



Camden Council

Business Paper

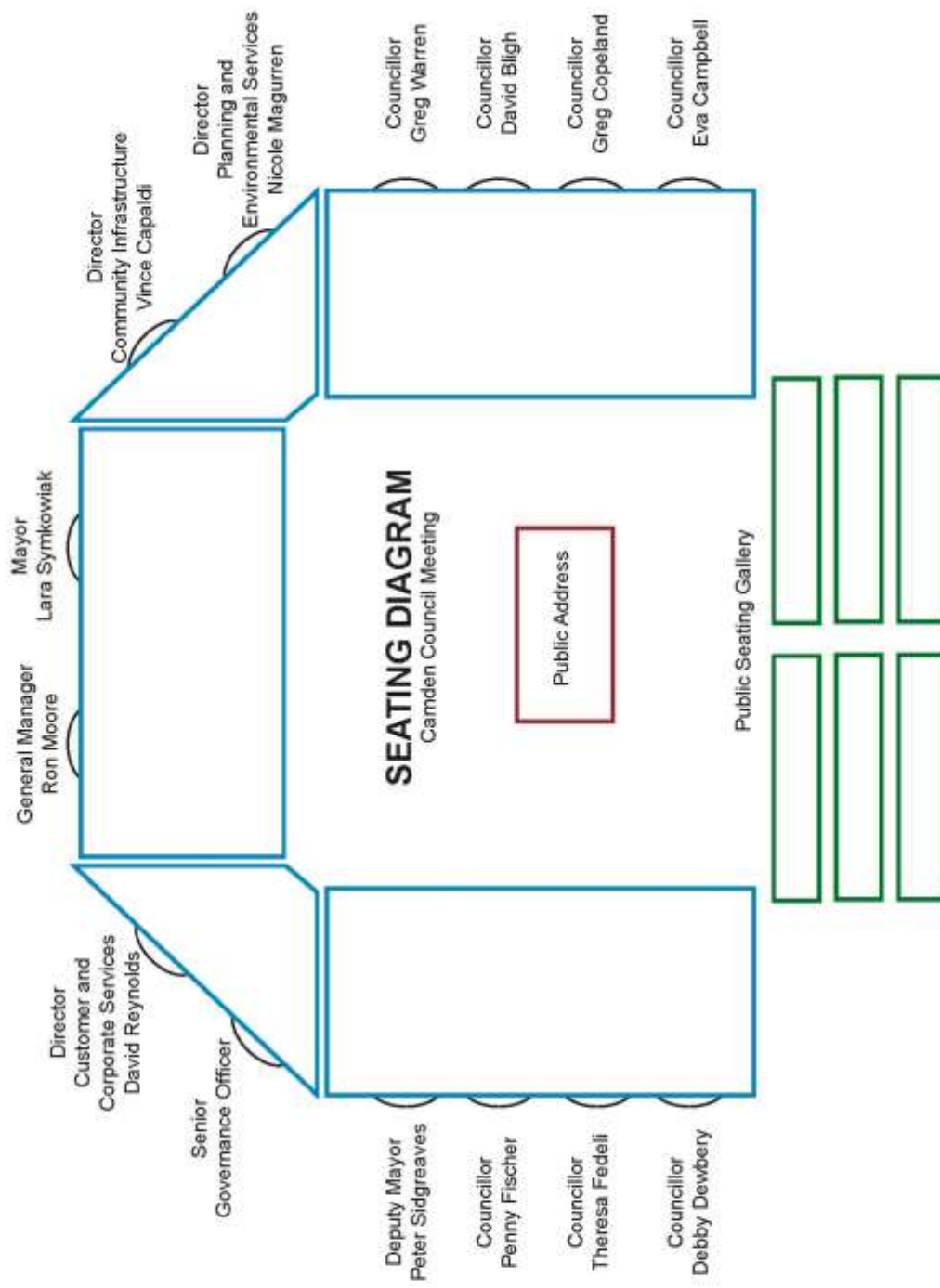
Ordinary Council Meeting
24 November 2015

Camden Civic Centre
Oxley Street
Camden



COMMON ABBREVIATIONS

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



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



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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

No other recording by a video camera, or any other electronic device capable of recording speech, is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the Local Government Act be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.



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. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

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 10 November 2015.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 10 November 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: SUBDIVISION TO CREATE 73 RESIDENTIAL LOTS, 1 RIPARIAN, 1 SUPERLOT, RIPARIAN CORRIDOR EMBELLISHMENT AND ASSOCIATED EARTHWORKS, ROAD CONSTRUCTION AND SITE WORKS, F THE NORTHERN ROAD, ORAN PARK

FROM: Director Planning & Environmental Services

TRIM #: 15/278237

APPLICATION NO: DA 994/2014
PROPOSAL: Subdivision to create 73 residential lots, 1 riparian, 1 superlot, riparian corridor embellishment and associated earthworks, road construction and site works
PROPERTY ADDRESS: F The Northern Road, Oran Park
PROPERTY DESCRIPTION: Lot 9012 DP1202156
ZONING: R1 General Residential & IN1 General Residential
OWNER: Mark Perich
APPLICANT: Greenfields Development Pty Ltd C/O Urban Growth NSW

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 73 residential lots, 1 riparian, 1 superlot, riparian corridor embellishment and associated earthworks, road construction and site works at F The Northern Road, Oran Park.

The DA is referred to Council for determination as the proposal seeks approval for variations to the Oran Park Development Control Plan 2007 (DCP), specifically proposing to locate a riparian corridor/open space in an area specified for 'Industrial' and 'Employment Land' in the Oran Park Precinct Indicative Layout Plan (ILP).

SUMMARY OF RECOMMENDATION

That Council determine DA 994/2014 for the subdivision to create 73 residential lots, 1 riparian, 1 superlot, riparian corridor embellishment and associated earthworks, road construction and site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for subdivision to create 73 residential lots, 1 riparian, 1 superlot, riparian corridor embellishment and associated earthworks, road construction and site works at F the Northern Road, Oran Park.

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

The DA was publicly exhibited in accordance with Camden Development Control Plan 2011. No submissions were received.

The application proposes a variation to the Oran Park DCP 2007 relating to the provision of the Anthony Creek riparian corridor/open space in an area zoned IN1 General Industrial and designated as 'Employment Land' in the adopted Oran Park ILP.

Council staff have assessed the DCP variation and recommend that it be supported. The realignment of the creek to the area proposed is a logical extension of the riparian corridor/open space. This will achieve better environmental outcomes, management of stormwater and water quality facilities.

The size and location of the IN1 zoned land within the subject site is approximately 40m deep and separated from the main Oran Park Employment Lands to the north of Dick Johnson Drive.

The loss of 0.79 hectares of employment land in this location as the result of realigning the creek is considered acceptable as the applicant has satisfactorily demonstrated this 'Employment Land' will be incorporated into the large area of IN1 land to the north.

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 located within the north western portion of Oran Park Town to the north of Peter Brock Drive. The future road known as Dick Johnson Drive will adjoin the site to the north.

The site is commonly known as F The Northern Road, Oran Park and is legally described as Lot 9012 DP1202156. Earthworks are proposed which encroach into the adjoining lot to the east which is known as 400 The Northern Road, Oran Park.

The site is irregular in shape with a frontage of 855m² to The Northern Road with an overall area of 15.37 hectares. The site does not contain any existing buildings and has a large on site detention basin located in the northern portion of the site.

A 9m wide Endeavour Energy overhead power lines easement traverses the site, however the power lines and power poles have recently been removed to facilitate development of the site.

A bulk earthworks development application (DA 98/2014) has been approved by Council over the north eastern portion of the site and the works are currently being undertaken to regrade this land.

The Oran Park Zone Substation is located to the west, with the adjoining land to the south (Tranche 10) currently being developed for residential lots.

DA 757/2014 approved in January 2015, allows for residential subdivision and works to realign and restore Anthony Creek to the east of the site.

The adjoining land to the north is zoned IN1 General Industrial and is currently undeveloped. This land is shown in the Oran Park Indicative Layout Plan (ILP) to be the Oran Park Employment Land.

HISTORY

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

Date	Development
8/7/2014	DA 98/2014 - Bulk Earthworks
31/10/2014	DA 790/2014 - Remediation of Contaminated Land
28/1/2015	DA 757/2014 - Subdivision to create 51 residential lots, 1 riparian lot, 2 residue lots, embellishment of riparian corridor and associated site works

THE PROPOSAL

DA 994/2014 seeks approval for subdivision to create 73 residential lots, 1 superlot, 1 riparian lot, associated earthworks, roads, drainage, landscaping and site works.

Specifically the proposed development involves:

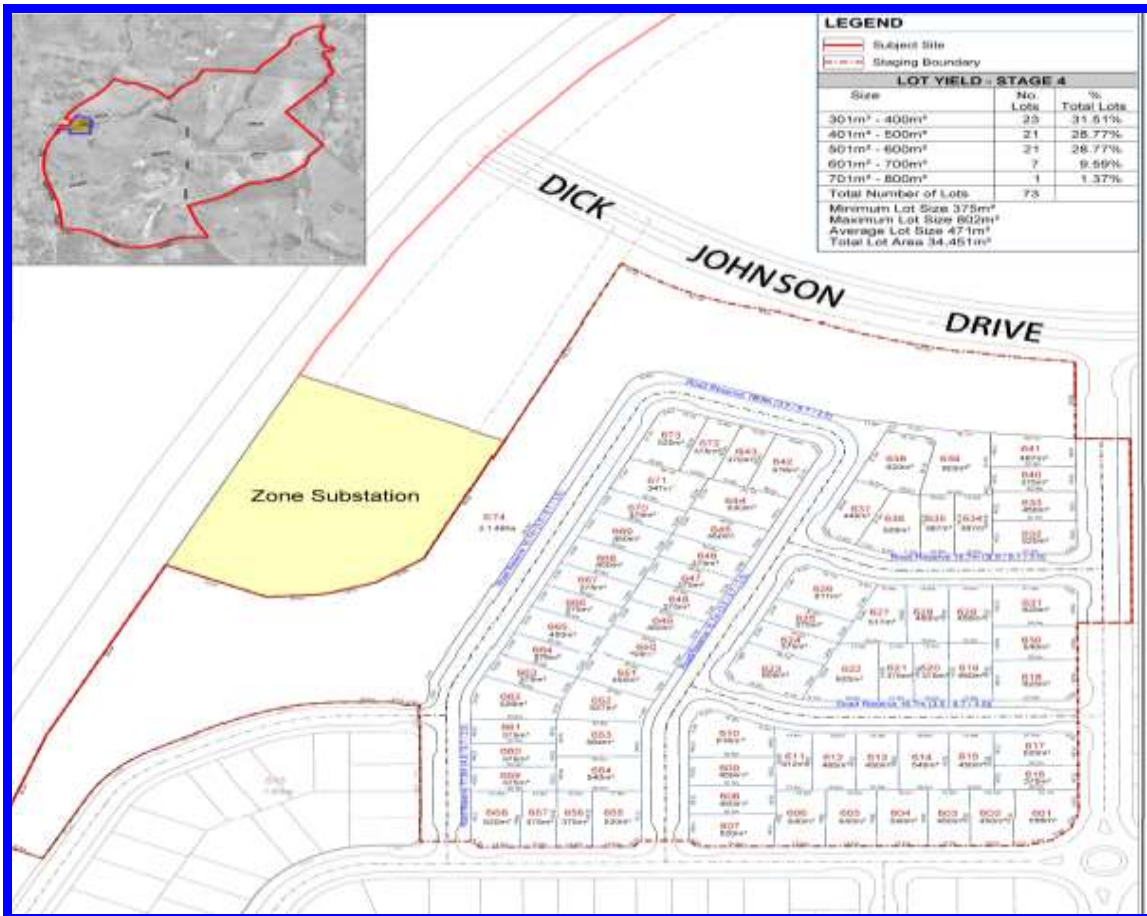
- creation of 73 residential lots, ranging in area from 375m² to 800m²;
- creation of a riparian lot (lot 674) with an area of 2.149 hectares to be dedicated to Council;

- creation of 1 superlot (lot 675) having an area of 7.62 hectares;
- bulk earthworks across the northern half of the site;
- earthworks to facilitate the recreation and restoration of the riparian corridor along Anthony Creek;
- construction of an internal road network (consistent with the ILP);
- embellishment and landscaping works within Anthony Creek;
- drainage works;
- retaining walls associated with the creation of the residential lots; and
- associated site works.

The value of works is \$ 2,550,000.

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

PROPOSED PLAN OF SUBDIVISION





ASSESSMENT

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

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

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

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

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

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

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – Works within or beneath electricity transmission lines and easements

This DA was referred to Endeavour Energy under clause 45 of the SEPP, as there is an existing easement for overhead power lines traversing the site.

Endeavour Energy raised no objection to the proposed development, subject to the development being carried out in accordance with the “General Restrictions within Overhead Easements” and “Easements and Property Tenure Rights”.

Compliance with these documents is recommended as conditions of consent.

State Environmental Planning Policy 55 – Remediation of Land (SEPP)

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

Council’s Environmental Health Officer is satisfied the contamination assessment submitted to support the application is appropriate, and the land is suitable for its intended residential and recreational uses.

A development application to remediate the south portion of the subject site was approved under DA 790/2014. The land subject to remediation is located within the proposed residue lot 675 only, and is not in close proximity to the proposed residential lots. The consent will include a contingency condition should any unexpected finds of contamination be uncovered during construction.

It is considered that the requirements of SEPP 55 have been satisfied.

Deemed State Environmental Planning 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 on the Hawkesbury Nepean River system as a result of the proposed development. Conditions are recommended that water quality and water quantity measures be consistent with the adopted and endorsed strategies and master plans for water quality and water quantity in Oran Park, and requirements of Camden Council's current engineering specifications.

It is considered there will be not be any adverse impacts on downstream properties or those to the west of the subject site subject to the imposition of those conditions.

State Environmental Planning Policy (Sydney Regional Growth Centres) 2006

Permissibility

The land subject to this DA is zoned R1 – General Residential and IN1 General Industrial under the provisions of the SEPP. The proposed development is defined as 'earthworks', 'environmental protection works', 'drainage' and 'roads' by the SEPP, which are all permissible land uses in both the abovementioned zones. Subdivision is permissible with consent under the provisions of Clause 2.6 of the SEPP.

R1 General Residential - Zone Objectives

In terms of the proposed development's consistency with the R1 zone objectives, the relevant objectives of the zone seek:

- To provide for housing needs for the community.

Officer Comment

The DA proposes subdivision to create 73 residential lots, which will provide for the future housing needs of the community.

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

Officer Comment

The DA proposes a range of residential lot sizes from 375m² to 800m². This will allow for a variety of housing types and densities to be provided within the area.

The following objectives of the R1 zone are not relevant in this instance as the application proposes subdivision to create residential lots.

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

IN1 General Industrial - Zone Objectives

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable development for the purpose of commercial offices only where it is associated with, and ancillary to, another permissible use on the same land.
- To enable development for the purpose of retail premises only where it serves convenience needs, or where the goods or materials sold are of a type and nature consistent with construction and maintenance of buildings.

Officer Comment

The development proposed within the land zoned IN1 comprises ‘earthworks’, ‘environmental protection works’ and ‘drainage’ works which are all permissible uses in the zone.

Relocating the drainage corridor to within the IN1 zoned land is proposed due to the location of the Anthony Creek corridor works adjoining to the east. If the creek is located outside of the IN1 land (south) as shown in the Oran Park ILP, the creek line would not align. This would result in compromised stormwater disposal and water quality outcomes. A detailed explanation for the realignment of the creek to within the IN1 land is provided later in this report.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
2.6 Subdivision Consent Requirements	Development Consent	Development Application lodged	Yes
4.1 Minimum Lot Size	Minimum 125m ²	The proposed residential lots vary from 375m ² to 800m ²	Yes
4.1A Minimum Lot Sizes for other Development	Minimum lot size of 250m ² for dwelling house and 125m ² for attached dwelling	The proposed lot sizes are suitable for both dwelling houses and attached dwellings	Yes
4.1B Residential Density – Oran Park Precinct	Consent must not be granted unless the Consent Authority is satisfied that the	This DA proposes 73 residential lots and therefore contributes to the overall	Yes



Clause	Requirement	Provided	Compliance
	<p>delivery of 7,540 new dwellings in the Oran Park Precinct can be achieved</p> <p>Each subdivision must contain provision to encourage a mix of dwelling types to be provided</p>	<p>minimum dwelling density targets set out by this clause.</p> <p>The proposed subdivision layout provides for a mix of dwelling types through the provision of a range of lot sizes.</p>	Yes
5.9 Preservation of Trees or Vegetation	Development consent is required for the removal of trees	No tree removal is proposed as part of this application.	Yes
5.10 Heritage Conservation	To conserve the European and Aboriginal heritage of the Oran Park Precinct	The site is covered by an area wide Aboriginal Heritage Impact Permit (AHIP) granted by the Office of Environment and Heritage (OEH) for the Oran Park Precinct. The proposed works are permitted in accordance with the AHIP.	Yes
6.1 Public Utility Infrastructure	Public utility infrastructure is to be made available to the site	All required public utility infrastructure including water, sewer and electricity will be made available to service the proposed subdivision. A condition is also recommended which requires approval from all relevant public utility authorities prior to the issue of a subdivision certificate.	Yes
19 Development on flood prone and major creek land	Consider whether the development will affect (or be affected by) flood behaviour, or cause an increase in risk to the community	<p>All proposed residential lots are above the 1 in 100 year flood line, including minimum freeboard.</p> <p>The application has been assessed by Councils Engineers who have raised no</p>	Yes



ORD01

Clause	Requirement	Provided	Compliance
		issues.	

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

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

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

Oran Park Development Control Plan 2007 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
A 2.1 Indicative Layout Plan (ILP)	Development to be in accordance with the indicative layout plan (ILP). See Attachment 1.	The development proposes residential lots in an area shown as open space and open space in an area shown as Industrial land in the Oran Park ILP.	No – See DCP Variation 1
A 2.2 Vision and Development Objective	Development to be in accordance with the vision and objectives for the Oran Park Precinct	The proposed development is consistent with the vision and objectives for the Oran Park Precinct being the creation of residential lots and the preservation of riparian land.	Yes
A 2.3 Residential Density Targets	The residential density target for sub-precinct H of which 484 dwellings must be achieved	The proposal represents Stage 4 of subdivision within sub-precinct H and includes a total of 73 residential lots. DA 736/2014 approved 169 lots (part of Tranche 10 Stage 3) within sub-precinct H. DA 884/2012 approved 86 lots within sub precinct H. Council staff are satisfied the minimum dwelling targets can be met through the endorsement of this	Yes



Control	Requirement	Provided	Compliance
		subdivision layout and the further subdivision of land within sub-precinct H.	
A 3.1 Street Network and Design	Street network design must be provided in accordance with the ILP and Street Network Plan	The proposed street network provides for a grid pattern which will generally be in accordance with the ILP and Street Network Plan.	Yes
	Streets to comply with cross sections in Tables 2-10	The development includes the construction of 3 local streets (Road No's 1040, 1041 and 1042) and 1 collector road (Road 42). The cross sections for each of these streets exceed the minimum carriageway, verge and path widths prescribed by the DCP for each relevant road type, including Road 1040 which adjoins the riparian corridor and therefore has a reduced verge width of 1m on the non-residential side. The local streets propose footpaths of 1.5m instead of 1.2m; however this is consistent with the footpaths approved and constructed to date within Oran Park. The additional width will provide increased amenity for users and enable the paths to be structurally stronger requiring less maintenance.	Yes
	Speed reducing traffic devices to be used and identified at DA stage	The proposal includes speed reducing devices such as road narrowing at bends in the roads and at intersections.	Yes
	All streets, roundabouts, intersections, traffic islands and road pavements to be designed in accordance with	A condition is recommended requiring consistency with Council's Engineering Specification.	Yes



ORD01

Control	Requirement	Provided	Compliance
	<p>Council's Engineering Specification</p> <p>Minimum distance from an access place or road to a collector road where the junction is on the same side is 60m</p> <p>Intersections to be either T-junctions or roundabouts and 4-way intersections are to be controlled by lights, roundabouts, median strips or signage</p> <p>Verge widths may be reduced to 1m for roads adjacent to public reserves</p> <p>Street trees required on all streets</p> <p>Minimum kerb radii for intersections of local roads to be 7.5m subject to a minimum verge width of 3.5m</p>	<p>The minimum distance between intersections on Road 42 is greater than 60m.</p> <p>All proposed intersections are T-junctions.</p> <p>Road No. 1040 is located adjacent to the riparian corridor with narrower verges as permitted by the DCP.</p> <p>The proposed landscaping plans contain a variety of street trees, and is endorsed as part of the consent.</p> <p>The minimum kerb radii is greater than 7.5m.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
A 3.2 Pedestrian and Cycle network	<p>Pedestrian and cycleway routes are to be provided in accordance with Figure 18 in the DCP, along with relevant road cross sections. See Attachment 2.</p>	<p>The 2.5m wide proposed pedestrian/cycleway within the road reserve of Road 42 is in accordance with Figure 18.</p>	<p>Yes</p>
A 4.1 Public Parks and Landscape	<p>Public parks and other open space areas are to be</p>	<p>The DA proposes to dedicate Lot 674 to Council as an open space lot. This</p>	<p>Yes</p>



Control	Requirement	Provided	Compliance
Strategy	<p>provided generally in accordance with Figure 20 of the DCP. See Attachment 3</p> <p>Where riparian corridors are to be in public ownership they are to provide opportunities for pedestrian and cycleways, fitness trails and additional open space</p> <p>Landscape plan to be submitted at time of subdivision and provide details on elements including earthworks, landscaping treatments and plant species</p>	<p>lot has an area of 2.1ha and is consistent with Figure 20.</p> <p>A pedestrian/cycleway is proposed within the riparian corridor. Fitness stations and seating are also proposed along the shared path. Council's Recreation Working Group are satisfied with the path and the facilities proposed.</p> <p>The applicant proposed two small green spaces measuring (242m² and 460m² respectively) within the riparian corridor. These spaces are not required by the VPA. These open space areas could not comply with Council's Environmental Noise Policy and due to the insufficient area are not considered to be useable or functional spaces. Due to the non-compliance with the noise criteria controls and future maintenance requirements of the spaces, these spaces are to be planted out.</p> <p>An appropriate vegetation management plan has been submitted with the application for embellishment of the drainage reserve. A landscape plan for street tree planting will be approved as part of this consent.</p>	<p>Yes</p> <p>Yes</p>
A5.5 The Northern Road and Cobbitty Road Interface	Provision of a landscape buffer along The Northern Road and details of acoustic treatment	There are no lots proposed directly adjacent to The Northern Road as part of this DA. The proposed revegetation of Anthony	Yes



ORD01

Control	Requirement	Provided	Compliance
	to dwellings be addressed under any DA	Creek provides a sufficient buffer between the lots and the Northern Road. An acoustic report addressing road traffic noise has been submitted and is deemed satisfactory.	
A6.1 Riparian Corridors	Riparian Corridors are to be provided in accordance with the Oran Park Waterfront Land Strategy	Written confirmation from the NSW Office of Water has been provided indicating that the proposed development including the realignment and restoration of Anthony Creek is in accordance with the Waterfront Land Strategy, therefore a controlled activity approval from the Office of Water is not required.	Yes
A 6.2 Flooding and Watercycle Management	Residential lots to be above the 1 in 100 year flood line plus a 500mm freeboard Subdivision DAs to be accompanied with a Water Sensitive Urban Design (WSUD) Strategy	All proposed residential lots are above the 1 in 100 year flood line, including minimum freeboard. The Stormwater Management report addresses the provision of clause 6.2 satisfactorily and appropriate water sensitive design measures have been implemented.	Yes Yes
A 6.3 Salinity and Soil Management	Salinity resistant construction	A Salinity Assessment Report was submitted as part of the DA. Compliance with this report is a recommended condition of consent and a Section 88B Instrument notation.	Yes
A6.4 Aboriginal and European Heritage	To ensure that Aboriginal and European heritage is protected	The site is covered by an area wide Aboriginal Heritage Impact Permit (AHIP) granted by the Office of Environment and Heritage (OEH) for the Oran Park Precinct.	Yes
A6.5 Bushfire Hazard Management	Asset protection Zones (APZs) to be provided generally in accordance with Figure 23	Part of the site is identified as being within a bush fire prone area; however the site is not located within the APZs shown on Figure 23.	Yes



Control	Requirement	Provided	Compliance
	Water, vegetation, buildings and APZs to be in accordance with The RFS's "Planning for Bushfire Protection 2006"	The DA was referred to the NSW Rural Fire Service for approval, who have provided General Terms of Approval.	Yes
A 6.7 Tree Retention and Biodiversity	To ensure the protection of significant trees, maintain and improve biodiversity values within the precinct and to prevent the spread of weed during and after construction	There is no significant tree removal required as part of this DA. The VMP submitted as part of this DA addresses the methods for revegetation of the creek.	Yes
A 6.8 Contamination Management	Contamination assessment and remediation (if required)	A contamination assessment has been submitted which indicates that the area of the residential lots and open space is not contaminated, and is suitable for use. Remediation of contamination within the residue lot 675 was approved under a previous development consent DA 790/2014. No works are proposed within this residue lot.	Yes
A 6.10 Acoustics	Compliance with Council's Environmental Noise Policy, and the submission of an acoustic report for lots adjacent to sub arterial or collector roads	The applicant has submitted an acoustic report which demonstrates that future development on all of the proposed residential lots are capable of satisfactorily meeting the amenity criteria of Council's Environmental Noise Policy, subject to building layout, upgraded windows, doors, ceiling and floor materials, acoustic boundary fences and mechanical ventilation specifications. Compliance with the acoustic report will be	Yes



ORD01

Control	Requirement	Provided	Compliance
		regulated through the imposition of recommended conditions and 88B Instrument notations.	
A 7.1 & 7.2 Neighbourhood and Subdivision Design	Net Residential Density means the net developable area in hectares of the land divided by the number of dwellings proposed.	73 residential lots divided by the NDA of 4.88h gives a density of 14.9dw/ha. The proposal is consistent with the requirement of the Net Residential Density of 15 dw/ha.	Yes
A 7.3 Block and Lot Layout	Residential neighbourhoods are to be focused on public domain elements such as parks	Lots will face onto the riparian corridor and open space.	Yes
	Legible and permeable street hierarchy that respond to natural topography and features	The proposed subdivision will have a legible and permeable street hierarchy that responds to the site's natural topography and features.	Yes
	Maximise pedestrian connectivity	The proposed pedestrian path and open space network will achieve good pedestrian connectivity.	Yes
	Street blocks to generally be a maximum of 250m long and 70m deep	Street blocks of > 250m long and < 70m.	Yes
	Minimum lot size for detached dwelling is 300m ² and minimum frontage of 9m for a NRD of 15dw/Ha	The minimum lot size proposed is 375m ² and frontage is 12.5m.	Yes
	No more than 40% of the total residential lots proposed in a subdivision development application may be	31% is the maximum number of lots with the same lot type.	Yes



Control	Requirement	Provided	Compliance
	of the same lot type		
	Lot to be rectangular	The proposed lots are generally rectangular in shape.	Yes
	Lots to be consistent with DCP subdivision principles	The proposed subdivision is generally consistent with these principles.	Yes
	North-south and east-west lot orientations	The proposed lots are generally orientated either north-south or east-west.	Yes
A7.3.1 Battle Axe Lots	Battle axe lots to be minimised	Only one battle axe lot is proposed.	Yes
	Battle axe lots to be greater than 500m ² (excluding the shared driveway)	The battle axe lot is greater than 500m ² (excluding the access handle).	Yes
A7.3.2 Corner Lots	Corner lot splays are to be designed in accordance with AS2890 and Council's Engineering Specifications	A standard condition is recommended that requires compliance with Council's Engineering Specifications.	Yes
A 7.4 Subdivision Approval Process	The subdivision is in accordance with the Subdivision Approval Process Table in Table 13 of the DCP	The approval process has been undertaken in accordance with Table 13 of the DCP – Pathway A1.	Yes
A 8.2 Stormwater and Construction Management	Compliance with Council's policies	A stormwater management and easements for drainage plan has been assessed by Council's Engineers who have raised no objection to the proposal subject to conditions for inclusion in any consent issued.	Yes
A 8.3 Waste Management	Provision of an acceptable Waste Management Plan	A Waste Management Plan has been submitted as part of the DA and is acceptable.	Yes
A 8.4 Site Facilities and Servicing	Underground services are required for all domestic servicing	All required services will be provided underground within the proposed road infrastructure.	Yes



ORD01

Control	Requirement	Provided	Compliance
	utilities, including electrical services		
A 8.6 Safety and Surveillance	Pedestrian and communal areas are to have sufficient lighting, be designed to minimise opportunities for concealment and to incorporate principles of Crime Prevention through Environmental Design (CPTED)	The proposed footpaths within the public domain will be adequately lit by street lighting. All lots will be oriented to the street to encourage passive surveillance opportunities.	Yes

DCP Variation 1 – Removal of Industrial/Employment Land

DCP Control

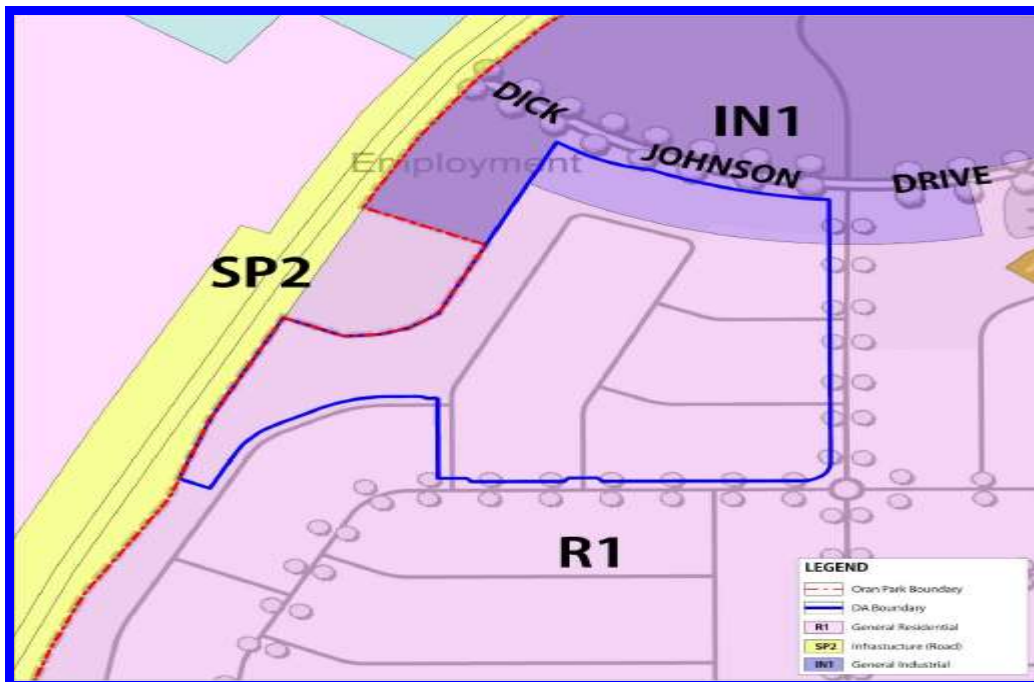
The Oran Park Precinct Indicative Layout Plan (Figure 2) as illustrated in the Oran Park DCP 2007 shows the portion of land to the south of Dick Johnson to be 'Industrial' land. Figure 4 of the Oran Park DCP 2007 also shows this land within the Oran Park Employment Area.

Section 2.1(2) of the DCP specifies that where a variation from the ILP is proposed, the applicant is to demonstrate that the development is consistent with the vision and development objectives for the precinct.

Adopted ILP



Zoning Plan



Variation Request

This application proposes to locate the riparian/open space corridor in the IN1 zoned land referenced in the Oran Park DCP for future Industrial and Employment Land.

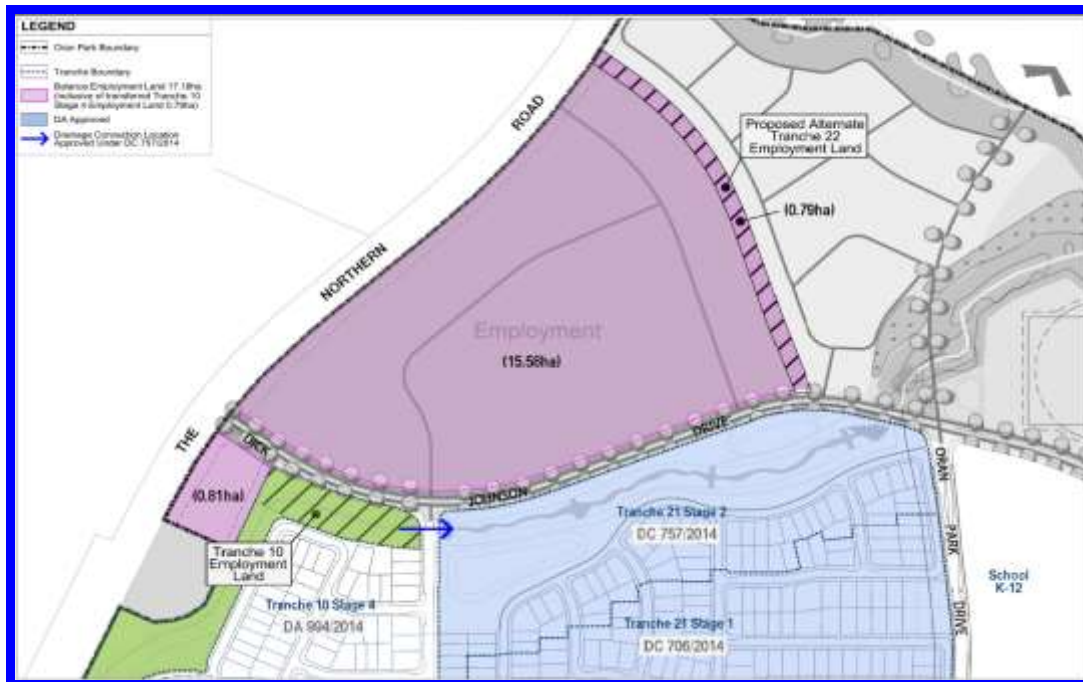
Proposed Location for Riparian Corridor



The applicant has requested that Council support a variation to the Oran Park ILP for the following reasons:

- The key reason for locating Anthony Creek further to the north within the industrial land is to respond to existing constraints and drainage and environmental works approved on the adjoining land. DA 757/2014 approved the realignment and restoration of Anthony Creek to the east. If the section of Anthony Creek within the subject site is not relocated to the north, the creek line will not align resulting in issues with overland flows, stormwater management and water quality and quantity.
- The IN1 General Industrial Land within the subject site is located on the southern side of Dick Johnson Drive (a future four lane sub arterial road), on the approach to the intersection with The Northern Road. The location of this industrial land results in a small portion of land being spatially divorced from the larger employment lands to the north. This creates difficulties in achieving vehicular access and egress and continuity between the industrial land creating potential for “back of house” interface issues with future residential dwellings to the south.
- The restricted depth of the IN1 land being approximately 40m is considered insufficient for industrial purposes.
- The landowner is committed to undertaking, in consultation with Council, a planning proposal to review the Oran Park Employment Lands which may in the future alter this particular area.
- The subject land incorporates an IN1 zoned land area of approximately 0.79 hectares, equating to an estimate provision of 24 jobs. The applicant is prepared to relocate the portion of Employment Land to the IN1 zoned land area north of the future Dick Johnson Drive. **See Attachment 8 for Submission.**

Proposed Area for Replacing Employment Land



Council Officer Assessment

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- The proposed environmental protection works, earthworks and open space works are permissible in the IN1 General Industrial zone.
- Part 5.3 Control (1) of the Oran Park DCP states that the Oran Park Employment Area is to be approximately 15ha in area. The proposal will still enable the delivery of over 15ha of employment land noting that employment land to the north of Dick Johnson Drive, as identified in the ILP, totals 15.58ha.
- The applicant has demonstrated that the proposed development is consistent with the vision and development objectives for the Oran Park precinct. Specifically;
 - The alignment of the open space drainage channel corresponds with the adjacent Anthony Creek riparian corridor previously approved. The location design and delivery of this open space will facilitate enhanced environmental outcomes for the site and the watercourse.
 - The alignment of the open space achieves high levels of direct walkable access to the adjoining pedestrian connections and public transport services along the future Dick Johnson Drive.
- The applicant has demonstrated the depth of this portion of employment land is not optimum to deliver an appropriate built form outcome for employment uses.
- The applicant has demonstrated that additional 'Employment Land' can be provided to the north of Dick Johnson Drive to replace the 0.79 hectares lost as a result of the subject proposal. **A copy of the letter is provided in Attachment 4.**



ORD01

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

Camden Development Control Plan (DCP)

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

Control	Requirement	Provided	Compliance
B1.1 Erosion and sedimentation	Erosion, sediment and dust control measures to be provided	Appropriate erosion, sediment and dust control measures have been proposed and will also be required to be implemented as part of the recommended conditions of approval.	Yes
B1.2 Earthworks	Subdivision to respond to site's natural topography and minimise cut and fill	An acceptable amount of cut and fill is proposed to establish final levels for the residential lots. This will be necessary to establish level building platforms for future dwellings. The depths of cut and fill would not significantly alter the existing site levels or topography.	Yes
	Clean fill material should be used	A condition of approval is recommended which will require that clean fill material is used.	Yes
	DAs involving earthworks to include supporting information which addresses fill, stormwater management and site revegetation	Appropriate cut and fill details, soil and water management and landscaping have been provided, to meet the requirements of the DCP.	Yes

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

The Oran Park Voluntary Planning Agreement (VPA) between Council and Greenfields Development Pty Ltd, Leppington Pastoral Company and Landcom applies to the subject land and outlines the infrastructure, services and facilities which will be delivered for residents of Oran Park as the area develops.

Tranche 10 Stage 4 which is the subject of this DA is located within Stage L of the Oran Park VPA Staging Plan and requires the provision and embellishment of passive and riparian open space and water cycle management infrastructure.

Council officers have reviewed this application and are satisfied that the proposed reconstruction and embellishment of the riparian corridors, landscaping and the drainage infrastructure are appropriate and can be dedicated to Council.

Council's Strategic Planning Branch have confirmed that the works proposed are acceptable, however are not in accordance with the terms of the existing VPA. A variation to the Oran Park VPA must be lodged with Council to reflect the changes to the provision of open space.

A condition of the consent will require compliance with the Oran Park VPA applicable to the site.

(a)(iv) The Regulations

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

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

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

As detailed in the report, the proposed realignment and restoration of the creek will have improved environmental and ecological outcomes for the area and the watercourse.

The removal of the small portion of 'Employment Land' from this area is considered negligible and will not have an adverse impact on the economic growth of the area. The landowner can replace the industrial land lost within the larger 'Employment Area' to the north of the site.

(c) The suitability of the site

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

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

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 20 November 2014 to 4 December 2014. No submissions were received.

(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

New South Wales Rural Fire Service (RFS)

The DA was referred to the New South Wales Rural Fire Service for assessment pursuant to Section 100B of the *Rural Fires Act 1997* in respect of bush fire safety of subdivision of land that could lawfully be used for residential purposes.

The New South Wales Rural Fire Service raised no objections to the proposed development subject to compliance with their General Terms of Approval. Compliance with the General Terms of Approval is a recommended condition of consent.

Endeavour Energy

The DA was referred to Endeavour Energy for assessment pursuant to Clause 45 of the State Environmental Planning Policy (Infrastructure) 2007 in that the development proposes works on land that is burdened by Endeavour Energy easements.

Endeavour Energy raised no objection to the proposed development, however are subject to development being carried out in accordance with the “General Restrictions within Overhead Easements” and “Easements and Property Tenure Rights”. Compliance with these documents is recommended as conditions of consent.

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 994/2014 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

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:

- Rural Fire Service, D14/2836 dated 14 May 2015 and D14/3428 dated 23 January 2015.

- (2) **Endeavour Energy** - The requirements as specified in Endeavour Energy's letter dated 26 November 2014 shall be complied with prior to, during, and at the completion of the development.
- (3) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
04320(T10S4) RES	Site Plan Sheet 1 of 2	JMD Design	28/10/2015
04320(T10S4) RES	Site Plan Sheet 2 of 2	JMD Design	28/10/2015
LANOP-3-026	Tranche 10 Stage 4 Oran Park	Design and Planning	29/10/2015
LANOP-3-027	Tranche 10 Stage 4 Subdivision/ Bulk Earthworks Oran Park	Design and Planning	31/03/2015
L06002.50	Anthony Creek Tranche 10 Stage 4 Cover Sheet	Calibre Consulting	27/3/2015
L06002.50	General Layout Plan	Calibre Consulting	27/3/2015
L06002.50	General Notes and Legends	Calibre Consulting	27/3/2015
L06002.50	Engineering Plan 1 of 2	Calibre Consulting	27/3/2015
L06002.50	Engineering Plan 2 of 2	Calibre Consulting	27/3/2015
L06002.50	Flood Extent Cross Section Plan	Calibre Consulting	27/3/2015
L06002.50	Anthony Creek Longitudinal Sections	Calibre Consulting	27/3/2015
L06002.50	Anthony Creek Typical Cross Sections Sheet 1 of 2	Calibre Consulting	27/3/2015
L06002.50	Anthony Creek Typical Cross Sections Sheet 2 of 2	Calibre Consulting	27/3/2015
L06002.50	Anthony Creek Hydraulic Structure Details	Calibre Consulting	27/3/2015
5507-10-4 –DAV7	Civil Works Concepts Sheet 1 of 9	YSCO Geomatics	27/10/2015
5507-10-4 –DAV7	Civil Works Concepts Sheet 2 of 9	YSCO Geomatics	27/10/2015
5507-10-4 –DAV7	Road Long Sections Sheet 3 of 9	YSCO Geomatics	27/10/2015
5507-10-4 –DAV7	Road Long Sections Sheet 4 of 9	YSCO Geomatics	27/10/2015
5507-10-4 –DAV7	Road Long Sections Sheet 5 of 9	YSCO Geomatics	27/10/2015
5507-10-4 –DAV7	Typical Cross Sections	YSCO Geomatics	27/10/2015

	Sheet 6 of 9		
5507-10-4 –DAV7	Typical Cross Sections Sheet 7 of 9	YSCO Geomatics	27/10/2015
5507-10-4 –DAV7	Proposed Earthworks	YSCO Geomatics	27/10/2015
5507-10-4 –DAV7	Soil and Water Management Concept	YSCO Geomatics	27/10/2015
L00	Landscape Works – Title Sheet	JMD design	25/3/2015
L01	Street Tree Plan 1	JMD design	25/3/2015
L02	Street Tree Plan 2	JMD design	25/3/2015
L03	Street Tree Date Table	JMD design	25/3 /2015
L04	Street Tree Typical Sections	JMD design	25/3/2015
L01 Rev A	Road 42 Section	JMD design	28/10/2015
L05	Riparian Corridor Plan	JMD design	25/3/2015
L06	Riparian Corridor Sections	JMD design	25/3/2015
L05	Indicative Plant Schedule	JMD design	25/3/2015

Document Title	Prepared by	Date
Vegetation Management Plan	Ecological	October 2014
Stormwater Management Strategy	Calibre Consulting	9 February 2015
Road Traffic Noise Assessment Report	Renzo Tonin & Associates	17 October 2014
Addendum to Road Traffic Noise Assessment Report	Renzo Tonin & Associates	31 March 2015
Fill Management Protocol	Douglas Partners	July 2014
Salinity Assessment	Douglas Partners	27 October 2014
Bushfire Protection Assessment	Ecological	28 October 2014

- (4) **Road Cross Sections** – The carriage way widths, verge widths and footpath widths for Roads 1040, 1041, 1042 and Road 42 must be in accordance with the approved plans “Street Tree Typical Sections” dated 25/3/2015 and “Road 42 Section” dated 28/10/2015 prepared by JMD Design.
- (5) **Road 42** - The construction of Road 42 between chainages 740.68 – 834.30 is to be undertaken as part of DA2014/757/3. The approved engineering plans prepared by YSCO Geomatics override the subdivision plan and the bulk earthwork plans in relation to the scope of works for Road 42 as part of this consent.
- (6) **Street Tree Planting** - Street tree planting must be provided along Road 42 for the section approved as part of this consent.
- (7) **Open Space Areas within the Riparian Corridor** - The two open space areas marked as “K” on the Riparian Corridor Plan prepared by JMD design and dated 25 March 2015 are not approved and must be revegetated with species from the approved plant schedule.
- (8) **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.

- (9) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (10) **Noxious Weeds Management** - Noxious weeds management shall occur in accordance with Camden Development Control Plan 2011.
- (11) **Waste Bin Collection Points** - A waste bin collection point that is clear from the positioning of driveways, tree plantings (or tree canopies), street lighting or other fixtures must be provided for each approved lot. This area is to be 3 metres long x 0.9 metres wide and provide a 3.9 metre clear vertical space to allow for the truck-lifting arm.
- (12) **Salinity Management Plan** - All proposed construction works that includes earthworks, imported fill, landscaping, roads, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the relevant three Salinity Management Plan/s titled "*Salinity Investigation and Management Plan Tranche 21 Oran Park, Prepared by Douglas Partners, Project 34272.06-8, Dated 11 November 2013.*" and "*Salinity Investigation and Management Plan Tranche 10 Stage 2 Oran Park, Prepared by Douglas Partners, Project 34272.06-6, Dated 25 June 2014.*" and "*Salinity Investigation and Management Plan Northern Portion of Tranche 10 Stage 4 Oran Park, Prepared by Douglas Partners, Project 76618.06-2, Dated 18 July 2014.*"
- (13) **Fill Management Plan** - All fill material proposed to be imported onto the land/development site must be assessed and determined to comply with all procedures, controls and protocols contained within the "*Report on Fill Management Protocol: Proposed Residential Subdivision: Part Tranche 10 Stage 4 and Anthony Creek Oran Park NSW, Prepared by Douglas Partners, Project no 76618.00-6, Dated July 2014.*"
- (14) **Fill Assessment Reporting Requirements** – All fill assessment reports (including those which material is not suitable for importation) must be assessed under the "*Report on Fill Management Protocol: Proposed Residential Subdivision: Part Tranche 10 Stage 4 and Anthony Creek Oran Park NSW, Prepared by Douglas Partners, Project no 76618.00-6, Dated July 2014.*"
- (15) **Waterfront/Riparian Areas Landscaping/Rehabilitation Maintenance & Establishment Period** - All Waterfront/Riparian Landscaping/Rehabilitation works associated with this consent are to be installed, established and maintained as per the approved Vegetation Management Plan (VMP) applicable to this consent specifically:
 - VMP prepared by Eco Logical, dated October 2014, prepared for Urban Growth NSW, Oran Park Tranche 10 Stage 4, Version 1, Project No 14SUTBUS-0098.

The applicant will be responsible for the administration, implementation, monitoring, reporting to Council as detailed in the VMP and successful establishment of the Waterfront/Riparian strategies during this period.

The maintenance and establishment period will be for 2 years, or until such time as the Consent Authority (i.e. Camden Council) is satisfied that the outcomes stated in the approved VMP have been successfully achieved.

The 2 year Maintenance and Establishment Period is to commence from the Date of Practical Completion (DPC).

Practical Completion (PC) is taken to mean completion of all civil works, soil preparation, initial weed control and completion of all planting, turf installation, bank armouring, initial rabbit control, installation of erosion controls and mulching.

The Date of PC is that date when the Applicant and the Consent Authority (i.e. Camden Council) agree that the Waterfront/Riparian Landscaping works have been satisfactorily completed, as per the approved landscaping plans and Vegetation Management Plans (VMP's) applying to this consent and Construction Certificate (CC).

It is the Applicants responsibility to arrange a site inspection with the Consent Authority (i.e. Camden Council) upon initial completion of the Waterfront/Riparian works, to determine and agree upon, an appropriate DPC.

At the completion of the maintenance and establishment period, all areas of the Waterfront/Riparian works shall have signs of healthy and vigorous growth and no scouring or other erosion problems.

For Council to accept the future maintenance for the subject site, the Waterfront/Riparian works must comply with the approved landscaping plans, GTA's, Works Plan and applicable VMP.

- (16) **Landscaping Maintenance Establishment Period** - Commencing from the date of practical completion, the applicant will have the responsibility to establish and maintain all hard and soft landscaping elements associated with this consent.

The 12 month maintenance and establishment period includes the applicant's responsibility for the establishment, care and repair of all landscaping elements including all street tree installations, plantings, lawn and hardscape elements including paths, walls, bins, seats, BBQs, shelters, playground equipment and soft fall treatments.

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

At the completion of the 1) month landscaping maintenance and establishment period, all hard and soft landscaping elements (including any nature strip and road verge areas, street trees, street tree protective guards and bollards, etc) shall be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

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

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- (17) **Council's Recreation Working Group** – A copy of the proposed Construction Certificate plans are to be provided to Council's RWP prior to the lodgement with the certifier for general acceptance.
 - (18) **VPA** - The proposed development shall be carried out in accordance with the executed Oran Park Voluntary Planning Agreement..
 - (19) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.

2.0 – Prior to Issue of a Construction Certificate

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

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

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

- (2) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (4) **Stormwater Detention and Water Quality** - An on-site detention system and water quality system shall be provided for the site and designed in accordance with Council's Engineering Specifications.
- (5) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (6) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority.

The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining landuses and the natural environment is not unacceptably impacted upon by the

proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:

- a) Measures to control noise emissions from the site;
 - b) Measures to suppress odours and dust emissions;
 - c) Soil and sediment control measures;
 - d) Measures to control air emissions that includes odour;
 - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) Any other recognised environmental impact; and
 - g) Community Consultation.
- (7) **Retaining Walls** - All retaining walls shall be designed and certified by a suitably qualified structural engineer, in accordance with Council's Engineering Specifications.
- (8) **Regulatory Signage** – All regulatory signage must be reviewed by Council's Local Traffic Committee prior to the issue of a 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) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.
- (2) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (3) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;

- c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (6) **Performance Bond** - Prior to commencement of works a performance bond of 10% of the value of the civil works must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (7) **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).
- (8) **Construction Management Plan** - A Construction Management Plan that includes construction waste, dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the PCA.

- (9) **Notification of Council's Capital Works Branch** – Council's Capital Works Branch must be notified when the riparian, water quality and open space embellishment works commence on site.

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

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

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

- (4) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (5) **Vegetation Management Plan** - A monitoring report on the progress of the implementation of the Vegetation Management Plan (VMP) shall be provided to Council upon completion of the primary planting and then at six (6) monthly intervals until the end of the two (2) year minimum maintenance period, or as otherwise specified in the approved VMP. A final report shall be provided to Council upon completion of the maintenance period.
- (6) **Location of Stockpiles** - Stockpiles of soil shall not be located on / near any drainage lines or easements, natural watercourses or water bodies, footpath or roadway without first providing suitable protective measures adequate to protect

these water bodies. All stockpiles of contaminated materials shall be suitably covered to prevent dust and odour nuisance.

- (7) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (8) **Delivery Register**- The applicant must maintain a register of deliveries which includes date, time, truck registration number, quantity of fill, origin of fill and type of fill delivered. This register must be made available to Camden Council officers on request and be provided to the Council at the completion of the development.
- (9) **Fill Material** - Importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- b) be endorsed by a practising engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- c) be prepared in accordance with:

Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- d) confirm that the fill material:
- i) provides no unacceptable risk to human health and the environment;
 - ii) is free of contaminants;
 - iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
 - iv) is suitable for its intended purpose and land use; and



v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

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

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

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

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

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

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

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

- (13) **Air Quality** – Vehicles and equipment used on site must be maintained in good working order and be switched off when not operating. The burning of any waste material is prohibited.
- (14) **Construction Noise Levels** – Noise levels emitted during construction works shall be restricted to comply with the construction noise control guidelines set out in Chapter 171 of the NSW EPA's Environmental Noise Control Manual. This manual recommends;

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

5.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions on the Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots to Be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the PCA.
- (5) **Fill Plan** - A Fill Plan shall be provided to the PCA prior to the issue of any Subdivision certificate. The plan must:
 - a) Show lot boundaries
 - b) Show road/drainage/public reserves
 - c) Show street names
 - d) Show final fill contours and boundaries, and
 - e) Show depth in filling in maximum 0.5m Increments



It is to be provided electronically in Portable Document Format (.PDF) at 150dpi with a maximum individual file size not exceeding 2 megabytes and provide both on compact disk and an A1 paper plan.

- (6) **Incomplete Works** - Prior to the issue of the Subdivision Certificate the applicant is to lodge a bond with Camden Council for the construction of incomplete works, including concrete footpath and/or pedestrian/cycle shared way, in accordance with Camden Council's current Engineering Construction Specifications.
- (7) **Surveyor's Report** - Prior to the issue of the Subdivision Certificate a certificate from a registered surveyor must be provided to the PCA, certifying that all drainage lines have been laid within their proposed easements. Certification is also to be provided stating that no services or accessways encroach over the proposed boundary other than as provided for by easements as created by the final plan of subdivision.
- (8) **Value of Works** - Itemised data and value of civil works shall be provided to Council for inclusion in Council's Asset Management System in accordance with Council's Engineering Specifications.
- (9) **Street Lighting** - Street lighting shall be provided within the subdivision in accordance with the relevant AS and to the satisfaction of the PCA. All such work shall be complete and operative.
- (10) **Soil Classification** - A Soil Classification Report prepared by a suitable qualified person in accordance with the AS 2870 'Residential Slabs and Footings', detailing the general classification of soil type generally found within the subdivision, shall be provided to the PCA. A classification shall be provided for each lot within the subdivision. The Soil Classification Report shall also be provided to Council.
- (11) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (12) **Works As Executed Plan** - Works As Executed Plans shall be prepared and provided in accordance with Council's Engineering Specifications.

Digital data must be in AutoCAD .dwg or .dxf format, and the data projection coordinate must be in (GDA94.MGA zone 56).



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

- a) Easement for services;
- b) Easement to drain water;
- c) Acoustic fences between dwellings – a 1.8 metre high acoustic rated fence is required between the residential lots:

- 601 and 616,
- 616 and 617,
- 618 and 630,
- 630 and 631,
- 632 and 633,
- 633 and 640,
- 638 and 639,
- 640 and 641,
- 642 and 643,
- 659 and 660,
- 661 and 662,
- 662 and 663,
- 663 and 664,
- 664 and 665,
- 665 and 666,
- 666 and 667,
- 667 and 668,
- 668 and 669,
- 669 and 670,
- 670 and 671,
- 643 and 672,
- 672 and 673.

The fences should be located similar to “Figure 2 – Fence Locations” and consistent with the plan “*Fig no TD029-39P03(R0)*”, identified in the “*Oran Park Town Tranche 10 Stage 4: Road Traffic Noise Assessment Report, Prepared by Renzo Tonin & Associates, Ref no TD029-39F01 (r1) T10S4 Road Traffic Noise Assessment, Dated 17 October 2014.*”

- d) Acoustic boundary fences – a 1.8 metre high acoustic rated boundary fence is required on part of the western boundary for lot 637 and lot 638 (and also between the residential dwelling on lots 637 and 638), also on the north and western boundaries for lot 641 and for lot 658, and on the southern and western boundary of lot 673. The fences should be located consistent with the plan “*Fig no TD029-39P03(R0)*”, identified in the “*Oran Park Town Tranche 10 Stage 4: Road Traffic Noise Assessment Report, Prepared by Renzo Tonin & Associates, Ref no TD029-39F01 (r1) T10S4 Road Traffic Noise Assessment, Dated 17 October 2014.*”

- e) Dwelling footprint, boundary setbacks, external noise levels – For the following lots:

- 601,

- lots 616 – 618 inclusive,
- lots 630 – 633 inclusive,
- lots 638 – 643 inclusive, and
- lots 658 – 673 inclusive.

The dwelling design and footprint must be consistent with “Appendix B Noise Modelling Results” and plans “*Fig no TD029-39P01(R0)*”, identified in the “*Oran Park Town Tranche 10 Stage 4: Road Traffic Noise Assessment Report, Prepared by Renzo Tonin & Associates, Ref no TD029-39F01 (r1) T10S4 Road Traffic Noise Assessment, Dated 17 October 2014.*” Compliance with the above is to be demonstrated for each dwelling application.

f) Dwelling layout – For lots

- 601,
- lots 616 – 618 inclusive,
- lots 630 – 633 inclusive,
- lots 638 – 643 inclusive, and
- lots 658 – 673.

The dwelling layout is recommended to be consistent with “*Section 6.1 Building Layout*” contained within the “*Oran Park Town Tranche 10 Stage 4: Road Traffic Noise Assessment Report, Prepared by Renzo Tonin & Associates, Ref no TD029-39F01 (r1) T10S4 Road Traffic Noise Assessment, Dated 17 October 2014.*” For the above lots, the internal noise levels contained within the current Oran Park DCP must be achieved for each dwelling.

g) Construction requirements, window and door treatments, internal noise levels - For lots

- 601,
- lots 616 – 618 inclusive,
- lots 630 – 633 inclusive,
- lots 638 – 643 inclusive, and
- lots 658 – 673 inclusive,

Construction requirements and window and door treatments are to be consistent with “*Section 6 – Noise Control Treatment Recommendations*” and “*Table 8 and Table 9 – Acoustic Construction for Treatment Categories ISEPP*” contained within the “*Oran Park Town Tranche 10 Stage 4: Road Traffic Noise Assessment Report, Prepared by Renzo Tonin & Associates, Ref no TD029-39F01 (r1) T10S4 Road Traffic Noise Assessment, Dated 17 October 2014.*” Compliance with the above is to be demonstrated for each dwelling application.

h) Alternative ventilation for habitable rooms - for lots:

- 601,
- lots 616 – 618 inclusive,
- lots 630 – 633 inclusive,
- lots 638 – 643 inclusive, and
- lots 658 – 673 inclusive.



The provision of alternative ventilation (possibly mechanical provided there is a fresh air intake) that meets the requirements of the Building Code of Australia (BCA) will need to be provided to habitable rooms on these facades. Consultation with a mechanical engineer to ensure that BCA and AS1668 are achieved may be required. Compliance with the above ventilation requirement is to be demonstrated for each dwelling application on the affected lots.

- i) Salinity management plan – for all lots, all proposed construction works that includes earthworks, imported fill, landscaping, roads, buildings, and associated infrastructure proposed to be constructed on the land must be carried out or constructed in accordance with the management strategies as contained within the relevant three Salinity Management Plan/s titled “Salinity Investigation and Management Plan Tranche 21 Oran Park, Prepared by Douglas Partners, Project 34272.06-8, Dated 11 November 2013.” and “Salinity Investigation and Management Plan Tranche 10 Stage 2 Oran Park, Prepared by Douglas Partners, Project 34272.06-6, Dated 25 June 2014.” and “Salinity Investigation and Management Plan Northern Portion of Tranche 10 Stage 4 Oran Park, Prepared by Douglas Partners, Project 76618.06-2, Dated 18 July 2014.”

(14) **Water Quality Facility Operation, Maintenance and Monitoring Manual/s** - Operation, Maintenance and Monitoring Manual/s ('Manuals') for the permanent water quality facility shall be provided for approval to the PCA. The Manuals shall be prepared by a suitably qualified person in accordance with Council's Engineering Specifications.

(15) **Defects and Liability Bond** - The applicant is to lodge a defects and liability bond in the form of an unconditional bank guarantee or cash bond, being 10% of the value of civil works, with Council.

The bond covers any defects and liabilities of the public infrastructure.

(16) **Bush Fire Safety - Subdivision** - The site is located within a bush fire prone area. Certification from a suitably qualified bush fire consultant shall be provided to certify that the development complies with:

- a) the RFS' General Terms of Approval for the DA; and
- b) the Bush Fire Report provided with the DA; and
- b) the NSW Rural Fire Service publication "Planning for Bush Fire Protection 2006."

(17) **VPA** - The proposed development shall be carried out in accordance with the Voluntary Planning Agreement executed between Camden Council and Greenfields Development Company, Leppington Pastoral Company and Landcom dated 22 September 2011. The following cash contribution must be paid:

Unit rate	Unit	Total	Purpose
\$2,664	Hectare	\$13,000.00	Administration

TOTAL CASH CONTRIBUTIONS	\$13,000.00
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- (18) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) in accordance with the determination made by the Minister administering the *EP&A Act 1979* under Section 94EE of that Act and as in force on the date of this consent. This contribution shall be paid to the DP&E.

Evidence of payment of the SIC shall be provided to Council and the Certifying Authority.

RECOMMENDED

That Council:

- i. **support the Development Control amendments proposed; and**
- ii. **approve DA 994/2014 for subdivision to create 73 residential lots, 1 superlot, riparian corridor embellishment and associated earthworks, road construction and site works at F The Northern Road, Oran Park subject to the conditions listed above.**

ATTACHMENTS

1. Oran Park ILP
2. Figure 18
3. Figure 20
4. Proposed Plans
5. Employment Land Review
6. Owners Consent Employment Land Relocation
7. Plans - *Supporting Document*
8. Notification Map - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: NEW CARPARK FOR EXISTING WEDDINGS, FUNCTIONS, AMENITIES, BUILDING AND MARQUEE AT 332 CAWDOR ROAD, CAWDOR

FROM: Director Planning & Environmental Services

TRIM #: 15/304467

APPLICATION NO: 419/2015
PROPOSAL: New carpark for existing weddings, functions, amenities, building and marquee
PROPERTY ADDRESS: 332 Cawdor Road, Cawdor
PROPERTY DESCRIPTION: LOT: 100 DP: 814326
ZONING: RU1 – Primary Production
OWNER: Chandou Road Developments
APPLICANT: Reg Hawkins

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a new carpark to service the existing Burnham Grove Function Centre at 332 Cawdor Road, Cawdor.

The DA is referred to Council for determination as there remain unresolved issues received in submissions from 1 owner.

SUMMARY OF RECOMMENDATION

That Council determines DA419/2015 for a new carpark to service the existing Burnham Grove Function Centre 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 new carpark for 81 car spaces, which includes 3 accessible spaces to service the Burnham Grove Function Centre for weddings and functions.

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 total period of 28 days in accordance with the Camden DCP 2011. Three (3) submissions were received from 1 owner objecting to the proposed development. **A copy of the submissions is provided with the Business Paper supporting documents.**

Council staff contacted the submitter (1 submitter 3 letters) to discuss their concerns, however were unsuccessful in resolving the issues raised in the submissions.

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The issues raised in the submissions relate to the impact of the proposed carpark, the permissibility of the use, operation outside of current consent hours, and noise and traffic issues.

The proposed car park is ancillary to a lawfully approved function centre.

In 2004 Council granted consent to construct a marquee and amenities building to host functions and weddings within the grounds of Burnham Grove. Council permitted these works and the use under the heritage incentive provisions of the Camden Local Environmental Plan 2002. At the time of the assessment 81 carparking spaces were required to be made available. The parking was provided via a lease agreement with the NSW Department of Education and Training which allowed the carparking within Camden High School. The lease agreement expired in December 2014.

The 2004 consent is conditional on having access to at least 81 car parking spaces. In the event that this DA is not approved, alternative car parking arrangements will need to be made to ensure that the use can continue.

The proposed car parking includes 81 spaces which is consistent with that required by the existing consent in 2004. The numbers nominated are considered sufficient to service the wedding and function centre whilst maintaining residential amenity and in keeping with the established rural character.

The proposal does not seek to increase the amount of car parking from that which was previously proposed, albeit in a new arrangement where the carparking is accommodated on site, and accessed via a driveway along the southern side of the dwelling. As such the traffic demand is effectively unchanged from the existing approved situation.

An acoustic report which has accompanied the application recommends the construction of a 1.6m high lapped and capped timber fence along the southern edge of the driveway leading to the proposed car park to attenuate the noise impacts. This is considered to suitably address the noise concerns.

Based on the assessment, it is recommended that DA419/2015 be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 332 Cawdor Road, Cawdor and is legally described as Lot 100 DP 814326.

The site has a frontage of approximately 149.04m to Cawdor Road, a rear width of 260.19m, a site a depth of approximately 720.78m. The site is relatively flat and currently accommodates the heritage listed property Burnham House, marquee, amenities buildings, two dams and a vast grassed area at the rear.

It is located within the rural area of Cawdor. The site is surrounded in the general area by other rural allotments and immediately adjoining property is Camden High School.

The site is known as the Burnham Grove property and is listed as a heritage item under Camden Local Environmental Plan 2010 (LEP). While the whole site is listed as a heritage item, there are varying levels of heritage significance across the site. The front complex containing the homestead, outbuildings and landscaped setting are of greatest significance. The view of the homestead from Cawdor Road, the rural view from Cawdor Road and the mature trees on-site are also of heritage significance yet to a lesser extent.

HISTORY

The use as a function centre and associated carparking was granted consent in 2004 (DA 357/2004). At the time the parking for the function centre was being provided via a



lease agreement with NSW Department of Education and Training within Camden High School. The lease agreement with the school permitted the use of the southern car park, which comprises 81 parking spaces according to the stamped approved plans.

This consent imposed a 2 year trial, with the marquee having a maximum capacity of 125 patrons. Prior to the expiry of the 2 year period, a Section 96 application was lodged to remove the reference to the 2 year approval, thereby granting consent for the use of the marquee and associated buildings as a function/wedding venue.

The lease agreement for carparking expired in December 2014. At this time the owners sought to extend the trading hours of the function centre to operate 7 days a week via a section 96 application to amend DA 357(4)/2004. The Section 96 application is being assessed concurrently with this DA and will be considered by Council at its meeting of 24 November 2015.

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

DA	Development
DA 357/2004	Weddings, function, amenities building and marquee. The original DA was approved on the basis that the use is required to ensure the conservation of the heritage buildings.
DA 357(2)/2004	S96 modification to delete condition 1.0 (2). This condition related to the duration of consent becoming invalid if Camden High School elects not to renew their agreement for use of their car park.
DA 357(3)/2004	S96 modification to install a new acoustics system, introduce amplified music and extend hours of operation. Conditions 1.0 (8) & (9) were deleted, which relate to the submission of a noise management plan and requirement for noise emissions to comply with noise limiting criteria. Operational conditions 6.0 (1) to (12) were also replaced.
DA 357(4)/2004	Modification to trading hours of existing Burnham Grove Wedding and Function Centre. Currently being assessed.

THE PROPOSAL

DA419/2015 seeks approval for the construction of a new carpark. Specifically the proposed development involves:

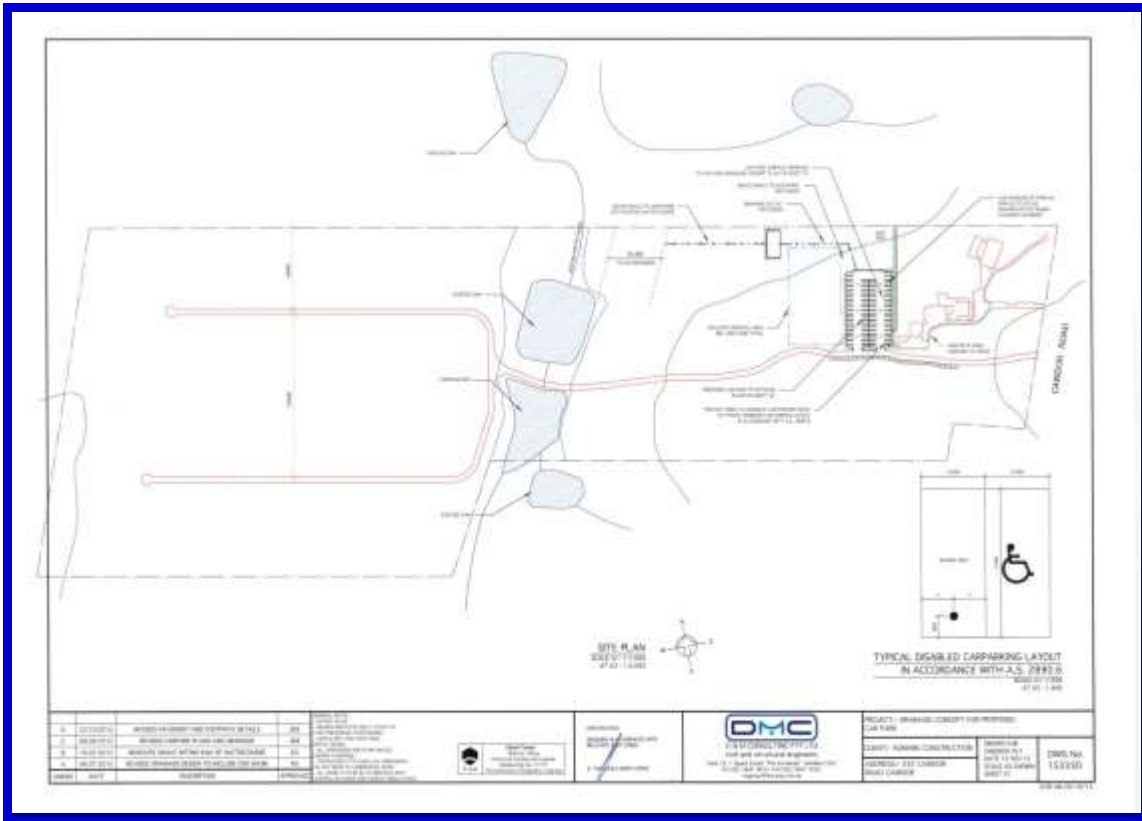
- construct a new carpark for 81 spaces including 3 spaces for disabled persons;
- associated civil and hydraulic works including upgrading existing driveway; and
- modification / relocation of the existing approved onsite sewer system, septic tank and effluent disposal area.
- construction of a 1.6m high lapped and capped timber acoustic fence to the southern side of the driveway adjacent to the homestead.

This DA was lodged concurrently with a S96(2) modification to extend the approved hours of operation of the approved function centre (DA 357(4)/2014).

The value of the cost of works is \$49,775.00.

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

PROPOSED CARPARK AND DRAINAGE PLAN



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
- Camden Local Environmental Plan 2010

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.



ORD02

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures have been proposed and a condition is recommended to provide a water pollution control device as part of the proposed development.

Camden Local Environmental Plan (LEP) 2010

Permissibility

The site is zoned RU1 Primary Production under the provisions of the LEP. The proposed carpark is ancillary to the lawfully approved function centre.

Zone Objectives

The objectives of RU1 Primary Production zone applicable on this application are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

Officer comment:

The property is used for grazing purposes. The existing function centre and proposed carparking area will not substantially alter the primary land use and therefore is consistent with this objective.

- *To minimise the fragmentation and alienation of resource lands.*

Officer comment:

The proposed car park will not result in the further fragmentation or alienation of resource land noting it is to be located in an area previously used for effluent disposal. The effluent disposal area can be adequately accommodated elsewhere on the site without undermining the primary use of the land.

- *To permit non-agricultural uses which support the primary production purposes of the zone*

Officer comment:

The proposed carpark is ancillary to the lawfully approved function centre.

- *To maintain the rural landscape character of the land*

Officer comment:

The carpark and road works are reversible and appropriate for its rural setting.

The carpark and required acoustic fencing is to be screened by appropriate landscaping which is consistent with the rural and heritage setting.

Relevant Clauses



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

Clause	Requirement	Provided	Compliance
5.10 Heritage	Consent is required to demolish or alter a heritage item and also to erect a building on land where a heritage item is located	A development application has been lodged.	Yes
	Consider the effect of the proposed development on the heritage significance of the item or area concerned	<p>The proposed carpark and road surfacing works are reversible and appropriate for its rural heritage setting.</p> <p>The carpark and required acoustic fencing is to be screened by landscaping on both sides of the fence which is appropriate to the setting.</p> <p>The works are not considered to detract from the heritage significance of the item and are acceptable.</p>	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	This application involves the relocation of the waste water and septic system. There is sufficient space for this to be adequately accommodated without impacting on the functionality of the heritage listed homestead and associated function centre.	Yes
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining properties	The matters listed by this clause have been considered. Subject to the recommended conditions, the proposed earthworks are considered to be acceptable.	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)).



ORD02

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

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

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion and sedimentation control measures have been proposed.	Yes
B1.4 Water management	Compliance with Council's engineering specifications	A standard condition is recommended requiring compliance with Council's engineering specifications.	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy	The development will comply with Council's Environmental Noise Policy.	Yes
B2 Landscape Design	A landscape plan is required	No trees or vegetation will be removed.	Yes
B5.1 Off-street Car Parking Rates and Requirements	1 space per 3 seats for off-street car parking spaces and service vehicle provision (42 spaces)	81 off-street car parking spaces have been provided which exceeds the minimum required by the DCP.	Yes
D4.2.10 Noise and Vibration	Compliance with Council's Environmental Noise Policy	The application includes a Noise Impact Assessment Report and the development will comply with Council's Environmental Noise Policy subject to the imposed conditions	Yes
D4.3.1 Landscaping and Public Domain	Detailed landscaping plans and street tree planting	No trees or vegetation are proposed to be removed. The existing line of trees along the proposed carpark will be retained. Conditions have been recommended by Council's Heritage Officer to appropriately screen the required acoustic fence.	Yes
D4.4	Compliance with	The proposal complies with the	Yes



Control	Requirement	Provided	Compliance
Parking and Access	DCP Section B5 and maximum of one driveway	DCP's Section B5 in that 81 off-street car parking spaces are being provided which exceeds that required by Council's current DCP, being 42. Three (3) accessible spaces have been provided.	

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

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

(a)(iv) The Regulations

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

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

Acoustic Impacts

In January 2010 an acoustic assessment was required to establish the operational noise levels of the Burnham Grove Function Centre, under DA 357(3)/2004. As a result of this report noise measures were required to reduce the noise emanating from the marquee to compliant levels. These noise measures were added as conditions of consent to DA 357(3)/2004.

As part of this DA, an updated acoustic report was completed in August 2015. The assessment had regard to the noise impact associated with the proposed car park and the extension of hours (DA/2004/357/4); these applications are being considered concurrently.

The closest residential dwellings identified in the assessment were 105 Cawdor Road to the east (approximately 135m from the function centre to the dwelling) on the opposite side of the road (Council references this property as 299 Cawdor Road), and 336 Cawdor Road to the south (approximately 120m from the function centre to the dwelling).

In order to maintain the acoustic amenity to nearby residential dwellings the assessment recommended the construction of a 1.6m high lapped and capped timber acoustic fence along the southern edge of the driveway and carpark (see diagram 1 below) to mitigate noise. A condition is recommended ensuring the construction of the fence.

Council staff are satisfied that the development, with the incorporation of the recommended fencing, is acceptable.

Heritage Impacts

The site contains a heritage listed dwelling Burnham Grove which includes its curtilage.

The proposed carpark and road surfacing works are simple, reversible and appropriate for this rural heritage setting.

The location of the proposed carpark will be well screened, and constructed to be sensitive to its location. A condition is recommended to ensure landscape screening is provided around the western and southern perimeters of the car park, and be consistent with the heritage officer's recommendations regarding the vegetation to be planted.

A 1.6m high lapped and capped timber fence is required along the southern edge of the driveway extending from the car park to the front of the site. This is acceptable from a heritage perspective subject to the planting of vegetation on both sides of the fence. A condition is recommended accordingly.



Diagram 1 - Indicative location of the proposed 1.6m high lapped and capped acoustic fence

The pedestrian pathway connecting the carpark to the marquee will be of decomposed sandstone.

The proposed carpark does not adversely impact the heritage significance of the Burnham Grove property, as the views from the dwelling to the rural setting and the sightlines toward the homestead are maintained. As a result the heritage value and heritage significance of the site is not undermined by the proposal.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered suitable for the proposed development. The carpark will adequately service the wedding and function centre needs which can be accommodated wholly within the subject site.

The relocation of the on-site sewerage system and septic is considered acceptable by Council's Environmental Officers. Conditions have been imposed to ensure the required information to support the construction stage will be proposed and certified prior to the finalisation of the project.

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

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 24 June to 8 July 2015. Council re-notified the application for an additional 14 days from 28 September to 11 October 2015.

Three (3) submissions were received from one resident, objecting to the proposed development. **A copy of a Public Exhibition and Submissions Map is provided with the Business Paper supporting documents.**

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

1. *The carparking spaces used by the school accounts to 80 spaces. The proposed 116 parking spaces is a 45% increase in the number of car movements.*

Officer comment:

A lease agreement existed with the NSW Department of Education and Training, with Louis Albert Whitton (Licensee) to utilise the Camden High School's carpark (81 spaces) to service the approved function and wedding centre. This lease agreement expired on 31 December 2014.

The applicant originally proposed a carpark for 115 spaces. The applicant has reduced its carparking spaces from 115 to 81 spaces.

Under the provisions of the Camden DCP, the parking rate for a single room function centre, with one principal area (single marquee) for functions is 1 space per 3 seats.

The function centre approval in 2004 limited patron numbers to 125. There is no change proposed to the number of patrons, therefore, the parking rate for 'single room function centre' is at a rate of 1 space per 3 seats, which requires the use to provide 42 carpark spaces. The proposed 81 spaces have been provided to be consistent with the carparking required in 2004.

The proposed new carpark will be contained wholly within the site to be utilised for the approved function and wedding centre.

The applicant is seeking to operate from 9am to 5pm Monday to Thursday (DA 357(4)/2004 which is being assessed concurrently) which is during school operating hours, the school carpark will therefore not be available. The proposed carpark will enable carparking to be provided for the lawful function centre use.

2. *Noise and amenity impacts from the increased traffic, and request for an acoustic report.*



Officer comment:

The proposed modification does not seek to increase the number of patrons, only to provide carparking on site which is consistent with the lawful approval, and hence the traffic demand of the function centre is considered comparable to the existing approved situation.

In January 2010 an acoustic assessment was required to establish the operational noise levels of the Burnham Grove Function Centre, under DA/2004/357/3. As a result of this report noise measures were required to reduce the noise emanating from the marquee to compliant levels. These noise measures were added as conditions of consent to DA 357(3)/2004.

As part of this DA, an updated acoustic report was completed in August 2015. The assessment had regard to the noise impact associated with the extension of hours (DA/2004/357/4) and the proposed carpark; these applications are being considered concurrently.

The assessment recommended the construction of a 1.6m high lapped and capped timber acoustic fence along the southern edge of the driveway and carpark (see diagram 1 above) to mitigate noise. A condition is recommended ensuring the construction of the fence.

3. *A Function Centre is a prohibited use within the RU1 zone, pursuant to the Camden Local Environmental Plan 2011. The proposed modification to the approved hours will result in the application no longer being substantially the same.*

Officer comment:

The function centre is an existing approved use. The proposed carpark is ancillary to the approved use and therefore permissible.

4. *Owner is currently breaching consent and operating outside of approved hours.*

Officer comment:

The concerns relating to the current breaching of consent noted in the submissions associated with this DA have been referred to Council's compliance section for further investigation. There have not been any complaints received by Council in the last year relating to the breaching of consent for the function centre use.

Notwithstanding, the modification application (DA 357(4)/2004), which is being reported to Council at its meeting on 24 November 2015, seeks to regularise the approved hours of operation.

5. *Substantial impact on amenity as a result of the carparking for the function/wedding centre being within the site accessed via the southern driveway rather than using Camden High which is to be north of the site.*

DA 357/2004 and subsequent Section 96 modifications contained a condition that required the carparking being provided by lease arrangement from Camden High School. A section 96 application DA 357(4)/2004 is seeking to extend the hours of the function centre to be business hours, which conflict with the carparking arrangement

with Camden High. The carpark is being proposed to ensure there is carparking for the approved use. In order to assess the impact on adjoining neighbours an acoustic report was required. This report has recommended a 1.6m high lapped and capped timber acoustic fence to be constructed along the southern side of the driveway, extending from the carpark to the front of the site to reduce the noise emanation as a result of vehicles entering and leaving the site. See diagram 1 above.

As an indirect consequence, the height of the fence will mitigate headlights from shining into the adjoining property.

A condition of consent has been imposed to ensure this fence is constructed in accordance with the acoustic report prepared by Rodney Stevens Acoustics dated 20 August 2015.

6. *The carparking for the site is proposing considerably more than was provided within Camden High via a lease agreement.*

The application initially proposed 115 spaces, this has since been reduced to 81 which is consistent with the number provided via lease agreement.

(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

No external referrals were required.

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, DA419/2015 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:



ORD02

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
15333D Sheet C1	Site Plan and Drainage Concept for Proposed Carpark	D & M Consulting Pty Ltd Civil and Structural Engineers	23 October 2015
15333D Sheet C2	Carpark Drainage Concept	D & M Consulting Pty Ltd Civil and Structural Engineers	23 October 2015
15333D Sheet C3	Sections and Details	D & M Consulting Pty Ltd Civil and Structural Engineers	23 October 2015
15333D Sheet C4	Calculations Sheet	D & M Consulting Pty Ltd Civil and Structural Engineers	23 October 2015

Document Title	Prepared by	Date
Acoustic Report	Rodney Stevens Acoustics Consultants	20 August 2015
SOEE		May 2015
Waste Management Plan		May 2015

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

The following procedures shall be strictly observed:

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

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

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

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

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

- (5) **Outdoor Lighting** - All lighting shall comply with AS 1158 and AS 4282.

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) **Construction Certificate** - The following information shall be provided to the Certifying Authority with the Construction Certificate application:
- a) The owner shall engage the services of a suitably qualified wastewater consultant to undertake a review of the existing onsite sewage management system. The consultant shall provide a wastewater report detailing recommendations for any upgrade or replacement works to the system. The consultant engaged shall be an independent 3rd party who has not been previously involved with the supply, construction, or installation of the existing system. Consideration shall be given to the feasibility of connection of the site to the private sewer main servicing the neighbouring premises.
 - b) The Owner shall submit to Council an Application to “Install, Construct, Alter a Commercial On-site Sewage Management System” under section 68 of The Local Government Act 1993. Such application shall be supported by all relevant documentation as per Camden Councils On-site Sewage Management Strategy and fees and charges in accordance with Council’s Fees and Charges schedule.
 - c) Prior to issuing of the construction certificate for the car park a Section 68 Approval shall be obtained from Council and works shall be completed on the on-site sewage management system as per the approval issued.
- (2) **Acoustic Report** - The development shall be constructed in accordance with Acoustic Report prepared for Cawdor Read Developments Pty Ltd by Rodney Stevens Acoustics dated 20 August 2015. 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) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

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

- (5) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (6) **Car park and pedestrian path materials** - The carpark and associated works are to be finished in compacted gravel with application of a light-coloured binder. Details to be shown on the Construction Certificate plans and documentation.

The pedestrian pathway connecting the carpark to the marquee is to be of decomposed sandstone. Details to be shown on the Construction Certificate plans and documentation.

- (7) **Detailed Lighting Plan Required** – A detailed lighting plan for any proposed car park lighting and driveway lighting shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate for building works. The plan must demonstrate that the orientation and intensity of lights will comply with the Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting".
- (8) **Acoustic Car Park and Driveway Fence** - A solid acoustic fence at least 1.6 metres high is to be constructed along the southern side of the entire length of driveway that provides access to the rear car park. The fence must also extend along the entire southern boundary of the car park. The acoustic fence is to be constructed from durable material with a minimum mass of 15 kg/m² to prevent noise transmission and have no gaps. Landscaping on both sides of the fence is to be planted to screen the fence with the planting to extend along the western side of the carpark. The species to be planted is to be photinia or viburnum or similar.

Details to be shown on the Construction Certificate plans and documentation.



- (9) **Landscape Screening** – The western edge of the car park is to be planted with be photinia or viburnum or similar species. Details to be shown on the Construction Certificate plans and documentation.

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) **Performance Bond** - Prior to commencement of works a performance bond of must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

- (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).

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

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

- (8) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.

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) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

- (3) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

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

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

(5) **Offensive Dust** – vehicle access and egress from the on-site car park shall not give rise to offensive dust as defined in the Protection of the Environment Operations Act 1997” when measured at the property boundary.

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

Construction period of 4 weeks and under:

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

Construction period greater than 4 weeks:

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

(7) **Salinity Management For Driveway and Carpark** – the driveway and car park must be built in accordance with the mandatory infrastructure requirements referenced within Camden Council’s current Policy – “Building in a Saline Prone Environment.”

(8) **Fill Material** – For importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- (a) be prepared by a person with experience in the geotechnical aspects of earthworks, and
- (b) be endorsed by a practising Engineer with Specific Area of Practice in Subdivisional Geotechnics, and
- (c) be prepared in accordance with:

For Virgin Excavated Natural Material (VENM):

- (i) the Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - (ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW".
- (d) confirm that the fill material:
- (i) provides no unacceptable risk to human health and the environment;
 - (ii) is free of contaminants;



- (iii) has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity");
- (iv) is suitable for its intended purpose and land use; and
- (v) has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

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

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

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

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

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

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) **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.
- (2) **Completion of Road Works** - All approved road, footpath and/or drainage works, including vehicle crossings, have been completed in the road reserve in accordance with the *Roads Act* Approval.
- (3) **Directional Traffic Flow Signs** - The second driveway shall be used for both ingress and egress for function purposes only. All driveways shall be suitably signposted and directional arrows painted on the internal driveways. All signs shall be maintained in good repair at all times.
- (4) **Acoustic Car Park and Driveway Fence** – Prior to the issue of an Occupation Certificate, a solid acoustic fence at least 1.6 metres high is to be constructed along the southern side of the entire length of driveway that provides access to the rear car park. The fence must also extend along the entire southern boundary of the car park. The acoustic fence is to be constructed from durable material with a minimum mass of 15 kg/m² to prevent noise transmission and

have no gaps. Landscaping on both sides of the fence is to be planted to screen the fence. The species to be planted is to be either photinia or viburnum.

- (5) **Landscape Screening** – Prior to the issue of the occupation certificate the western edge of the car park is to be planted with be photinia or viburnum or similar species.

6.0 – Ongoing Use

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

- (1) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (2) **Driveways to be Maintained** - All access crossings and driveways shall be maintained in good order for the life of the development.
- (3) **Parking Areas to be Kept Clear** - At all times, the loading, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (4) **Amenity** - The business shall be conducted and customers controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations and residential or business premises.
- (5) **Erection of signs** - The following sign must be erected and be placed in prominent locations prior to each function commencing:
- Leave Function Quietly – A sign noting that patrons must leave the function quietly must be erected at the car park exit point.

RECOMMENDED

That Council approve DA 419/2015 for a new carpark at 332 Cawdor Road, Cawdor subject to the conditions listed above.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: MODIFICATION TO TRADING HOURS OF EXISTING BURNHAM GROVE WEDDING AND FUNCTION CENTRE - 332 CAWDOR ROAD, CAWDOR

FROM: Director Planning & Environmental Services

TRIM #: 15/305433

APPLICATION NO: 357(4)/2004
PROPOSAL: Modification to trading hours of existing Burnham Grove Wedding and Function Centre
PROPERTY ADDRESS: 332 Cawdor Road, Cawdor
PROPERTY DESCRIPTION: LOT: 100 DP: 814326
ZONING: RU1 – Primary Production
OWNER: Chandou Road Developments
APPLICANT: Reg Hawkins

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96(2) modification application to modify the current operating hours of the Burnham Grove Wedding and Function Centre at 332 Cawdor Road, Cawdor.

The DA is referred to Council for determination as there remain unresolved issues received in submissions from 1 owner.

SUMMARY OF RECOMMENDATION

That Council determine Section 96(2) modification application DA 357(4)/2004 to modify the operating hours of the existing approved Burnham Grove Wedding and Function Centre pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions contained in this report and subject to the approval of DA 419/2015 for the construction of a new car park.

EXECUTIVE SUMMARY

Council is in receipt of a Section 96(2) modification application to modify the operating hours of the existing approved Burnham Grove Wedding and Function Centre to allow functions from 9am to 5pm on Monday to Thursday.

The use of Burnham Grove as a Wedding and Function Centre was approved under DA 357/2004. The current approved operating hours are as follows:

- 1:30pm – 10:30pm Friday to Sunday (inclusive) and on public holidays; and
- Music is to cease by 10pm, with patrons offsite by 11pm, and staff and caterers offsite by 11:30pm.

The approval under DA357/2004 limits the number of patrons at any one function to 125. The modification application does not seek to vary the patron numbers.



ORD03

The modification application 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.

DA 419/2015 for the construction of a new car park at Burnham Grove has been assessed concurrently with this modification application. Approval of this modification application is subject to the approval of the new car park noting that the existing approved use as function centre is conditional on having access to at least 81 car parking spaces. DA 419/2015 for the construction of a new car park at Burnham Grove is being considered at Council Meeting of 24 November 2015.

The modification application was publicly exhibited for a total period of 28 days in accordance with the Camden DCP 2011. Three (3) submissions were received from 1 owner objecting to the proposed development. **A copy of the submissions is provided with the Business Paper supporting documents.**

Council staff contacted the submitter (1 submitter 3 letters) to discuss their concerns, however were unsuccessful in resolving the issues raised in the submissions.

The issues raised in the submissions relate to the impact of the proposed carpark, the permissibility of the use and noise and traffic issues.

The concerns relating to the proposed car park have been addressed separately in the report for DA 419/2015.

The proposed modification to the operating hours relate to an existing approved use.

There is no proposed change to the approved patron numbers of 125. As such the noise and traffic impacts are considered to be comparable to the existing approved situation.

Based on the assessment, it is recommended that the modification application be approved subject to the modified conditions contained in this report and subject to the approval of DA 419/2015 which is being considered by Council at its meeting on 24 November 2015.

AERIAL PHOTO



THE SITE

The site is commonly known as 332 Cawdor Road, Cawdor and is legally described as Lot 100 DP 814326.

The site has a frontage of approximately 149.04m to Cawdor Road, a rear width of 260.19m, a site a depth of approximately 720.78m. The site is relatively flat and currently accommodates the heritage listed property Burnham House, marquee, amenities buildings, two dams and a vast grassed area at the rear.

It is located within the rural area of Cawdor. The site is surrounded in the general area by other rural allotments and immediately adjoining the property is Camden High School.

The site is known as the Burnham Grove property and is listed as a heritage item under Camden Local Environmental Plan 2010 (LEP). While the whole site is listed as a heritage item, there are varying levels of heritage significance across the site. The front complex containing the homestead, outbuildings and landscaped setting are of greatest significance, the view of the homestead from Cawdor Road, the rural view from Cawdor Road and the mature trees on-site are also of heritage significance yet to a lesser extent.



HISTORY

The use as a function centre was granted consent in 2004 (DA357/2004 - weddings, function, amenities building and marquee) under Camden Local Environmental Plan 2002. At the time the parking for the function centre was being provided via a lease agreement with NSW Department of Education and Training within Camden High School. The lease agreement with the school permitted the use of the southern car park, which comprises 81 parking spaces according to the stamped approved plans.

The consent imposed a 2 year trial, with the marquee having a maximum capacity of 125 patrons. Prior to the expiry of the 2 year period, a Section 96 application was lodged to remove the reference to the 2 year approval, thereby granting consent for the use of the marquee and associated buildings as a function/wedding venue.

The lease agreement for carparking expired in December 2014.

This application seeks to extend the operating hours of the function centre, and if supported the lease agreement with the school would not suffice as the carparking could not be provided in the school grounds during business hours Monday to Thursday as requested by this application. The owners have lodged a DA for the construction of a carpark for 81 vehicles and associated pathway connections, and the relocation of waste water and septic. This DA is being considered by Council on 24 November 2015 via DA 419/2015.

There is currently no lawful parking for the function centre.

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

DA Number	Development Details
DA 357/2004	Weddings, function, amenities building and marquee. The original DA was approved on the basis that the use is required to ensure the conservation of the heritage buildings.
DA357(2)/2004	S96 modification to delete condition 1.0 (2). This condition related to the duration of consent becoming invalid if Camden High School elects not to renew their agreement for use of their car park.
DA 357(3)/2004	S96 modification to install a new acoustics system, introduce amplified music and extend hours of operation. Conditions 1.0 (8) & (9) were deleted, which relate to the submission of a noise management plan and requirement for noise emissions to comply with noise limiting criteria. Operational conditions 6.0 (1) to (12) were also replaced.
DA 419/2015	DA for a new carpark proposing 81 carparking spaces currently being considered by Council.

THE PROPOSAL

DA 357(4)2004 seeks approval to modify the current operating hours to allow use from Monday to Thursday in addition to the approved Friday, Saturday and Sunday hours associated with the Burnham Grove Wedding and Function Centre.

Specifically the proposed modification involves:



- Extending operating hours from 9am to 5pm Monday to Thursday; and
- Retaining the approved hours of 1:30pm – 10:30pm Friday to Sunday.

The approved maximum number of patrons being 125 is not proposed to be changed.

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

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
- Camden Local Environmental Plan 2010

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

Camden Local Environmental Plan (LEP) 2010

Permissibility

The site is zoned RU1 Primary Production under the provisions of the LEP. This instrument prohibits 'Function Centres'. Notwithstanding, a function centre has been approved on the site under DA 357/2004.

The proposed extension of hours is not considered significant, as the additional operating hours are within business hours (9am to 5pm Monday to Thursday), the occupant numbers are not proposed to increase, and there is no additional floor area associated with the function/wedding use.

Zone Objectives

The objectives of RU1 Primary Production zone applicable on this application are as follows:



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- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base; To minimise the fragmentation and alienation of resource lands; To permit non-agricultural uses which support the primary production purposes of the zone; To maintain the rural landscape character of the land.

Officer comment:

The proposed modification does not seek to vary the approved land use of the site.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
5.10 Heritage	Consider the effect of the proposed development on the heritage significance of the item or area concerned	The proposed modification is for the extension of operating hours for an existing approved function centre. The extension of operating hours will ensure the ongoing viability of the use and, as a result, facilitate the ongoing maintenance of the heritage item. The additional hours of operation are not considered to detract from the heritage significance of the item and are acceptable.	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water and sewer.	Yes

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

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

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

Camden Development Control Plan 2011 (DCP)



The following is an assessment of the proposed development’s compliance with the controls in the DCP. Discussion of any variations of the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
B1.9.9 Waste Management Plan	Waste management plan	A waste management plan has been provided for the ongoing use of the function centre.	Yes
B1.16 Acoustic Amenity	Compliance with Council’s Environmental Noise Policy	The development can comply with Council’s Environmental Noise Policy subject to compliance with the imposed conditions.	Yes
D4.2.10 Noise and Vibration	Compliance with Council’s Environmental Noise Policy	The development can comply with Council’s Environmental Noise Policy subject to compliance with the imposed conditions.	Yes

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

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

(a)(iv) The Regulations

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

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

Acoustic Impacts

In January 2010 an acoustic assessment was required to establish the operational noise levels of the Burnham Grove Function Centre, under DA 357(3)/2004. As a result of this report noise measures were required to reduce the noise emanating from the marquee to compliant levels. These noise measures were added as conditions of consent to DA 357(3)/2004.

As part of this modification application, an updated acoustic report was completed in August 2015. The assessment had regard to the noise impact associated with the extension of hours and the proposed car park (DA 419/2015); these applications are being considered concurrently.

The closest residential dwellings identified in the assessment were 105 Cawdor Road to the east (approximately 135m from the function centre to the dwelling) on the



opposite side of the road (Council references this property as 299 Cawdor Road), and 336 Cawdor Road to the south (approximately 120m from the function centre to the dwelling).

Noting the existing conditions of consent relating to noise mitigation measures, Council staff are satisfied that the proposed extension of hours will not have any adverse acoustic impacts.

In order to maintain the acoustic amenity to nearby residential dwellings associated with noise generated by the proposed car park (DA 419/2015), the acoustic assessment recommended the construction of a 1.6m high lapped and capped timber acoustic fence along the southern edge of the driveway and carpark. A condition is recommended ensuring the construction of the fence as part of DA 419/2015.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the approved function centre maintained wholly within the site.

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

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 24 June to 8 July 2015. Council re-notified the application for an additional 14 days from 28 September to 11 October 2015.

Three (3) submissions were received from one resident, objecting to the proposed development. **A copy of a Public Exhibition and Submissions Map is provided with the Business Paper supporting documents.**

The following discussion addresses the issues and concerns raised in the submissions relating to the modification to the approved operating hours.

1. *A Function Centre is a prohibited use within the RU1 zone, pursuant to the Camden Local Environmental Plan 2011. The proposed modification to the approved hours will result in the application no longer being substantially the same.*

Officer comment:

The function centre is an existing approved use. The proposed modification to the approved hours of operation are not considered to cause the existing approved uses to no longer be substantially the same as the original approved DA. This is based on the following:

- that the modification seeks approval for additional hours; and
- the existing approved use will not be intensified by way of additional usable floor area or increased number of attendees.

The proposal is for the extension of hours only, there is no change to the marquee floor area and the number of patrons remains capped at 125.

2. *Noise and amenity impacts from the increased traffic, and request for an acoustic report.*

Officer comment:

The proposed modification does not seek to increase patron numbers and hence the traffic demand of the function centre is considered comparable to the existing approved situation.

In January 2010 an acoustic assessment was required to establish the operational noise levels of the Burnham Grove Function Centre, under DA/2004/357/3. As a result of this report noise measures were required to reduce the noise emanating from the marquee to compliant levels.

As part of this modification, an updated acoustic report was completed in August 2015. The assessment had regard to the noise impact associated with the extension of hours and the proposed car park (proposed under DA 419/2015) which is being considered concurrently with this modification.

The assessment recommended the construction of a 1.6m high lapped and capped timber acoustic fence along the southern edge of the driveway and car park (see diagram below) to mitigate noise. A condition is recommended requiring this to be constructed as part of the DA for the car park.



Indicative location of the proposed 1.6m high lapped and capped acoustic fence

3. *Owner is currently breaching consent and operating outside of approved hours.*

Officer comment:

The concerns relating to the current breaching of consent noted in the submissions associated with this DA have been referred to Council's compliance section for further investigation. There have not been any complaints received by Council in the last year relating to the breaching of consent for the function centre use.

This modification application seeks to regularise the approved hours of operation.



4. *Substantial impact on amenity as a result of the carparking for the function/wedding centre being within the site accessed via the southern driveway rather than using Camden High which is to be north of the site.*

The 2004 determination and subsequent Section 96 modifications contained a condition that required the carparking being provided by lease arrangement from Camden High School, as the use was operating outside of the school hours. The carpark is being proposed under DA 419/2015, which is being assessed concurrently. It is acknowledged the extension of hours is directly related to the carpark construction by virtue of the need to provide carparking associated with the use. In order to assess and mitigate the impact into adjoining neighbours an acoustic report was required. This report has recommended a 1.6m high lapped and capped timber acoustic fence be constructed along the southern side of the driveway, extending from the carpark to the front of the site to reduce the noise emanation as a result of vehicles entering and leaving the site.

As an indirect consequence, the height of the fence will mitigate headlights from shining into the adjoining property.

A condition of consent has been imposed on the carparking DA requiring this fence to be constructed in accordance with the acoustic report prepared by Rodney Stevens Acoustics dated 20 August 2015.

5. *The carparking for the site is proposing considerably more than was provided within Camden High via a lease agreement.*

The application initially proposed 115 spaces; this has since been reduced to 81 which is consistent with the number provided via lease agreement.

(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

No external referrals were required.

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 357(4)/2004 is recommended for approval subject to the conditions contained in this report and subject to the approval of DA 419/2015 for the construction of a new car park.



CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
1855 – 11 Issue H Amendment	Site Plan	Reggies Residential Design + Drafting	22/05/2014

Document Title	Prepared by	Date
Acoustic Report	Rodney Stevens Acoustics Consultants	20 August 2015
SOEE	Reggies Residential Design + Drafting	May 2015
Waste Management Plan	Reggies Residential Design + Drafting	May 2015

(This condition is proposed to be modified by Section 96 Modification 357(4)/2004 on 24 November 2015).

- ~~(2) **Duration of Consent** – This consent will become invalid if at any time, Camden High School elects not to renew the agreement for use of their car park for functions. The applicant is advised that a fresh development application is required to continue to use beyond that time, which nominates an alternative carpark.~~

(This condition is proposed to be deleted by Section 96 Modification 357(4)/2004 on 24 November 2015, subject to approval of DA 419/2015)

- (3) **Timber Framing** – The timber frame must be constructed in accordance with the requirements of the most edition of AS1684 – ‘Residential Timber-frame Construction’. The applicant is advised that the wall and roof framework including bracing must be designed and anchored to withstand a wind velocity for the particular area.
- (4) **Wet Area Water Proofing** – The application of waterproof membranes in wet areas must comply with the requirements of PART 3.8.1 of the Building Code of Australia and the current edition of AS3740.
- (5) **Building Code of Australia** – All works must be carried out in accordance with the requirements of the Building Code of Australia.
- (6) **Protect Existing Landscape** – All existing trees/shrubs grasses and natural landscape features other than those trees and vegetation authorised for removal

by consent must be retained and protected during all construction works. Approval must be granted by Council prior to the removal or any disturbance of the development site's existing/adjoining or surrounding landscape and vegetation.

- (7) **Advertising Signs Application** – Outdoor advertising structures require prior development consent. A development application must be submitted and approval granted by the Consent Authority (i.e. Camden Council) prior to the erection of any advertising signs.

- (8) **Noise Management**

Deleted via Modification (3) dated 15 March 2010.

- (9) **Additional Noise Criteria**

Deleted via Modification (3) dated 15 March 2010.

- (10) **Stable Building Conservation** - within 2 years from the commencement of the approved use of the land, the applicant is to submit to Council a Conservation plan for the intended preservation of the stable building that specifies a commencement date for works to be undertaken within 12 months from the conservation Plan being submitted to Council.

- (11) **Waste Water** -The owner shall engage the services of a suitably qualified wastewater consultant to undertake a review of the existing onsite sewage management system. The consultant shall provide a wastewater report detailing recommendations for any upgrade or replacement works to the system. The consultant engaged shall be an independent 3rd party who has not been previously involved with the supply, construction, or installation of the existing system. Consideration shall be given to the feasibility of connection of the site to the private sewer main servicing the neighbouring premises.

- (12) **Section 68 Approval** - The Owner shall submit to Council an Application to "Install, Construct, Alter a Commercial On-site Sewage Management System" under section 68 of The Local Government Act 1993. Such application shall be supported by all relevant documentation as per Camden Councils On-site Sewage Management Strategy and fees and charges in accordance with Council's Fees and Charges schedule.

- (13) **Section 68 Approval** - A Section 68 Approval shall be obtained from Council and works shall be completed on the on-site sewage management system as per the approval issued.

2.0 – Construction Certificate Requirements

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

- (1) **Obscure Glazing** – All windows from bathrooms including any ensuite and sanitary facilities must be fitted with translucent or obscure glazing for the purposes of providing adequate privacy between adjoining residents.

- (2) **Parking Spaces** – The developer must provide parking for cars in the manner indicated on the approved plans. Of that number, parking spaces must be available at all times for the parking of residents/visitors. Customers/employees/service vehicles. Those parking spaces must be clearly marked and an adequate sign indicating that parking is available on-site must be erected in a position where it is legible to drivers of vehicles entering the land.
- (3) **Soil Erosion and Sediment Control Plans** – Soil erosion and sediment control plans must be designed and installed in accordance with the Consent Authority's (i.e. Camden Council) "Soil and Erosion and Sediment Control Policy".

Control measures must be maintained during the entire development procedure and can only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised.

Plans containing a minimum of four (4) sets of undermentioned information must be prepared and submitted to the Principal Certifying Authority for approval **prior to the Construction Certificate being issued:**

- (a) Existing and final contours
 - (b) The location of all earthworks including roads, areas of cut and fill and re-grading
 - (c) Location of impervious areas other than roads
 - (d) Location of design criteria of erosion and sediment control structure's
 - (e) Location and description of existing vegetation
 - (f) Site access (to be minimised)
 - (g) Proposed vegetated buffer strips
 - (h) Catchment area boundaries
 - (i) Location of critical areas, (vegetation buffer strips, drainage lines, water bodies, unstable slopes, flood plains and seasonally wet areas)
 - (j) Location of topsoil or other stockpile's
 - (k) Signposting
 - (l) Diversion of uncontaminated upper catchment around areas to be disturbed
 - (m) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground
 - (n) Procedures for maintenance of erosion and sediment control
 - (o) Details of staging of works
 - (p) Details and procedures for dust control.
- (4) Prior to the Construction Certificate being issued with applicant is required to submit to Camden Council an application to install a "Commercial System of Sewerage Management". Such application is to be approved by Camden Council prior to the issue of the Construction Certificate.

The application is to be accompanied by a report from a suitably qualified hydraulic consultant addressing on-site sewage management. The report shall address disposal of effluent, details specifications of the proposed system, operation requirements and wet weather disposal. In accordance with Council's Draft Policy "Sewage Management Strategy", the Environment and Protection Guidelines "Onsite Sewage Management for Single Households" and relevant Australian Standards. The required capacity of the system is greater than of a domestic system and as such a commercial wastewater treatment system will be required.

The items in Councils **attached** table must be addressed in the application.

- (5) **Colour Schedule** – A detailed colour schedule must be submitted to the Consent Authority for approval to the issue of the **Construction Certificate**.

3.0 - Prior To Works Commencing

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

- (1) **Notice of Commencement of Work** – Notice in the form prescribed by the Environmental Planning and Assessment Regulation 2000 shall be lodged with the Consent Authority (Camden Council) at least 2 days prior to commencing building works. The notice shall provide details relating to any Construction Certificate issued by a certifying authority and the appointed Principal Certifying Authority.
- (2) **Construction Certificate Before Work Commences** – This consent does not allow site works, building or demolition works to commence, nor does it imply that the plans attached to this consent comply with the specific requirements of the Building Code of Australia. Such works must only take place after a Principal Certifying Authority (PCA) has been appointed and a Construction Certificate has been issued.

4.0 – During Construction

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

- (1) **Hours of Operation** – All construction and demolition work must be restricted to between:
- (a) 7am and 6pm Mondays to Fridays (inclusive);
 - (b) 7am to 4pm Saturdays, if construction noise is inaudible to adjoining residential properties, otherwise 8am to 4pm;
 - (c) Work on Sundays and Public Holidays is prohibited.
- (2) **Roofwater Destination** – The roof of the subject building(s) must be provided with guttering and down pipes and all stormwater conveyed to:
- (a) An approved water storage tank;
 - (b) The existing dam and/or natural water course on the subject allotment.
- (3) **Building Inspections** – The Principal Certifying Authority (PCA) must determine when inspections of critical building components are necessary. The applicant must notify the PCA for the inspection of the building components. Where Camden Council has been nominated as the PCA, for following stages must be inspected and passed prior to the proceeding to the subsequent stage of construction.

Note: If Council is appointed as the PCA, Council **agrees** to the commandment inspection to be combined with the first required inspection.

- (a) Slab on Ground – When steel reinforcement and associated form-work has been provided prior to the slab being poured with concrete.
- (b) Pool Fencing – The swimming pool safety fence prior to filling the pool with water.
- (c) Wall and Roof Framing – When the wall and roof frame have been completed (with plumbing and electrical wiring installed), brick work complete and the roof covering fixed prior to the internal lining.
- (d) Wet Area Flashing – When wall and floor junctions have been flashed with an approved product prior to the installation of floor/wall coverings. Wet areas include bathrooms, laundries, sanitary compartments, ensuite and the like.
- (e) Sewer Line-work – When external line-work has been laid and connected to the approved waste-water treatment system.

Note: Septic tank(s) excavation must be inspected prior to backfilling.

- (f) Occupation Certificate (final inspection) – Upon completion of the development and before occupation or commencement of use.

Note: That the Environmental Planning and Assessment Act 1979 and Regulation may prescribe other mandatory inspections of the works. It is recommended that you discuss and confirm all required inspections with the PCA.

- (4) **Subterranean Termite Protection** – Treatment for the protection of the building from subterranean termites must be carried out in accordance with AS3660.1 “Termite Management – New Building Work”.

A durable notice must be permanently fixed to the inside of the meter box indicating:

- (a) The method of protection;
- (b) The date of installation of the system;
- (c) The life expectancy of the chemical used;
- (d) The need to maintain and inspection the system.

- (5) **Site Management (No Nuisance Creation)** – The developer must carry out work at all times in a manner which will not cause a nuisance by the generation of unreasonable noise, dust, or other activity, to owners and occupiers of adjacent properties.

5.0 Prior to the Issue of Occupation Certificate

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

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority **prior to the occupation or use of the development**. The Principal Certifying Authority must submit a copy of the Occupation Certificate to the Consent Authority (i.e. Camden Council) within

seven (7) days from the date of determination, together with all relevant documentation including the Fire Safety Certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with. The use or occupation of the development prior to compliance with all conditions of development consent may render the applicant/owner liable to legal proceedings.

- (2) 3750 square metres of land is to be made available for the disposal of effluent from the existing dwelling and proposed wedding facility.
- (3) No more than 125 people are to attend the wedding reception facility on any day.

6.0 Operational Conditions

- (1) **Hours of Operation** – The hours of operation for the approved land use are:

Monday to Thursday inclusive	9.00am to 5.00pm
Friday to Sunday inclusive	1:30pm – 10:30pm
Public Holidays	1:30pm – 10:30pm

In addition to the above:

- Music to cease by 10.00pm;
- Patrons to be off-site by 11.00pm;
- Staff and caterers to be off-site by 11.30pm.

Any alteration to these hours will require the prior approval of the Consent Authority.

(This condition is proposed to be modified by Section 96 Modification 357(4)/2004 on 24 November 2015).

- (2) **Vehicle Movements and Deliveries** – are only permitted between the hours of 9am and 5pm Monday to Thursday and 1.30pm and 11.30pm on Friday to Sunday.

(This condition is proposed to be modified by Section 96 Modification 357(4)/2004 on 24 November 2015).

- (3) **Installations and Operation of Sound System** – In accordance with the recommendations of the “Noise Survey: Burnham Grove Function Centre 332 Cawdor Road Camden NSW 2570, Prepared by RSA Acoustics, Ref No 4339, Dated 2/11/09 Amended 15/1/10,” an in-house sound system using directional speakers must be installed within the marquee with the speakers set to a maximum sound level to achieve external noise criteria. The speakers must face North West and the speaker system must be fitted with a suppression limiter and be calibrated and set by a qualified acoustical consultant. A letter from the consultant must be provided to the Consent Authority (Camden Council) prior to the issue of an occupation certificate confirming that the sound system is installed and meets the relevant noise criteria when in operation.

- (4) **Noise Management Plan** – the operation and function centre must be undertaken in compliance with the “Noise Management Plan, For Burnham Grove Function Centre: Lot 100 DP814326, Prepared for Burnham Grove Function Centre, Prepared by RSA Acoustics, No332, dated 19 February 2010, DA357/2004, and Acoustic report prepared by Rodney Stevens Acoustics report numbered 150301R0 revision 0 dated 20 August 2015.

(This condition is proposed to be modified by Section 96 Modification 357(4)/2004 on 24 November 2015).

- (5) **Additional Noise Criteria** – All noise emissions from the operation of the function Centre must fully comply at all times with noise limiting criteria set by the New South Wales Liquor Administration Board (LAB) and Council’s Environmental Noise Policy.
- (6) **Offensive Noise** – The use and occupation of the premises, including all plans and equipment installed thereon, must not give rise to any offensive noise within the meaning of the Protection of the Environment Operations Act, 1997.
- (7) **Amplified Music, Public Address System, Live Entertainment** – is permitted subject to compliance with the conditions of this consent and requirements of the “Noise Management Plan, For the Burnham Grove Function Centre: Lot 100 DP814326, Prepared for Burnham Grove Function Centre, Prepared by RSA Acoustics, No332, dated 19 February 2010, DA357/2004.”
- (8) **Location of Live Entertainment** – The performance of live entertainment that includes the playing of music must be located within the marquee only.
- (9) **Operation of Live Music** – Live music shall be prohibited beyond 10.00pm on any Friday to Sunday evening operation. No live music is permitted beyond 5pm on Monday to Thursday.

(This condition is proposed to be modified by Section 96 Modification 357(4)/2004 on 24 November 2015).

- (10) **Light Spill** – The lighting of the premises must be directed so as not to cause nuisance to owners or occupiers of adjoining premises.
- (11) **Amenity** – The business shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, adjoining occupants, and residential premises.
- (12) **Closing and Vacating of Function Centre** – Patrons must leave the premises no later than 5pm on Monday to Thursday and 11.00pm on Friday to Sunday. All staff and caterers are to vacate the premises by 6pm on Monday to Thursday and 11.30pm on Friday to Sunday.

(This condition is proposed to be modified by Section 96 Modification 357(4)/2004 on 24 November 2015).

RECOMMENDED

That Council approve Section 96(2) Modification Application 357(4)/2004 for the modification to previously approved operating hours at 332 Cawdor Road,



ORD03

Cawdor, subject to the modified conditions listed above and subject to the approval of DA 419/2015 for the construction of a new car park.

ATTACHMENTS

1. Historic DA Consents
2. Public Exhibition and Submissions Map - *Supporting Document*
3. DA/2015/419/1 - Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: CONSTRUCTION OF A DETACHED DUAL OCCUPANCY DEVELOPMENT, ASSOCIATED SITE WORKS AND STRATA TITLE SUBDIVISION, 6 VIOLET STREET, GREGORY HILLS

FROM: Director Planning & Environmental Services

TRIM #: 15/278139

APPLICATION NO: 532/2015

PROPOSAL: Construction of a detached dual occupancy development, associated site works and Strata title subdivision

PROPERTY ADDRESS: 6 Violet Street, Gregory Hills

PROPERTY DESCRIPTION: Lot 108 DP 1193788

ZONING: R1 General Residential

OWNER: T Kaur & J Singh

APPLICANT: J Singh

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a detached dual occupancy development, associated site works and Strata title subdivision at 6 Violet Street, Gregory Hills.

The DA is referred to Council for determination as there remain unresolved issues received in 1 submission.

SUMMARY OF RECOMMENDATION

That Council determine DA 532/2015 for the construction of a detached dual occupancy development, associated site works and Strata title subdivision 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 detached dual occupancy development, associated site works and Strata title subdivision at 6 Violet Street, Gregory Hills.

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

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

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

The issues raised in the submission relate to the overdevelopment of the site and the terms of restrictions on the use of the land, lack of detail on the architectural plans, privacy impacts, overshadowing, and loss of property value.

The submission raised a concern that the height of the dwellings was not clear on the elevations plans. Council officers contacted the objector to clarify the overall height of the dwellings to the ridge line and provided a copy of the elevations plans.

Concerns were raised in the submission with regards to the terms of restriction on the use of the land which restricts subdivision of land without the approval of the developer. The DA originally involved the torrens title subdivision of land into 2 lots and the construction of 2 dwellings. Subsequent to discussions with the applicant the proposal was amended to the construction of a dual occupancy with strata subdivision. Dart West advised in writing that they are supportive of the Strata title subdivision.

The site is zoned R1 General Residential pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Detached dual occupancies are permitted with consent in the R1 General Residential zone. The minimum lot sizes are also consistent with the requirements of the SEPP. The proposed development is consistent with the objectives of the zone and is compatible with the existing surrounding development.

The development has been designed to prevent overlooking into adjoining properties. Concerns were raised with regard to the stairwell window on the eastern side of dwelling 2. It is acknowledged that the window has a view to the upper living area. The concerns have been addressed with a recommended condition of consent requiring the stairwell window to be fitted with obscure/translucent glazing.

The development complies with the solar access requirements within the Development Control Plan (DCP) for both the subject site and adjoining properties.

Loss of property values is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

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 6 Violet Street, Gregory Hills and is legally described as Lot 108 DP 1193788.

The site has a frontage of 15.235m to Violet Street, a depth of 30.5m and an overall area of 529.4m². The site is currently vacant.

The immediate area is characterised by single and double storey residential dwellings. The wider area contains the newly developed suburb of Gregory Hills. To the north-west lies Gledswood Hills and The Hermitage residential estate, to the west lies Gregory Hills Corporate Park and to the south lies Currans Hill.

HISTORY

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

Date	Development
13 March 2013	Subdivision to create 94 residential lots and associated site works approved under DA 892/2013

THE PROPOSAL

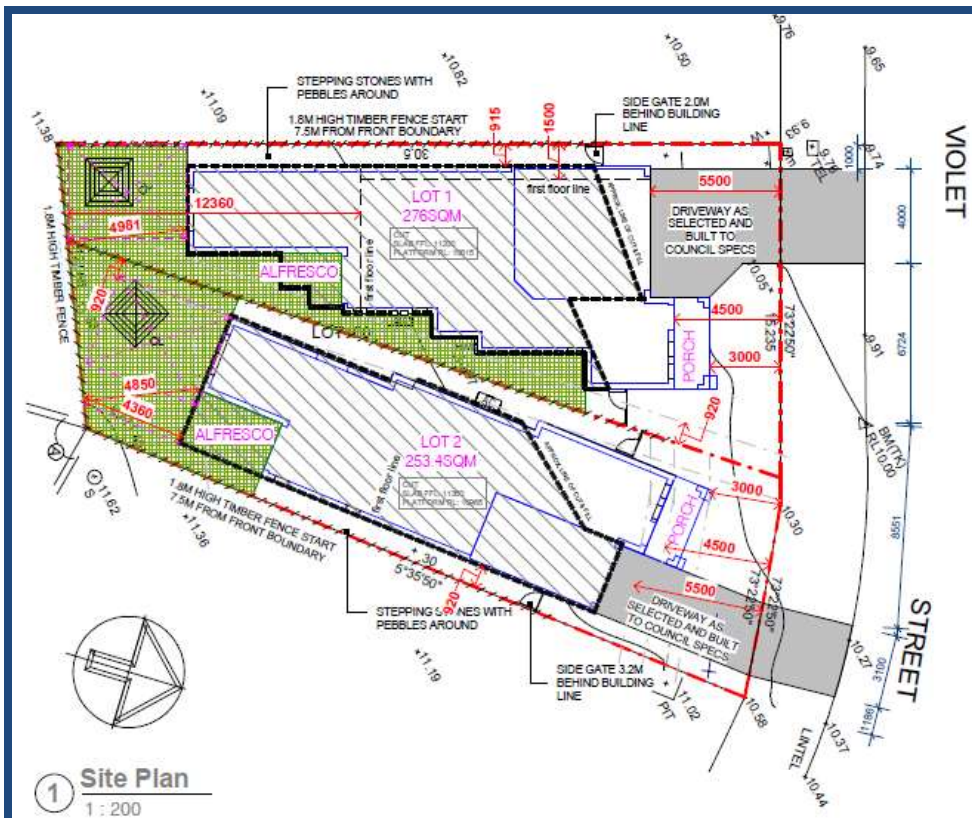
DA 532/2015 seeks approval for the construction of a detached dual occupancy development, associated site works and Strata title subdivision.

Specifically the proposed development involves:

- construction of a detached dual occupancy development;
- each dwelling contains 5 bedrooms;
- unit 1 includes a double garage and unit 2 includes a single garage;
- subdivision to create two Strata title lots (253.4m² and 276m²); and
- associated site works.

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

PROPOSED PLANS



ASSESSMENT

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

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

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

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

- State Environmental Planning Policy (BASIX) 2004;
- Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River;
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and,
- Turner Road Development Control Plan 2007



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

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

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

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

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

The proposed development is consistent with the aims 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 to the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide sediment and erosion controls as part of the development.

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 "detached dual occupancy" by the SEPP which is a permissible land use in this zone.

Objectives

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

- To provide for the housing needs of the community.

Officer comment:

The proposed development provides for the housing needs of the community.

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

Officer comment:

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

- To enable other land uses that provide facilities or services to meet the day to day needs of residents; 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; 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; and to provide for a variety of recreational uses within open space areas.

Officer comment:

These objectives are not relevant to the proposed development as the proposal is for a detached dual occupancy development.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
1.9A	Any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to service that purpose.	A S88B restriction was imposed by the developer to not allow subdivision within 10 years of registering the land. Council contacted the developer to provide an opportunity to comment on the proposed subdivision. The developer advised in writing that they are supportive of a Strata title subdivision.	Yes
4.1A Minimum Lot Size	Minimum lot size for dual occupancies of 500m ²	The site has an area of 529.4m ²	Yes
4.3 Height of buildings	Maximum 9.5m	<9.5m	Yes
6.1 Public Utility Infrastructure	Adequate arrangements have been made to make that infrastructure available when required.	Public utility infrastructure is available to the subject property.	Yes

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

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

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



Turner Road Development Control Plan 2007 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion of any variations to the controls is provided after the compliance table.

Control	Requirement	Provided	Compliance
Cut & fill (B1.2)	Max 1m	<1m	Yes
Fill distance from boundary (B1.2)	No fill within 2m of boundary (unless drop edge beam)	To be addressed as a condition of consent	Yes
Streetscape & Architectural Design (7.4.2)	Primary street façade to incorporate 2 design features	Two design features incorporated in street facades	Yes
Eaves (7.4.2)	≥ 450mm	450mm	Yes
Roof pitch (7.4.2)	≥ 22.5° to ≤35°	22.5°	Yes
Front façade (7.4.2)	Include 1 habitable room with a window fronting street	At least 1 habitable room is provided per dwelling with a window fronting the street	Yes
Streetscape (7.4.2)	Consistent street character (see Figure 38)	Dwellings are considered to be consistent with the streetscape.	Yes
Car parking requirements (7.4.8)	1 to 2 bedroom dwelling – 1 space > 2 bedroom dwelling – 2 spaces	Complies	Yes
Visual and acoustic privacy (7.4.9)	Direct overlooking of main habitable areas & POS of adjacent dwellings minimised	There is no direct overlooking from the main habitable rooms or main habitable areas & POS of adjacent dwellings. Condition included ensuring the stairwell window to dwelling 2 is fitted with obscure/translucent glazing to prevent privacy impact.	Yes
	Windows not to face adjoining dwelling windows & POS (see DCP)	No windows servicing main habitable rooms facing adjoining	Yes



ORD04

Control	Requirement	Provided	Compliance
		dwelling windows.	
Fencing (7.4.10)	Side/rear fence ≤ 1.8m	1.8m high fence.	Yes
Sustainable building design (8.1)	BASIX Certificate to be provided	BASIX Certificates provided for each dwelling.	Yes
Stormwater & construction management (8.2)	Stormwater concept plan provided	Stormwater concept plan submitted and satisfactory.	Yes
Waste Management (8.3)	Waste Management Plan required	Waste Management Plan submitted.	Yes
Safety and surveillance (8.6)	Provide for casual surveillance	Opportunity for casual surveillance available	Yes
7.6.1 Summary of key controls Table 19 - Lots with frontage width >15m			
Front setback (7.4.3)	4.5m to building façade line or 3.5m if fronting open space	Dwelling 1: 4.5m Dwelling 2: 4.5m	Yes
Front articulation (7.4.3)	3m to articulation zone or 2m if fronting open space	Dwelling 1: 3m Dwelling 2: 3m	Yes
Garage line (7.4.3)	≥ 5.5m to garage line & ≥ 1m behind building	Dwelling1: 5.5m Dwelling 2: 5.5m Both garages are setback 1m behind building line	Yes
Side setback (7.4.4)	≥ 0.9m where detached & 1.5m (upper Side B)	Dwelling 1: 0.915m (ground) & 1.5m (upper side B) Dwelling 2: 0.920m (ground & upper). (Side B Upper floor setback internal to the site)	Yes
Rear setback (7.4.4)	≥ 4m (ground) & ≥ 6m (upper)	Dwelling 1: 4.981m (ground) & 12.360m (upper) Dwelling 2: 4.850m (ground) & 7.552m (upper)	Yes
Height (7.4.5)	≤ 2 storeys.	2 storeys	Yes
Site Coverage (7.4.6)Table 17	Single storey dwellings ≤ 60% upper level ≤ 30%	Combined total ground floor = 43.6%	Yes



Control	Requirement	Provided	Compliance
		Combined total first floor = 29.6%.	
Height of ground floor level (7.4.5)	≤ 1m above finished ground level	<1m	Yes
Landscaped area (7.4.6)	≥ 30% of lot area	>30%	Yes
Principal private open space (7.4.7)	24m ² & min dimensions of 4m & gradient ≤ 1:10	24m ² & min dimensions of 4m & gradient ≤ 1:10	Yes
Principal private open space solar access (7.4.7)	≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS	≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS	Yes
Garage Size (7.4.1 – Table 17)	Lots ≥ 12.5m & ≤15m – front or rear accessed single, tandem or double garage. No triple garages	Front accessed double garage	Yes

Control	Requirement	Provided	Compliance
7.5.2 Secondary Dwellings, Studio Dwellings and Dual Occupancies	Dual Occupancies are to comply with the controls in section 7.3	As demonstrated above the development complies with all relevant controls in section 7.3.	Yes
	The maximum site coverage for second storeys may be exceeded for dual occupancies providing that:	The proposed site coverage for the upper floor is 29.6% and complies with section 7.3.	Yes
	The privacy of the principal dwelling and dwellings on the adjoining land is not compromised; and	The windows on the upper floors of both proposed dwellings serve bedrooms and as such are not likely to be areas where people congregate therefore not resulting in adverse overlooking. The stairwell window to unit 2 will be conditioned to ensure that it is fitted with obscure/translucent glazing.	Yes



ORD04

Control	Requirement	Provided	Compliance
	Solar access for the PPOS for the principal dwelling and dwellings on adjoining lots	The proposed dwellings satisfy the solar access controls and will not impact the adjoining properties.	Yes
	The design of both dwellings in a dual occupancy are to be consistent in construction features	The architectural features, materials, and colours of both dwellings are consistent with one another.	Yes
	The minimum landscaped area is 20%	41% of the site is proposed to be landscaped	Yes
	Shared driveway crossings of the nature strip are to be provided to service both dwellings	Separate driveways are provided to service each dwelling.	Yes
8.1 Sustainable Building Design	New residential developments are to be accompanied by a BASIX certificate	A BASIX certificate has been submitted for each dwelling as part of the application.	Yes
8.2 Stormwater And Construction Management	A stormwater concept plan is to be submitted with each building DA	An appropriate concept stormwater drainage plan has been submitted with the DA.	Yes
8.3 Waste Management	A Waste Management Plan is to be submitted with all DAs	A satisfactory WMP has been submitted as part of the DA.	Yes
	Development must take into consideration refuse storage and bin collection without reducing the amenity of neighbouring lots	There is sufficient space on site for both dwellings to store bins behind the building line.	Yes
	An area adjacent to the kerb suitable for the placement of bins should be	There will be sufficient space in front of the dwelling adjacent to the kerb for bins to be placed for collection.	Yes



Control	Requirement	Provided	Compliance
	available		
8.4 Site Facilities and Servicing	Underground servicing is required for all domestic serving utilities	The proposed development can be connected to the existing underground services on Violet Street.	Yes
8.6 Safety and Surveillance	Buildings should be designed to overlook streets All development should aim to provide casual surveillance to the street by maximising outlooks and views and minimise the overlooking of neighbouring properties	The development has been designed to provide casual surveillance to the street by way of window treatment along the front façade.	Yes

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

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

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to the proposed development.

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

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

(c) The suitability of the site

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

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

The DA was publicly exhibited twice for 14 days in accordance with the DCP. The first exhibition period was from 29 June 2015 to 13 July 2015. The second exhibition period was from 7 August 2015 to 21 August 2015. One submission was received (objecting to the proposed development) as a result of the second exhibition period.



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

1. *The submission raises concerns that the height of the dwellings was not clear on the elevations plans.*

Council officers contacted the objector to clarify the overall height of the dwellings to the ridge line and provided a clear copy of the elevations plans.

2. *Terms of restriction on the use of the land.*

Officer comment:

There is a restriction on title which states that the owner of the land must not subdivide the land within 10 years unless consent is granted by Dart West Developments. The restriction was placed on title by the developer and not by Council. The restriction is not reflected in the relevant planning instruments.

The DA originally involved the torrens title subdivision of land into 2 lots and the construction of 2 dwellings which was contrary to a restriction on title. Subsequent to discussions with the applicant the proposal was amended to the construction of a dual occupancy with strata subdivision.

Strata title is different to torrens title as torrens title means you are the sole owner of the property whereas ownership of a property under strata is shared through an owners corporation. Notwithstanding this, both forms of subdivision allow each dwelling to be sold to separate owners.

Owing to the modification from a torrens title proposal to a strata title development, Dart West has provided their consent for the subdivision.

The submitter also made references to the developer restrictions imposed such as landscaping requirements, construction and attenuation treatment, setback restraints, fencing and footing requirements. Council has had regard to the developer restrictions.

3. *Concerns with the bulk and scale of the development and that the development does not fit in with the surrounding area.*

Officer comment:

The bulk and scale of the proposed development is consistent with the character of the surrounding streetscape and is considered acceptable. The proposed development complies with all applicable controls including height and setbacks.

4. *Concerns are raised that there is overshadowing to the adjoining property.*

Officer comment:

The proposed development complies with the solar access requirements identified within the DCP for both the subject site and adjoining properties. The controls require that both the proposed development and neighbouring properties receive 3 hours of sunlight between 9am and 3pm to 50% of their principal private open space areas.

Council staff have assessed the orientation of the site and the shadow diagrams submitted by the applicant and are satisfied that the above controls are met.



5. *Concerns are raised regarding the privacy impacts from the stairwell window located on the eastern elevation of unit 1.*

Officer comment:

The development has been designed to prevent overlooking into adjoining properties. The concerns raised have been addressed with a recommended condition of consent requiring the stairwell window is fitted with obscure/translucent glazing.

6. *Loss of property values*

Officer comment

Loss of property values is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

(e) *The public interest*

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

EXTERNAL REFERRALS

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 532/2015 is recommended for approval subject to the conditions contained in this report:

CONDITIONS

1.0 - General Conditions of Consent

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

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Project No.201500147 Issue C Cover sheet, Notes, DW.03, DW.04, DW.05, DW.06.1, DW.06.2, DW.06.3, DW.06.4, DW.06.5, DW.07.1, DW.07.2, DW.07.3, DW.07.4, DW.07.5, DW.10, DW.11, DW.12, DW.13, DW.14, DW.15, DW.15, DW.16	Architectural	Arc Inovationz	16/11/2015

Document Title	Prepared by	Date
BASIX Certificate No. 639105S (Lot1)	Arc Inovationz	10/6/2015
BASIX Certificate No.639279S (Lot 2)	Arc Inovationz	10/6/2015

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

- a) protect and support the adjoining premises from possible damage from the excavation; and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

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

- (6) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.

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) **Construction Certificate** - The issue of a Construction Certificate for the construction of dwellings is not to occur until all conditions of this development consent relating to the subdivision of the land have been satisfactorily addressed and a Subdivision Certificate has been issued by the PCA.
- (2) **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.
- (3) **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.
- (4) **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.

- (5) **Privacy** – To ensure reasonable privacy for the adjoining property, the stairwell window of unit two located on the eastern elevation, shall be fitted with obscure/translucent glazing

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

- (6) **Salinity (Dwellings & Outbuildings)** - The proposed dwelling, landscaping and associated works for the development shall comply with the requirements of the 'Report on Salinity Investigation and Management Plan' Proposed Residential Subdivision Stage 11 Gregory Hills prepared by Douglas Partners, project 40741.74-3, dated October 2012.

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.

- (7) **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.

- (8) **Section 94 Contributions – Monetary (Turner Road and Oran Park)** – Prior to the issue of the Construction Certificate a contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* shall be payable 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	\$12,877.00 per lot or dwelling	\$12,877.00
OP & TR Contributions Plan	Open Space & Recreation Capital Work	\$9,954.00 per lot or dwelling	\$9,954.00
OP & TR Contributions Plan	Open Space & Recreation Project Management	\$218.00 per lot or dwelling	\$218.00
OP & TR Contributions Plan	Community Facilities Land Acquisition	\$164.00 per lot or dwelling	\$164.00

OP & TR Contributions Plan	Community Facilities Capital Work	\$1,702.00 per lot or dwelling	\$ 1,702.00
OP & TR Contributions Plan	Community Facilities Project Management	\$37.00 per lot or dwelling	\$37.00
		per net developable hectare	
	Total		\$24,952.00

A copy of the Oran Park and Turner Road Precincts Section 94 Contributions Plan may be inspected at Council's Camden office at 37 John Street, Camden or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

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

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

- (10) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (11) **Traffic Management Plan** - A Traffic Management Plan (TMP) shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (12) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (13) **Environmental Management Plan** - An Environmental Management Plan (EMP) prepared in accordance with Council's Engineering Design Specification shall be provided to the Certifying Authority. The Environmental Management Plan shall address the manner in which site operations are to be conducted and monitored to ensure that adjoining landuses and the natural environment is not unacceptably impacted upon by the proposal. The Environment Management Plan shall include but not be necessarily limited to the following measures:
- a) Measures to control noise emissions from the site;
 - b) Measures to suppress odours and dust emissions;
 - c) Soil and sediment control measures;
 - d) Measures to control air emissions that includes odour;
 - e) Measures and procedures for the removal of hazardous materials that includes waste and their disposal;
 - f) Any other recognised environmental impact; and
 - g) Community Consultation.

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).

- (7) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the Certifying Authority.

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.
- (8) **Traffic Management Plan Implementation** - All construction traffic management procedures and systems identified in the approved Construction Traffic Management Plan shall be introduced during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (9) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

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

7.0 - Prior to Issue of a Subdivision Certificate

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

- (1) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (2) **Strata Plan of Subdivision** - Sections 37 and 37A of the *Strata Schemes (Freehold Development) Act 1973* require an application to be provided to Council or a PCA for approval prior to the issue of the certified strata plan of subdivision.

The applicant will be required to submit documentary evidence that the property has been developed in accordance with the plans approved by this development consent and of compliance with the relevant conditions of consent, prior to the issuing of a Strata Plan of Subdivision.

Note: The final strata plan of subdivision shall be prepared to a quality suitable for lodgement with the NSW Land & Property Information.

- (3) **Restriction on Issue of Strata Plan of Subdivision** - Prior to the issue of any strata plan of subdivision associated with this development consent, an interim Occupation Certificate for the building shall be issued by the PCA. Documentary evidence of the issue of the interim occupation certificate shall be provided to Council in conjunction with the application for the strata plan of subdivision.
- (4) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.

- b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (5) **Special Infrastructure Contribution** - The applicant shall make a special infrastructure contribution (SIC) as required in accordance with the determination made by the Minister administering the EP& A Act 1979 under section 94EE as in force on the date of this consent, and in accordance with the planning agreement between the Minister and the applicant. Evidence of the SIC required for this development shall be provided to Council and the certifier.

Reasons for Conditions:

1. To ensure that the development complies with statutory requirements including the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the *Building Code of Australia* and applicable Australian Standards.
2. To ensure that the development meets the aims, objectives and requirements of the environmental planning instruments, development controls plans, Council policies and Section 94 contribution plans that apply to the site and development.
3. To ensure that the development complies with the submitted plans and supporting documentation.
4. To ensure that the development will be constructed/operated in a manner that will minimise impacts upon the environment.

Advisory Conditions:

- (1) **Plan Compliance** – The development consent requires compliance with the approved plans and documents that form part of the approval. Specific conditions of consent are also to be complied with, and amendments to achieve compliance with conditions of the consent are permitted.

All other modifications to plans and documents need to be confirmed with either Council or the certifying authority for the development. Changes to a development may require formal modification via Section 96 of the *Environmental Planning and Assessment Act, 1979*.

- (2) **Shoring and Adequacy of Adjoining Property** – If the 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 development consent must, at the person's own expense:
 - protect and support the adjoining premises from possible damage from the excavation, and
 - where necessary, underpin the adjoining premises to prevent any such damage.

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

- (3) **Erection of Signs** – A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a) showing the name, address and telephone number of the Principal Certifying Authority (PCA) for the work, and
 - b) showing the name of the 'principal contractor' (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

This clause does not apply to building work carried out inside an existing building that does not affect the external walls of the building.

The PCA and principal contractor must ensure that signs required by this condition are erected and maintained.

- (4) **Site Restrictions** - Restrictions on the use of the land imposed via Section 88b or other land covenants/restrictions should be verified for compliance by the person having the benefit of this consent. Compliance with land restrictions are the responsibility of the person benefiting from this consent and the implications of restrictions on the proposed development should be checked / confirmed prior to works commencing.

RECOMMENDED

That Council: approve DA 532/2015 for the construction of a detached dual occupancy development, associated site works and Strata title subdivision at 6 Violet Street, Gregory Hills, subject to the conditions listed above.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD05

SUBJECT: CONSTRUCTION OF AN ATTACHED DUAL OCCUPANCY AND ASSOCIATED SITE WORKS, 5 KELLY STREET, ORAN PARK

FROM: Director Planning & Environmental Services

TRIM #: 15/309136

APPLICATION NO: DA 892/2015
PROPOSAL: Construction of a two storey attached dual occupancy
PROPERTY ADDRESS: 5 Kelly Street, Oran Park
PROPERTY DESCRIPTION: Lot 4341 DP 1195720
ZONING: R1 General Residential
OWNER: Omeran Taleb
APPLICANT: Omeran Taleb

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey attached dual occupancy and associated site works at 5 Kelly Street, Oran Park.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 892/2015 for the construction of a two storey attached dual occupancy and associated site works at 5 Kelly Street, 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 two storey attached dual occupancy and associated site works at 5 Kelly Street, Oran Park.

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

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

The issues raised in the submission relate to the development being a dual occupancy and its impact on the streetscape, the proposed front setback, privacy, noise and car parking concerns.

The proposed dual occupancy development is permitted with consent in the R1 General Residential zone under the provisions of the Growth Centre SEPP. The

proposed development complies with all applicable planning controls outlined in the Oran Park DCP. It is considered the proposed development is appropriate for the site and is consistent with the form of development envisaged for the area.

An objective of the R1 General Residential zone is “to provide for a variety of housing types and densities” which encourages a diverse range of housing for the area. The proposed dual occupancy development is considered appropriate for the site and the surrounding low density residential area.

The proposed development will not adversely impact the streetscape or the amenity of the adjoining residents in terms of noise and overlooking.

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 5 Kelly Street, Oran Park and is legally described as Lot 4341 DP 1195720.

The site is irregular in shape with a frontage of 13.62m to Kelly Street, a depth of between 32m to 37m and an overall area of 643m². The site is currently vacant and slopes from the north-east to the south-west towards the street frontage.



The adjoining properties to the north and west of the site are under construction whilst the lot to the south is currently vacant. The surrounding area is characterised by developed residential lots containing both single and double storey dwellings and residential land which is currently being developed for housing.

The Oran Park Town Centre is located approximately 1.2km north east of the subject site.

HISTORY

Other than creation of the lot via a previous subdivision DA, there is no relevant history for the site.

THE PROPOSAL

DA 892/2015 seeks approval for the construction of a two storey attached dual occupancy and associated site works.

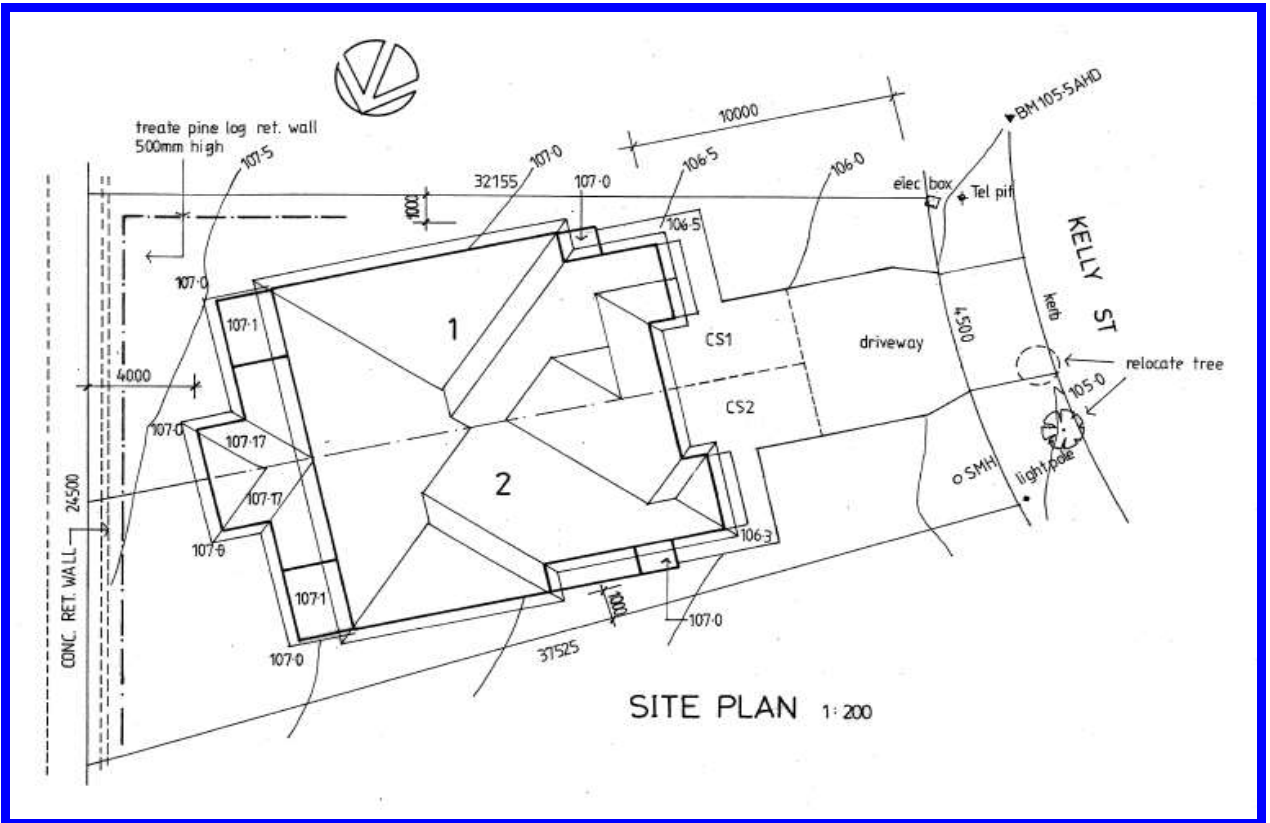
Specifically the proposed development involves:

- construction of a two storey attached dual occupancy. Each dwelling contains 4 bedrooms and a single car garage. The dwellings will be constructed of brick veneer, with cladding on the upper floors and a tiled roof; and
- construction of a single combined driveway accessing both garages, landscaping and boundary fences.

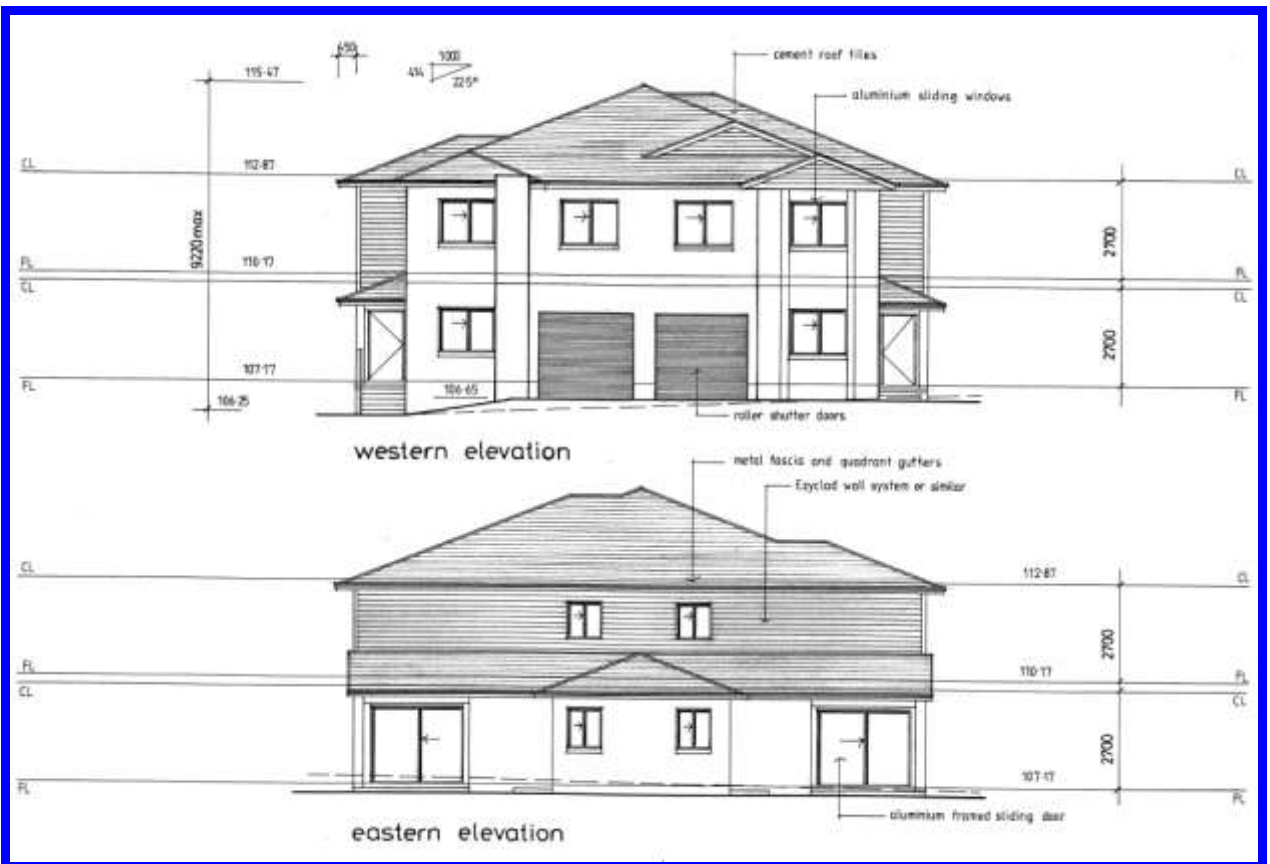
The value of the works is \$450,000.

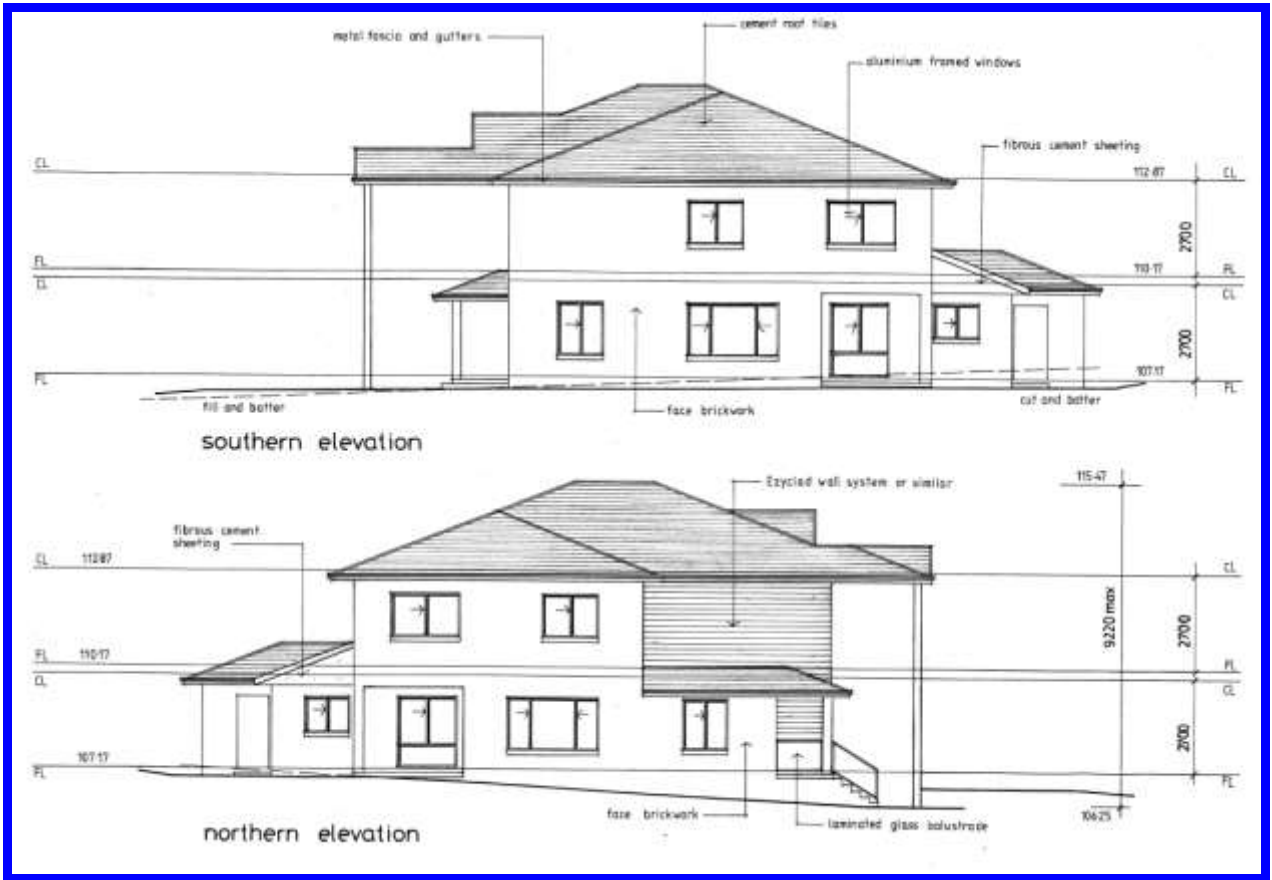
A copy of the proposed plans is provided as attachment 1 to this report.

PROPOSED SITE PLAN



PROPOSED ELEVATIONS





ASSESSMENT

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

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

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

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

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

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

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

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



Notwithstanding this, a condition is recommended to ensure that if any unexpected finds of contamination are identified during construction, all works cease and Council be notified.

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

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

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

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

Permissibility

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

Objectives

The objectives of the R1 General Residential are as follows:

- To provide for the housing needs of the community.

Officer comment:

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

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

Officer comment:

Attached dual occupancy development are an appropriate housing type in a residential zone. At 643m² the lot size exceeds the minimum lot size of 500m² for dual occupancy development. The development will add to the variety of housing types and densities being provided throughout the Oran Park precinct.

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

The above objectives are not relevant as the proposal is for a dual occupancy development.

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
4.1A Minimum Lot Size	Minimum lot size for dual occupancies of 500m ²	The site has an area of 643m ²	Yes
4.3 Height of Buildings	Maximum 9.5m building height	Proposed 9.2m maximum building height	Yes

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

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

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Conditions requiring appropriate sediment and erosion controls and a stabilised access point are recommended.

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

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

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

Oran Park Development Control Plan 2007 (DCP)

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

Control	Requirement	Provided	Compliance
2.1 Indicative Layout Plan	All development must be undertaken in accordance with the Oran Park ILP	The site is located within an area designated for low density residential development which includes dual occupancy. The development is therefore considered appropriate in this	Yes



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Control	Requirement	Provided	Compliance
		area.	
6.3 Salinity and Soil Management	All development must incorporate soil conservation and sediment and erosion control measures during and following construction	A standard condition is recommended that will require appropriate soil erosion and sediment control measures be implemented.	Yes
6.7 Contamination Management	All investigations reporting and identified remediation works must be in accordance with Council's policy	Council staff have reviewed the site's history and remediation of the land was undertaken at the initial subdivision stage, therefore it is considered the risk of contamination is low. Notwithstanding, a condition is recommended to ensure if any unexpected finds of contamination are identified during construction, all works cease and Council be notified.	Yes
6.9 Acoustics	Residential development shall be designed to comply with Council's Environmental Noise Policy	There are no specific acoustic requirements for this site. This was determined as part of the original subdivision application which created the lot.	Yes
7.5.1 Site Analysis	A site analysis plan must be submitted for all development applications	A satisfactory site analysis plan has been submitted as part of the application.	Yes
7.5.2 Cut and Fill	The maximum cut shall not exceed 1m	Max 600mm cut is proposed.	Yes
	The maximum fill shall not exceed 1m	Max 900mm fill is proposed.	Yes
	Fill within 2m of a property boundary shall be fully contained with the use of a drop edge beam with no fill permitted outside of this building footprint	Some fill is required within 2m of the property boundary and is contained by a drop edge beam.	Yes



Control	Requirement	Provided	Compliance
	The use of a drop edge beam shall not exceed 1m above natural ground level	A condition of consent will require the use of drop edge beam.	Yes
7.5.3 Sustainable Building Design	The provisions of BASIX apply The orientation of dwellings, location of living rooms and positioning and sizing of windows are to take advantage of solar orientation and maximise natural light penetration	A BASIX certificate for each dwelling has been provided and will be endorsed as part of the consent.	Yes
7.6.2 Streetscape and Architectural Design	Primary façade of a dwelling must include two design features	The front façade of each dwelling provides design features for the entries and a mixture of building materials.	Yes
	Eaves should be a minimum of 450mm	450mm eaves are proposed.	Yes
	Roof pitch for main dwelling to be between 22.5 and 35 degrees. Skillion roofs and roofs hidden from view by parapet walls are excluded from the control.	The upper roof pitch is 22.5 degrees.	Yes
	Front facades are to feature at least one habitable room with a window onto the street	Both dwellings have a habitable room with windows facing the street.	Yes
7.6.1 Summary of key controls Table 19 - Lots with frontage width >15m		In accordance with the DCP, lot frontage is measured at the street facing building line. The lot frontage at the building line is 17m	Yes
7.6.3 Front Setbacks	4.5m to building façade line	Dwelling 1 – 10m Dwelling 2 – 10.2m	Yes



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Control	Requirement	Provided	Compliance
	3.0m to articulation zone	No articulation zones proposed.	Yes
	5.5m to garage line and 1m behind the building façade line	Both garages are setback 11m from the front setback & 1m behind building façade line.	Yes
7.6.4 Side and Rear Setbacks	Side setbacks - 0.9m at ground and 1.5m at upper	Dwelling 1 Side setbacks Lower 1.2m Upper 1.5m Dwelling 2 Lower 1.3m Upper 1.7m	Yes
	Rear setbacks – 4m ground floor and 6m first floor	Dwelling 1 Lower 4m Upper 7.4m Dwelling 2 Lower 5.3m Upper 10.6m	Yes
7.6.5 Dwelling Height, Massing and Siting	2 storey maximum	Both dwellings are two storey.	Yes
	Site Coverage in accordance with Table 19		
	Two storey dwellings 50% ground floor	Total ground floor coverage is 230m ² = 35%.	Yes
	30% upper floor	The two upper floors have an area of 211m ² = 32%.	Yes – Section 7.7.2 allows for exceptions to Upper Floor Site Coverage exceeded for dual occupancies in instances where privacy and solar access can be achieved. The proposed site coverage for the upper



Control	Requirement	Provided	Compliance
			<p>floor measures 230m² which exceeds the 30% site coverage control by 2%.</p> <p>Refer to Section 7.7.2 for further details.</p>
7.6.6 Landscaped Area	Min 30% of lot area	314m ² landscaped area= 48%.	Yes
7.6.7 Private Open Space	<p>PPOS (Principal Private Open Space) requires a minimum 24m² of the lot area and minimum dimension of 4m</p> <p>50% of the PPOS(of both the proposed development and adjoining properties) is required to be to receive 3 hours of sunlight between 9am and 3pm on 21 June</p> <p>Principal private open space (PPOS) must be accessible from main living area of the dwelling</p> <p>Have a max gradient of 1:10</p>	<p>Dwelling 1 has 111sqm of PPOS is provided with a minimum dimension of 4m.</p> <p>Dwelling 2 has 111sqm of PPOS is provided with a minimum dimension of 4.8m.</p> <p>The PPOS of both the proposed development and adjoining properties will receive adequate sunlight. This has been demonstrated on the shadow diagrams submitted with the DA.</p> <p>The PPOS is accessible from the main living areas of the dwellings.</p> <p>Max gradient 1:10.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
7.6.8 Garages, Site Access and Parking	<p>Lots >15m</p> <p>Single, tandem or double garages permitted</p> <p>3 bedrooms or</p>	<p>Two separate single garages are proposed.</p> <p>Both dwellings provide one</p>	<p>Yes</p> <p>Yes</p>



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Control	Requirement	Provided	Compliance
	<p>more, dwellings must provide at least 2 car spaces</p> <p>Driveways shall comply with AS2890</p> <p>Single garage doors are to be a max of 3m wide</p> <p>Minimal internal dimensions for a single garage are 3m wide and 5.5m deep</p> <p>Minimum garage door width 2.4m (single) 4.8m (double)</p>	<p>space in the garage and one hardstand space forward of the garage and wholly within the boundaries of the site.</p> <p>One combined driveway is proposed which complies with AS2890.</p> <p>Both garage doors measure 2.5m wide.</p> <p>Both garages comply.</p> <p>Both garage doors measure 2.5m.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
7.6.9 Visual and Acoustic Privacy	<p>Direct overlooking of the main habitable area and private open space should be minimised</p> <p>Habitable room windows are not to face adjoining dwelling windows & POS.</p>	<p>There will be no direct overlooking of the main habitable rooms and POS of adjacent dwellings. A 1.8m high fence will obscure the view between the site and adjoining dwellings. A condition of consent will ensure that 1.8m high fencing along the side boundaries is erected to within 4.5m of the front boundary. The upper floors of the development do not contain living areas so overlooking from the upper floors is minimized.</p>	<p>Yes</p>
7.6.10 Fencing	<p>Front fencing 1m</p> <p>Side and rear fencing 1.8m</p>	<p>None proposed</p> <p>1.8m high lapped and capped fence is proposed along the side and rear boundaries</p>	<p>Yes</p> <p>Yes</p>



Control	Requirement	Provided	Compliance
7.7.2 Secondary Dwellings, Studio Dwellings and Dual Occupancies	Dual Occupancies are to comply with the controls in section 7.6	As demonstrated above the development complies with all relevant controls in Section 7.6.	Yes
	The maximum site coverage for second storeys in Table 19 may be exceeded for dual occupancies providing that:	The proposed site coverage for the upper floor measures 230m ² which exceeds the 30% site coverage control by 2%. This is considered inconsequential and will not compromise the privacy of the any other dwellings.	Yes
	The privacy of the principal dwelling and dwellings on the adjoining land is not compromised; and	Views from the ground floor and private open space of the proposed dwellings to the adjacent dwellings will be obscured by the 1.8m lapped and capped fence. The windows on the upper floors of both proposed dwellings serve bedrooms and as such are not likely to be areas where people congregate therefore not resulting in adverse overlooking.	
	Solar access for the PPOS for the principal dwelling and dwellings on adjoining lots	The proposed dual occupancy satisfy the solar access controls.	Yes
	The design of both dwellings in a dual occupancy are to be consistent in construction features	The architectural features, materials, and colours of both dwellings are consistent with one another.	
	The minimum landscaped area is 20%	48% of the site is proposed to be landscaped	
Shared driveway crossings of the nature strip are to be provided to service both dwellings	One shared driveway is proposed to serve both dwellings.	Yes	



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Control	Requirement	Provided	Compliance
8.1 Sustainable Building Design	New residential developments are to be accompanied by a BASIX certificate	A BASIX certificate has been submitted for each dwelling as part of the application.	Yes
8.2 Stormwater And Construction Management	A stormwater concept plan is to be submitted with each building DA	An appropriate concept stormwater drainage plan has been submitted with the DA.	Yes
8.3 Waste Management	A Waste Management Plan is to be submitted with all DAs	A satisfactory WMP has been submitted as part of the DA.	Yes
	Development must take into consideration refuse storage and bin collection without reducing the amenity of neighbouring lots	There is sufficient space on site for both dwellings to store bins behind the building line.	Yes
	An area adjacent to the kerb suitable for the placement of bins should be available	There will be sufficient space in front of the dwelling adjacent to the kerb for bins to be placed for collection	Yes
8.4 Site Facilities and Servicing	Underground servicing is required for all domestic serving utilities	The proposed development can be connected to the existing underground services on Kelly Street.	Yes
8.6 Safety and Surveillance	Buildings should be designed to overlook streets All development should aim to provide casual surveillance to the street by maximising outlooks and views and minimise the overlooking of neighbouring properties	The development has been designed to provide casual surveillance to the street by way of window treatment along the front façade.	Yes

Camden Development Control Plan 2011 (DCP)



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

Control	Requirement	Provided	Compliance
B1.1 Erosion and sedimentation	Erosion, sediment and dust control measures must be put in place	Standard conditions are recommended to ensure that appropriate erosion, sediment and dust control measures will be in place.	Yes
B1.2 Earthworks	The maximum amount for both cut and fill shall not exceed 1m respectively Only clean fill material must be used	The cut and fill proposed complies with the controls A condition has been imposed that only clean fill be used in the development.	Yes Yes

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

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

(a)(iv) The Regulations

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

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

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

(c) The suitability of the site

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

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

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 24 August 2015 to 7 September 2015. One submission objecting to the proposed development was received.

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

1. *Impact of a 10m front setback on the streetscape.*

Officer comment:

The minimum front setback under the provisions of the Oran Park DCP 2007 is 4.5m. There is no maximum front setback for dwellings specified in the DCP. The site is located on a bend in the road and as a result is irregular in shape having a width at the front boundary of 13.6m and 24.5m at the rear boundary.

The development complies with all setbacks and applicable planning controls outlined in the Oran Park DCP. It is considered the development being setback 10m from the front boundary will not have any adverse impact on the streetscape.

2. *Noise from the front door and garage being in line with adjoining bedrooms.*

Officer comment:

The siting of the dual occupancy complies with the setback requirements and is considered satisfactory. A 1.8m high lapped and capped fence will be erected along the property boundary which will reduce the noise impact between the properties.

3. *Privacy concerns with upper floor windows looking into bedrooms and bathrooms.*

Officer comment:

The proposal does not result in unacceptable overlooking and privacy concerns. The site and it's neighbour to the north will be separated by a 1.8m lapped and capped fence.

The finished floor level of proposed Dwelling 2 will be similar to the floor level of the neighbouring dwelling to the north. The windows facing the property to the north serve a hallway and the lounge room. The height of the fence is such that direct overlooking into the neighbouring windows from the lounge room will be adequately obscured. Overlooking from the hallway window and the bedroom windows on the upper floors do not raise any unacceptable overlooking concerns as these areas are unlikely to be areas of congregation.

4. *Concern with carparking with each unit having 3 or more vehicles.*

The DCP requires two car spaces be provided for each dwelling with more than two bedrooms. Four car parking spaces are proposed to be provided on site. Two spaces behind the building line and two hardstand spaces in front of the garages are proposed which complies with the requirements of the Oran DCP 2007. Due to the front setback provided there is space to accommodate 2 additional cars within the hardstand area in front of the dwelling.

5. *The dwelling does not comply with the standard of houses in Oran Park.*

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

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

(e) The public interest

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

EXTERNAL REFERRALS

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 892/2015 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
17/868	Site Analysis Plan	Phillip Spiros & Associates	16 July 2015
17/868	Waste Management & Soil Control	Phillip Spiros & Associates	16 July 2015
17/868	Site Plan	Phillip Spiros & Associates	16 July 2015
17/868	Landscape Plan	Phillip Spiros & Associates	16 July 2015
17/868	Plant Detail	Phillip Spiros & Associates	16 July 2015
17/868	Shadow Diagram	Phillip Spiros & Associates	16 July 2015
17/868	Ground Floor Plan	Phillip Spiros & Associates	16 July 2015
17/868	First Floor Plan	Phillip Spiros & Associates	16 July 2015
17/868	Elevation Plans	Phillip Spiros & Associates	16 July 2015
17/868	Elevation Plans	Phillip Spiros & Associates	16 July 2015

17/868	Section	Phillip Spiros & Associates	16 July 2015
17/868	Stormwater Plan	Phillip Spiros & Associates	16 July 2015
17/868	Material and Colour Scheme	Phillip Spiros & Associates	16 July 2015

Document Title			Prepared by	Date
BASIX Certificate No. 649816S_02			Annex Developments	20 July 2015
BASIX Certificate No. 649828_02			Annex Developments	20 July 2015
Waste Management Plan			Phillip Spiros & Associates	16 July 2015

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

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in

writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

- (6) **Boundary Fencing** - A 1.8m high lapped and capped fence must be constructed along both side boundaries to within 4.5m of the front boundary.
- (7) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (D of PC) of the Landscaping Works, the Applicant will have, for a 12 month period, the establishment and maintenance responsibility for all landscaping associated with this Consent.

The Date of Practical Completion (D of PC) is taken to mean completion of all civil works, soil preparation, planting, turf installation and mulching installation.

At the completion of the 12 month landscaping maintenance and establishment period, all landscaped areas detailed in the CC Landscaping Plans, must be in an undamaged, safe and functional condition and all planting's have signs of healthy and vigorous growth.

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 proposed residential development titled “Salinity Investigation and Management Plan Proposed Subdivision Tranches North Oran Park, prepared by Douglas Partners, Ref 34272.06, dated May 2013”.

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
OP & TR Contributions Plan	Open Space & Recreation – Land Acquisition	\$13,599.00 per lot or dwelling	\$13,599.00
OP & TR Contributions Plan	Open Space & Recreation - Works	\$8,790.00	\$8,790.00
OP & TR Contributions Plan	Open Space & Recreation - Project Management	\$194.00 per lot or dwelling	\$194.00
OP & TR Contributions Plan	Community Facilities – Land Acquisition	\$155.00 per net developable hectare	\$155.00
OP & TR Contributions Plan	Community Facilities - Works	\$1,709.00 per net developable hectare	\$1,709.00
OP & TR Contributions Plan	Community Facilities – Project Management	\$38.00 per net developable hectare	\$38.00
	Total		\$24,485.00

A copy of the Oran Park and Turner Road Precincts Section 94 Contributions Plan may be inspected at Council's Camden office at 37 John Street, Camden or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

- (7) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

3.0 - 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).

- (7) **Performance Bond** - Prior to commencement of works a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

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.
- (5) **Protection of Street Trees** - During development works relating to this Consent, the applicant is advised:
 - (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.
 - (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing rootguard barriers, are to be completed on a like for like basis with the same species, plant maturity, street alimnt with existing street trees, materials and initial installation standards and works for the successful establishment of the tree/s must be carried out prior to the issue of the Occupation Certificate.
 - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the Street Trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred.
 - (d) The inspection must occur prior to the issue of the Occupation Certificate.

6.0 – 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

RECOMMENDED

That Council approve DA 892/2015 for the construction of a two storey attached dual occupancy at 5 Kelly Street, Oran Park, subject to the conditions listed above.

ATTACHMENTS

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



ORD06

ORDINARY COUNCIL

ORD06

SUBJECT: SUBDIVISION OF ONE LOT INTO TWO AND CONSTRUCTION OF TWO DETACHED DOUBLE STOREY DWELLINGS, 50 RICHARDS LOOP, ORAN PARK
FROM: Director Planning & Environmental Services
TRIM #: 15/309018

APPLICATION NO: DA/2015/1076
PROPOSAL: Subdivision of one lot into two and construction of two detached double storey dwellings
PROPERTY ADDRESS: 50 Richards Loop, Oran Park
PROPERTY DESCRIPTION: Lot 4120 DP1186202
ZONING: R1 – General Residential
OWNER: Mr Abilash Chand
APPLICANT: Mr Abilash Chand

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for subdivision of one lot into two and construction of two detached double storey dwellings at 50 Richards Loop, Oran Park.

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

SUMMARY OF RECOMMENDATION

That Council determine DA/2015/1076 for subdivision of one lot into two and construction of two detached double storey dwellings 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 subdivision of one lot into two and construction of two detached two storey dwellings at 50 Richards Loop, Oran Park.

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

The DA was publicly exhibited in accordance with Camden Development Control Plan 2011. One (1) submission was received. **A copy of the submissions is provided with the Business Paper supporting documents.**

The issues raised in the submission relate to the development being a dual occupancy, non-compliance with the side setback, overshadowing and privacy concerns.

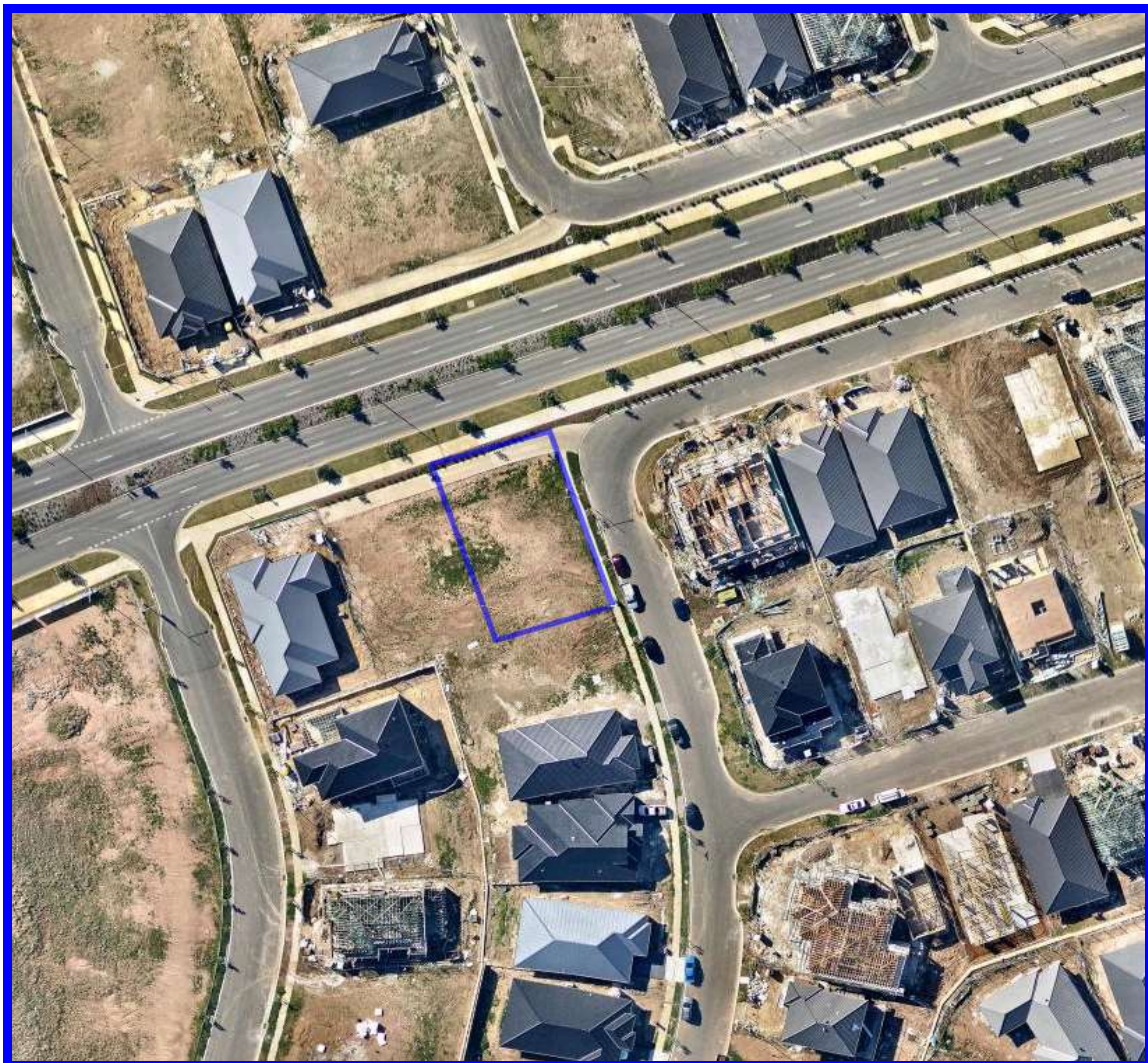
The proposed dwellings and subdivision are permitted with consent in the R1 General Residential zone under the provisions of the Growth Centres SEPP. The proposed development is compliant with all applicable planning controls outlined in the Oran Park DCP. It is considered that the proposed development is appropriate for the site and is consistent with the form of development envisaged for the area.

An objective of the R1 General Residential zone is “to provide for a variety of housing types and densities” which encourages a diverse range of housing for the area. The proposed development is considered appropriate for the site and the surrounding low density residential area.

The proposed development will not adversely impact the adjoining residents in terms of overlooking and overshadowing.

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 50 Richards Loop Oran Park, and is legally described as Lot 4120 DP1186202.

The site is rectangular in shape and has an overall area of 770m². The site has a frontage of 35m to Richards Loop Road, a frontage of 22m to Peter Brock Drive and a depth of 22m. Vehicular access to the site is denied from Peter Brock Drive.

The site is currently vacant, however a 3m wide driveway is located within the 5m wide right of carriage way easement which traverses the northern portion of the site. This driveway provides vehicular access to two lots to the west, known as 52 and 54 Richards Loop.

The adjoining properties to the south and west are currently vacant. The surrounding area is characterised by both developed residential lots containing both single and double storey dwellings and residential land which is currently being developed for housing.

The Oran Park Town Centre is located approximately 1.2km north east of the subject site.

HISTORY

There is no relevant development history for this site, other than the Development Consent for subdivision which created the lot.

THE PROPOSAL

DA 1076/2015 seeks approval for the subdivision of one lot into two, and construction of two detached double storey dwellings.

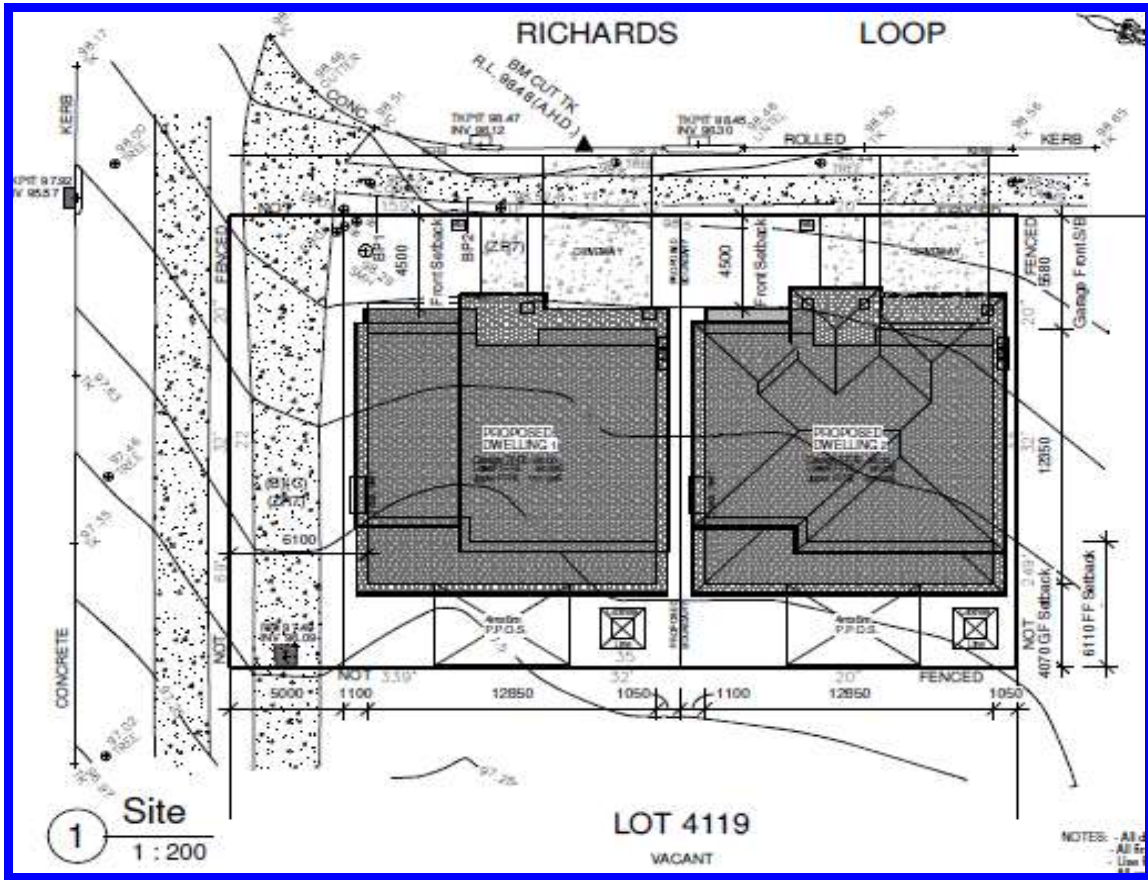
Specifically the proposed development involves:

- Construction of two double storey dwellings. Each dwelling contains 4 bedrooms and a double car garage. The dwellings will be constructed of brick veneer with a tiled roof;
- Construction of a separate driveway for each dwelling, landscaping and boundary fences; and
- Torrens title subdivision to create two lots - Lot A having an area of 440m² and Lot B an area of 330m².

The value of the works is \$550,000.

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

PROPOSED SITE PLAN



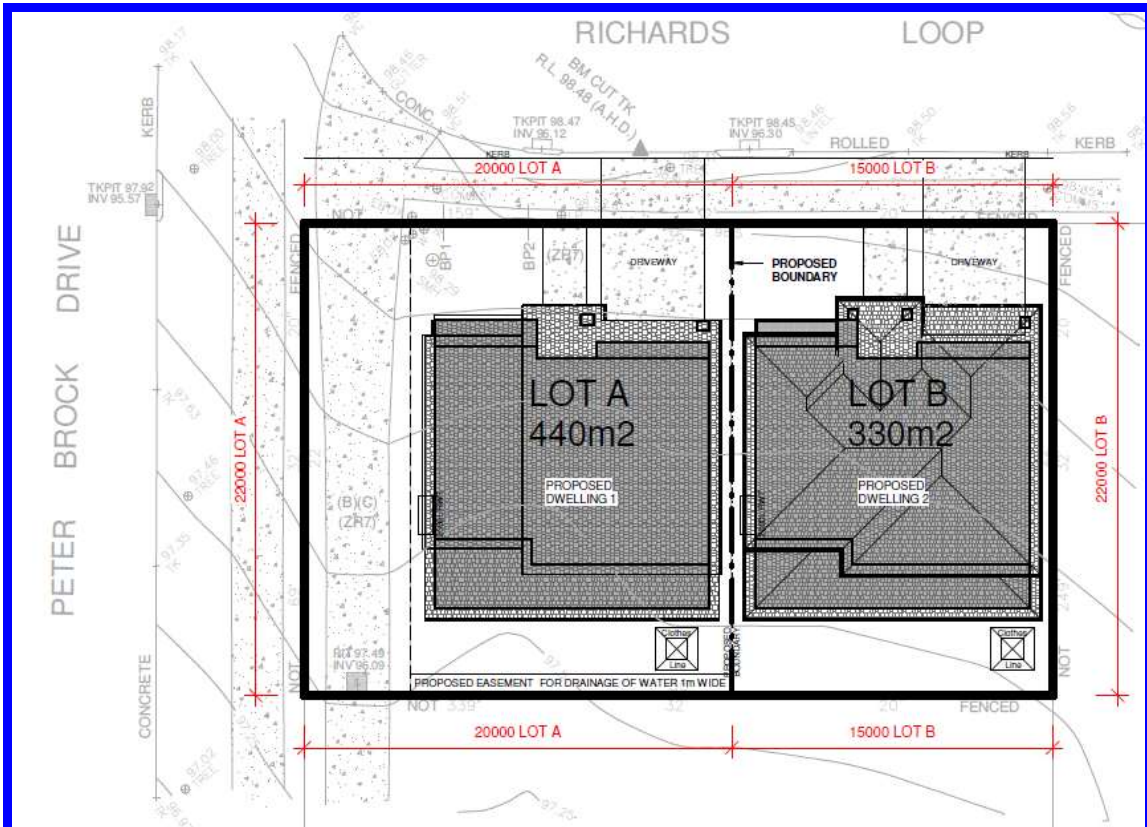


ORD06

PROPOSED ELEVATIONS



PROPOSED PLAN OF SUBDIVISION



ASSESSMENT

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

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

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

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

- State Environmental Planning Policy No 55 – Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy – South Western Growth Centres 2006
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River

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

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

Notwithstanding, a condition is recommended to ensure that if any unexpected contamination is identified during construction, all works cease and Council be notified.

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

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

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

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

Permissibility

The site is zoned R1 General Residential under the provisions of the SEPP. The proposed development is defined as “dwellings” by the SEPP which is a permissible land use in this zone. Subdivision of land is permissible with consent in accordance with Clause 2.6 of the SEPP.

Objectives

The objectives of the R1 General Residential are as follows:



- To provide for the housing needs of the community.

Officer comment:

The proposed dwellings will provide for the housing needs for the community.

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

Officer comment:

The proposed detached dwellings are an appropriate housing type in a residential zone. The proposed lot sizes are in excess of the minimum lot size of 300m² for dwelling houses. The development will add to the variety of housing types and densities being provided throughout the Oran Park precinct.

The following objectives are not relevant in this instance as the proposal is for residential development:

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

Relevant Clauses

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

Clause	Requirement	Provided	Compliance
4.1A Minimum Lot Size	Minimum lot size for dwellings is 300m ²	Lot A - 440m ² Lot B – 330m ²	Yes
4.3 Height of Buildings	Maximum 9.5m building height	Dwelling 1 – 7.4m Dwelling 2 – 7.5m	Yes

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

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



There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Conditions requiring appropriate sediment and erosion controls and a stabilised access point are recommended.

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

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

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

Oran Park Development Control Plan 2007 (DCP)

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

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



ORD06

Control	Requirement	Provided	Compliance
Acoustics	development shall be designed to comply with Council's Environmental Noise Policy	require that the dwellings are to be constructed in accordance with the acoustic report approved under the original subdivision consent.	
7.5.1 Site Analysis	A site analysis plan must be submitted for all development applications	A satisfactory site analysis plan has been submitted as part of the application	Yes
7.5.2 Cut and Fill	The maximum cut shall not exceed 1m	The site is relatively flat and no cut is proposed	Yes
	The maximum fill shall not exceed 1m	Max 200mm fill is proposed	Yes
	Fill within 2m of a property boundary shall be fully contained with the use of a drop edge beam with no fill permitted outside of this building footprint	Not applicable	Yes
	The use of a drop edge beam shall not exceed 1m above natural ground level	Not applicable	Yes
7.5.3 Sustainable Building Design	The provisions of BASIX apply The orientation of dwellings, location of living rooms and positioning and sizing of windows are to take advantage of solar orientation and maximise natural light penetration	A BASIX certificate for each dwelling has been provided and will be endorsed as part of the consent	Yes
7.6.2 Streetscape and Architectural Design	Primary façade of a dwelling must include two design features	The front façade of each dwelling provides architectural detailing by way of entry features, balconies and a mixture of building materials	Yes
	Corner lots should	Lot A has two frontages.	Yes



Control	Requirement	Provided	Compliance
	address the street and include design features	Richards Loop is the primary frontage. Dwelling 1 will be setback back 6.1m from the Peter Brock Drive frontage. The elevation facing Peter Brock Drive is considered appropriate given this side of the allotment accommodates the right of carriageway to the 2 lots known as 52 and 54 Richards Loop.	Yes
	Eaves should be a minimum of 450mm	450mm eaves are proposed for both dwellings	Yes
	Roof pitch for main dwelling to be between 22.5 and 35 degrees.	The roof pitch is 22.5 degrees for Dwelling 1	Yes
	Skillion roofs and roofs hidden from view by parapet walls are excluded from the control.	A skillion roof is proposed for Dwelling 2 and is 12 degrees.	Yes
	Front facades are to feature at least one habitable room with a window onto the street	Both dwellings have a habitable room with windows facing the street	Yes
7.6.1 Summary of key controls Table 18 - Lots with frontage with frontage width \geq 9m and \leq 15m	These controls are relevant for Lot B and Dwelling 2	The lot frontage for Lot B is 15m	Yes
7.6.3 Front Setbacks	4.5m to building façade line	Dwelling 2 – 4.5m	Yes
	3.0m to articulation zone	1m articulation zone proposed	Yes
	5.5m to garage line and 1m behind the building façade line	Garage setback for Dwelling 2 is 5.5m & 1.2m behind building façade line	Yes
7.6.4	Side setbacks -	Dwelling 2	Yes



ORD06

Control	Requirement	Provided	Compliance
Side and Rear Setbacks	0.9m at ground and first floor level	Lower 1m and 1.1m Upper 1m and 1.1m	
	Rear setbacks – 4m ground floor and 6m first floor	Dwelling 2 Lower 4m Upper 6.1m	Yes
7.6.5 Dwelling Height, Massing and Siting	2 storey maximum	Two storey proposed	Yes
	Site Coverage in accordance with Table 18 35% upper floor	Dwelling 2 upper floor 117m ² = 35%	Yes
7.6.6 Landscaped Area	Min 20% of lot area	119m ² landscaped area = 36%	Yes
7.6.7 Principle Private Open Space	PPOS requires a minimum 20m ² of the lot area and minimum dimension of 4m	Dwelling 2 has 51m ² of PPOS and provided with a minimum dimension of 4m	Yes
	50% of the PPOS(of both the proposed development and adjoining properties) is required to be to receive 3 hours of sunlight between 9am and 3pm on 21 June	The PPOS for Dwelling 2 and the adjoining properties will receive adequate sunlight. This has been demonstrated by the shadow diagrams submitted with the DA	Yes
	Principal private open space (PPOS) must be accessible from main living area of the dwelling	The PPOS is accessible from the main living areas of the dwelling	Yes
	Have a max gradient of 1:10	Max gradient 1:10	Yes
7.6.8 Garages, Site Access and Parking	Lots ≤ 15m		
	Single, tandem or double garages permitted	A double garage is proposed	Yes
	3 bedrooms or more, dwellings must provide at	2 car spaces are provided within the double garage	Yes



Control	Requirement	Provided	Compliance
	<p>least 2 car spaces</p> <p>Driveways shall comply with AS2890</p> <p>Double garage doors are to be a max of 6m wide</p> <p>Minimal internal dimensions for a double garage are 5.6m wide and 5.5m deep</p> <p>Minimum garage door width 2.4m (single) 4.8m (double)</p>	<p>The driveway proposed complies with AS2890</p> <p>The garage doors measure 4.8m wide</p> <p>The double garage complies</p> <p>The garage doors measure 4.8m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
7.6.1 Summary of key controls Table 19 - Lots with frontage with frontage width >15m	These controls are relevant for Lot A and Dwelling 1	The lot frontage for Lot A is 20m	Yes
7.6.3 Front Setbacks	<p>4.5m to building façade line</p> <p>3.0m to articulation zone</p> <p>5.5m to garage line and 1m behind the building façade line</p>	<p>Dwelling 1 – 4.5m</p> <p>0.8m articulation zones proposed</p> <p>The garage is setback 5.5m & 1m behind building façade line</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
7.6.4 Side and Rear Setbacks	<p>Side setbacks -</p> <p>Ground Floor 0.9m at both sides</p> <p>Upper Floor 0.9m Side A 1.5m Side B</p> <p>Rear setbacks – 4m ground floor and 6m upper floor</p>	<p>Dwelling 1</p> <p>6.1m and 1m</p> <p>6.1m Side A 1m Side B</p> <p>Ground Floor 4m Upper Floor 6.1m</p>	<p>Yes – A condition of consent will require the upper floor of Dwelling 1 to be amended to comply with the setback of 1.5m for Side B, this has been discussed with the</p>



ORD06

Control	Requirement	Provided	Compliance
	Corner Lots 2m from secondary street	The dwelling is setback 6.1m from Peter Brock Drive which is considered the secondary street in this instance	applicant. Yes
7.6.5 Dwelling Height, Massing and Siting	2 storey maximum Site Coverage in accordance with Table 19 Two storey dwellings 50% ground floor 30% upper floor	Two storey proposed Total ground floor coverage is 161m ² = 36% Upper floor 117m ² = 26%	Yes Yes Yes
7.6.6 Landscaped Area	Min 30% of lot area	140m ² landscaped area = 31%	Yes
7.6.7 Principle Private Open Space	PPOS requires a minimum 24m ² of the lot area and minimum dimension of 4m 50% of the PPOS(of both the proposed development and adjoining properties) is required to be to receive 3 hours of sunlight between 9am and 3pm on 21 June Principal private open space (PPOS) must be accessible from main living area of the dwelling Have a max gradient of 1:10	Dwelling 1 has 80m ² of PPOS provided with a minimum dimension of 4m The PPOS of the proposed development and adjoining properties will receive adequate sunlight. This has been demonstrated by the shadow diagrams submitted with the DA The PPOS is accessible from the main living areas of the dwelling Max gradient 1:10	Yes Yes Yes Yes
7.6.8 Garages, Site Access and Parking	Lots >15m Single, tandem or double garages permitted	A double garage is proposed	Yes

Control	Requirement	Provided	Compliance
	3 bedrooms or more, dwellings must provide at least 2 car spaces	2 car spaces are provided within the double garage	Yes
	Driveways shall comply with AS2890	The driveways will be conditioned to comply with AS2890	Yes
	Double garage doors are to be a max of 6m wide	The garage door is 4.8m wide	Yes
	Minimal internal dimensions for a single garage are 3m wide and 5.5m deep	The proposed garage complies	Yes
	Minimum garage door width 2.4m (single) 4.8m (double)	The garage door measures 4.8m	Yes
7.6.9 Visual and Acoustic Privacy	Direct overlooking of the main habitable area and private open space should be minimised	There will be no direct overlooking of main habitable rooms and POS of adjacent dwellings. A 1.8m high fence will obscure the view between the site and any future dwellings on adjoining lots.	Yes
	Habitable room windows are not to face adjoining dwelling windows & POS.	The upper floors of the development do not contain living areas so overlooking from the upper floor windows does not adversely impact upon adjoining allotments.	Yes
7.6.10 Fencing	Front fencing 1m	None proposed	Yes
	Side and rear fencing 1.8m	A condition of consent will require a 1.8m high boundary fence to be constructed along the side and rear boundaries of both lots. Fencing is also required to be provided on the lot in accordance with the Section 88b restriction registered on title. A condition of consent will also require compliance	Yes



ORD06

Control	Requirement	Provided	Compliance
		with these specifications.	
8.6 Safety and Surveillance	Buildings should be designed to overlook streets All development should aim to provide casual surveillance to the street by maximising outlooks and views and minimise the overlooking of neighbouring properties	The development has been designed to provide casual surveillance to the street by way of window treatment to the front façade.	Yes

Camden Development Control Plan 2011 (DCP)

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

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

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

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

(a)(iv) The Regulations

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

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

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 being a two (2) storey dual occupancy.

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

The DA was publicly exhibited for 14 days from 28 September 2015 to 11 October 2015. One (1) submission was received objecting to the proposed development.

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

1. *Privacy Issues.*

Officer comment:

The proposal is not considered to cause unacceptable overlooking and privacy issues. The windows facing the property to the south serve the garage and pantry on the ground floor and an ensuite on the upper floor. The subject site and its neighbour to the south will be separated by a 1.8m solid fence which is considered adequate to prevent overlooking at ground level.

The ensuite window on the upper floor is considered acceptable given its small size and the nature of its use.

2. *Overshadowing.*

Officer comment:

The height of the development is less than the maximum height allowed under the SEPP being 9.5m. The overshadowing caused by the development will not unreasonably impede solar access to the adjoining property to the south. There is no dwelling currently on this lot, however it is anticipated that the private open space for any future dwelling will be located at the rear of the lot.

The proposed development complies with the solar requirements of the DCP. The DCP requires 50% of the required PPOS (of both the proposed dwellings and the adjoining properties) receive at least 3 hours of sunlight between 9am and 3pm on the winter solstice. The shadow diagrams submitted as part of the application indicate a portion of the rear of the adjoining lot will be overshadowed for a few hours each day, this impact is considered reasonable in an urban context.



3. *Side Setback Non Compliance*

Officer comment:

The development fully complies with all setbacks and applicable planning controls outlined in the Oran Park DCP, with the exception of the upper floor setback of Dwelling 1. A condition of consent will require that the upper floor plan for Dwelling 1 is amended to comply with the 1.5m setback requirement. The applicant has been advised this condition will be a recommendation of the report.

4. *The suitability of dual occupancy on this site and in Oran Park.*

Officer comment:

The proposed development of two detached double storey dwellings and subdivision is permitted with consent in the R1 General Residential zone under the provisions of the Growth Centres SEPP. The proposed development will fully comply with all applicable planning controls outlined in the Oran Park DCP. It is considered that the proposed development is appropriate for the site and is consistent with the form of development envisaged for the area.

(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 considered to be in the public interest.

EXTERNAL REFERRALS

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1076/2015 is recommended for approval subject to the conditions contained in this report.

CONDITIONS

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
14018	Site Plan	Infinite Designs	11.08.2015
14018	Site/Waste Management Plan	Infinite Designs	11.08.2015
14018	Site Plan	Infinite Designs	11.08.2015
14018	Landscape Plan	Infinite Designs	11.08.2015
14018	Shadow Diagram	Infinite Designs	11.08.2015
14018	Lower Floor Plan	Infinite Designs	11.08.2015
14018	Upper Floor Plan	Infinite Designs	11.08.2015
14018	Elevations 1	Infinite Designs	11.08.2015
14018	Elevations 2	Infinite Designs	11.08.2015
14018	Section	Infinite Designs	11.08.2015
14018	Roof Plan	Infinite Designs	11.08.2015
14018	Subdivision Plan	Infinite Designs	11.08.2015
7482	Stormwater Design	Meares Consulting	24.08.2015
7482	Stormwater Design	Meares Consulting	24.08.2015

Document Title	Prepared by	Date
BASIX Certificate No. 667641S	Infinite Designs	18 September 2015
BASIX Certificate No. 667624S	Infinite Designs	18 September 2015

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

- a) protect and support the adjoining premises from possible damage from the excavation; and
- b) where necessary, underpin the adjoining premises to prevent any such damage.

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

- (6) **Boundary Fencing** - A 1.8m high solid fence must be constructed along all side and rear boundaries of Lots A and B.
- (7) **Fencing** – All fencing must be provided in accordance with the Section 88b restrictions numbered 14 and 15 registered on the parent lot (Lot 4120).
- (8) **Landscaping Maintenance and Establishment Period** - Commencing from the Date of Practical Completion (D of PC) of the Landscaping Works, the Applicant will have, for a 12 month period, the establishment and maintenance responsibility for all landscaping associated with this Consent.

The Date of Practical Completion (D of PC) is taken to mean completion of all civil works, soil preparation, planting, turf installation and mulching installation.

At the completion of the 12 month landscaping maintenance and establishment period, all landscaped areas detailed in the CC Landscaping Plans, must be in an undamaged, safe and functional condition and all plantings have signs of healthy and vigorous growth.

- (9) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.

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) **Modified Documents and Plans** - The development shall be modified as follows:
 - Revised plans shall be submitted to show the upper floor of Dwelling 1 on Lot A being setback a minimum of 1.5m from the side boundary.

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

- (2) **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.

- (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:
- the driveway shall comply with Council's Engineering Specifications;
 - the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - 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 proposed residential development titled "Salinity Investigation and Management Plan Proposed Subdivision Tranches 4-6 Oran Park, prepared by Douglas Partners, Ref 34272.23, dated December 2011".

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) **Acoustic Treatments for Dwellings** – The dwellings must be constructed in accordance with provisions contained within the Road Traffic Noise Assessment Report dated 10 April 2013 for Oran Park Tranche 2 Stage 1 prepared by Renzo Tonin & Associates, Ref TD029-17F05 (Rev 5).
- (6) **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.
- (7) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

3.0 - 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).

(7) **Performance Bond** - Prior to commencement of works a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.

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) **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 roof water 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.

- (4) **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.
- (5) **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.
- (6) **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) **Protection of Street Trees** - During development works relating to this Consent, the applicant is advised:
 - (a) That any nature strip street trees, their tree guards, protective bollards, garden bed surrounds or root barrier installation which are disturbed, relocated, removed, or damaged must be successfully restored at the time the damage or disturbance occurred.

- (b) Any repairs, relocations, reinstallations or replacements needed to the street trees, bollards, garden bed surrounds, tree guards or existing rootguard barriers, are to be completed on a like for like basis with the same species, plant maturity, street alignment with existing street trees, materials and initial installation standards and works for the successful establishment of the tree/s must be carried out prior to the issue of the Occupation Certificate.
 - (c) An inspection must be arranged with Council's Landscape Development Officer, to determine that the Street Trees and any protective or installation measures have been restored correctly and some degree of reestablishment has occurred.
 - (d) The inspection must occur prior to the issue of the Occupation Certificate.
- (5) **Subdivision Certificate** - The Subdivision Certificate must be obtained prior to the issue of any Occupation Certificate.

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

7.0 – Prior to Issue of a Subdivision Certificate

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

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Show Easements/ Restrictions On The Plan Of Subdivision** - The developer shall acknowledge all existing easements and/or restrictions on the use of the land on the final plan of subdivision.
- (3) **Burdened Lots To Be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (4) **Subdivision Certificate** - The issue of a Subdivision Certificate is not to occur until all conditions of this development consent have been satisfactorily addressed and all engineering works are complete, unless otherwise approved in writing by the PCA.

- (5) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
- a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (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
OP & TR Contributions Plan	Open Space & Recreation – Land Acquisition	\$13,599.00 per lot or dwelling	\$13,599.00
OP & TR Contributions Plan	Open Space & Recreation - Works	\$8,790.00	\$8,790.00
OP & TR Contributions Plan	Open Space & Recreation - Project Management	\$194.00 per lot or dwelling	\$194.00
OP & TR Contributions Plan	Community Facilities – Land Acquisition	\$155.00 per net developable hectare	\$155.00
OP & TR Contributions Plan	Community Facilities - Works	\$1,709.00 per net developable hectare	\$1,709.00
OP & TR Contributions Plan	Community Facilities – Project Management	\$38.00 per net developable hectare	\$38.00
	Total		\$24,485.00

A copy of the Oran Park and Turner Road Precincts Section 94 Contributions Plan may be inspected at Council's Camden office at 37 John Street, Camden or can be accessed on Council's website at www.camden.nsw.gov.au.



The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

RECOMMENDED

That Council approve DA 1076/2015 for subdivision of one lot into two and construction of two detached double storey dwellings at 50 Richardson Loop, Oran Park, subject to the conditions listed above.

ATTACHMENTS

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

ORDINARY COUNCIL

ORD07

SUBJECT: PUBLIC EXHIBITION OF RIPARIAN LANDS PLANNING PROPOSAL (GREGORY HILLS) & AMENDMENTS TO TURNER ROAD DCP AND GREGORY HILLS VPA

FROM: Director Planning & Environmental Services

TRIM #: 15/286633

PREVIOUS ITEMS: ORD02 - Riparian Lands Planning Proposal - Turner Road Precinct - Ordinary Council - 28 Apr 2015 6.00pm

PURPOSE OF REPORT

The purpose of this report is to seek Council’s endorsement to publicly exhibit the planning package in relation to the Riparian Lands Planning Proposal for Gregory Hills. The package includes an updated Planning Proposal, proposed amendments to the Turner Road Development Control Plan (draft DCP) 2007 and proposed amendments to the Gregory Hills Voluntary Planning Agreement (draft VPA).

BACKGROUND

The subject land is located within the Gregory Hills portion of the Turner Road Growth Centre Precinct as shown in **Figure 1 below**.

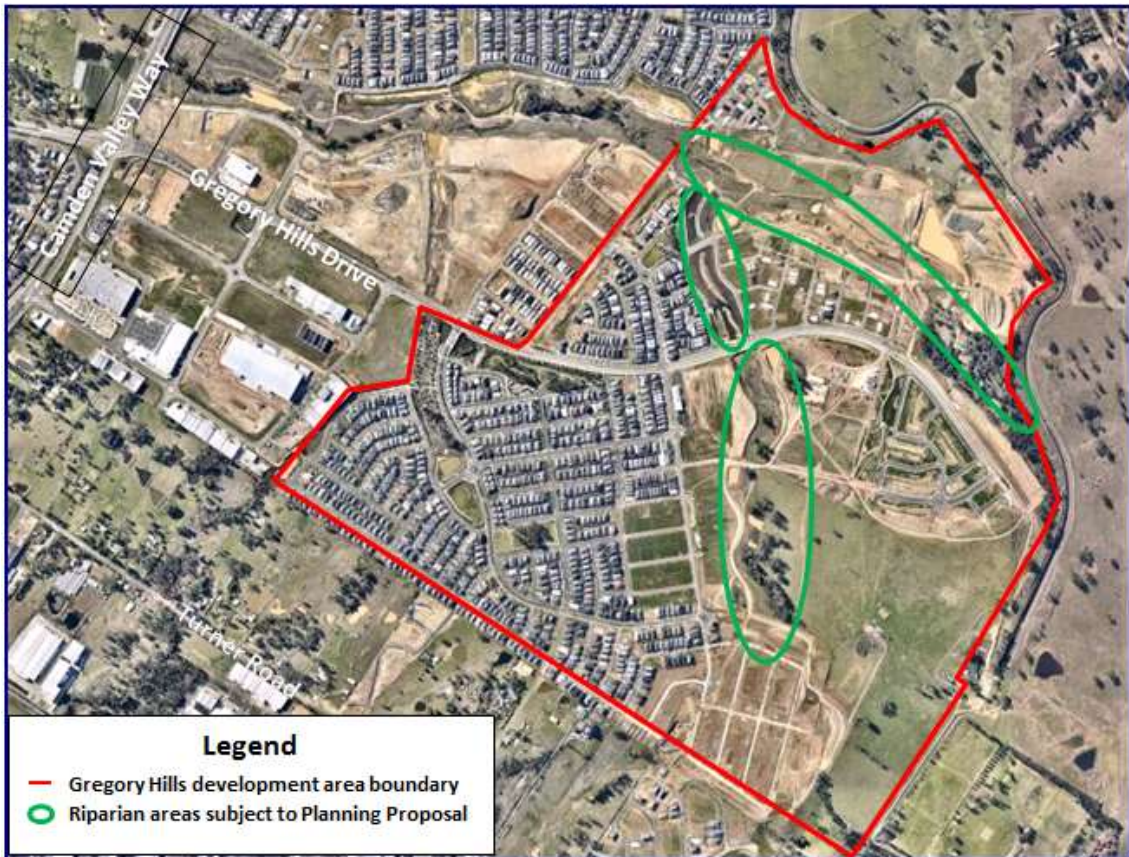


Figure 1: Locality Map (Source: Nearmap)

Council received a Planning Proposal from Dart West Developments Pty Ltd (proponent) to rezone land within the Turner Road Growth Centre Precinct in response to new State Government guidelines relating to the width of riparian corridors which were released in 2012. This change in policy occurred after the Turner Road Precinct was rezoned in 2007.

The Planning Proposal sought to rezone riparian land from E4 Environmental Living (approximately 6.45 hectares) to R1 General Residential (approximately 4.33 hectares) and RE1 Public Recreation (approximately 2.12 hectares).

At its meeting of 28 April 2015, Council considered the Planning Proposal and resolved to:

- i. endorse the Planning Proposal for the rezoning of riparian lands within the Gregory Hills portion of the Turner Road precinct;*
- ii. forward the Planning Proposal to the Department of Planning & Environment for Gateway determination and advise that the matter be placed on public exhibition for 28 days;*
- iii. require a further report to allow consideration of the planning package including the Planning Proposal, draft DCP and draft VPA prior to public exhibition; and*
- iv. prepare a further report for Council consideration at the conclusion of the public exhibition period.*

Council has received a Gateway Determination in support of the proposed rezoning. In accordance with the resolution of 28 April 2015, a draft DCP and VPA have been prepared for Council's consideration prior to going on public exhibition. This information was presented to the Councillors at the Council Meeting held on 10 November 2015.

In addition to amendments generated by the Planning Proposal, a range of housekeeping amendments are proposed to the DCP and VPA, which are not directly related to the Planning Proposal.

The Planning Proposal is provided as **Attachment 1 to this report**. The draft Turner Road DCP as **Attachment 2** (provided under separate cover due to large size), and supporting summary document is provided as **Attachment 3**. The draft Gregory Hills VPA is also provided as **Attachment 4 to this report**.

MAIN REPORT

The key issues in relation to the Planning Proposal and the proposed amendments to the draft DCP and draft VPA are discussed in further detail in the following sections.

Planning Proposal

Gateway Determination

On 13 August 2015, Council received a Gateway Determination from the Department of Planning and Environment (DPE) with approval to proceed with the rezoning. The Gateway Determination is provided at Appendix 3 of the Planning Proposal as per **Attachment 1 to this report**.

The Gateway Determination requires that Council consult with NSW Rural Fire Service (RFS) prior to proceeding to public exhibition. RFS has provided a formal response, indicating that they have no concerns or issues in relation to the draft Planning



Proposal (refer to Appendix 14 of the Planning Proposal as per **Attachment 1 to this report**).

The Gateway Determination also requires consultation with the following public authorities:

- Office of Environment and Heritage (OEH);
- Sydney Water; and
- Endeavour Energy.

Whilst the Gateway Determination did not require the above public authorities to be consulted prior to public exhibition, Council officers have commenced dialogue to streamline the consultation process (during exhibition).

Formal correspondence was received from OEH in relation to the Riparian Corridor Flood Study (which is discussed in the following section). To date, no responses have been received from Sydney Water and Endeavour Energy. Should responses be received, they will be considered post exhibition.

The amendments to the Planning Proposal as per the Gateway Determination are minor and do not materially affect the intended outcomes, and have been incorporated into the Planning Proposal.

Additional Studies

In accordance with the previous Council report, a detailed drainage and flood modeling study was undertaken.

The Flood Study assesses the impact on the revised riparian corridors on flood levels and demonstrates the effects of the existing and proposed drainage basins across the whole Gregory Hills development area.

As a result, a basin located adjacent to the northernmost section of the linear open space park can be deleted as the water is appropriately managed by changes to the basin capacity within the development area. The deletion of this basin will result in approximately 4,000m² of land not required for water management purposes. If used for residential purposes, this would equate to approximately 7 additional lots, or a total of 67 additional lots.

The increase of 7 additional lots is considered reasonable as this land is zoned residential, and is no longer required for drainage purposes. There are no existing residents within the vicinity of the proposed additional lots. Contribution towards the provision of local infrastructure for these lots will be dealt with in the VPA amendment.

The Flood Study has been reviewed by Council officers and the Office of Environment and Heritage (OEH). The formal response provided by OEH is included as Appendix 15 to the Planning Proposal as per **Attachment 1 to this report**. OEH requested further modelling be undertaken, which has been completed. OEH will be updated on this matter upon the commencement of public exhibition. The Flood Study is supported as it has been demonstrated that flooding can be managed on-site and that the flood extent will be contained within the proposed riparian corridors.

Proposed DCP Amendments – Planning Proposal

The proponent is seeking to amend the Turner Road DCP 2007 as a result of the proposed rezoning of riparian land. In addition, a range of housekeeping amendments are proposed, which are discussed below. The proposal involves the inclusion of a revised Indicative Layout Plan (ILP) as shown in **Figures 2 and 3** and a number of DCP Figures as shown in **Attachments 2 and 3** to this report.

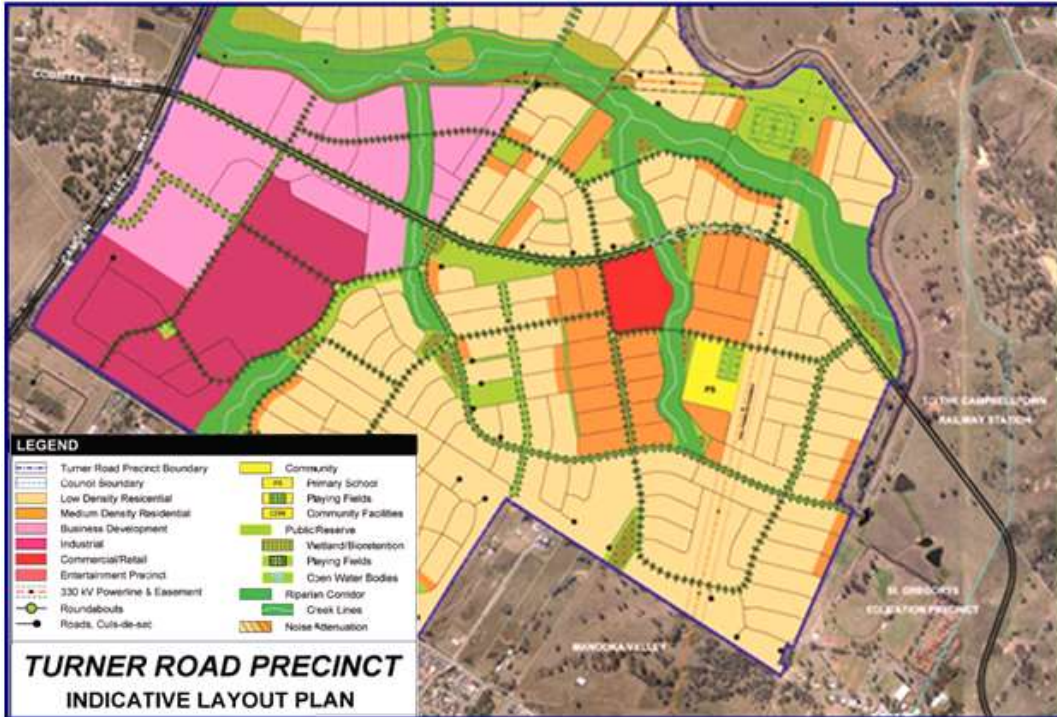


Figure 2: Existing Turner Road ILP (Source: Turner Road DCP 2007)

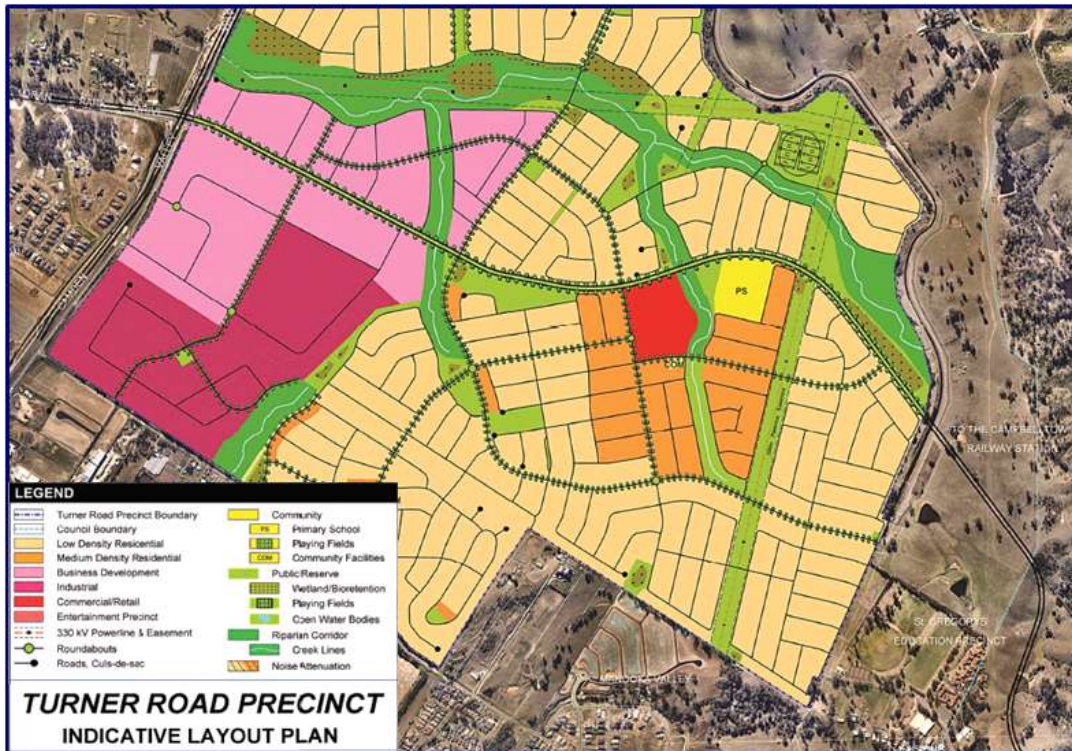


Figure 3: Proposed Turner Road ILP (Source: Draft Turner Road DCP 2007)
Reduction of Existing Riparian Corridor Areas

The Planning Proposal seeks to reduce the riparian corridor widths to be consistent with the revised riparian guidelines released by the former NSW Office of Water in 2012. The proposal includes the removal of 6.45 hectares of riparian corridor land which will instead be provided as approximately 4.33 hectares of residential land and approximately 2.12 hectares of land for public open space.

The proposed reduction to the riparian corridor widths have not changed from the Council resolution in April this year. Therefore, it is sought to have these proposed changes incorporated into the draft DCP amendment to formalise this proposal.

Increase in Public Open Space Areas

The Planning Proposal proposes approximately 2.12 hectares of additional passive open space (not including the revegetated 'riparian style' corridor), which includes a new town centre park between the town centre and proposed primary school and an area south of the town centre and will include embellishments such as cycleways and park furniture (refer **Figure 4 below**).

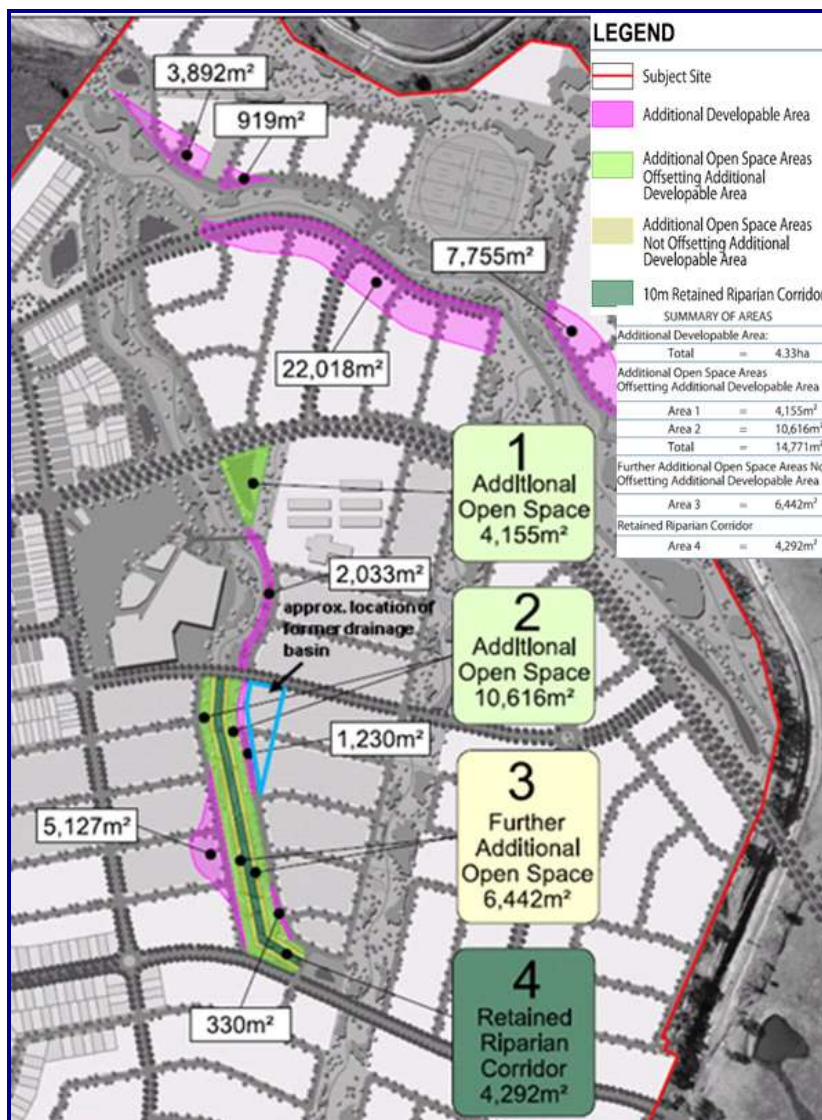


Figure 4: Riparian Corridors Areas Map (Source: DartWest)

0.32 hectares of open space land adjacent to the riparian corridor south of Gregory Hills Drive will be increased by an additional 0.41 hectares which is no longer required for drainage purposes due to revisions to the water cycle management system. This will result in a total of 0.73 hectares of land which the proponent will embellish and dedicate to Council as a future town park adjacent to the Gregory Hills Town Centre and future primary school.

The proposed changes to open space areas are in accordance with the Planning Proposal, which has not changed from the Council resolution in April this year. Therefore, these changes are sought to be shown in the relevant sections of the draft DCP.

Stormwater Drainage Basins

The DCP requires amendment to reflect the removal and resizing of drainage basins within the Gregory Hills development. A Flood Study was prepared by the proponent in support of these changes.

This study supports the deletion of a drainage basin as shown in **Figure 5 below**, as it is no longer required as part of the water cycle management system.

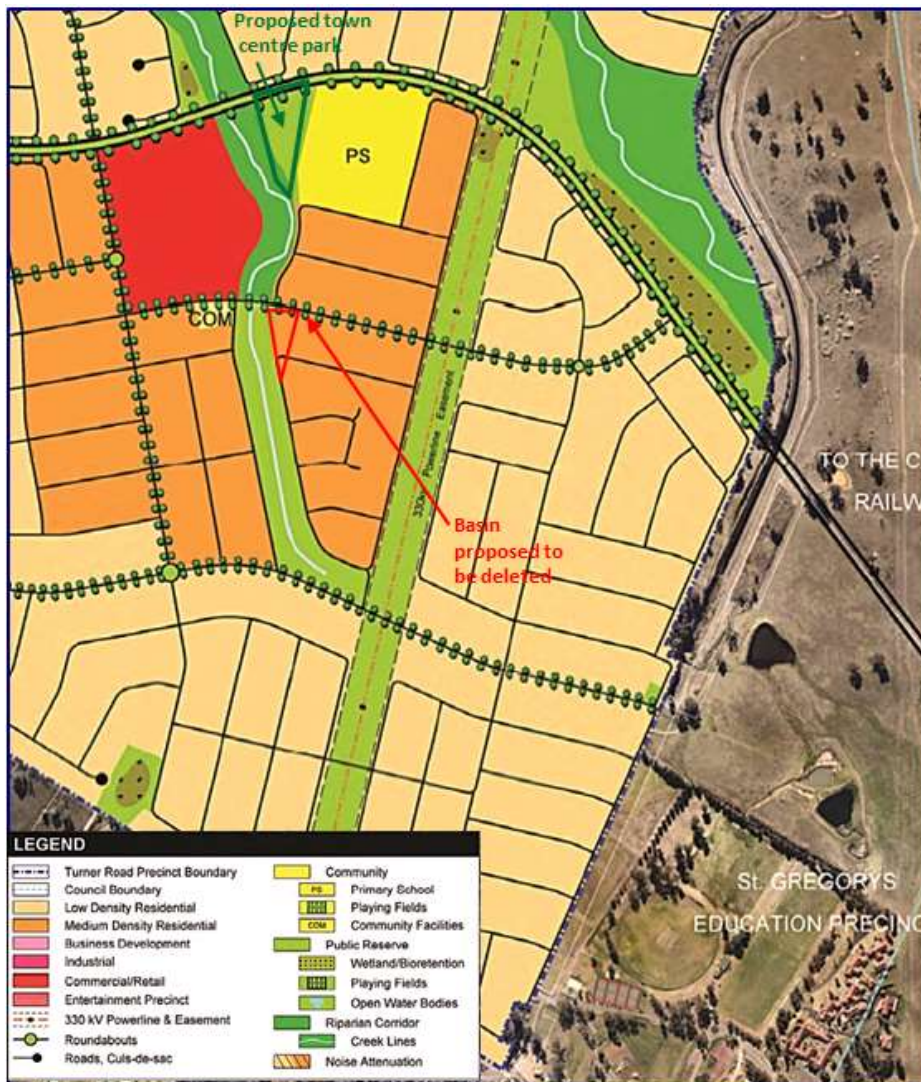


Figure 5: Excerpt from Proposed ILP (Source: Draft Turner Road DCP 2007)



The land that the basin encompasses is zoned Residential R1, and had it not been required for drainage purposes, it could have been developed. As previously mentioned, the deletion of the basin is likely to result in 7 additional residential lots. The development contribution obligations associated with these 7 additional lots is captured in the proposed amendments to the VPA.

The proposed changes (including the deletion of the basin in **Figure 5**) to the drainage basins in the DCP are supported, given the flood study indicates there is no increase to stormwater flows both within and external to the Gregory Hills development and no increased flooding risk as a result of the proposed rezoning.

Revised DCP Controls

It is proposed to include two (2) new development controls into the DCP as outlined below:

Section 4.1 – New Control (8)

‘The southern extent (south of Kavanagh Street) of the tributary to South Creek is to be provided as high quality, embellished open space. This linear park is to incorporate a 10 metre wide strip of riparian style embellishment along its length, generally located in the centre of the park’.

The rationale behind the inclusion of this control is to ensure that the new linear open space area (formerly riparian corridor) is consistent with the Planning Proposal.

Section 6.1 – Amended Control (1)

‘Riparian corridors are to be provided in accordance with the Oran Park and Turner Road Waterfront Land Strategy 2009 (The Strategy), except where located within Gregory Hills. The Strategy no longer applies where riparian land has been rezoned in accordance with State Environmental Planning Policy (Sydney Region Growth Centres) 2006’.

This control is proposed to be amended given the Waterfront Land Strategy (The Strategy) mapped all riparian corridors (including those applicable to the subject site) for both the Oran Park and Turner Road Growth Centre Precincts. It was adopted in 2009 and reflected the riparian corridor widths at the time.

Based on the above, it is proposed to ‘switch off’ the Waterfront Land Strategy for ex-riparian corridor areas within the Gregory Hills development. This will ensure another option is available for Council officers when assessing future development applications requiring assessment against The Strategy. Development applications that are not consistent with The Strategy will require referral to Department of Primary Industries – Water (formerly NSW Office of Water) as Integrated Development.

Proposed DCP Changes – Housekeeping

The proponent is also seeking housekeeping amendments to the DCP, which include changes to the ILP/DCP to be consistent with development already approved or constructed in Gregory Hills. The key changes are discussed below.

Indicative Road Layout

The proponent has revised the indicative road layouts and street network pattern across the entire development area. The proposed changes are supported as they will reduce the number of cul-de-sacs and intersections within the development whilst providing a more consistent grid pattern layout which improves vehicular and pedestrian access and permeability.

Pedestrian and Cycle Network

The pedestrian and cycleway network will be amended in the DCP to show the shared pedestrian and cycle path through the transmission easement open space area which was not previously shown in Figure 17 of the DCP.

This change to the DCP is supported as it provides greater connectivity for pedestrian/cyclist movement within the community and also provides a green space 'link' as demonstrated in the proposed ILP.

Changes to School and Indicative Child Care Centre Locations

The proposed primary school site has been relocated to adjacent to Gregory Hills Drive as shown as DCP Figure 20 in **Attachments 2 and 3 to this report**. This location was sought in negotiation with the NSW Department of Education and Communities who has provided formal correspondence in support of the revised location.

It is also proposed to remove one of the indicative locations for a child care centre from east of the town centre site as shown in DCP Figure 20 in **Attachments 2 and 3 to this report**. Figure 20 of the DCP shows one location within Central Hills Business Park and two within the residential area of Gregory Hills. The first centre (to the west of the town centre) opened this year in the location shown on the revised Figure 20. Two centres have also been approved within Central Hills Business Park.

Reduction and Consolidation of Medium Density Areas

The proponent proposes to remove the medium density residential areas shown in scattered locations around the remaining areas to be developed. The medium density areas will be concentrated within close proximity to the town centre. The reduction is in part due the release of the Housing Diversity Package, which provides a mix of housing types and styles to achieve a slighter higher density than what was previously delivered in low density residential areas.

The proponent will achieve the Turner Road DCP Residential Density Target for Gregory Hills, which is a total of 2,402 dwellings. The changes are supported as the proponent is forecasting to a total lot production of 2,467 lots, which will not exceed a rate of 15 dwellings/hectare.

Proposed VPA Amendment

The proponent is seeking to amend the Gregory Hills VPA due to the proposed changes resulting from the Planning Proposal. In addition, there are separate housekeeping amendments proposed. These changes are discussed further below.



Planning Proposal Changes

The Gregory Hills VPA is required to be amended due to Planning Proposal changes as follows:

- VPA Staging Plan to reflect the revised ILP and SEPP maps;
- reduction of the amount of riparian land to be embellished and dedicated as per the works schedule;
- the embellishment and dedication of the additional public open space;
- provision for an embellished town centre park (due to drainage area being moved online within riparian corridor); and
- increase in size of local infrastructure (i.e. proposed community centre) due to additional dwelling yield within the Gregory Hills development.

As a result of the proposed changes to development area, there is likely to be an additional 67 lots (60 lots arising from the proposed rezoning and 7 lots as a result of deletion of a basin), which generates a development obligation of approximately \$1.3M (indexed to March 2012). This amount has been included in the calculation of contribution obligations and cash settle up arrangements.

Changes to community facilities and open space areas (including town centre park) are discussed further below.

The proposed community centre site is proposed to increase by 20m² from 1288m² to 1308m² and the building area increases by 8m² from 515m² to 523m² due to the increase in development yield. The location of the community centre was not previously shown on the VPA Staging Map, despite being a deliverable item in the VPA works schedule.

This change is supported on the basis the proposed location of the community centre (refer **Figure 6 on the following page**) is generally consistent with existing Figure 20 in the DCP as shown in **Attachments 2 and 3 to this report**.

The proposed town centre park (as shown in **Figure 6**) is a new VPA item, which is being provided due to the relocation of a drainage basin online within the riparian corridor area as per the current State riparian guidelines. The proposed park has a size of 7,336m² and has a total works value of \$1.9M, being approximately \$1.1M above the previous commitment. The value of the town centre park was derived using the rate for community parks (OS4.1) as per the Oran Park and Turner Road Section 94 Contributions Plan. This rate reflects the higher level of embellishment associated with the delivery for a town centre park. This change is supported as it formed part of the offer made by the developer when requesting the riparian land rezoning and will provide community benefit given its prominent location and proximity to the future shopping centre and school.

The developer is also proposing to provide open space embellishment to the area shown as linear open space as per **Figure 6**, in lieu of the previous riparian style embellishment. This is in addition to the Town Park. This offer includes an additional approximate \$1.4M of works above the previous commitments, although some of these previous commitments were not given a "credit" under the VPA as they related to riparian corridor works which were to be provided at no cost to Council. This change is also supported as it formed part of the offer made by the developer when requesting the rezoning and will provide usable open space that will contribute to the amenity and recreation opportunities for residents.

Taking into consideration the additional public benefits offered by the developer, the increased development yield (and subsequent contribution obligations) and other adjustments to rates/land areas based on approvals, the overall cash position is that the developer will be required to make a monetary payment of \$10,459,672 (indexed at time of payment from the March 2012 CPI quarter). This is approximately the same as is required under the current VPA (being \$10,499,155). The obligations required by the additional 67 lots have been met through the provision of land and higher levels of public open space embellishments, in addition to an increase in the size of the community centre. The developer remains obligated to provide all necessary road and drainage infrastructure to support the development. As a result, the proposed amendments to the VPA are supported and will not negatively impact Council's financial position.

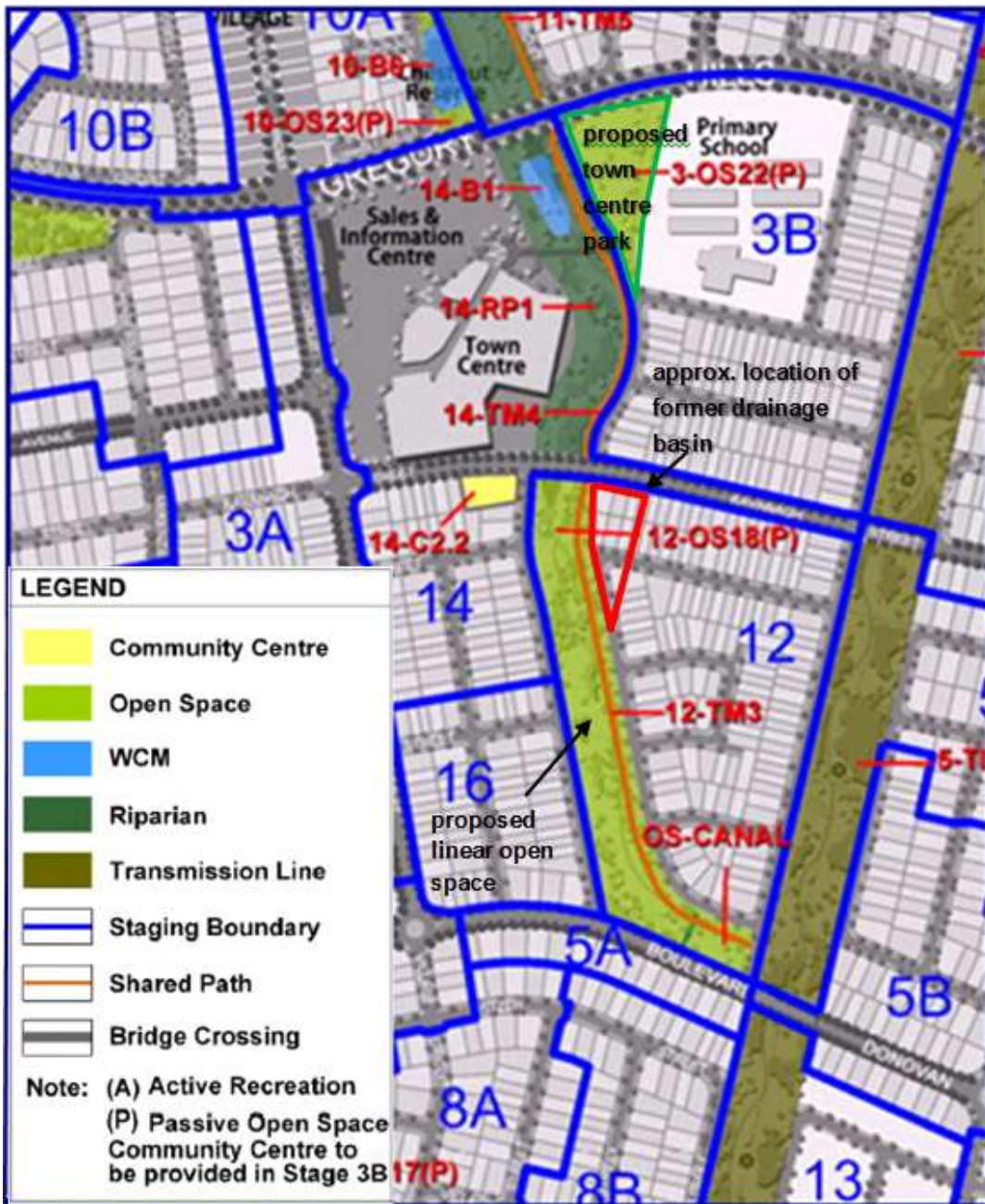


Figure 6: Excerpt from VPA Staging Map (Source: Draft Gregory Hills VPA)

Housekeeping Changes

The proponent is also seeking to make minor housekeeping changes such as updating the maps and works schedule to reflect consents that have been granted. It is also proposed to replace the existing schedule of contribution items with a new one. This reason for this is the schedule had become unreadable due to the number of changes being made. This change was supported by Council's Development Contribution Management Committee, who endorsed the revised schedule of contribution items.

Next Steps

The following steps will occur if Council resolves to support the proposed changes to the Planning Proposal, draft Turner Road DCP and draft Gregory Hills VPA:

- the planning package will be placed on an extended public exhibition period of six (6) weeks given that it will be exhibited over the holiday period;
- a copy of the draft DCP will be forwarded to Department of Planning and Environment (DPE) and relevant public authorities at the same time it is placed on public exhibition;
- if no submissions received:
 - the Planning Proposal will be forwarded to DPE to make the plan; and
 - the General Manager to use delegated authority to adopt the DCP and the VPA to be executed using Council's Power of Attorney; and
- if any submissions are received, require a further report to Council outlining the result of public exhibition.

FINANCIAL IMPLICATIONS

The proposed changes to the VPA will increase the total contribution value of the VPA commensurate with the additional development land and additional public open space (i.e. town centre park). There will be maintenance costs associated with the revisions to the open space network, however, there will also be some reduction in costs associated with the maintenance of basins and riparian land.

CONCLUSION

The proposed changes to the DCP and VPA are largely as a result of the proposed rezoning of riparian corridors within Gregory Hills. All matters pertaining to the proposed DCP and VPA changes have been resolved to the satisfaction of Council officers. Therefore, it is recommended that the Planning Proposal, draft DCP and draft VPA proceed to public exhibition following Council's endorsement.



RECOMMENDED

That Council:

- i. endorse the planning package for the purposes of publicly exhibiting the Planning Proposal, Draft Turner Road DCP and Draft Gregory Hills VPA for an extended period of six (6) weeks (due to the holiday period) in accordance with the provisions of the Act and Regulations;**
- ii. forward a copy of the Planning Proposal to the public authorities as required by the Gateway Determination;**
- iii. forward a copy of the draft DCP to the Department of Planning and Environment in accordance with delegations dated 19 January 2015; and**
- iv. subject to no submissions being received:**
 - a. forward the Planning Proposal to the Department of Planning and Environment for gazettal;**
 - b. grant delegation to the General Manager to adopt the proposed changes to the Turner Road DCP in accordance with Delegations dated 19 January 2015;**
 - c. execute the Deed of Variation and amended Gregory Hills VPA, pursuant to Council's Power of Attorney granted on 27 August 2013, Minute Number ORD215/13, or by affixing the Common Seal of Council;**
 - d. publicly notify the adoption of both the DCP and VPA in accordance with the provisions of the Act and Regulations; or**
- v. if there are any submissions, require a further report outlining the result of the public exhibition of the Planning Proposal, draft DCP and VPA amendment for Council's consideration.**

ATTACHMENTS

- 1. Riparian Lands Planning Proposal - Gregory Hills - November 2015**
- 2. Summary of Changes - Turner Road DCP - November 2015**
- 3. Draft Gregory Hills VPA - November 2015**



ORD08

ORDINARY COUNCIL

ORD08

SUBJECT: PROPOSED AMENDMENTS TO CAMDEN LEP 2010 (NO 32) AND CAMDEN DCP 2011 - LOT 24 DP 1086823 CRASE PLACE, GRASMERE

FROM: Director Planning & Environmental Services

TRIM #: 15/262469

PREVIOUS ITEMS: ORD01 - Proposed amendments to Camden LEP 2010 (No 32) and Camden DCP 2011 - Lot 24 DP 1086823 Crase Place, Grasmere - Ordinary Council - 11 Aug 2015 6.00pm
ORD02 - Planning Proposal - Amendment 32 Crase Place, Grasmere - Ordinary Council - 22 Apr 2014 6.00pm

PURPOSE OF REPORT

The purpose of this report is to advise Council of the public exhibition outcomes relating to a Planning Proposal and draft amendment to Camden Development Control Plan 2011 (Camden DCP 2011) for Lot 24 in DP 1086823 Crase Place, Grasmere. This report recommends that Council adopt the Planning Proposal and draft Camden DCP 2011 (as revised) and forward the Planning Proposal to Parliamentary Counsel for making of the plan. The Planning Proposal is **provided as Attachment 1 to this report. The Planning Proposal Appendices are provided under separate cover.**

BACKGROUND

A draft Planning Proposal for Lot 24 in DP 1086823 Crase Place, Grasmere was submitted to Council on 14 February 2014 to rezone the subject land to 'R5 - Large Lot Residential' and amend the minimum the lot size to facilitate four residential large lots. At the meeting of 22 April 2014, Council resolved to forward the draft Planning Proposal to the Department of Planning and Environment (DPE) for Gateway determination. The Gateway determination was issued from DPE on 15 August 2014. As required by the Gateway determination, a number of specialist studies were prepared to support the Planning Proposal including odour assessment and visual impact assessment.

Due to the technical nature of these reports, and the requirement to source monitoring data from Sydney Water this process was protracted.

On 11 August 2015, Council resolved to publicly exhibit the Planning Proposal and draft DCP amendments for a period of 28 days and to consider a further report detailing the outcomes of the exhibition. The Planning Proposal was exhibited from 19 August 2015 to 16 September 2015. During the public exhibition period seven (7) submissions were received which included two (2) objections from adjoining land owners. Councillors were briefed on the outcome of the public exhibition on 27 October 2015.

MAIN REPORT

Subject Site

The subject site has an area of 5.6ha and is accessed from an existing cul-de-sac (Crase Place). The site contains no existing structures. The surrounding land is characterised by large rural residential lots on undulating hills. To the west of the site is a riparian corridor consisting of two dams, swales and a cycle path which connects Benwerrin Crescent with Werombi Road. Directly opposite the site is the West Camden Water Recycling Plant (West Camden WRP) which is owned and operated by Sydney Water. A location map for this site is shown in **Figure 1**.



Figure 1 – Locality Map. (Source: Nearmaps, 2015)

Proposal

The Planning Proposal seeks to rezone the subject site to 'R5 - Large Lot Residential' under Camden Local Environmental Plan 2010 (Camden LEP 2010). The site is currently partially zoned 'RU1 - Primary Production' and part 'R5 - Large Lot Residential' as shown in **Figure 2**.

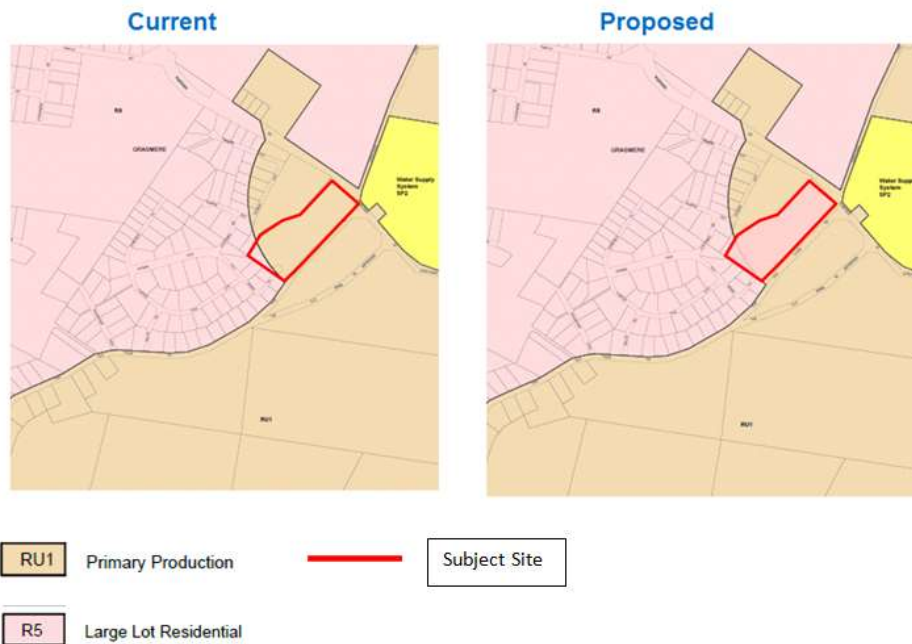


Figure 2: Current and proposed zoning under Camden Local Environmental Plan 2010

The following table provides a summary of the proposed changes.

Table 1: Comparison of existing and proposed provisions under Camden LEP 2010

	Existing	Proposed
Zoning	RU1 - Primary Production and R5 - Large Lot Residential.	R5 - Large Lot Residential
Minimum Lot Size	Currently the site has two minimum lot sizes: 40ha and 4000sqm.	Two minimum lot sizes are proposed: 4ha and 4000sqm.

The rezoning will facilitate four large residential lots as represented in the draft indicative lot layout plan in **Figure 3**. The proposed 4000sqm minimum lot size (coloured pink) is consistent with the zone objectives of 'R5 - Large Lot Residential'. The proposed 4ha minimum lot size (coloured purple) prohibits further subdivision and will not enable additional large lot rural residential dwellings. This restriction is a reflection of the constraints on this lot due to odour from the West Camden WRP.

Within the R5 zoning the highest residential use will enable attached dual occupancies, which could facilitate a total of eight (8) dwellings on the site (two (2) per lot).

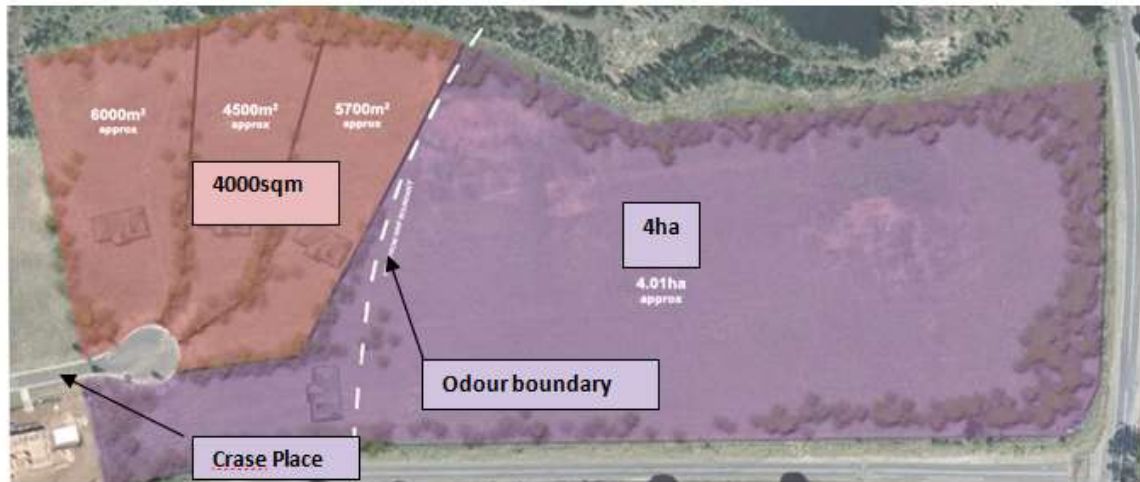


Figure 3: Indicative Lot Layout. (Source: SitePlus, 2014)

Draft amendments to Camden DCP 2011

A draft site specific amendment relating to Parts C (Residential Subdivision) and Part D (Controls Applying to specific Landuses/Activities) of the Camden DCP 2011 has been prepared as a result of the specialist studies. The specialist studies included odour assessment, land capability and visual impact assessment. A copy of the draft amendments to Camden DCP 2011 as exhibited is provided as **Attachment 2 to this report**.

Public Exhibition

In accordance with the Gateway determination and the Environmental Planning and Assessment Regulation 2000, the Planning Proposal and draft DCP amendments were publically exhibited for a period of 28 days from 19 August 2015 to 16 September 2015. A notification was placed in the local newspaper, with the exhibition material available on Council's website and available at Council's Customer Service Centres and Libraries. A letter was also sent to land owners in the proximity of the subject site inviting comment on the proposal.

In accordance with the Gateway determination, Council consulted with the following public agencies during the public exhibition period:

- NSW Rural Fire Service;
- Sydney Water;
- Endeavour Energy; and
- Department of Primary Industries (DPI Water).

The public authorities raised no objection to the Planning Proposal. Copies of all the Public Agency submissions received during public exhibition are provided as **Appendix P to the Planning Proposal (Separate Cover)**. Council's response to the public authority submissions received are summarised in **Table 2**.

Council received three (3) submissions from landowners during the public exhibition period. This included two (2) objections and one (1) submission in support of the Planning Proposal subject to design recommendations. Copies of submissions are



provided as supporting documents. Council's response to the submissions received are detailed below.

Table 2 - Summary of submissions

Submitter	Issue	Comment
NSW Rural Fire Service	The RFS notes that a portion of the site is identified as bush fire prone land on the Camden Bush Fire Prone Land Map. As such future development will be subject to the requirements of Section 79BA of the Environmental Planning and Assessment Act 1979 and Section 100B of the Rural Fires Act 1997.	Noted.
	The RFS note that Special Fire Protection Purpose (SFPP) developments are permissible within the 'R5 Large Lot Residential' zone. SFPP developments require greater consideration in regards to bush fire protection and evacuation.	Sensitive land uses such as bed and breakfast accommodation, home-based child care and community facilities are permissible in the R5 zone. Should a Development Application be received for a SFPP development, it will be assessed against the relevant Planning for Bushfire requirements.
Sydney Water	Sydney Water is satisfied with the plans put forward as part of the Planning Proposal to develop within 400m of the West Camden WRP. All future dwellings built on the subject site should be no closer than 300m from the West Camden WRP.	Noted. A site specific DCP control is proposed to ensure no dwellings are to be constructed inside the 300m boundary of the Camden WRP.
	In regards to servicing, the proposed development can be serviced by the existing water mains.	Noted. This matter can be further investigated at the development assessment stage.
Endeavour Energy	Endeavour Energy has stated that there is no impact to their network that relates to the rezoning. In due course, an application for load requirements should be made.	This matter can be further investigated at the development assessment stage.
Department of Primary Industries (DPI Water)	The Department of Primary Industries (DPI) has made comment requesting the proposed DCP amendments make reference to Part B of the Camden DCP 2011 - General Landuse Controls.	This is not required as, except as otherwise indicated, the provisions in each part of the Camden DCP apply to all land in the Camden Local Government Area (LGA). As such, should a Development Application be received for the



Submitter	Issue	Comment
		<p>subject site, it will be assessed against all the relevant Camden DCP 2011 chapters.</p>
	<p>The DPI have requested Council to amend some of the controls under Part B1.3 – Salinity Management of the Camden DCP 2011 to provide further clarity.</p>	<p>Council officers have considered the request and have deemed the existing controls under B1.3 adequate. The controls relating to Part B1.3 will be reviewed as part of any future comprehensive DCP amendment.</p>
<p>Landowner</p>	<p>Loss of primary production land</p>	<p>Whilst it is acknowledged that a rezoning from ‘RU1 Primary Production’ to ‘R5 Large Lot Residential’ under Camden LEP 2010 would remove the ability for the land to be used for ‘Intensive Livestock Agriculture’ (dairies - restricted, feedlots, piggeries and poultry farms) and ‘Intensive Plant Agriculture’ (the cultivation of irrigated crops for commercial purposes, horticulture, turf farming and viticulture), the land use ‘Extensive Agriculture’ (production of crops, grazing of livestock for commercial purposes, bee keeping, dairy - pasture based) is permissible without consent under the R5 zone.</p> <p>It is noted that the subject site is not presently being used for agricultural purposes.</p> <p>A land capability assessment (see <i>Appendix K to the Planning Proposal (Separate Cover)</i>.) was submitted as part of the Planning Proposal which states that the subject site is not suitable for an agricultural holding.</p> <p>The Planning Proposal will provide housing diversity that is sympathetic to the surrounding rural lands and residential development.</p>
<p>Landowner</p>	<p>Proposal does not meet Council’s Community Strategic Plan - Camden 2040 key directions</p>	<p>It is acknowledged that one of the key visions of Camden 2040 is the protection of agricultural lands and associated industries. However in relation to the subject site, the</p>



ORD08

Submitter	Issue	Comment
		<p>feasibility of supporting a primary industry is low due to the fragmentation of the lot and adjoining urban development.</p> <p>The rezoning to facilitate large lot residential housing provides an opportunity to provide additional housing that is sympathetic to the surrounding rural lands and residential development.</p>
Landowner	Community expectations that no further development would occur in Crase Place.	<p>This portion of the subject site was excluded from consideration in the Grasmere rezoning in 2002 due to its proximity to the West Camden WRP and the 400m odour buffer.</p> <p>In July 2011 the extent of the odour buffer was reviewed as part of the upgrade to the WRP. The odour impact mapped in the Review of Environmental Factors (REF) for the WRP upgrade is significantly less than the previous 400m odour buffer. Consequently, Sydney Water nominally reduced the odour buffer to 300m which enabled the possibility for further development in Grasmere.</p> <p>It is also noted that a portion of the existing lot is zoned R5 and can be developed under existing controls.</p>
Landowner	Odour impact from the West Camden WRP.	<p>A level 2 odour study produced to support the Planning Proposal demonstrates future development lots outside the 300m boundary of the Camden WRP comply with the odour guidelines and criterion for urban development. The odour report is provided as <i>Appendix L to the Planning Proposal (Separate Cover)</i>.</p> <p>A letter of support was received by Sydney Water during the public exhibition to develop within 400m of the West Camden WRP.</p>
Landowner	Future landowners may be unaware of the potential odour impact from the West Camden WRP.	A DCP control is proposed to trigger a restriction as to user to be placed on all future lots to indicate the site is in close proximity to the Camden



Submitter	Issue	Comment
		<p>WRP and may be affected by odour.</p> <p>Once the Planning Proposal is gazetted, a notation will also be also made on the Section 149(5) certificate to indicate the proximity of the subject site to the West Camden WRP.</p>
<p>Adjoining Landowner (request for design recommendations)</p>	<p>The proposed subdivision layout is inconsistent with existing streetscape in terms of lot frontages and minimum side and front setbacks. The extension of Crase Place could provide a more uniform streetscape.</p>	<p>A number of development scenarios have been tested to assess if other subdivision patterns facilitate an improved urban design outcome.</p> <p>Attachment 3 of this report shows the landform cross-section from Crase Place cul-de-sac extending to the east and Attachment 4 of this report shows the landform cross-section from the east to the west of the site.</p> <p>The land has a steep slope from the cul-de-sac to the south - east corner of the site. Due to the topography of the land, extending the cul-de-sac would require extensive cut and fill. In addition, any extension of Crase Place would be visible from key view points such as Werombi Road.</p> <p>The cul-de-sac form of Crase Place means that future lots on the site will have reduced lot frontages.</p> <p>To ensure future dwelling placement is consistent with adjoining dwellings, a new DCP control requiring a minimum front setback of 12m is proposed. A copy of the revised draft amendments to Camden DCP 2011 is provided as Attachment 5 to this report.</p> <p>All future subdivision and dwelling applications will be required to comply with the Camden DCP controls.</p>
<p>Adjoining Landowner (request for design recommendations)</p>	<p>The building footprints identified on the Indicative Lot Layout (ILP) are not suitable due to visual impact on existing residences. The building footprints should be positioned to the rear of the future lots.</p>	<p>The building footprints nominated on the ILP are indicative only to illustrate that a dwelling can be accommodated on the lot.</p> <p>Reference to a building footprint on the property title is not proposed as part of the Planning Proposal or the DCP.</p>

Submitter	Issue	Comment
		<p>The fall of land from the east to the west of the site (see Attachment 4 of this report) means that pushing the dwellings to the rear to maintain view lines is difficult in terms of construction due to steepness. Further, this would not provide a good streetscape outcome.</p>
<p>Adjoining Landowner (request for design recommendations)</p>	<p>Removal of the site specific DCP control for provision of native landscaping around the perimeter of future lots due to bushfire hazard and impact on views.</p>	<p>Taking into consideration the visual impact from key public view lines and the adjoining dwelling, it is proposed to require the provision of native landscaping around the perimeter of the 4ha lot only i.e. not around the boundary of the proposed 4000sqm lots.</p> <p>Legislation in NSW requires new development on bush fire prone land to comply with the provisions of Planning for Bush Fire Protection 2006 (NSW Rural Fire Service publication). As a result, any landscaping around the perimeter of future lots is required to give consideration to the risk of bushfire.</p>

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this proposal.

CONCLUSION

Pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*, the General Manager has been issued with an authorisation to exercise delegation to make the plan. This streamlines the processing of Planning Proposals. The approval for delegation was received as part of the Gateway determination. Should the Planning Proposal be supported, Council will deal directly with Parliamentary Counsel for making of the plan.

The Planning Proposal and draft DCP amendment for Lot 24 in DP 1086823 Crase Place, Grasmere was exhibited from 19 August 2015 to 16 September 2015. During the exhibition period seven (7) submissions were received. Consideration of the submissions has been undertaken by Council staff. As a result, minor changes to the exhibited draft DCP are proposed to address the concerns raised i.e. front setback control.

Should Council endorse the recommendations, the Planning Proposal will be forwarded to Parliamentary Counsel for making of the plan.



RECOMMENDED

That Council:

- i. adopt the Planning Proposal and draft Camden DCP 2011 (as revised) relating to Crase Place, Grasmere;**
- ii. submit the Planning Proposal directly to Parliamentary Counsel for the plan to be made;**
- iii. grant delegation to the General Manager to adopt the proposed amendments to the Camden DCP 2011 upon the gazettal of the Planning Proposal;**
- iv. place a notification in the local newspaper advising of the adoption of the amendment to the Camden DCP 2011; and**
- v. notify submitters of the outcome of this report.**

ATTACHMENTS

1. Attachment 1 Planning Proposal
2. Attachment 2 - Amendment 32 - draft DCP controls as exhibited
3. Attachment 3 - Landform cross-section - Crase Place cul-de-sac extending to the east
4. Attachment 4 - Landform cross section east to west of subject site
5. Attachment 5 - Amendment 32 - revised draft DCP controls
6. Supporting Doc Submissions - *Supporting Document*



ORD09

ORDINARY COUNCIL

ORD09

SUBJECT: POST EXHIBITION REPORT - DRAFT AMENDMENTS TO THE CAMDEN DEVELOPMENT CONTROL PLAN 2011 (CHILD CARE AND NOTIFICATION REQUIREMENTS) AND DRAFT AMENDMENTS TO COUNCIL'S FEES AND CHARGES.

FROM: Director Planning & Environmental Services

TRIM #: 15/301777

PREVIOUS ITEMS: ORD06 - Proposed Amendment to the Camden Development Control Plan 2011 - Draft Development Control Plan Childcare and Draft Development Control Plan Notification Requirements - Ordinary Council - 08 Sep 2015 6.00pm
ORD02 - Camden Development Control Plan 2011 (Draft Amendment No.15) - Review of Child Care Centre controls. - Ordinary Council - 14 Jul 2015 6.00pm

PURPOSE OF REPORT

The purpose of this report is for Council to consider the outcome of the public exhibition process for proposed changes to the Camden DCP 2011 Part D.5 (Childcare) and Part B5 (Access and Parking) and Part A2 (Notification Requirements) and an amendment to Council's fees and charges, in relation to notification signs.

This report seeks Council's endorsement to adopt the proposed changes.

BACKGROUND

At its meeting of 8 September 2015, Council considered a report outlining proposed amendments to:

- Camden DCP 2011 (Childcare) – Part D.5 and Part B5; (Access and Parking)
- Camden DCP 2011 (Notification Requirements) – Part A2; and
- Council's fees and charges.

The proposed changes to Part D.5 (Child Care Centres) and Part B5 (Access and Parking) seek to ensure 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, A schedule of the proposed changes and draft DCP is provided as **Attachment 2 to this report**.

The changes proposed to Part A2 of the Camden DCP 2011 focus on providing consistency and clarity for the DA notification process. The amendments do not propose to modify the type of development activities that are notified, but rather the process for undertaking notification. A schedule of proposed changes and draft DCP is provided as **Attachment 3 to this report**.

The change to Council's fees and charges includes a new fee of \$37 (GST ex) for the placing of a sign on development sites during the notification period.

A copy of the report of 8 September 2015 detailing all proposed changes is included as **Attachment 1 to this report**.



At the meeting of 8 September 2015, Council resolved to:

- i. publicly exhibit the draft Camden Development Control Plan Childcare and draft Development Control Plan Notification Requirements for a period of 28 days in accordance with the provisions of the Act and Regulations;*
- 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 2011 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's, and proposed amendment Councils fees and charges.*

In accordance with Council's resolution and the Environmental Planning and Assessment Regulation 2000, the proposed amendments were exhibited for a period of 28 days as follows:

Amendment	Exhibition Timeframe	Exhibition Details
Camden DCP 2011 (Childcare)	22 September 2015 to 20 October 2015	- Notification in local newspaper
Camden DCP 2011 (Notification Requirements)		- Notification and exhibition content on Council's website.
Council's Fees and Charges	29 September 2015 to 27 October 2015	- Exhibition material (Hard Copy) available at Camden and Narellan libraries and administration centres. - Notification letter sent to participants of Council's developer forum.

During the exhibition period, Council received 1 submission in relation to the draft Child Care DCP. A copy of the submission is provided as a **supporting document**.

MAIN REPORT

As required by the resolution of 8 September 2015 this report provides a summary of the results of the exhibition period where one submission was received with regards to the proposed DCP amendments relating to childcare centres.

The issues raised in the submission are summarised and considered below. A copy of the submission is available as a **Supporting Document**.

Submission	Issue	Comment
Landowner	The landscape buffer of 2 metres will create unreasonable maintenance issues. Council is requested to consider a 1.2 metre buffer.	The 2 metre wide landscape buffer is proposed to allow for improved amenity, greater planting selection and numbers, and sufficient screening and softening of childcare sites.
	Car Parking should adequately address current car parking ratios and should adopt the RMS standard of one car space per four children.	It is proposed to amend Part B5 (Car Parking Requirements) to adopt the RMS standard of one car space per 4 children.
	Council should consider allowing centres the flexibility to start opening hours at 6am and closing at 7pm.	<p>The draft controls propose a minor amendment to standard operating hours in residential areas (7am -7pm). In addition control 2.10(2) allows for the extension of operating hours in residential areas where it can be demonstrated that there will be no unreasonable amenity impacts on neighbouring properties.</p> <p>Outside of residential areas there are no restrictions on operating hours, these will be considered as part of the development application.</p>

Table 1 – Summary of submissions

No submissions were received regarding the amendments to the Notification Requirements or Council’s Fees and Charges.

No amendments have been made to the draft DCP’s post exhibition.

Timing of adoption of amendments to the DCP

In order to implement the procedural and administrative changes resulting from the amendment to the Notification component of the DCP (Part A2) it is proposed that this amendment will come into force in early 2016. This will allow time for the production of the required signage and to update Council’s internal procedures to reflect the amended DCP.

The proposed amendment to Part D.5 and Part B5 of the Camden DCP is proposed to come into force prior to Christmas.

NSW Government’s Joint Working Group for childcare

The NSW Planning Minister recently announced a new Joint Working Group for childcare that will consult with peak childcare bodies and local government representatives to develop options to eliminate duplication, overlap and inconsistency between local government and Department of Education requirements for child care centres with the overall aim of increasing childcare place numbers. It is expected that a report with recommendations will be handed to the Government at the end of the year.



These recommendations will be reviewed and considered as part of any future DCP amendments, but do not preclude Council proceeding with the current proposed changes to the Camden DCP 2011.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Proposed changes to child care centre controls

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

During the exhibition period, Council received one (1) submission which has been addressed in this report. There are no outstanding issues as a result of the exhibition.

Proposed changes to notification requirements / fees and charges.

The draft DCP amendment for notification seeks to provide consistency and clarity for DA notification of all development. The proposed change to Council's Fees and Charges to place signs on development sites has been determined to facilitate cost recovery, and is in line with other LGA's that use similar signage requirements for notification.

No submissions were received regarding the proposed changes to notification or Council's Fees and Charges.

RECOMMENDED

That Council:

- i. adopt the proposed amendments to the Camden DCP 2011 (Child Care) – Part D.5 and Part B5 as outlined in this report;**
- ii. adopt the proposed changes to Camden DCP 2011 (Notification Requirements) – Part A2;**
- iii. adopt the amendment to Council's Fees and Charges; and**
- iv. publicly notify Council's determination in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000.**



ORD09

ATTACHMENTS

1. Attachment 1 copy of Council report of 8 September 2015
2. Attachment 2 - Schedule of Proposed Changes – Childcare DCP – Camden DCP 2011 - 24 November 2015 Version
3. Attachment 3 A2 Notification and Advertising Requirements - Changes Post Legal Review - 28 10 15
4. Submission Proposed Amendment DCP Child Care Centres - Simon Landow - *Supporting Document*



ORDINARY COUNCIL

ORD10

SUBJECT: REVIEW OF WARD BOUNDARIES 2015
FROM: Director Customer & Corporate Services
TRIM #: 15/318040

ORD10

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the Ward boundary adjustment public exhibition period and to recommend to Council the adoption of the exhibited changes to the Ward boundaries.

BACKGROUND

Section 211 of the *Local Government Act 1993* ('the Act') requires Council to keep its ward boundaries under review. If, during the term of office, a council becomes aware that the number of electors in one ward differs by more than 10% from the number of electors in any other ward, the council must alter the boundaries so that the number of electors does not differ by more than 10% between wards.

On 22 September 2015, a report was submitted to Council to reconsider the ward boundaries.

On that occasion, Council adopted option 2 as its preferred option for consultation. The previous report is **Attachment 1** to this report.

Since the meeting of 22 September 2015, consultation has taken place with the Electoral Commission and Australian Statistician and the proposed ward boundary adjustment has been publicly exhibited.

MAIN REPORT

Public Exhibition

The proposed Ward boundary adjustment was placed on public exhibition from 23 September 2015, with community submissions able to be lodged until 3 November 2015. To facilitate public comment on the proposed adjustment, the following were undertaken:

- advertisements placed in the Macarthur Chronicle from Tuesday 29 September to Wednesday 11 November 2015; and
- notices placed in Council offices and libraries.

There were no submissions received from members of the public on or prior to the final date for submissions, being 3 November 2015.

Consultation

A copy of Council's preferred option was provided to the Electoral Commissioner during the exhibition period.

On 4 November 2015, Council received written confirmation from the NSW Electoral Commission that the proposed ward boundary adjustments correspond to the boundaries of appropriate sub-divisions (within the meaning of the Parliamentary



Electoral Districts Act 1912) and census districts, and comply with section 210(7) of the *Local Government Act 1993*.

Notification to Electoral Commission

Council is now required to submit another Ward Boundary Report to the Electoral Commission after Ward alterations are finally approved by Council. This second submission provides the Commissioner with sufficient information to code electors correctly to the roll.

All voters in the Camden LGA are able to verify their enrolment details - including Federal, State and local enrolment - via the 'NSW State Enrolment Verification Facility', a free service provided by the NSW Electoral Commission.

FINANCIAL IMPLICATIONS

The Electoral Commission has been retained to run the election. The election has been budgeted for.

CONCLUSION

Council must adjust its ward boundaries in order to comply with section 211 of the *Local Government Act 1993*. On 22 September 2015, Council resolved to place its preferred option (described under 'Background' above) on public exhibition. Submissions were invited from members of the public up to and including 3 November 2015. No submissions have been received.

It is therefore appropriate for Council to now endorse the ward boundary adjustment in accordance with the proposal that was placed on public exhibition.

RECOMMENDED

That Council:

- i. endorse the council ward boundary adjustment preferred option (see Attachment 1) following public exhibition of the proposed ward boundaries; and**
- ii. write to the Electoral Commissioner advising of the outcome of the ward boundary adjustment process and forward a completed Ward Boundary Report.**

ATTACHMENTS

1. Council Report - 22/09/2015 - Review of Ward Boundaries



ORDINARY COUNCIL

ORD11

SUBJECT: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLOR POLICY

FROM: Director Customer & Corporate Services

TRIM #: 15/311203

ORD11

PURPOSE OF REPORT

The purpose of this report is to seek Council’s approval to adopt the ‘Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy’ following public exhibition, as required by the *Local Government Act 1993*.

BACKGROUND

The draft policy was considered by Council on 13 October 2015 where it resolved to:

- i. submit the draft ‘Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy’ as attached to this report for public exhibition for 28 days as required by the *Local Government Act 1993*;
- ii. consider any public submissions and formally adopt a revised ‘Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy’ at its Ordinary Council Meeting on 24 November 2015;
- iii. submit a copy of its adopted policy to the Director-General of the Office of Local Government by 30 November 2015; and
- iv. resolve in future to use the CPI (Sydney All Groups) figure for the full year to 30 June for the purpose of increasing allowances under this policy.

Only a number of minor amendments to the policy were proposed:

- grammatical changes; and
- the allowances to be indexed in line with CPI (Sydney All Groups), as shown in Table 1.

ITEM FOR REIMBURSEMENT	CURRENT AMOUNT (inc. GST)	PROPOSED AMOUNT (inc. GST)
Mobile phone costs including data usage	\$200 per month	\$205 per month
Telephone line rental and call costs	\$122 per month	\$125 per month
Internet / iPad data usage costs	\$50 per month	\$52 per month
Care Arrangements	Up to \$30 per hour	Up to \$ 31 per hour

Table 1 - Proposed changes to existing allowances due to CPI increase.



MAIN REPORT

The draft policy was placed on Council's website from 15 October 2015 and advertised in the local paper on 27 October, 3 November and 10 November 2015. Hardcopies of the proposed policy were also available from Council's Administration Centres. The period for public submissions closed on Friday 13 November 2015.

Pursuant to section 252 of the Act, Council is to have regard to any submissions made and make any appropriate changes to the draft policy, prior to adopting the policy.

No submissions were received during the 28-day public consultation period.

FINANCIAL IMPLICATIONS

The increase in allowances to reflect the change in CPI is allowed for within the Councillor expense budget.

CONCLUSION

The *Local Government Act 1993* requires that Council annually review and submit its policy to the Director-General of the Division of Local Government by 30 November each year.

RECOMMENDED

That Council:

- i. adopt the proposed 'Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy' as attached to this report and publicly exhibited as required under the *Local Government Act*; and**
- ii. submit a copy of the adopted policy to the Director-General of Local Government by 30 November 2015.**

ATTACHMENTS

1. Payment of Expenses and Provision of Facilities for Mayor and Councillors Policy



ORDINARY COUNCIL

ORD12

SUBJECT: SEPTEMBER REVIEW OF THE 2015/16 OPERATIONAL PLAN (BUDGET)

FROM: Director Customer & Corporate Services

TRIM #: 15/310886

ORD12

PURPOSE OF REPORT

This report presents the September Quarterly Operational Plan (budget) Review for the 2015/16 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2015/16 Operational Plan since the adoption of the 2013/14 - 2016/17 Revised Delivery Program and Operational Plan, and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the 2015/16 Operational Plan, Council approved a balanced budget position. Budget adjustments identified at the September Review represent a projected budget surplus for the 2015/16 financial year of \$1,264,079.

The projected surplus is above Council's minimum working funds level of \$1,000,000.

The improvement in the projected surplus is predominately a result of higher than expected development activity, additional interest on investments and additional rates and charges income.

ALLOCATION OF THE 2015/16 BUDGET SURPLUS

It is recommended that the projected surplus of \$1,264,079 be allocated as follows.

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,264,079
Capital Works Reserve - Transfer to Reserve	\$1,264,079	
Total - Allocation of Budget Surplus		\$1,264,079
Budget Surplus Balance After Allocation		\$0

CURRENT RESERVE BALANCES

Capital Works Reserve

The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement. The balance of the Capital Works Reserve is as follows:



CAPITAL WORKS RESERVE	
Reserve Balance as at 30 June 2015 (Includes Administration building repayment of \$800,000)	\$2,920,691
Add: Funds Transferred – 2015/2016 budget	\$300,000
Add: Proposed Surplus transfer (September Review)	\$1,264,079
Proposed Balance of Reserve	\$4,484,770
Committed Funds Held in Reserve	
Less: Flood Studies (14/15 Revote)	(\$166,667)
Less: Camden Town Carpark (14/15 Revote)	(\$88,140)
Less: Bicycle Crossing Richardson Road	(\$4,123)
Total – Approved Transfers & Committed Funds	(\$258,930)
Uncommitted Balance of Reserve	\$4,225,840
Council Approved Budget Transfers Since 30/6/15	
Less: Single Decked Carpark Design Phase Forward Funding (\$100k in 2014/15, \$100k in 2015/16)	(\$100,000)
Less: 2015/16 RMS Active & Safer Roads Programs – Grant Match Funding	(\$90,000)
Less: Renewal Works Camden Town Centre (Stage 1, part funding)	(\$441,200)
Less: Central Administration Building internal borrowings	(\$800,000)
Less: Council contribution for Mets Baseball Club floodlighting grant (28/7/15)	(\$26,850)
Less: Council contribution for Narellan Jets Rugby League Club house building grant (25/8/15) ORD 10	(\$47,000)
Projected Reserve Balance	\$2,720,790

Council has the discretion to allocate these funds to future capital projects including those projects unable to be funded as part of the 2013/14 – 2016/17 Revised Delivery Program.

Asset Renewal Reserve

Council approved the creation of the Asset Renewal Reserve as part of adopting the 2013/14 – 2016/17 Delivery Program. The balance of the Asset Renewal Reserve is as follows:

ASSET RENEWAL RESERVE	
Reserve Balance as at 30 June 2015 (Includes Administration building repayment of \$137,873)	\$1,566,451
Add: Funds Transferred – 2015/2016 budget Surplus	\$1,022,400
Add: 2014/15 Year End Budget Surplus Transfer (Includes Administration building repayment of \$762,127)	\$1,838,558
Proposed Reserve Balance	\$4,427,409
Future Reserve Balance Adjustments	
Less: Central Administration Building internal borrowings	(\$900,000)
Less: 2015/16 Budget allocations	(\$665,800)
Less: Amenities Renewal works (ORD 12, 27/10/2015)	(\$1,000,000)
Projected Reserve Balance	\$1,861,609



Funds from this reserve should only be used for the replacement and/or maintenance of existing assets. The reserve should not be used for asset upgrades, the building of new assets or for operational purposes. A further report will be provided to Council to determine where the balance of these funds could be allocated.

Central Administration Building Reserve

The Central Administration Building Reserve was established as part of the planning for a new central administration building.

The balance of the Central Administration Building Reserve is as follows:

CENTRAL ADMINISTRATION BUILDING RESERVE	
Reserve Balance as at 30 June 2015	\$4,309,206
Future Reserve Balance Adjustments	
Add: 2013/14 – 2016/17 Revised Delivery Program Funding (includes loan funding)	\$27,883,500
Less: Construction and Fit out	(\$24,391,117)
Less: Furniture and Equipment	(\$2,700,000)
Less: IT Equipment and relocation	(\$800,000)
Less: Contingency	(\$4,301,589)
Projected Reserve Balance	\$0

The Administration Building Reserve has been fully committed to fund the construction and fit out of the new central administration building.

Internal Borrowings

Internal borrowings were used to part fund the construction of the new central administration building. To date \$1.7 million has been repaid leaving a balance of \$1.3 million to be repaid from future quarterly reviews. There is no immediate need for Council to repay this balance.

Reserve	Internally Borrowed	Already Repaid	Balance	Notes
Capital Works Reserve	\$800,000	(\$800,000)	\$0	Fully Repaid. Council Resolution - 135/15 - 26/05/2015
Asset Renewal Reserve	\$900,000	(\$900,000)	\$0	Fully Repaid. Council Resolution - 135/15 - 26/05/2015 and 279/15 27/10/15
Plant Replacement Reserve	\$600,000	\$0	\$600,000	To be repaid at a future Quarterly Review
Commercial Waste Reserve	\$700,000	\$0	\$700,000	To be repaid at a future Quarterly Review
Total	\$3,000,000	(\$1,700,000)	\$1,300,000	



MAIN REPORT- SEPTEMBER REVIEW OF THE 2015/16 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2015/16 is detailed below:

PROPOSED VARIATIONS TO BUDGET

Proposed variations between the adoption of the 2015/16 Budget and the September Review for 2015/16 have led to a projected budget surplus of \$1,264,079. A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

SEPTEMBER REVIEW OF THE 2015/16 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Rates & Charges Income Increase	\$699,000
2. Development Fees & Charges Income Increase	\$440,000
3. General Fund Investment Income Increase	\$190,000
4. Financial Assistance Grant Income Shortfall	(\$28,694)
5. Section 149 Certificate Income Increase	\$25,600
Variations under \$15,000 - Various Increases	\$13,700
Sub Total - Income Adjustments	\$1,339,606
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
6. Strategic and Statutory Salaries Expense Increase	(\$56,000)
Variations under \$15,000 - Various Increases	(\$5,251)
Sub Total - Expenditure Adjustments	(\$61,251)
Council Authorised Variations (see page 204)	(\$14,276)
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$1,264,079

- 1. Corporate Management Rates Income – Increase in Income of \$699,000**
Supplementary rate income is received upon the re-zoning or subdivision of land. It is additional rate income to the amount levied at the beginning of the financial year. The increase in rate income realised during the first half of 2015/16 is primarily due to new lots created through subdivisions in the Spring Farm, Elderslie, Oran Park and Gregory Hills land release areas.

- 2. Development Fees & Charges Income – Increase in Income of \$440,000**
Development income has exceeded budget expectations for the first quarter of 2015/16. Council has received a number of Development Applications of high value this quarter which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing. Legal costs incurred as a result of Development Applications have been offset against this additional income.
- 3. General Fund Interest on Investments – Increase in Income of \$190,000**
The first quarter performance of Council's investment portfolio has exceeded budget expectations. The primary reason for this is Council's investment portfolio is being maintained at a higher level than originally budgeted. Council's weighted return on investments for September 2015 was 3.47%, which is higher than the industry average of 2.66%.
- 4. Financial Assistance Grant Income – Decrease in Income of \$28,694**
As part of adopting the Federal Budget in 2014, the indexation on the Financial Assistance Grant ceased for 3 years to 2016/17 with an expected budget shortfall in 2015/16 of \$28,694. The cumulative impact of this indexation change on Council's 10 year LTFFP is estimated at \$2,700,000 as the base from which the indexation is calculated will now be less than first anticipated. Further details on the 2015/16 Financial Assistance Grant allocation can be found on page xxx.
- 5. Section 149 Certificate Income – Increase in Income of \$25,600**
Additional income has been realised for Section 149 Certificates in 2015/16. This is primarily a result of growth through development.
- 6. Statutory Planning Contract Staff – Increase in Expense of \$56,000**
Due to the continued increase in development activity funding is required for the employment of a temporary contract planner in the Statutory Planning Unit. The employment of the temporary position will assist in development applications being processed within expected timeframes.

FINANCIAL ASSISTANCE GRANT INCOME

Financial Assistance Grants are an allocation of Federal tax revenue (e.g. income taxes and GST) distributed to the various States and Territories of Australia. The Local Government Grants Commission is the State body that calculates the financial assistance payable to each Local Government Council.

Council recently received notice from the Local Government Grants Commission advising the financial assistance grant allocation for 2015/16. The entitlement to Council consists of two components:

- 1) General Purpose Component - \$2,121,789
- 2) Local Roads Component - \$1,048,117

A comparison of the Financial Assistance Grants paid to Council over the past five (5) years (including the 2015/16 grant) is outlined in the following table:



	General Purpose	Local Roads	Total Grant	Increase / (Decrease)
2010/11	\$1,460,580	\$772,564	\$2,233,144	-
2011/12	\$1,578,387	\$862,482	\$2,440,869	\$207,725
2012/13	\$1,637,603	\$892,317	\$2,529,920	\$89,051
2013/14	\$1,988,867	\$985,753	\$2,974,620	\$444,700
2014/15	\$2,081,939	\$1,023,499	\$3,105,438	\$130,818
2015/16	\$2,121,789	\$1,048,117	\$3,169,906	\$64,468

The total allocation for 2015/16 is a 2.1% increase when compared to the entitlement received in 2014/15.

In framing the 2015/16 Budget, Council estimated that it would receive \$3,198,600 in total Financial Assistance Grants (3.0% increase on the 2014/15 allocation). As part of the 2014/15 Federal Budget the Government announced that it “..will achieve savings of \$952.2 million over four years by pausing indexation of the Local Government Financial Assistance Grants Programme for three years commencing 1 July 2014”. As a result of the pausing of indexation, the 2015/16 estimate needs to be revised to \$3,169,906 representing a budget deficit of \$28,694.

COUNCIL AUTHORISED VARIATIONS

Council has authorised five (5) budget variations since the adoption of the 2015/16 Budget. A list of these approved variations is provided in the following table:

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Library extended hours for HSC students Council Resolution - 120/15 – 12/05/2015	\$16,000	\$0	\$16,000
New Clubhouse Narellan Park Council Resolution - 224/15 – 25/08/2015	\$47,000	\$47,000	\$0
Fees payable to Councillors and Mayor Council Resolution – 195/15 – 28/07/2015	(\$5,224)	\$0	(\$5,224)
Increase subsidy to South West Sydney Academy of Sport Council Resolution – 219/15 – 25/08/2015	\$3,000	\$0	\$3,000
Increase subsidy for Leppington Progress Association Council Resolution – 220/15 – 25/08/2015	\$500	\$0	\$500
TOTAL - COUNCIL APPROVED VARIATIONS	\$61,276	\$47,000	\$14,276



CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's projected budget result as both movements of income and expenditure are of equal value.

During the period 1 July 2015 to 30 September 2015, a number of contra adjustments have taken place amounting to a total of \$822,294. A detailed list of the adjustments is an **attachment to this report**.

EXPENDITURE REVOTES

As part of this review there were no expenditure revotes identified for programmed works/projects that will not commence or be completed by 30 June 2016.

COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$1,264,079 as advised in this report.

CONSOLIDATED WARD FUNDS	
2015/16 Budget Allocation	\$30,000
2014/15 Ward Funds Revote	\$59,055
TOTAL FUNDS AVAILABLE	\$89,055
PROJECTS FUNDED IN 2015/16	
Less: DA fees for Camden Town Farm	\$2,075
BALANCE OF CONSOLIDATED WARD FUNDS	\$86,980



SUMMARY OF SEPTEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 30 September 2015.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2014/15 Carried Forward Working Funds Balance			\$1,000,000
2015/16 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2015			\$0
2015/16 September Review Adjustments			
NOTE 1: Proposed Variations	\$61,251	\$1,339,606	\$1,278,355
NOTE 2: Authorised Variations	\$61,276	\$47,000	(\$14,276)
NOTE 3: Contra Adjustments	\$822,294	\$822,294	\$0
NOTE 4: Revotes (Budget Carry-Overs)		\$0	\$0
Total - September Review Adjustments	\$944,821	\$2,208,900	\$1,264,079
TOTAL AVAILABLE WORKING FUNDS			\$1,264,079

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulations 2005*:

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 30 September 2015 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

CODE OF CONDUCT REPORTING

There is a statutory requirement to report Code of Conduct statistics to Council on an annual basis. The reporting period is 1 September 2014 to 31 August 2015. This information also appears in the Annual Report. No matters were reported for this period. Please refer to the Quarterly Budget Review Statement which is an **attachment to this report**.

ON-TIME PAYMENT POLICY REPORTING

At the end of each quarter Council is required to report on compliance with its adopted on-time payment policy. The policy was adopted as one of the initiatives under the small business friendly Councils program. This is the first full reporting period since Council adopted the policy. As at 30 September 2015 Council had 42 small businesses registered. This policy commits Council to paying invoices within 30 days. Under the



policy Council is obliged to pay simple interest for any amount outstanding where the accumulated interest is more than \$20. As at the 30 September 2015 the average number of days to pay small business (registered) invoices was 16 days. In compliance with the policy 87.5% of invoices were paid on time with only 3 invoices being paid outside the terms of 30 days. There was no overdue interest payable on these invoices as the invoices were minor in nature or the days outside the policy were equal to or less than 8 days.

CONCLUSION

The September Budget Review surplus of \$1,264,079 is a pleasing result. Council has continued to benefit from increased income through development, additional interest on investments and additional rates and charges income.

If endorsed by Council the surplus will allow further funds to be transferred to reserve providing council with additional scope to fund services or projects that could not be considered as part of the 2015/16 Operational Plan (Budget) process.

RECOMMENDED

That Council:

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report.**
- ii. approve the transfer of the projected surplus for 2015/16 of \$1,264,079 as follows;**

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,264,079
Capital Works Reserve - Transfer to Reserve	\$1,264,079	
Total - Allocation of Budget Surplus		\$1,264,079
Budget Surplus Balance After Allocation		\$0

ATTACHMENTS

- 1. September 2015 Quarterly Budget Review Statement
- 2. 2015-16 - September Review - Budget Appendix



ORDINARY COUNCIL

ORD13

SUBJECT: INVESTMENT MONIES - OCTOBER 2015
FROM: Director Customer & Corporate Services
TRIM #: 15/317219

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 October 2015 is provided.

MAIN REPORT

The weighted average return on all investments was 3.47% p.a. for the month of October 2015. The industry benchmark for this period was 2.25% (Ausbond Bank Bill Index).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Principal Accounting Officer is the Manager Finance & Corporate Planning.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **note the list of investments for October 2015 and;**
- iii. **note the weighted average interest rate return of 3.47% p.a. for the month of October 2015.**

ATTACHMENTS

1. Investment Report- October 2015



ORDINARY COUNCIL

ORD14

SUBJECT: COMMUNITY SPONSORSHIP PROGRAM - JANUARY TO JUNE 2016 ALLOCATIONS

FROM: Director Customer & Corporate Services

TRIM #: 15/321650

PURPOSE OF REPORT

This report seeks Council's endorsement of the recommended sponsorship allocation requests received, both monetary and in-kind, by the Sponsorship Allocation Committee as per the Community Sponsorship Program. These recommendations are for events/activities to be held January to June 2016.

BACKGROUND

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

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

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

Councillors were briefed on 10 November 2015 of applications received for the January to June 2016 period.

MAIN REPORT

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

A total of 10 applications were received. Each application was assessed against the Program guidelines and criteria, with further consideration given to the benefit for the local community including social and economic, level of appeal and demonstrated need for funding.

After assessment against the guidelines and criteria, 8 applications have been recommended for monetary and/or in-kind support under the sponsorship program. Two applications have not been recommended as they did not meet the criteria.

Of the 8 applications approved for funding, an application from the Camden RSL Sub Branch sought funding of \$10,000 per year for the next 3 years to cover the costs of providing a large screen television for attendees to view the service on ANZAC Day.

It was proposed by the Sponsorship Allocation Committee that Council provide an initial donation of \$10,000 from the remaining funds available in the ANZAC Centenary Budget allocation to address the first year of this request, with subsequent years to be dealt with by way of a budget request.

The following events/activities are recommended for funding from the Community Sponsorship Budget:

	Event	Total Recommended Monetary	Total Recommended In-Kind
1	Rotary Club of Macarthur Police Officer of the Year Awards	\$2,500	
2	Camden Show 2016	\$3,000	\$11,000
3	St Paul's Catholic Primary School		\$134
4	BMX NSW State Series (Round One)	\$1,000	\$268
5	Macarthur Lions ANZAC Fun Run	\$4,000	
6	Camden Cultural Festival		\$1573
7	Lifeline Macarthur Book Fair	\$2,500	
		\$13,000	\$12,975
	Total Monetary and In-kind Sponsorship	\$25,975	

The two applications not recommended are the Macarthur Centre for Sustainable Living (MCSL) Kids Interactive Ten at Camden Show and Linking Arms, Linking Lives Family Day – Polly Grundy Oesophageal Cancer Awareness Group. Neither of these applications met the set guidelines or criteria. MCSL currently receive substantial funding from Camden Council and the Cancer Awareness Group activity is outside of our LGA.

FINANCIAL IMPLICATIONS

The total budget allocation for Community Sponsorship, as per the 2015/16 budget, is \$58,500. This is split into two portions to cover the two halves of each year.

The total recommended sponsorship, both monetary and in-kind, is \$25,975 to cover events held January to June 2016.

A balance of \$26,418 remains to cover events to be held for the period July to December 2016.

An amount of \$10,000 is available to provide an initial payment to the Camden RSL Sub Branch from the remaining ANZAC Centenary budget.



well-being, within the Camden LGA, has been demonstrated by the quality and range of worthwhile events/activities seeking sponsorship assistance.

Applications have been assessed against the criteria contained in the Program guidelines and recommendations reflect this assessment.

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

RECOMMENDED

That Council:

- i. approve sponsorship for the events and activities 1 to 7, totalling \$25,975 and comprising of \$13,000 cash and \$12,975 in-kind as recommended by the Sponsorship Allocation Committee and funded from the 2016 Community Sponsorship budget allocation; and**
- ii. approve an initial payment of \$10,000 to the Camden RSL Sub Branch for the 2016 ANZAC Day Service from the remaining funding in the ANZAC Centenary budget allocation; and**
- iii. write to each applicant, both successful and unsuccessful, advising them of the outcome.**