to address existing streetscape;
- a 2 metre buffer between street frontage and drop off or parking areas; and
- additional landscaping requirements for corner blocks.

The proposed changes will provide landscaping that is compatible with, and contributes to the character of the locality.

4. Traffic, Parking & Pedestrians

The proposed changes are focused on improved traffic circulation and pedestrian safety within the site.

Summary of proposed changes:



- requirement for drop off areas;
- car parking to be provided wholly within the site; and
- basement car parking is not permitted within residential areas.

The draft amendment also proposes to amend Part B5 of the Camden DCP (provision of car parking). The current DCP requires 1 space per employee and 1 space per 6 children. It is proposed to adopt the RMS standard of 1 space per 4 children, which is widely regarded as the industry standard.

5. Hours of Operation

The current operating hours for child care centres are 7am - 6pm. It is proposed to amend the standard hours of operation to between 7am and 7pm within residential zones.

Further extensions to operating hours within residential zones will continue to be considered on merit, on a site by site basis.

Outside of residential zones it is proposed to have no standard operating hours, with operating hours being considered as part of the DA on a merit basis.

Summary

The proposed draft amendment has been prepared in consultation with Council's legal advisor. The amendment strengthens site selection controls and the ability to manage bulk, scale and density in existing and new residential areas.

Summary of Proposed Amendments to DA Notification Requirements

The changes proposed to Part A of the DCP focus on providing consistency and clarity for DA notification. It is not proposed to modify the type of development activities that are notified.

1. Clarification of re notification/advertisement

The current DCP requires re-notification/re-advertisement at the discretion of Council and only where significant amendments have been made. The proposed amendment provides clarification around when a DA will be re-notified/re-advertised prior to approval.

Where a DA has been amended by the proponent prior to DA determination, the DA will be re-notified or re-advertised where:

- a. In the opinion of Council it is considered that there is an overall increase in the impact of the development.

Where there is a reduction in impacts or no impact as a result of the changes, the DA will not be required to be re-notified / re-advertised.

2. Neighbour notified development (A2.7)

The controls contained at A2.7 Neighbour notified development replace the existing A2.12. The new controls remove requirements legislated under the Environmental

Planning and Assessment Regulation (2000) and removes reference to Council’s procedural matters.

3. Neighbour Notification and Advertising

The draft amendment proposes to insert a series of diagrams demonstrating the minimum scope for DA notification. These diagrams illustrate the properties that will be notified.



Figure 1 – Example of Minimum Notification Requirements for corner sites.

4. Notification/advertising signs

In addition to the insertion of the diagrams for minimum notification, it is proposed to amend the DCP to require signs to be placed on development sites for the duration of the notification/ advertisement period.

Insert control 2.9 (b) “A sign will be placed on the development site indicating the details of the proposed development”.

5. Christmas Notification Period

It is proposed to amend the wording with regard to the Christmas notification period. The current DCP requires all applications lodged between mid-December and mid-January to have an extended exhibition period.

The draft amendment proposes to reword this control such that all applications notified or advertised within a 2 week period of Christmas to have an extended notification period, therefore differentiating between the lodgement and the actual advertising.



Fees and Charges

It is proposed to charge a new fee of \$37 (GST ex) for the placing of a sign on development sites. This fee will be incorporated into Council's Fees and Charges.

Council officers have obtained initial quotes based on a draft design of an A3 sign (**Attachment 3 to this report**), to ascertain the appropriate fee. This fee has also been compared to other LGA's that use similar signage requirements for notification. The proposed fee has been determined to facilitate cost recovery.

It is proposed to publicly exhibit the new fee at the same time as the proposed amendments to the Camden DCP.

Public Exhibition

Should Council resolve to support the proposed amendments to the DCP and Council's Fees and Charges, these will be publicly exhibited for a period of 28 days. A notification will be placed in a local newspaper with the exhibition material made available at:

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

Should any submissions be received during the exhibition period, a report will be submitted back to Council detailing the submissions received.

FINANCIAL IMPLICATIONS

This report seeks to amend Council's Fees and Charges to insert an additional fee of \$37 to recover the cost of placing signs on development sites.

CONCLUSION

The draft DCP amendment for child care centre seeks to improve the existing controls to facilitate the growing demand for child care centres and ensure they are located and designed to achieve high levels of safety, security, environmental health and amenity for users and neighbours.

The draft DCP amendment for DA notification seeks to provide consistency and clarity in the application and interpretation of the DA notification requirements. The draft amendment does not propose to alter the type of development activities that are notified, just the manner in which it is undertaken.

RECOMMENDED

That Council:

- i. publicly exhibit the Draft Camden Development Control Plan for a period of 28 days in accordance with the provisions of the Act and Regulations; and**



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- ii. **publicly exhibit the proposed amendment to Council’s Fees and Charges for a period of 28 days; and**
 - iii. **subject to no submissions being received:**
 - a. **grant delegation to the General Manager to adopt the proposed changes to the Camden DCP and publicly notify the adoption in accordance with the provisions of the Act and Regulations; and**
 - b. **grant delegation to the General Manager to adopt the proposed amendment to the Fees and Charges; or**
 - iv. **if submissions are received, require a further report outlining the result of the public exhibition of the draft DCP.**

ATTACHMENTS

1. Attachment 1 Schedule of Proposed Changes – Draft Childcare DCP – Camden DCP 2011
2. Attachment 2 Draft DCP Notification Requirements 14 July 2015
3. Attachment 3 -DRAFT DA Notification Sign - 14 July

Attachment 1 - Schedule of Proposed Changes – Childcare DCP – Camden DCP 2011

Child care centres, as of 1 January 2012, in NSW are now regulated under the National Quality Framework. This consists of the Educational and Care Services National Law and the Education Care Services National Regulations 2011. The relevant authority is the NSW Department of Education and Communities (DEC), replacing the NSW Department of Community Services (DoCS). References to both the legislation and relevant authority have been made throughout the DCP.

Objectives have been added to each of the controls to provide a stronger foundation for the controls. In some clauses a background has also been provided to set the context.

| Control | Proposed change | Comment/Justification |
|-----------------------|--|---|
| Introduction. | An Introduction has been inserted. | Provided to set the context. |
| 2.1 Site Selection | New objectives <ul style="list-style-type: none"> • For residential areas, to ensure sites are sufficient in area and dimensions to accommodate building, outdoor play area and car parking needs of child care centres without detracting from the character or amenity of surrounding residential land. • To ensure that child care centres are appropriately located and sited having regard to the environmental attributes of the locality and the health and well being of centre users. | Objectives have been added to provide a stronger foundation for the controls. |
| New /Amended Controls | Within Residential zoned lands Child care centres must be located 1 (b) On sites with a minimum frontage of 20m, | Use of Must replaces Should to provide stronger emphasis |

| Control | Proposed change | Comment/Justification |
|---------|--|--|
| | measured at the building line. | The requirement for a 20m frontage allows sufficient room for separate access and egress points to the centre, without the need to reverse and turn around onsite. |
| | <p>New Controls</p> <p>Child care centres must <u>not</u> be located in the following areas:</p> <ol style="list-style-type: none"> 2. (a) where access to the site is via a road with a minimum carriageway of less than 7.4m 2. (c) in cul-de-sacs or no through roads; 2. (f) within 100m measured in a straight line from any part of the site to high voltage transmission lines, mobile phone towers and radio telecommunication facilities, unless the application is accompanied by a report demonstrating that the Electro Magnetic Radiation (EMR) affecting the site is within acceptable limits; 2. (i) within 100m measured in a straight line from any part of the site to approved restricted premises or sex services premises; 2. (j) within 55m measured in a straight line from any part of the site boundary to an above ground liquid | <p>Roads of less than 7.4m wide (curb to curb) do not facilitate two cars passing if a third car is parked on the road.</p> <p>Impact on traffic cannot be mitigated.</p> <p>Requirement to provide EMR Report</p> <p>Clarification on measurement</p> <p>Clarification on measurement</p> |

| Control | Proposed change | Comment/Justification |
|--|---|---|
| | petroleum gas tank that has a capacity of 8 kilolitres or less; or | |
| 3. | Development applications for child care centres must be accompanied by a Phase 1 contamination investigation to be undertaken in accordance with Council's policy <i>Management of Contaminated Lands</i> . | Phase 1 is a desktop requirement, this is a SEPP 55 requirement for sensitive uses. |
| | Revised note regarding air quality and odour assessment requirements. | It is considered necessary to address air quality issues and odour assessment requirements generators other than poultry farms. |
| 2.2 Built form, scale and character | New objective: <ul style="list-style-type: none"> To ensure that the building's form, scale and massing complements and enhances the established or desired future character of the streetscape. | The changes strengthen the requirement for new child care centres to address the impact upon the character and visual amenity of the streetscape. |

| Control | Proposed change | Comment/Justification |
|---------|---|--|
| | <p>New Controls:</p> <ol style="list-style-type: none"> 1. Child care centres located within residential zone should be designed to be compatible with the built form, scale, massing, roof design and articulation of surrounding dwellings or in the case of localities undergoing or yet to undergo new residential development in accordance with the built form, scale, massing, roof design and articulation contemplated by this DCP. 2. The maximum site coverage (as defined within the Camden LEP 2010) for a child care centre located within a residential zone is 50%. 3. For child care centres located within a residential zone, the maximum height is two storeys. Should a second storey be proposed, the gross floor area of the second storey should not exceed 30% of the total gross floor area. 4. For non residential zones, the building design is to complement the desired built form, scale and character for that particular zone or location. 5. Architectural elements which articulate the front and other facades visible from the public domain must be incorporated into the overall building design to create visual interest. 6. Large expanses of blank and unarticulated walls should be avoided. 7. Entrances to buildings must be orientated towards the street front and be easily identifiable. | <p>The changes strengthen the requirement for new child care centres to address the impact upon the character and visual amenity of the streetscape.</p> |

| Control | Proposed change | Comment/Justification |
|--------------|---|--|
| 2.3 Setbacks | <p>Insert new objectives</p> <ul style="list-style-type: none"> To ensure setbacks are complimentary to the character or desired future character of the locality. To allow for the provision of appropriate landscaping within setbacks, in particular the front setback <p>Change Controls in Table</p> <p>Increase side setback from 1.2 to 2 metres.</p> <p>Remove requirement additional side setback (4m) to side access doors.</p> | <p>The side setback (not being to a secondary street) has been increased slightly from 1.2 to 2m to provide for greater separation and the opportunity for landscaping.</p> <p>The 4m setback requirement for side access doors was considered unnecessary where increased setback is required it should be considered on merit (i.e. noise attenuation etc)</p> |
| | <p>New Controls</p> <ol style="list-style-type: none"> Increased setbacks may be required in certain circumstances having regard to the character of the streetscape, privacy, solar access, view sharing or to provide required outdoor play areas. The front setback area may only be used for access, car parking and landscaping purposes and not for outdoor play areas and the like, unless it can be demonstrated that doing so is acceptable having regard to: <ul style="list-style-type: none"> a) site characteristics (e.g. configuration, solar | <p>This new control has been added to allow for setbacks to be increased subject to the local circumstances.</p> <p>This new control has been added to ensure that outdoor play areas are not to be undertaken in the front setback area unless specified criteria are met.</p> |

| Control | Proposed change | Comment/Justification |
|-----------------------------------|---|--|
| | <p>access, relationships to neighbouring properties), and</p> <p>b) separate pedestrian access can be provided to the main entry to the building, and</p> <p>c) the incorporation of appropriate fencing or screening measures which are compatible with the streetscape.</p> | |
| 2.4 Dual Use of the Centre | <p>New Objective Inserted</p> <ul style="list-style-type: none"> To ensure reasonable amenity for the occupants of a dwelling where sited on a property containing a child care centre. | <p>Strengthens associated controls by providing a link between the objective and controls.</p> |
| 2.5 Acoustic Amenity | <p>New Objective inserted</p> <ul style="list-style-type: none"> To ensure satisfactory acoustic amenity for neighbouring properties | <p>Strengthens associated controls by providing a link between the objective and controls.</p> |
| | <p>Insert New Control</p> <ol style="list-style-type: none"> An Acoustic Assessment Report prepared in accordance with Council's Environmental Noise Policy by a consultant qualified in acoustics which details compliance with acoustic criteria of that policy and this section of the DCP must be submitted with the development application. Outdoor play areas should be located to minimise noise for adjoining neighbouring properties. | <p>In the current DCP the preparation of an acoustic report was in a notation. It has now been made into a control to give it more weight.</p> |

| Control | Proposed change | Comment/Justification |
|-------------------------------|--|---|
| <p>2.6 Landscaping</p> | <p>Insert New Objectives</p> <ul style="list-style-type: none"> • To ensure that landscaping is compatible with and contributes in a positive manner to the character of the locality. • To encourage the provision of suitable forms of landscaping. <p>Insert New Controls</p> <ol style="list-style-type: none"> 2. Landscaping design is to reflect the prevailing landscape character of the streetscape in terms of scale and planting style. 3. In residential areas, a landscape buffer at least 2m wide is to be provided between any street frontage and the location of car parking spaces or drop off areas. 4. On corner sites, fences over 1.2m in height should be setback 1m from the property boundary on the secondary setback to enable landscaping in front of the fence. | <p>Control reworded to be more clear</p> <p>Control reinforces need for proposal to complement existing or future streetscape</p> <p>This new control has been added requiring a 2 metre buffer between street frontage and drop off or parking areas. This control ensures that there is sufficient room to undertake appropriate landscaping.</p> <p>This control ensures corner sites will have suitable landscaping treatment on both street frontages.</p> |
| <p>2.7 Fencing</p> | <p>Insert New Objectives</p> <p>Objectives</p> | |

| Control | Proposed change | Comment/Justification |
|---------|---|--|
| | <ul style="list-style-type: none"> • To ensure that fences forward of the building line are complementary to the streetscape in terms of materials, colour, height and form. • To assist providing a delineation between public and private areas. • To provide child safe fencing in appropriate locations. • To ensure suitable fencing which encourages privacy for adjoining properties and has a satisfactory visual impact. • To ensure consideration is given to the siting of the fence, articulation and / or the provision of adjacent landscaping to ensure a satisfactory visual outcome when viewed from adjoining properties or the public domain. | Provides a foundation for the controls. |
| | <p>Insert New Controls</p> <p>2. Child proof fencing and self closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children.</p> | Additional fencing controls to ensure both child safety and both privacy and satisfactory visual impact. |

| Control | Proposed change | Comment/Justification |
|-------------------------------------|--|---|
| 2.9 Traffic Parking and Pedestrians | <p>Insert New Objectives</p> <ul style="list-style-type: none"> • To ensure a safe environment for pedestrians, particularly children, motorists and cyclists in and around child care centres. • To minimise impacts in the locality in terms of traffic generation and demand for on street parking. • To minimise the visual impact of car parking areas and to ensure they do not unreasonably detract from the streetscape character. • To provide sufficient and convenient parking for staff members, visitors and for the dropping off and picking up of children. | <p>Objectives have been added to provide a stronger foundation for the controls.</p> |
| | <p>Insert New Controls</p> <ol style="list-style-type: none"> 1. The number of children proposed to attend the child care centre is to be detailed as part of the application. This information is necessary in order to determine the required number of parking spaces. 2. All required parking spaces are to be fully contained within the site, and clearly shown on a plan. 3. A drop off area must be provided fully contained within the site, and clearly shown on a plan. 7. The car park design is to make provision for: <ol style="list-style-type: none"> a. safe pedestrian access, | <p>To assist in the calculation of parking spaces required</p> <p>Providing clarity on where parking can be provided as part of the application.</p> <p>Drop off areas provide safer access and egress to the site</p> <p>Amended control for clarity</p> |

| Control | Proposed change | Comment/Justification |
|---------------------------------------|---|---|
| | <p>existing/proposed shared pathways</p> <p>11) In residential areas, all car parks are to be 'at grade' (basement car parks are not permitted) and constructed only with materials such as, neutral coloured concrete or pavers of a distinct and different form to dedicated pedestrian paths.</p> | <p>Clarifies that basement parking is not permitted.</p> |
| <p>2.10 Hours of Operation</p> | <p>Insert New Objective</p> <ul style="list-style-type: none"> • To ensure that child care centres hours of operation are reasonable and have minimal impact on the locality and the environment. <p>Amend hours of operation controls by inserting the following:</p> <ol style="list-style-type: none"> 1. Within residential zoned land the standard hours of operation will be restricted to between 7am and 7pm, Monday to Friday. 2. Within residential zoned land Council may consider longer hours of operation and/or opening on Saturday morning if it can be demonstrated that no unreasonable amenity impacts will arise for neighbouring properties. 3. Where a site is located outside of a residential zone the proposed hours of operation must be included in the application. | <p>Previously the standard hours of operation were til 7am - 6pm. The proposed amendment provides increased flexibility outside of residential areas, and extends the standard operating hours within residential zones by 1hr in the PM.</p> |

Amendment to Part B5 – Car Parking Requirements

It is proposed to amend the current car parking requirements for child care centres from "1 space for employee plus 1 space per 6 children" to "1 space per 4 children".

D5.1 Child Care Centres

Note The definition of a 'child care centre' is stated in the Dictionary section of Camden LEP 2010.

It is strongly recommended that applicants arrange a pre-DA meeting with Council prior to submitting a child care centre development application to ensure that all of the prerequisite documentation has been prepared.

Applicants should consult with the NSW Department of Education and Communities to determine licensing requirements prior to lodgement of a DA with Council. Further information is available at www.dec.nsw.gov.au

1. Introduction

This section is designed to deliver certainty to applicants, operators and the local community about planning requirements for child care centres.

The objectives and controls within section D5.1 aim to ensure that child care centres respond positively to their context and setting and minimise adverse environmental impacts. In addition, the controls aim to facilitate the establishment of high quality child care centres that are located and designed to achieve high levels of safety, security, environmental health and amenity for users.

2. Planning and Design Criteria

2.1 Site Selection

Background

Careful consideration must be given in selecting a suitable location for a child care centre as not all sites are appropriate for this form of development.

Site selection criteria should take into account the needs of centre users in terms of safety, security and environmental health. Where located in residential zones, consideration must also be given to ensuring that the commercial nature of child care centres does not unreasonably detract from residential character and amenity.

Objectives

- For residential areas, to ensure sites are sufficient in area and dimensions to accommodate building, outdoor play area and car parking needs of child care centres without detracting from the character or amenity of surrounding residential land.
- To ensure that child care centres are appropriately located and sited having regard to the environmental attributes of the locality and the health and well being of centre users.

Controls

1. Child care centres located within residential zoned land **must** be located
 - (a) on sites with a minimum site area of at least 1,200m² in accordance with clause 7.5 (2)(a) of LEP 2010; and
 - (b) On sites with a minimum frontage of 20m, measured at the building line.
2. Child care centres must **not** be located in the following areas:
 - (a) on sites with direct access from existing or proposed classified road;
 - (b) where access to the site is via a road with a minimum carriageway of less than 7.4m
 - (c) in cul-de-sacs or no through roads;
 - (d) where additional vehicle movement generated by the centre may cause traffic conflict and / or have an unacceptable adverse impact on the amenity of the surrounding area;
 - (e) on land likely to be adversely affected by noise pollution or contamination **unless these impacts can be satisfactorily mitigated;**
 - (f) on sites which are flood affected by a 1% Annual Exceedance Probability flood level;
 - (g) within 100m measured in a straight line from any part of the site to high voltage transmission lines, mobile phone towers and radio telecommunication facilities, **unless the application is accompanied by a report demonstrating that the Electro Magnetic Radiation (EMR) affecting the site is within acceptable limits;**

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- (h) within 100m measured in a straight line from any part of the site to approved restricted premises or sex services premises;
 - (i) within 55m measured in a straight line from any part of the site boundary to an above ground liquid petroleum gas tank that has a capacity of 8 kilolitres or less; or
 - (j) on un-sewered sites if satisfactory on-site sewage management cannot be provided.
4. Development applications for child care centres must be accompanied by a Phase 1 contamination investigation undertaken in accordance with Council's *Management of Contaminated Lands* policy.

Note: Sites in unsewered areas will require larger sites to address effluent disposal areas and their associated buffers.

Sites in bushfire prone areas will require a Bushfire Safety Authority from the NSW Rural Fire Service, as per s100B of the Rural Fires Act 1997.

The proximity of child care centres to poultry farms or other existing odour generating land uses will be considered and an assessment may be requested to be undertaken in accordance with relevant odour assessment requirements.

An air quality report may be required for sites located in the vicinity of a major road and/or industry.

2.2 Built form, scale and character

Background

The design of a new child care centre or extensions to an existing centre can impact upon the character and visual amenity of a streetscape. Child care centres that are sensitively designed in terms of built form, scale and massing can positively contribute to the streetscape and character of a locality.

Objective

- To ensure that the building's form, scale and massing complements and enhances the established or desired future character of the streetscape.

Controls

1. Child care centres located within residential zone should be designed to be compatible with the built form, scale, massing, roof design and articulation of surrounding dwellings or in the case of localities undergoing or yet to undergo new residential development in accordance with the built form, scale, massing, roof design and articulation contemplated by this DCP.
2. The maximum site coverage (as defined within the Camden LEP 2010) for a child care centre located within a residential zone is 50%.

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3. For child care centres located within a residential zone, the maximum height is two storeys. Should a second storey be proposed, the gross floor area of the second storey should not exceed 30% of the total gross floor area.
4. For non residential zones, the building design is to complement the desired built form, scale and character for that particular zone or location.
5. Architectural elements which articulate the front and other facades visible from the public domain must be incorporated into the overall building design to create visual interest.
6. Large expanses of blank and unarticulated walls should be avoided.
7. Entrances to buildings must be orientated towards the street front and be easily identifiable.

2. Setbacks

Objectives

- To ensure setbacks are complimentary to the character or desired future character of the locality.
- To allow for the provision of appropriate landscaping within setbacks, in particular the front setback.

Controls

1. Child Care Centres located within residential zones shall be setback in accordance with the following Table:

Table XX Minimum setbacks in Residential zones

| | |
|--|---|
| Front setback | 5.5m |
| Secondary street setback | 4m |
| Side setback (not being to a secondary street) | 2m |
| Rear setback | 4m to the ground floor and 8m to any second storey. |

2. Increased setbacks may be required in certain circumstances having regard to the character of the streetscape, privacy, solar access, view sharing or to provide required outdoor play areas.
3. The front setback area may only be used for access, car parking and landscaping purposes and not for outdoor play areas and the like, unless it can be demonstrated that doing so is acceptable having regard to:
 - d) site characteristics (e.g. configuration, solar access, relationships to neighbouring properties), and
 - e) separate pedestrian access can be provided to the main entry to the building, and
 - f) the incorporation of appropriate fencing or screening measures which are compatible with the streetscape.

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2.4 Dual Use of the Centre**Objective**

- To ensure reasonable amenity for the occupants of a dwelling where sited on a property containing a child care centre.

Controls

1. Any dwelling must have separate and distinct access. Access to the dwelling through any part of the child care centre including outdoor play areas is to be avoided.
2. Separate toilet, laundry and kitchen facilities must be provided for each use.
3. Children attending the child care centre must not be able to access any part of the dwelling and its private open space area.
4. A separate outdoor private open space area must be provided for a dwelling in accordance with section D1.2.5 of this DCP.
5. The provision of parking spaces for the residents shall be in addition to the parking requirements of the child care centre.

2.5 Acoustic amenity**Objective**

- To ensure satisfactory acoustic amenity for neighbouring properties

Controls

1. An Acoustic Assessment Report prepared in accordance with Council's Environmental Noise Policy by a consultant qualified in acoustics which details compliance with acoustic criteria of that policy and this section of the DCP must be submitted with the development application.
2. Where acoustic fencing is required to ensure acceptable acoustic impacts it should be of solid continuous construction and have a maximum height of 2.1m.
3. Outdoor play areas should be located to minimise noise for adjoining neighbouring properties.
4. For larger centres, the number of children participating in outdoor activities and play time at any one time may need to be controlled to ensure satisfactory acoustic impacts for neighbouring properties. The acoustic report submitted with the application should outline any necessary restrictions on numbers.

2.6 Landscaping**Background**

Landscaping can assist in integrating child care centres within the streetscape and contributing to a pleasant environment.

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Objectives

- To ensure that landscaping is compatible with and contributes in a positive manner to the character of the locality.
- To encourage the provision of suitable forms of landscaping.

Controls

1. A landscape concept plan must be submitted with the development application that incorporates the following:
 - (a) existing vegetation and other natural features are to be conserved on site, wherever possible and safe to do so.
 - (b) any proposed building structures will be setback at least 3m from the trunk of any tree to be retained.
 - (c) plant species are to be chosen for their suitability to the site, ease of maintenance, be interesting to children and serve the purposes of providing:
 - i. shade without undue overshadowing of adjoining properties.
 - ii. reduction of reflection from bright surfaces.
 - iii. emphasising pedestrian and vehicular routes.
 - iv. interesting quiet play areas capable of supervision.

Note: Refer to 'Kidsafe' book on plants for play areas, published by Playground Advisory Unit for the Child Accident Prevention Foundation of Australia

2. Landscaping design is to reflect the prevailing landscape character of the streetscape in terms of scale and planting style.
3. In residential areas, a landscape buffer at least 2m wide is to be provided between any street frontage and the location of car parking spaces or drop off areas.
4. On corner sites, fences over 1.2m in height should be setback 1m from the property boundary on the secondary setback to enable landscaping in front of the fence.

2.7 Fencing**Objectives**

- To ensure that fences forward of the building line are complementary to the streetscape in terms of materials, colour, height and form.
- To assist providing a delineation between public and private areas.
- To provide child safe fencing in appropriate locations.
- To ensure suitable fencing which encourages privacy for adjoining properties and has a satisfactory visual impact.
- To ensure consideration is given to the siting of the fence, articulation and / or the provision of adjacent landscaping to ensure a satisfactory visual outcome when viewed from adjoining properties or the public domain.

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Controls

1. Fences are to be designed to maximise privacy to all adjoining properties.
2. Child proof fencing and self closing gates must be installed around outdoor play areas and at the entrance to ensure the safety and security of children.
3. Fencing, particularly that provided in the front setback area of the site, is to be of a type and colour complementary to the streetscape and residential character.

2.8 Signage

Objective

- To ensure any signage associated with the child care centre does not dominate the building or the streetscape.

Control

1. Signage shall comply with Part B4.9 of this DCP.

2.9 Traffic, Parking & Pedestrians

Objectives

- To ensure a safe environment for pedestrians, particularly children, motorists and cyclists in and around child care centres.
- To minimise impacts in the locality in terms of traffic generation and demand for on street parking.
- To minimise the visual impact of car parking areas and to ensure they do not unreasonably detract from the streetscape character.
- To provide sufficient and convenient parking for staff members, visitors and for the dropping off and picking up of children.

Controls

1. Proposed car parking and access are to comply with the controls set out in chapter B5 of this DCP.
2. A traffic study is to be submitted with the development application. The study must be prepared by a qualified traffic consultant and address the adequacy of the vehicular access i.e. ingress and egress arrangements, drop off areas, car parking layout and the impact of the additional traffic to be generated by the proposed centre on the local road system.
3. The number of children proposed to attend the child care centre is to be detailed as part of the application. This information is necessary in order to determine the required number of parking spaces.
4. All required parking spaces are to be fully contained within the site, and clearly shown on a plan.
5. A drop off area must be provided fully contained within the site, and clearly shown on a plan.

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6. The driveway and car parking layout are to be designed to allow for the safe delivery and collection of children and also for the safe movement and parking of staff, visitors and service vehicles.
7. The car park design is to make provision for:
 - a. safe pedestrian access,
 - b. existing/proposed shared pathways
8. Vehicular access is to be separated from pedestrian access wherever possible, i.e. pathways are to be provided adjacent to the car park to allow pedestrian access to the centre's entrance, both from the car park and from the street's footpath.
9. Pathways and pedestrian ramps are to have gradients no greater than 1:14 with a non-slip surface.
10. Separate ingress and egress is preferred or a turning area is to be provided to facilitate safe manoeuvring and to enable all vehicles to enter and leave the centre in a forward direction.
11. In residential areas, all car parks are to be 'at grade' (basement car parks are not permitted) and constructed only with materials such as, neutral coloured concrete or pavers of a distinct and different form to dedicated pedestrian paths.
12. Adequate areas for landscaping and planting are to be provided to reduce the visual impact of the car park in the streetscape, including an area at least 2m wide along all street frontages.
13. Child care centres will need to comply with the requirements of the Building Code of Australia, AS/NZ 2890 and Disability Discrimination Act with regards to disabled access and car parking.

2.10 Hours of Operation

Objective

- To ensure that child care centres hours of operation are reasonable and have minimal impact on the locality and the environment.

Controls

1. Within residential zoned land the standard hours of operation will be restricted to between 7am and 7pm, Monday to Friday.
2. Within residential zoned land Council may consider longer hours of operation and/or opening on Saturday morning if it can be demonstrated that no unreasonable amenity impacts will arise for neighbouring properties.
3. Where a site is located outside of a residential zone the proposed hours of operation must be included in the application.

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ORD02

Attachment 1

ORD02

Attachment 1

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Table B8 Schedule of Car, Bicycle, and Motorcycle Parking Requirements

| LAND USE | MINIMUM CAR PARKING REQUIREMENT |
|------------------------------------|---|
| Education | |
| Educational Establishments | <p><u>Schools:</u></p> <p>1 car parking space per full time equivalent staff member, plus</p> <p>1 car parking space per 100 students, plus</p> <p>1 car parking space per 5 students in Year 12 where appropriate.</p> <p>Adequate space is also required for delivery vehicles, a drop off / pick up area and buses as appropriate.</p> <p><u>Tertiary Institutions:</u></p> <p>1 car parking space per 5 seats or 1 space per 10m² GFA, whichever is the greater.</p> <p>1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.</p> |
| Information and Education Facility | Comparisons should be drawn with similar developments. |
| Child Care Centre | <p>1 car parking space per 4 children</p> <p>1 of the car parking spaces shall be designed for people with a disability.</p> |

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Attachment 2 - Schedule of Proposed Changes – Notification Requirements – Camden DCP 2011

| Control | Proposed change | Comment/Justification |
|--|---|---|
| General Comments | <p>The proposed amendment to the notification requirements, has deleted those controls that are not required to be within a DCP or are mandated and regulated by other pieces of legislation.</p> <p>The amendment also removes reference to Council procedural matters i.e. What a notification letter should contain (previous section A2.12) as this is a matter for Council process, not applicants.</p> | |
| A2.2 Notification of Application | Amend control 1 (f) to read "Subdivision of land (excluding Strata title subdivisions and boundary adjustments and creation of residue lots)" | Notification of subdivisions for the creation of residue lots is not considered to have an impact on adjacent landowners and is therefore considered to be onerous. |
| A2.3 Advertising of application | Amend control 1(a) to read " New Educational establishments and hospitals" | Previous wording required even minor amendments to be undertaken in accordance with the requirements for advertised development. |
| A2.6 Re Notification /advertisement | Insert new Control A2.6 Re notification/advertisement 1. Where a Development Application has been amended by the proponent prior to determination , the responsible | Previously A2.8, this control has been amended to provide greater clarity and certainty with regards to when an application would be re-notified. |

Attachment 2 **ORD02**

| Control | Proposed change | Comment/Justification |
|---|---|--|
| <p>A2.7 Neighbour notified development</p> | <p>Council officer will renotify or advertise the application if:</p> <ul style="list-style-type: none"> a. In the opinion of Council it is considered that there is an overall increase in the impact of the development. <p>Where there is a reduction in impacts or no impact as a result of the changes the application does not need to be renotified/advertised.</p> | |
| <p>A2.7 Neighbour notified development</p> | <p>Insert new control</p> <p>A2.7 Neighbour notified development</p> <p>The form of notice for neighbour notified development will include:</p> <ul style="list-style-type: none"> a) a description of the proposed development; b) the address of the development site; c) the name of the applicant to carry out the work; d) advice that the plans may be inspected on Councils website, and electronically at Councils offices during business hours free of charge; and e) the closing date for written submissions | <p>Revised control (previously A2.12) removes requirements mandated under the Environmental Planning and Assessment Regulation, and deletes any requirements detailed in notification letters.</p> |

| Control | Proposed change | Comment/Justification |
|--|--|--|
| <p>A2.9 Protocol for neighbour notification and advertising</p> | <p>Insert raft of new controls</p> <p>A2.9. Protocol for neighbour notification and advertising</p> <p>For neighbour notified and advertised development, the following procedures will apply:</p> <p>a) the owners of land adjoining or opposite a proposed development including properties separated by only a walkway, driveway or laneway will be notified as shown in A2.13 Examples 1-6 and the following approach will be taken:</p> <ul style="list-style-type: none"> i. where the proposed development affects the entire site, owners of properties marked shaded in grey will be notified as shown in Examples 1-3; ii. where the proposed development affects only the rear of the site (such as rear yard garage, swimming pool, rear dwelling additions/alterations), owners at the sides and rear will be notified as shown in Example 4. Owners on the opposite side of the roadway will not be notified. Similar notification will occur where development is proposed at the front of a premises Example 5; | <p>New controls provide improved clarity regarding the scope of notification.</p> <p>Diagrams at 2.13 show visually the extent of minimum notification.</p> <p>A2.9(b) inserts a new control requiring a sign to be placed on the development site for the period of notification/advertising.</p> |

Attachment 2 ORD02

| Control | Proposed change | Comment/Justification |
|---|---|--|
| <p>A2.12 Notification period over Christmas/New Year</p> | <p>b) A sign will be placed on the development site indicating the details of the proposed development.</p> <p>c) the plans of the proposed development will be available for inspection, online at www.camden.nsw.gov.au;</p> <p>d) submissions to Council must be in writing and be received by Council on or before the last day of notification;</p> <p>e) all written submissions will be considered by Council as part of the assessment of the application;</p> <p>f) Council will give notice of the determination of an application to each person who makes a written submission. For a petition, the instigator will be advised. The notice of determination will specifically address their matters of concern and give reasons for the determination; and</p> <p>g) where a development application is referred to a Council meeting, every effort will be made to advise applicants and submitters of the date of the meeting.</p> | |
| <p>A2.12 Notification period over Christmas/New Year</p> | <p>A2.12 Notification period over Christmas/New Year For applications notified or advertised within 14 days of December 25th (before and after) the notification/advertising</p> | <p>Previous control required applications lodged with council from Mid December to Mid January to have an extended notification period.</p> |

| Control | Proposed change | Comment/Justification |
|---------|--|---|
| | <p>period will be extended a further 14 days.</p> <p>Please contact Council for further information regarding extended notification periods.</p> | <p>The amended control requires applications notified/advertised within this period to have a further 14 day extension, as was the intent of this clause.</p> |

A2 Notification and Advertising Requirements

Introduction

Council will give notice in accordance with A2.2 of this DCP to owners of land adjoining or opposite the land to which any development application relates. As a guiding principle, Council will limit neighbour notification to those adjoining properties affected by a proposal (A2.13 Notification Area).

Modifications to development applications under section 96(2) of the Act will be notified in the same manner as the original development application.

Notwithstanding the requirements of this DCP Council officers may where it is deemed necessary expand notification requirements and timeframes if, in the opinion of Council it would be in the public interest to do so.

A2.1 Notification and Advertising

Notification is where Council writes to those people identified as requiring notification, advising of the submission of a development application. Notification is for a minimum period of 14 days.

Advertising is where Council, in addition to writing to those people required to be notified, places an advertisement in a local newspaper advising of the submission of a development application. Advertising is for a minimum period of 14 days unless otherwise specified by legislation or Environmental Planning Instruments in the case of Nominated Integrated, Designated and Advertised Developments.

NOTE

A fee is payable at the time of lodgement of a development application for both notification and advertising. The fee charged is in accordance with Council's adopted Fees and Charges at the time of lodgement.

A2.2 Notification of applications

1. Council will notify:

- a) Major industrial and commercial developments that are generally **not** in keeping with the established scale and character of surrounding development
- b) Childcare centres
- c) Multi-dwelling housing and residential flat buildings
- d) Two storey dwellings (excluding complying development and dwellings in rural zones with significant separation distance in the opinion of Council to neighbouring properties)
- e) First floor additions to existing dwellings
- f) Subdivision of land (excluding Strata title subdivisions and boundary adjustments and **creation of residue lots**)
- g) Major bulk earthworks and landforming operations
- h) New road construction (excluding minor roadworks/upgrades)
- i) Telecommunication facilities
- j) Applications for the removal of trees which are likely to impact on local amenity
- k) Modifications to existing educational establishments and hospitals
- l) Development where, in the opinion of Council, it would be in the public interest to notify the application.

A2.3 Advertising of applications

1. Council will advertise

- a) **New** Educational establishments and hospitals
- b) Any development that is classed as either Nominated Integrated, Designated or Advertised Development in accordance with any legislation, Environmental Planning Instrument or DCP
- c) Development where, in the opinion of Council, it would be in the public interest to advertise the application

A2.4 Nominated Integrated Development

1. Nominated Integrated Development is development that requires an approval from an external authority under the following legislation:
 - (a) the Heritage Act (1977)
 - (b) the Protection of the Environment Operations Act(1997)
 - (c) the Water Management Act (2000)
2. All Nominated Integrated Developments must be advertised for a minimum period of 30 days.

A2.5 Designated Development

Designated Development is certain types of significant development e.g. concrete batching plants, large breweries/distilleries; listed in Schedule 3 of the Environmental Planning and Assessment Regulations.

1. All Designated Developments must be advertised for a minimum period of 30 days and in accordance with the special advertisement procedures listed in the Environmental Planning and Assessment Regulations.

A2.6 Re notification/advertisement

1. Where a Development Application has been amended by the proponent prior to determination , the responsible Council officer will renotify or advertise the application if:

- a. In the opinion of Council it is considered that there is an overall increase in the impact of the development.

Where there is a reduction in impacts or no impact as a result of the changes the application does not need to be renotified/advertised.

A2.7 Neighbour notified development

The form of notice for neighbour notified development will include:

- a) a description of the proposed development;
- b) the address of the development site;
- c) the name of the applicant to carry out the work;

- d) advice that the plans may be inspected on Councils website, and electronically at Councils offices during business hours free of charge; and
- e) the closing date for written submissions

A2.8 Advertised development

The form of notice for advertised development will include the requirements under the Environmental Planning and Assessment Act 1979.

A2.9. Protocol for neighbour notification and advertising

For neighbour notified and advertised development, the following procedures will apply:

- a) the owners of land adjoining or opposite a proposed development including properties separated by only a walkway, driveway or laneway will be notified as shown in A2.13 Examples 1-6 and the following approach will be taken:
 - i. where the proposed development affects the entire site, owners of properties marked shaded in grey will be notified as shown in Examples 1-3;
 - ii. where the proposed development affects only the rear of the site (such as rear yard garage, swimming pool, rear dwelling additions/ alterations), owners at the sides and rear will be notified as shown in Example 4. Owners on the opposite side of the roadway will not be notified. Similar notification will occur where development is proposed at the front of a premises Example 5;
- b) A sign will be placed on the development site indicating the details of the proposed development.
- c) the plans of the proposed development will be available for inspection, online at www.camden.nsw.gov.au;
- d) submissions to Council must be in writing and be received by Council on or before the last day of notification;
- e) all written submissions will be considered by Council as part of the assessment of the application;
- f) Council will give notice of the determination of an application to each person who makes a written submission. For a petition, the instigator will be advised. The notice of determination will specifically address their matters of concern and give reasons for the determination; and
- g) where a development application is referred to a Council meeting, every effort will be made to advise applicants and submitters of the date of the meeting.

A2.10 Notification of community groups

Council will consider notifying community groups of development applications for development in their area.

A2.11 Notification of Owner's Corporations

A notice to an association for a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act; or to an Owner's Corporation for a parcel within the meaning of the Strata Schemes Management Act; is taken to be a notice to the owner of each lot within the parcel concerned.

A2.12 Notification period over Christmas/New Year

For applications notified or advertised within 14 days of December 25th (before and after) the notification/advertising period will be extended a further 14 days.

Please contact Council for further information regarding extended notification periods.

A2.13 Notification Area

The notification areas will generally comply with the following diagrams unless Council officers identify the requirement for extended notification based on individual applications.

Example 1



Example 2



Example 5



Example 6



NOTICE OF PROPOSED DEVELOPMENT APPLICATION

NO. _____

Council gives notice that the above Development Application has been submitted to Council

The plans may be inspected during the notification period at www.camden.nsw.gov.au

ANY COMMENTS SHOULD BE MADE IN WRITING AND RECEIVED DURING THE NOTIFICATION PERIOD

Site Specific Information and site plan to be affixed



www.camden.nsw.gov.au



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: ADOPTION OF SWIMMING POOL INSPECTION PROGRAM
FROM: Director Planning & Environmental Services
TRIM #: 15/164423

PURPOSE OF REPORT

The purpose of this report is to advise Council of the results of the public exhibition of the Revised Swimming Pool Inspection Program (the program) and seek Council's endorsement to adopt the program.

BACKGROUND

The program was originally adopted by Council on 8 October 2013 subject to a review of the program after 12 months.

The program was reviewed in early 2015 and the findings reported to Council on the 24 February 2015. On the 26 February 2015, the NSW State Government announced changes to the swimming pools legislation which impacted on Council's program. As such the proposed public exhibition of the program was suspended until the implications of the changes could be assessed and reported to Council.

The matter was reported to Council again on the 14 April 2015, recommending changes to the program and seeking Council's endorsement to place the revised program on public exhibition.

Accordingly Council resolved to:

- i. endorse the Revised Swimming Pool Inspection Program for a 30 day exhibition period; and*
- ii. be provided with a further report detailing the results of the 30 day exhibition period; and*
- iii. review the program in 24 months.*

A copy of the previous Council report (14 April 2015) is provided as attachment 1 to this report.

MAIN REPORT

The revised program was exhibited for a 30 day period from 29 April 2015 to 29 May 2015. During the exhibition period, information was available on Council's website and adverts were placed in the local paper.

The amendments included revising the projected number of pools to be inspected per annum, revising the required staffing resources and minor housekeeping amendments.

No submissions from the public were received.

A copy of the revised program is provided as attachment 2 to this report.



FINANCIAL IMPLICATIONS

The revised program proposes the inspection of a minimum of 400 swimming pools annually. Based on data collected over the last 12 months of the program:

- 20% of pools require one (1) inspection
- 80% of pools require two (2) or more inspections to achieve compliance.

Council’s Fees and Charges includes a \$150 fee for an initial inspection and \$100 for one subsequent inspection. Council is unable to charge an additional fee for further inspections.

It is estimated that 1 inspection officer will be required to ensure the program is implemented. This has been revised down from 1.5 officers in response to the number of pools inspected per year being revised down from 750 to 400.

It is noted that no additional staff resources have been employed to date, and that all inspections completed over the last 12 months have been undertaken using existing staff resources.

Below is a table outlining the projected income and expenditure for the program.

| | |
|---|----------|
| Projected Income | |
| Initial Inspection Fees (400 Inspections) | \$60,000 |
| Re-Inspection Fees (320 or 80% Inspections) | \$32,000 |
| Total Projected Income | \$92,000 |
| Projected Expenditure | |
| Staffing Costs (1 Staff Member) | \$88,500 |
| Total Projected Expenses | \$88,500 |

There will also be indirect costs associated with the introduction of the inspection program such as staff administration and general systems support. The cost of the program will be monitored and reviewed at the end of 12 months.

CONCLUSION

In order to meet its obligations under the *Swimming Pools Act 1992*, Council must develop and consult with the community on a swimming pool inspection program.

The program has been placed on public exhibition for a period of 30 days and no submissions have been received.

It is recommended that Council adopt the swimming pool inspection program.

The program will be reviewed in 24 months and any required changes reported back to Council at that stage.

RECOMMENDED

That Council adopt the Swimming Pool Inspection Program.



ATTACHMENTS

1. Council report - April 2015
2. Swimming Pool Inspection Program

ORD03



ORD03

Attachment 1

ORDINARY COUNCIL

ORD04

SUBJECT: PUBLIC EXHIBITION OF REVISED SWIMMING POOL INSPECTION PROGRAM

FROM: Director Planning & Environmental Services

TRIM #: 15/55513

PURPOSE OF REPORT

The purpose of this report is to inform Council of recent changes to the swimming pool legislation, implications on the swimming pool inspection program, and to seek Council's endorsement to the public exhibition of the revised Swimming Pool Inspection Program (the program).

BACKGROUND

The *Swimming Pools Amendment Act 2012* (the Act) requires Council to develop a pool inspection program in consultation with their community. The program was adopted by Council on 8 October 2013, subject to a review of the program after 12 months.

The program was reviewed in early 2015 and the findings reported to Council on the 24 February 2015, which included recommendations for changes to the original program. Council resolved to adopt these changes and place the revised Program on public exhibition for 30 days. The amendments included revising the projected number of pools to be inspected per annum, revising the required staffing resources and minor housekeeping amendments.

On the 26 February 2015, the NSW State Government announced changes to the swimming pools legislation which impact on Council's Program. As such the proposed public exhibition of the program was suspended until the implications of the changes could be assessed and reported to Council.

The changes and any further amendments required to the program are discussed in the main report.

MAIN REPORT

Swimming Pool Inspection Program Review

Council's Swimming Pool Inspection Program has been in place since 29 October 2013. The purpose of inspections is to ensure that pool barriers comply with the pool safety legislative requirements.

Once Council is satisfied that a barrier complies, a Certificate of Compliance is issued pursuant to the Act.

The adopted Program commits Council to undertaking a minimum of 750 swimming pool inspections per year, to be reviewed at the end of 12 months.

This is the report submitted to the Ordinary Council held on 14 April 2015 - Page 1



Since the adoption of the program there has been a number of developments which have influenced the number of swimming pool inspections Council has been requested to undertake.

Changes to the Swimming Pool Legislation

When the program was initially adopted by Council, swimming pool legislation required that all properties with a pool being sold or rented / leased after 29 April 2014 were required to have a current Pool Compliance Certificate. The State Government later amended this legislation, postponing this requirement until the 29 April 2015 on the basis that councils and industry were not appropriately resourced to deal with the changes at that time.

As a result of these changes, Council did not receive the volume of pool compliance certificate applications forecast during the first 12 months of the program.

On 16 February 2015, the legislation was amended again, postponing this requirement until the 29 April 2016. Whilst it is expected that there will be some increase in demand for pool certificates due to increased public awareness, the revised estimate of 400 pool inspections per year is unlikely to be achieved until after April 2016.

The Role of Accredited Certifiers

The Act enables a pool owner to engage council or an accredited certifier to carry out a pool inspection.

In December 2014, the Building Professionals Board (the BPB) introduced a new category of accreditation (E1) to facilitate an increase in the number of accredited persons available to inspect swimming pool barriers in NSW. Subject to completing a recognised training course, licensed builders, contractors, pre purchase inspectors and other building industry professionals can become accredited for the purpose of inspecting swimming pool barriers and the issuing of swimming pool Compliance Certificates.

It is envisaged that the likely increase in the number of accredited swimming pool inspectors providing this service will reduce the number of swimming pool inspections Council is requested to undertake.

It should be noted however, that it is Council's responsibility to take enforcement action related to non-compliant swimming pool barriers. Where an accredited certifier carries out an inspection that is found to be unsatisfactory, the certifier must give a written notice which is forwarded to Council to pursue the matter. In these circumstances Council is not able to charge for the inspections associated with compliance action.

Number of Swimming Pools to be Inspected Each Year

As a result of the legislative changes, Council has not received the volume of pool Compliance Certificate applications forecast. The current Program specifies that Council will inspect a minimum 750 swimming pools per year, however approximately 100 pools were inspected during the first 12 months of the Program, 70 of which were Compliance Certificate applications with the remainder resulting from complaints or compliance action by Council.

The Program review also revealed a much higher percentage of pools are non-compliant than initially estimated. Statistics collected indicate that only 20% of pools

This is the report submitted to the Ordinary Council held on 14 April 2015 - Page 2



ORD03

Attachment 1

complied with the relevant standards when inspected, and over 50% of pools require 3 inspections or more before compliance is achieved. It should be noted that Council can only charge for the first 2 inspections.

It is projected that from April 2016 onwards, Council will inspect approximately 400 swimming pools per year. It should also be noted that Council is obligated to comply with the adopted Program and as such is committed to inspecting the number of pools specified in its Program. For this reason it is recommended that the number of pools to be inspected is not specified in the Program document at this time. The Program will instead specify the circumstances in which Council will inspect swimming pools and issue Compliance Certificates.

The Program will be reviewed again in April 2017, so that the minimum number of pools inspected can be confirmed and included in the Program should Council resolve to do so.

Inspection Fees

Inspection fees are set by the Act and remain unchanged. Council may charge a maximum fee of \$150 for an initial inspection and \$100 for a second inspection. No further fee may be charged regardless of the number of inspections conducted. Council's current Fees & Charges includes these fees.

Education

Pool owner education and awareness is essential in contributing to the success of the inspection Program.

An ongoing community education and awareness program will be delivered through community publications, media releases, website information, owner self-assessment pool fence checklists and pool safety officer interaction with the public. The importance of pool barrier maintenance and adult supervision are key messages to be delivered in the Program.

Recommended Changes to Council's Swimming Pool Inspection Program

As a result of the review process, the following amendments to the Program are recommended:

- Part 9.1 (page 4) of the Program should be amended to indicate that properties being sold or leased from **29 April 2016** require a Pool Certificate of Compliance.
- Part 10 (page 4) the heading shall be amended to read ***When swimming pools will be inspected.***
- Part 10.1 (page 4) paragraph one should be amended to read ***Council will undertake the inspection of swimming pools on a reactive basis incorporating a risk based approach.***
- Part 10.1 (page 4) dot point three should be amended to read ***All other swimming pools in the local government such as older pools, pools that have never been inspected or any other pool where Council has a reasonable concern over the safety of a pool barrier. Such pools may be required to obtain a Pool Compliance Certificate once the pool barrier complies with the relevant requirements.***



A copy of the Draft Amended Swimming Pool Program is provided as attachment 1 to this report. Proposed amendments are shown in red.

FINANCIAL IMPLICATIONS

The revised Program proposes the inspection of a minimum of 400 swimming pools annually, however this will not occur until after April 2016.

Based on data collected over the last 12 months of the program:

- 20% of pools require one (1) inspection;
- 80% of pools require two (2) or more inspections; to achieve compliance.

Council's Fees & Charges includes a \$150 fee for an initial inspection and \$100 for one subsequent inspection. Council is unable to charge an additional fee for further inspections.

It is estimated that 1 inspection officer will be required to ensure the program is implemented. This has been revised down from 1.5 officers in response to the number of pools inspected per year being revised down from 750 to 400.

It is noted that no additional staff resources have been employed to date, and that all inspections completed to date have been undertaken using existing staff resources. The use of existing staff resources will continue until around April 2016, at which time it will be necessary to employ an additional staff resource to deal with the expected increase in required swimming pool inspections.

Below is a table outlining the projected income and expenditure for the Program, for 2016 onwards.

| | |
|---|----------|
| Projected Income | |
| Initial Inspection Fees (400 Inspections) | \$60,000 |
| Re-Inspection Fees (320 or 80% Inspections) | \$32,000 |
| Total Projected Income | \$92,000 |
| Projected Expenditure | |
| Staffing Costs (1 Staff Member) | \$88,500 |
| Total Projected Expenses | \$88,500 |

The cost of the Program will be monitored and reviewed in April 2017.

CONCLUSION

In order to meet its obligations under the *Swimming Pools Amendment Act 2012*, Council must inspect swimming pools in the community in accordance with the adopted Swimming Pool Program.

A review of the Program after 12 months indicates that a number of changes are required to ensure Council can meet this obligation. In accordance with the Swimming Pools Regulation 2008, the community must also be consulted regarding any review of the Program.

It is proposed that the Program be public exhibited for 30 days, the results of which will be reported back to Council.

This is the report submitted to the Ordinary Council held on 14 April 2015 - Page 4



ORD03

Attachment 1

RECOMMENDED**That Council:**

- i. endorse the Revised Swimming Pool Inspection Program for a 30 day exhibition period;
- ii. be provided with a further report detailing the results of the 30 day exhibition period; and
- iii. review the Program in 24 months.

Resolution: Moved Councillor Dewbery, Seconded Councillor Sidgreaves that Council:

- i. endorse the Revised Swimming Pool Inspection Program for a 30 day exhibition period;
- ii. be provided with a further report detailing the results of the 30 day exhibition period; and
- iii. review the Program in 24 months.

ORD1/15 THE MOTION ON BEING PUT WAS **CARRIED**

ATTACHMENTS

1. Swimming Pool Inspection Program Amended



SWIMMING POOL INSPECTION PROGRAM

Revision 1 - April 2015

1. PURPOSE

- 1.1 The *Swimming Pools Act 1992*, Section 22B requires the Council to develop and implement a swimming pool inspection program in consultation with the community that increases pool safety awareness, and reduces infant drowning and near drowning events by ensuring compliance with the requirements of Part 2 of the Act - access to swimming pools – of the *Swimming Pools Act 1992*.
- 1.2 This program must be in place to commence implementation by 29 October 2013. Councils are then required to inspect swimming pools in accordance with the adopted program.

2. RELEVANT LEGISLATION AND STANDARDS

- 2.1 The legislation, regulation and standards that apply to the swimming pool inspection program include:
- *Swimming Pools Act 1992*
 - *Swimming Pools Regulations 2008*
 - *Swimming Pools Amendment Act 2012*
 - *Swimming Pools Amendment (Consequential Amendments) Regulation 2013*
 - Building Code of Australia
 - Australian standards AS 1926.1
 - Australian standards AS 1926.2

3. RELEVANT DEFINITIONS

- 3.1 **Certificate of Compliance-** in respect of swimming pools means a certificate issued under section 22D of the *Swimming Pools Act*.
- 3.2 **Multi-occupancy Development** – a building or buildings that is, or are, situated on premises that consists of two or more dwellings.
- 3.3 **Relevant Occupation Certificate** – in respect of a swimming pool, which means an occupation certificate issued under the *Environmental Planning and Assessment Act 1979* that is less than 3 years old and that authorises the use of the swimming pool.
- 3.4 **Swimming Pool-** means an excavation, structure or vessel:
- a. that is capable of being filled with water to a depth greater than 300 mm and
 - b. that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool but does not include a spa bath, anything that is situated within a bathroom or anything declared by regulations not to be a swimming pool for the purposes of this Act.

- 3.5 **Tourist and Visitor Accommodation-** means a building or place that provides temporary or short-term accommodation on a commercial basis and includes backpackers accommodation, bed and breakfast accommodation, farm stay accommodation and serviced apartments.

4. THE IMPORTANCE OF POOL SAFETY

- 4.1 Swimming pools offer a social amenity that is of great benefit to those who have use and access to it. With this however goes an obligation outlined in legislation to maintain the pool in a safe manner.
- 4.2 The regulatory regime of pools on private property has been the subject of ongoing legislative review due to the tragic infant and toddler injury and death in swimming pools.
- 4.3 Children aged 4 years of age and under are the most vulnerable. They are dependent on their parents or carers for their safety. The personal and social cost associated with the death of a child is enormous and cannot be adequately described. The death of a young child in circumstances that could have been prevented is a tragedy for all.

5. THE INSPECTION PROGRAM

- 5.1 From October 2013 all councils are required to have in place and implement a program of swimming pool inspections. The purpose of inspections is to issue a certificate indicating that pool barriers in place comply with the pool safety legislative requirements.

6. WHAT IS A POOL CERTIFICATE OF COMPLIANCE?

- 6.1 A Pool Certificate of Compliance is issued once a pool has been inspected against the relevant pool safety requirements. The certificate is valid for three years. A pool may be inspected more frequently than three years if a complaint has been received with respect to pool safety or there is good reason to suspect the pool no longer complies with the pool safety requirements.

7. WHAT HAPPENS IF A POOL CERTIFICATE OF COMPLIANCE CANNOT BE ISSUED?

- 7.1 A Pool Certificate of Compliance cannot be issued if the pool is not passed at inspection as meeting the various requirements under the applicable standards. In such a case either Council or an accredited certifier must issue a notice specifying the works required. If the works are not undertaken or the pool cannot pass a subsequent inspection then a Penalty Infringement Notice will be issued. Continuing refusal to comply will result in legal action.

8. HIGH RISK POOLS INSPECTED EVERY THREE YEARS

8.1 The legislation requires properties considered high risk to have their pool inspected every 3 years. This includes pools associated with:

- a moveable dwelling, hotel, motel, tourist / visitor accommodation, serviced apartments and other multi-occupancy developments.
- backpackers, bed and breakfast, farm stay accommodation, serviced apartments and residences of more than 2 occupancies.
- Child car centre / Family day car or premises accessed regularly by children for other than domestic purposes

9. PROPERTIES BEING SOLD OR RENTED / LEASED

9.1 From 29 April 2016 all properties with a pool being sold or rented / leased must have a current Pool Certificate of Compliance. Where a property with a pool is being sold or rented / leased, the pool owners must request an inspection and comply with the requirements of the inspection before a Pool Certificate of Compliance can be issued.

10. WHEN SWIMMING POOLS WILL BE INSPECTED

10.1 Council will undertake the inspection of swimming pools on a reactive basis incorporating a risk based approach.

- High risk pools that are required to be inspected every 3 years as specified in Section 8.
- Properties that require a Pool Certificate of Compliance because the property is being sold or rented / leased.
- All other swimming pools in the local government such as older pools, pools that have never been inspected or any other pool where Council has a reasonable concern over the safety of a pool barrier. Such pools may be required to obtain a Pool Compliance Certificate once the Pool barrier complies with the relevant requirements.

11. FEES

11.1 The *Swimming Pool Act* provides that Council may charge a fee the inspection conducted by an authorised officer, being a fee that is no greater than the maximum fee prescribed by the *Swimming Pool Regulation*. At the time of gazettal of the *Swimming Pool Regulation* (April 2013) the maximum initial inspection of \$150 is payable and a second inspection fee of \$100 is payable. No fee may be charged for further inspection.

- 11.2 Council will charge a fee of \$150 for an initial inspection (which includes the issue of a Certificate of Compliance for complying pool fences) and \$100 for one follow-up inspection.

12. EDUCATION AND AWARENESS

- 12.1 Pool owner education and awareness is essential in contributing to the success of the inspection program.
- 12.2 An ongoing complimentary community education and awareness program will be delivered through community publications, media releases, website information, owner self-assessment pool fence checklists and pool safety officer interaction with the public.
- 12.3 The importance of pool barrier maintenance and adult supervision a key messages to be delivered in a program.
- 12.4 The rates of pool barrier compliance are expected to progressively increase as a result of the inspection program and the gradual improvement of the level of community education awareness.

13. PENALTIES

- 13.1 There are a number of offences under that Act which attract fines, as follows:

| Offence under the Act | Penalty Notice (issued by Council) | Court Maximum Penalty |
|---|------------------------------------|---------------------------|
| Section 7(1): Failure to comply with general requirements for outdoor pools associated dwellings | \$550 | 50 penalty units = \$5500 |
| Section 12: Failure to comply with general requirements were comfortable pools associated with movable dwellings and tourist and visitor accommodation | \$550 | 50 penalty units = \$5500 |
| Section 14: Failure to comply with general requirements for indoor pools | \$550 | 50 penalty units = \$5500 |
| Section 15(1): Failure to maintain child resistant barrier | \$550 | 50 penalty units = \$5500 |
| Section 16: Failure of occupier to keep access to pool securely closed | \$550 | 50 penalty units = \$5500 |
| Section 17(1): Failure to display or maintain a prescribed warning notice people | \$110 | 5 penalty units = \$550 |
| Section 23 (3): Failure to | \$550 | 50 penalty units = \$5500 |

ORD03

| | | |
|---|-------|--------------------------|
| comply direction (pool safety order) | | |
| Section 30B(1): Failure to register a pool | \$220 | 20 penalty units= \$2200 |

14. THE ROLE OF CERTIFIERS

- 14.1 Pool owners may request an Accredited Certifier to provide a pool certificate of compliance. Accredited Certifiers may set their own fees. Having conducted an inspection, if the pool does not meet the applicable standard, the Accredited Certifier may allow a pool owner six (6) weeks to rectify deficiencies before advising Council, or if considered to be a significant public hazard a certifier may notify Council immediately. Upon notification Council may commence compliance action.

* * *

Attachment 2



ORDINARY COUNCIL

ORD04

ORD04

**SUBJECT: PROPOSED ROAD NAMING - NEW ROADS IN ARCADIAN HILLS
RELEASE AREA OF COBBITTY**

FROM: Director Customer & Corporate Services

TRIM #: 15/72128

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to place on public exhibition a list of proposed road names to be assigned to new roads in the Arcadian Hills Release area within the suburb of Cobbitty.

BACKGROUND

AV Jennings the Developer has submitted an application list of new proposed road names to be used in the Arcadian Hills release area located west of the Oran Park precinct release area, No. 421D The Northern Road, and in within the South West Growth Centre: B1 Neighborhood Centre, E2 Environmental conservation, R1 General Residential, And E4 Environmental Living and Camden LEP: RU1 Primary Production, in the suburb of Cobbitty.

Development Application (DA) 1170/2014 was approved at the Ordinary Council meeting of 28 April 2015, a subdivision to create 2 residue lots within Lot 2007 DP1162239.

It is noted that a briefing to Council was held on 23 June 2015 in relation to this proposed naming and it is also noted that Council Officers are working towards increasing the list of names to the Preferred Road Naming List, by working with the Historical Society and the Leppington Progress Group.

Source material published by the Camden Historical Society such as the Camden Pioneer Register, Third Edition (1800 – 1920), Camden's WWI Diggers, 1914-1918 (by Janice Johnson), Ministering Angels, The Camden District Red Cross – (1914-1945) by Ian Willis, will also be used as reference material to source names to be included on the Preferred Road Naming List.

Council is seeking suggestions for the naming of future roads and parks via Council's website and Facebook.

A copy of a submission from the AV Jennings is provided with the Business Paper supporting documents.

AERIAL PHOTO



MAIN REPORT

The Geographical Names Board (GNB) has advised Council of the process to be followed by the roads authority in respect to the naming of new roads in accordance with the Road Act 1993. In this instance, Council is the road naming authority.

The proposed road names listed below are consistent with Council's Road Naming Policy and are historically related to the Camden LGA.

The list of proposed road names is:

| Proposed Road Name | History Background |
|--------------------|--|
| Wainwright Drive | The first bridge across the Nepean River opened in 1827 was designed by a convict named Wainwright . The bridge allowed settlement of the land west of the Nepean River which is present day Camden. The bridge also formed part of the Great South Road (Hume Highway) and anyone who wished to cross had to pay a toll and on Sundays crossing the bridge was forbidden. Several bridges have been built since, with the current one opening in 1976. |
| Bensley Road | Henry Bensley, born 1821 in Great Fransham England (son of Henry Bensley & Elizabeth Nunn), arrived in Australia on 26 June 1841 on the "Earl Grey" to settle as a farmer in Cobbitty. He died on 6 September 1858 in Cobbitty NSW and was subsequently buried at Cawdor NSW There were three (3) generations of the Bensley family who were farmers in the Cobbitty area. William Bensley |



| Proposed Road Name | History Background |
|--------------------|---|
| | born 13 February 1849 in Camden, James Bensley born 20 November 1852 in Cobbitty and Oswald Henry Bensley born 26 October 1875 in Cobbitty. |
| Kemp Road | Charles Kemp was a blacksmith on the corner of Argyle and View Streets, Camden in the 1840's and early 1850's. Road name is selected from the Council's preferred Road Names. |

Cobbitty remains largely rural to the present day. The village has a general store, tearooms, café, arts and craft gallery, a rural fire station and scout hall. There are varying types of houses along Cobbitty Road including a number of smaller acreages throughout the area for farming and horse breeding. Cobbitty is home to turf farms, orchards, as well as equestrian and pony clubs. Cobbitty has well renowned horse breeding and horse break in centres.

In line with the long standing local historical horse theme within the Cobbitty area, the following road names are submitted:

- | | |
|--------------------|------------------|
| Clydesdale Road | Draught Avenue |
| Shire Street | Brumby Road |
| Thoroughbred Drive | Arabian Crescent |
| Paint Crescent | Pinto Avenue |
| Appaloosa Ridge | Shetland Street |

The process, should Council endorse the names for public exhibition, is:

1. The approved names are published in the NSW Government Gazette and in local newspapers for public comment; and
2. Proceed with the proposed naming, subject to any submissions received which will then require a further report to Council advising of those submissions.
3. Council informs Australia Post, the Registrar General, the Surveyor General and the RMS of the new road names.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The proposed road names have been assessed by Council staff in accordance with the Council Road Naming policy and GNB criteria.

Subject to Council endorsement, a 30 day exhibition period will commence and subject to no submissions being received, proceed with the road naming process.



ORD04

RECOMMENDED

That Council:

- i. endorse the list of proposed road names for the Arcadian Hills release area within the suburb of Cobbitty for a 30 day exhibition period; and**
- ii. subject to no submissions being received, proceed with the naming process.**

ATTACHMENTS

- 1. AVJennings Road Naming Application**

AVJennings

General Manager
Camden Council
PO Box 183
CAMDEN NSW 2570

Attention: Angie Juvanshu

25th March 2015

Re: Arcadian Hills at Cobbitty. Street Names.

Proposed lot 2010 in subdivision of lot 2007 DP 1162239 421D The Northern Road, Cobbitty.

Dear Sir,

AVJennings has purchased lot 2010 from the McIntosh family. Council has given Development Consent to DA 1170/2014 from which 2010 will be created. This land will become part of AVJennings's adjoining Arcadian Hills estate and Council approval is being sought to the street names for this land.

Attached is a list of street names which AVJennings is seeking approval to, together with an indicative master plan showing where the street names may be used. The list has more names allocated than that shown on the plan in case the future planning of the estate requires variations to be made and additional roads are created.

The street names selected are intended to reflect the history of the area and a brief historical explanation has been shown. In general terms the names selected are Australian breeds of racing and riding horses.

I understand that you have received approval from the Geographical Names Board of NSW to use the street names listed. AVJennings would be pleased if Council could now approve the street names.

If you wish to further discuss this matter please feel free to call me on (02) 9846 6606.

Yours faithfully,



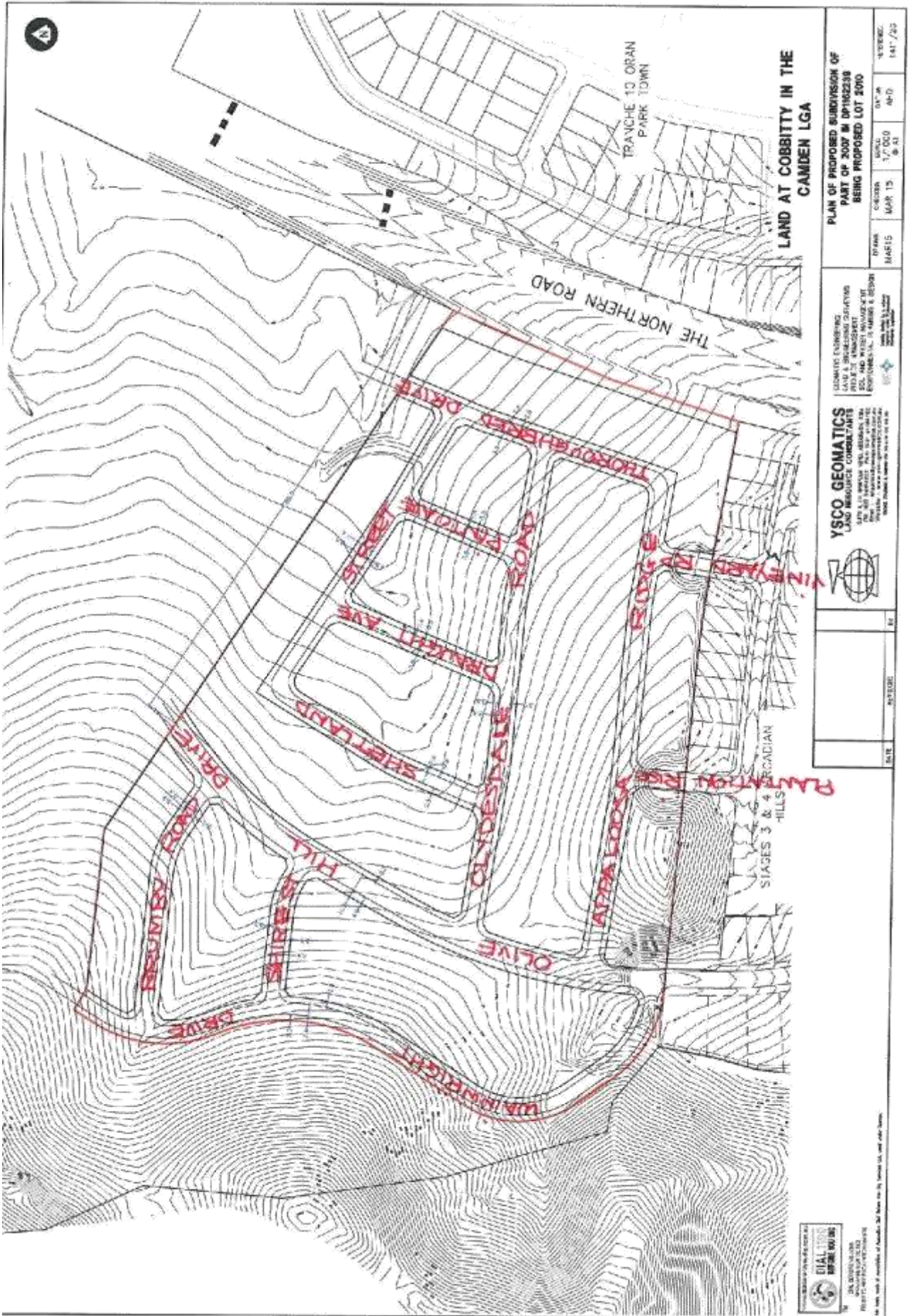
Paul Tarasenko
Development Manager
AVJennings Properties Limited

AVJennings Properties Limited ABN 50 004 601 503 391690
11 Brookhollow Avenue Baulkham Hills NSW 2153
Postal Address: PO Box 7207 Baulkham Hills BC NSW 2153
www.avjennings.com.au t: 02 9846 6600 f: 02 9846 6445

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Attachment 1

| Proposed Road Name | History Background |
|--|--|
| Wainwright Drive | The first bridge opened in 1827 was designed by a convict named Wainwright . The opening of the country to the west of the Nepean River for settlement followed. The bridge formed part of the Great South Road (Hume Highway) and anyone who wished to cross had to pay a toll and on Sundays was forbidden to cross at all. |
| Cobbitty remains largely rural to the present day. The village has a general store and tearooms, café and art and craft gallery, a rural fire station and scout hall. There are more houses along Cobbitty Road and a number of smaller acreages throughout the area. Cobbitty is home to turf farms and orchards , and there is an equestrian club , pony club and horse breeding and breaking centres. | |
| Clydesdale Road | Heavy Horses – number of studs historically in Camden area for many years, Australian Breeds, Racing Breeds and Riding types |
| Draught Avenue | |
| Shire Street | |
| Brumby Road | |
| Thoroughbred Drive | |
| Standardbred Road | |
| Arabian Crescent | |
| Warmblood Road | |
| Paint Crescent | |
| Pinto Avenue | |
| Appaloosa Ridge | |
| Shetland Street | |



| | | | |
|---|-----------------------|--|-----------------------|
| <p>YSCO GEOMATICS LAND & SURVEYING CONSULTANTS 100 WAINWRIGHT AVE, SUITE 101 WAINWRIGHT, ONTARIO L0R 2G0 TEL: 905.881.1111 FAX: 905.881.1112 WWW.YSCOGEO.COM</p> | | <p>DATE: 14/07/15</p> | |
| <p>LIMITED LIABILITY LAND & SURVEYING CONSULTANTS PROJECT: AVJENNINGS ROAD NAMING APPLICATION 100 WAINWRIGHT AVE, SUITE 101 WAINWRIGHT, ONTARIO L0R 2G0 TEL: 905.881.1111 FAX: 905.881.1112 WWW.YSCOGEO.COM</p> | | <p>PLAN OF PROPOSED SUBDIVISION OF PART OF 2007 M DP162238 BEING PROPOSED LOT 2000</p> | |
| <p>DATE: 14/07/15</p> | <p>DATE: 14/07/15</p> | <p>DATE: 14/07/15</p> | <p>DATE: 14/07/15</p> |

Attachment 1
 ORD04



ORD05

ORDINARY COUNCIL

ORD05

SUBJECT: PROPOSED NAMING OF A PARK AND RESERVES - THE HERMITAGE ESTATE

FROM: Director Customer & Corporate Services

TRIM #: 15/144854

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the proposed naming of one park and two reserves in The Hermitage Estate within the suburb of Gledswood Hills, and to seek a resolution to refer the proposal and Council's endorsement to the Geographical Names Board (GNB) for exhibition and gazettal.

BACKGROUND

Council received a request from SJB Planning to consider the naming of one Park and two Reserves within The Hermitage Estate in the suburb of Gledswood Hills.

The proposed parks and reserves are within The Hermitage Estate release area, which forms part of the Turner Road Growth Centre Precinct, Gledswood Hills and is zoned R1 General Residential, RE2 Private Recreation and E4 Environmental Living, under the provisions of the SEPP (Sydney Region Growth Centres) 2006.

A briefing to Council was held on 23 June 2015 in relation to naming of a park and reserves in The Hermitage Estate.

The proposed naming/s are listed in the table below:

| Proposed Reserve Names | Historical Background |
|-------------------------------|---|
| Gledswood Hills Reserve | The Hermitage Estate is situated within the new suburb of Gledswood Hills. |
| Fairbank Park | The park is located south of Fairbank Drive. It is a landscaped central park that facilitates pedestrian and cyclist access from South Creek Reserve to Gledswood Hills Reserve, connecting the northern and southern precincts of The Hermitage Estate. |
| South Creek Reserve | <p>The reserve is within the South Creek catchment and is designed to rehabilitate and protect the water quality and serves as the detention capacity of the South Creek waterway. The proposed name is indicative of the reserve's significance as part of the South Creek waterway that contains significant vegetation.</p> <p>It is noted that it is intended to extend the naming of South Creek Reserve all the way to the natural boundary of the water canal located to the east, once development of that area is completed.</p> |

AERIAL PHOTO OF THE PROPOSED LOCATIONS

ORD05



MAIN REPORT

The Geographical Names Board (GNB) is the naming authority in this instance and has the role of assigning names to places and natural features. The GNB's guidelines and procedures are aimed at ensuring community input is sought, as well as avoiding the duplication of names.

The GNB has advised Council that the following process is required to be followed with respect to having a reserve name approved. If approved by the GNB, the reserve name/s will be formally included in the official Plan Names register.

1. the land owner, developer or a resident provides Council with a proposed reserve name;
2. the proposed reserve name is checked by Council staff in accordance with the Guidelines published by the GNB;
3. if the proposed reserve name meets the guidelines it is referred to the GNB for comment;
4. a report is sent to Council, seeking endorsement of the proposed reserve name that complies with the GNB guidelines;
5. the GNB exhibits the proposed reserve name/s in the local media for 30 days, inviting submissions to comment on the proposed name/s;



6. if any objections are received by the GNB, they will be forwarded to Council for review; and
7. if no objections are received, the GNB gazettes the name and notifies Council of the gazettal.

Steps **1 to 3** have been completed and this report has been prepared in accordance with step 4.

The proposed names are considered by Council staff to be appropriate, taking into account the history of the site and the naming themes of Gledswood Hills.

Subject to Council endorsing the proposed names, the names will be referred to the GNB to continue the above reserve naming process.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

SJB Planning has submitted an application and associated information in support of the proposed public reserve names.

The proposed names outlined in this report are in accordance with GNB guidelines.

Consequently, it is recommended the Council endorse the proposed public reserve names and refer the application to the GNB to continue the naming process which includes a 30 day public exhibition period and subject to no objections being received, proceed with gazettal.

RECOMMENDED

That Council:

- i. **endorse the names “Gledswood Hills Reserve”, “Fairbank Park”, and “South Creek Reserve” for the public reserves in The Hermitage Estate release area within the suburb of Gledswood Hills; and**
- ii. **refer the application to the GNB in accordance with the GNB place naming process.**



ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: PETITION - ALLENBY AND MCCANN ROADS ROSSMORE - SOUTH WEST RAIL LINK EXTENSION CORRIDOR

FROM: Director Customer & Corporate Services

TRIM #: 15/179942

PURPOSE OF REPORT

The purpose of this report is to advise Council that it is in receipt of a petition from the residents of Allenby and McCann Roads Rossmore with 27 signatures in relation to The South West Rail Link Extension Corridor.

Council's Code of Meeting Practice, section 6.4 states:

On receipt of a petition, a report noting the receipt of the petition shall be submitted to the next available Council Meeting. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter.

As such, this report brings the petition before Council for information purposes only.

A copy of the petition is provided under separate cover in Council's Supporting Documents

RECOMMENDED

That Council:

- i. note the petition; and**
- ii. advise the lead petitioner of this resolution.**

ATTACHMENTS

1. Attachment - Petition Allenby Road and McCann Road Rossmore South West Rail Link Extension Corridor - *Supporting Document*



ORDINARY COUNCIL

SUBJECT: TENDER T009/2015 PARKLAND MOWING CONTRACT
FROM: Director Community Infrastructure
TRIM #: 15/161585

PURPOSE OF REPORT

To provide details of the tenders received for contract T009/2015, being the Parkland Mowing Contract and to recommend that Council accept the tender submitted by Standby Forty Six Pty Ltd Mowing for separable portions 1, 2, 4 & 5 and GLG Greenlife Group Pty Ltd for separable portion 3.

BACKGROUND

Council's current contract for Parkland Mowing, ceased on 30 June 2015, as a result Council called for tenders on 7 May 2015 through Council's e-Tendering portal calling for tenders for mowing works to be completed over the next two (2) years.

The objective of this tender is to provide additional resources to Camden Council's open space teams to service its growing community, and ensure;

- a quality, regular and reliable mowing service that facilitates community use and a healthy lifestyle;
- an increased service capacity that meets the demands of an expanding asset base; and
- a best value for the service levels specified.

This tender applies to the mowing maintenance of existing and future acquisitions of public open space in the suburbs of Mount Annan, Currans Hill, Narellan Vale, Spring Farm, Harrington Park and Oran Park. All other areas are serviced by Council.

A briefing was delivered to Council on 16 June 2015 regarding Council's community demand for service delivery related to mowing maintenance.

Increasing the frequency of cuts per annum will be taken up by Council's staff and external providers, ensuring a greater level of service delivery for the Community.

MAIN REPORT

Tender T009/2015 closed on 4 June 2015, with 15 submissions received, 13 conforming tenders, one (1) non-conforming tender and one (1) non-complying tender.

Tender Submissions:

| | Company | Suburb |
|---|-----------------------------------|----------------|
| 1 | Australian Environmental Services | Windsor |
| 2 | GJK Leadbeatter | Woodbine |
| 3 | GLG Greenlife Group | Smeaton Grange |
| 4 | ILC Group Pty Ltd | Albion Park |



ORD07

| | | |
|----|--------------------------------------|-----------------|
| 5 | Kraskaniotis Group Pty Ltd | Quakers Hill |
| 6 | Lamond Contracting Pty Ltd | Picton |
| 7 | Landscape Solutions | Seven Hills |
| 8 | Markuan Management | Surry Hills |
| 9 | New Link Pty Ltd | Harrington Park |
| 10 | Skyline Landscape Services Pty Ltd | Seven Hills |
| 11 | Standby Forty Six Pty Ltd | Camden |
| 12 | Techscapes Australia Pty Ltd | Smeaton Grange |
| 13 | UDL Group Pty Ltd | Docklands VIC |
| 14 | BJM Landscaping – Non Complying | Narellan Vale |
| 15 | GLG Greenlife Group – Non Conforming | Smeaton Grange |

Tenderers were asked to provide separable portions for the various areas contained within the contract based on 13, 17 and 26 cuts per annum;

| | |
|---------------------|-----------------------------|
| Separable Portion 1 | Mount Annan |
| Separable Portion 2 | Currans Hill/Smeaton Grange |
| Separable Portion 3 | Narellan Vale/Spring Farm |
| Separable Portion 4 | Harrington Park |
| Separable Portion 5 | Oran Park |

The previous contract was a separable portions contract let to two (2) individual companies. It is proposed that this contract be managed in the same manner to ensure best value for Council and to ensure service standards are met.

Assessment Criteria:

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

A tender evaluation panel was established and the submissions were assessed on price and non-price factors, as agreed by the evaluation panel. Price was given weighting of 55% and non-price factors a weighting of 45%.

Non Price Factors considered for this project included:

- comprehensiveness, content and accuracy of the tender submission (includes WHS);
- previous experience and performance; and
- resources the tenderer will use.

The assessment was based on 17 cuts per annum, increasing service delivery to the Community for parkland maintenance. This equates to cuts occurring every three (3) weeks over a 12 month period. These cuts will be proportioned appropriately over the year to meet the higher maintenance requirements during the green and growing periods and the lower maintenance requirements during the cooler months.

Based on the combination of Price and Non-Price Assessment Criteria Standby Forty Six Pty Ltd and GLG Greenlife Group Pty Ltd both provided evidence as to their ability to be able to fulfil the requirements of the tender, providing best value for the separable portions; Standby Forty Six Pty Ltd- portions 1, 2, 4,& 5 and GLG



Greenlife Group - portion 3.

FINANCIAL IMPLICATIONS

The previous contract for the parkland mowing program was budgeted as 13 cuts per annum. In order to meet the appropriate service level standards for the Community, it was determined that 17 cuts per annum is a more appropriate mowing program to meet the demands.

As a result of moving from 13 cuts to 17 cuts per annum there will be a difference between budget of approximately \$120,000 per annum, which will be proportioned across the year and requested as part of each quarterly budget review during 2015/2016 to take into account seasonal growth changes.

CONCLUSION

The tender assessment concludes that both Standby Forty Six Pty Ltd and GLG Greenlife Group Pty Ltd have submitted conforming tenders and both have the experience and ability to undertake the tasks associated with this tender.

Standby Forty Six Pty Ltd provided the best value for separable portions 1, 2, 4 & 5 and GLG Greenlife Group Pty Ltd provided the best value for separable portion 3.

It is therefore recommended that Standby Forty Six Pty Ltd be awarded the tender for separable portions 1, 2, 4 & 5 and GLG Greenlife Group Pty Ltd be awarded the tender for separable portion 3 of Tender T009/2015 Parkland Mowing, at the standard of 17 cuts per annum, to recognise Council's commitment to provide a greater level of service to the Community (i.e. increasing mowing frequency from once every four (4) weeks, to once every three (3) weeks).

RECOMMENDED

That Council:

- i. accept the tender from Standby Forty Six Pty Ltd for separable portions 1, 2, 4 & 5 of Tender T009/2015;**
- ii. accept the tender from GLG Greenlife Pty Ltd for separable portion 3 of Tender T009/2015;**
- iii. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13; and**
- iv. review the budget allocation in 2015/16 at each quarterly budget review and provide additional funding where required up to an amount of \$120,000.**

ATTACHMENTS

1. Parkland Mowing Contract T009/2015 - Cost Summary of Tender submissions - *Supporting Document*



ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: Director Customer & Corporate Services
TRIM #: 15/180237

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager and Mayor, the following business is of a kind as referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

- Report of Senior Staff Contractual Conditions; and
- General Manager's Performance Review

Council may, by resolution, allow members of the public to make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. That period would be limited to four minutes, in line with Council's Public Address Policy.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed section of the meeting.

Members of the public will be readmitted to the meeting immediately after the closed section is completed and if the Council passes a resolution during that part of the meeting that is closed to the public, the Chairperson will make the resolution public as soon as practicable after that closed part of the meeting has ended.

RECOMMENDED

That Council resolve that the:

- meeting be now closed to the media and public to discuss reports concerning personal matters of particular individuals which are of a confidential nature (Report of Senior Staff Contractual Conditions and General Manager's Performance Review) in accordance with the provisions of section 10A(2)(a) of the Local Government Act, 1993; and**
- any objections or submissions as to the closure of the meeting be now heard and be limited to a period of four minutes.**