



Camden Council

Business Paper

Ordinary Council Meeting
13 December 2016

Camden Council
Administration Centre
70 Central Avenue
Oran Park



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
DoIRE	Department of Industry Resources and Energy
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
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
NSWH	NSW Housing
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
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils

General Manager
Ron Moore Mayor
Lara Symkowiak

Director Customer and Corporate Services
David Reynolds

Manager Governance and Corporate
Services
Charles Weber

Director Planning and Environmental Services
Nicole Magurren

Director Community Infrastructure
Vince Capaldi

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Theresa Fedeli

Councillor
Peter Sidgreaves

Councillor
Michael Morrison

Councillor
Ashleigh Cagney

Councillor
Eva Campbell

Councillor
Paul Farrow

Councillor
Cindy Cagney

Public Address

Public Seating

Media





ORDINARY COUNCIL

ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer.....	7
Acknowledgement of Country	8
Recording of Council Meetings	9
Apologies.....	10
Declaration of Interest.....	11
Public Addresses	12
Confirmation of Minutes	13
Mayoral Minute	14
ORD01 Construction of a Two Storey Dwelling - 26 Milton Circuit, Oran Park.....	15
ORD02 Alterations and Additions to a part Two Storey Dwelling - 37 Forrest Crescent, Camden.....	22
ORD03 Two Storey Attached Dual Occupancy and Torrens Subdivision - 46 Orbit Street, Gregory Hills.....	32
ORD04 Demolition of all Structures, Remediation and Construction of a 72 Place Child Care Centre, Including Signage, Carparking, Tree Removal, Landscaping and Site Works - 31 Broughton Street, Camden.....	42
ORD05 Alterations and Additions and use of Building for a Medical Centre - 37 John Street, Camden.....	57
ORD06 Construction of a 32.5m High Telecommunications Facility, Ancillary Equipment Cabin and Associated Site Works - adjacent to Camden Valley Way, Smeaton Grange.....	76
ORD07 Post-Exhibition Report - Planning Proposal to amend the Sydney Region Growth Centres SEPP and Camden Growth Centres Precincts DCP Amendments - Catherine Fields Part Precinct	87
ORD08 Submission to Department of Planning and Environment - Proposed Medium Density Housing Code and Draft Medium Density Design Guide	95
ORD09 Response to Notice of Motion - The Impact of Celtis Sinensis, Celtis Australis and Celtis Occidentalis on the Environment	101
ORD10 Appointments to Committees	105
ORD11 Community Sponsorship Program Allocation - January to June	109
ORD12 Housing Acceleration Fund - Ingleburn Road and Rickard Road, Leppington.....	112
ORD13 Australian Men's Shed Association, National Shed Development Programme - Acceptance of Grant Funding.....	116

NOTICES OF MOTION

ORD14 Notice of Motion - Outdoor Youth Space.....	118
---	-----



ORD15	Notice of Motion - Camden LAC	119
ORD16	Notice of Motion - Illegal Parking Issues in Somerset Avenue, Narellan	120



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 1993*, this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images 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 1993*, 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 session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

Where a member of the public raises a question during the Public Address session, 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 question per speaker per meeting.

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four 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, or make a point of order ruling if a speaker breaches the Guidelines.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 29 November, 2016 and the Minutes of the Local Traffic Committee Meeting held 15 November, 2016.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 29 November, 2016, and the Minutes of the Local Traffic Committee Meeting held 15 November, 2016, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL

ORD01**SUBJECT: CONSTRUCTION OF A TWO STOREY DWELLING - 26 MILTON CIRCUIT, ORAN PARK****FROM:** Director Planning & Environmental Services**TRIM #:** 16/335360

APPLICATION NO: 1115/2016
PROPERTY ADDRESS: 26 Milton Circuit, Oran Park
APPLICANT: Provincial Homes
OWNER: Sitamahalaksmhi Katta and Srinivasa Kudupudi

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey dwelling and associated site works at 26 Milton Circuit Oran Park.

The DA is referred to Council for determination as there is one unresolved submission objecting to the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine DA 1115/2016 for the construction of a two storey dwelling and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 1115/2016 seeks approval for the construction of a two storey dwelling and associated site works.

Specifically the proposed development involves:

- Construction of a two storey dwelling consisting of four bedrooms and a double garage;
- Associated site works to facilitate the development; and
- Stormwater connection to an existing easement.

The cost of works is \$338,980.

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

THE SITE

The site is commonly known as 26 Milton Circuit Oran Park and is legally described as Lot 2029 DP 1205512.

The site is located within a residential subdivision of Oran Park. The site is regular in shape with a frontage to Milton Circuit of 15m and a lot depth of 30m. The residential



lots surrounding the site are largely vacant however there is a dwelling under construction to the south of the site.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls with the proposal being fully compliant. Below is a summary of the key development statistics associated with the DA.

	Standard	Proposed	Compliance
State Environment Planning Policy Sydney Region Growth Centre 2006			
4.3 Height	Maximum height 9.5m.	8.25m above existing ground level.	Yes
Oran Park Development Control Plan 2007			
Controls for Lots with frontage width ≤15m			
7.6.3 Front Setback	Minimum 4.5m to building façade line. Minimum 3.0m to articulation zone. Minimum 5.5m to	4.5m. 3.27m to articulation zone. The garage is set back 5.56m from the	Yes



	garage line and 1m behind the building façade line.	front boundary & 1.06m behind the building façade.	
7.6.4 Side & Rear Setback	Side setbacks - Minimum 0.9m at ground and upper floors. Rear setbacks - Minimum 4m ground floor and 6m upper floor.	West boundary 1.87m (ground) and 3.525m (upper). East boundary 1.32m (ground and upper). 9.05m ground floor and 12.05m upper floor.	Yes
7.6.5 Dwelling Height, Massing and Siting	Two storey maximum. Maximum site coverage - 60% ground and 35% upper level.	The proposed dwelling is two storeys in height. Ground floor site coverage is 162m ² equating to 36%. Upper floor site coverage is 126m ² equating to 28%.	Yes
7.6.6 Landscaped Area	Min 25% of lot area.	157.5m ² this equates to 35% of the site being landscaped area.	Yes
7.6.7 Private Open Space	PPOS (Principal Private Open Space) requires a minimum 20m ² of PPOS with a minimum dimension of 4m. 50% of the PPOS(of both the proposed development and adjoining properties) is required to receive three hours of sunlight between 9am and 3pm on 21 June.	164m ² of POS is provided behind the building line, including an area with minimum dimensions of 4m by 5m which is accessible from the living area and has a gradient less than 1:10. The PPOS of the subject lot will receive greater than 50% solar access between the hours of 9am and 3pm on 21 June. While there is no development currently on the adjoining properties	Yes



		to the east and west of the site, greater than 50% of solar access will be achieved for three hours between the hours of 9am and 3pm on 21 June. A copy of the shadow diagrams is attached to this report.	
7.6.8 Garages & Car parking	Single, tandem or double garages permitted. three bedrooms or more, dwellings must provide at least two car spaces.	One double garage is proposed providing two car spaces behind the building line.	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as a 'dwelling house' by the SEPP (Sydney Region Growth Centres) 2006 which is a permissible land use in this zone.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy 55 - Remediation of land</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> Compliant with conditions recommended where necessary.</p> <p><u>Deemed State Environmental Planning Policy No 20-</u></p>
--	---



	<u>Hawkesbury-Nepean River</u> Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	None applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Oran Park Development Control Plan 2007 (DCP)</u> Compliant with conditions recommended where necessary. <u>Camden Development Control Plan 2011 (DCP)</u> Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which has been discussed below in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

The key issues associated with the DA are limited to the submission issues discussed in this report given the dwelling is fully compliant with the relevant planning controls.

Submissions

The DA was publicly exhibited for 14 days in accordance with the Camden DCP. The notification period was from 30 September, 2016 to 13 October, 2016. One submission was received (objecting to the proposed development).

During the assessment of the DA, it was determined two additional properties should be provided time to comment on the proposal, and these were notified for 14 days between 17 October, 2016 and 31 October, 2016. No additional submissions were received as a result of this additional notification.

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

- 1. The first floor windows on the western elevation will present a privacy impact. In particular, the first floor windows will look down into the bedrooms of a potential dwelling to be constructed on the site.*

Officer comment:

The upper level western elevation contains three windows, including two bedroom windows and one bathroom window. Bedrooms and bathrooms are considered low use



rooms and not areas where people congregate for long periods of time or use for entertainment purposes.

As a result, bedroom and bathroom windows on upper levels are not considered to result in adverse privacy or amenity issues for adjoining properties. It is however recommended that the bathroom window glazing be obscured.

Furthermore, the size of these windows is not considered excessive. The windows will provide light and ventilation to the proposed dwelling.

It is also noted that the side setbacks of the proposed dwelling exceed the side setback requirements of the DCP. On the upper level, the proposed dwelling is setback 3.525 metres from the western boundary, exceeding the 900mm side setback required.

The submitter has provided Council with a concept floor plan for a dwelling they may construct. Having regard to the plan lodged, there are no main living areas located within the eastern side of the dwelling that would be adversely impacted by the subject dwelling. Also, there is minimal opportunity for direct overlooking of the location of the principle private open space associated with the concept dwelling floor plan.

It is considered the proposal is acceptable as the orientation of the allotment and the location of the openings will not result in an adverse impact on a future dwelling proposed within the western allotment.

2. The dwelling will have an impact in regards to the shadows cast across my property.

Officer comment:

The solar access has been assessed against the solar access controls within the Oran Park DCP. The adjoining properties' Principle Private Open Space (PPOS) is required to receive a minimum of 50% solar access to this space for no less than three hours between 9am and 3pm on 21 June.

The shadow diagrams submitted demonstrate the adjoining property will receive a minimum three hours solar access between the hours of 12pm and 3pm on 21 June, satisfying the DCP controls.

A copy of the shadow diagrams is attached to this report.

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 1115/2016 is recommended for approval subject to the conditions attached to this report.



RECOMMENDED

That Council approve DA 1115/2016 for the construction of a two storey dwelling and associated site works at 26 Milton Circuit, Oran Park, subject to the attached conditions.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD02

SUBJECT: ALTERATIONS AND ADDITIONS TO A PART TWO STOREY DWELLING - 37 FORREST CRESCENT, CAMDEN

FROM: Director Planning & Environmental Services

TRIM #: 16/207440

APPLICATION NO: 280/2016
PROPERTY ADDRESS: 37 Forrest Crescent, Camden
APPLICANT: Devine Drafting & Design
OWNER: Mrs Jacqueline Louise Childs

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for alterations and additions to a part two storey dwelling and associated site works at 37 Forrest Crescent, Camden.

The DA is referred to Council for determination as there are three submissions (from one property) which remain unresolved.

SUMMARY OF RECOMMENDATION

That Council determine DA 280/2016 for alterations and additions to a part two storey dwelling pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 280/2016 seeks approval for alterations and additions to a part two storey dwelling and associated site works.

Specifically the proposed development involves:

- Demolition of the rear of the dwelling containing two bedrooms and a laundry to accommodate a new laundry and an alfresco area containing a BBQ;
- Internal reconfiguration of the rooms and uses;
- Removal of the front upper level deck;
- Extension of the dwelling (additional 10.8m²) and garage towards the street;
- A new front upper level balcony;
- Landscaping works and lopping of a Jacaranda tree within the site to accommodate the additions; and
- Associated site works.

The cost of works for the development is \$117,000.

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

THE SITE

The site is commonly known as 37 Forrest Crescent, Camden and is legally described as Lot 8 DP 239467.

The site is located on the western side of Forrest Crescent, Camden. The site has a cross fall from northwest to southeast of approximately 3.9m.

Existing on site is a part two storey/part single storey dwelling and swimming pool. Due to the topography of the site, the dwelling appears as two storeys from the street and transitions to a single storey towards the rear of the site.

Adjoining the allotment to the north and south are dwellings of varying bulk and scale. Opposite to the east is a two storey dwelling house. The dwellings at the rear are also two storey forms.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and generally compliant with the exception of one variation noted below. Below is a summary of the key development statistics associated with the DA and any variations.

	Standard	Proposed	Compliance
Camden Local Environmental Plan 2010 (LEP)			
Height of Buildings	Maximum height of buildings 9.5m.	Maximum height 8.19m above existing ground level.	Yes
Camden Development Control Plan 2011 (DCP)			



Front Setback	Minimum 4.5m or consistent with the prevailing front setback determined by the average distance of the nearest two dwellings having a boundary with the same primary road.	<p>The existing dwelling to the north is set back minimum of 7.3m. The existing dwelling to the south is set back a minimum of 7.8m. The average prevailing setback is 7.55m.</p> <p>The proposed front setback is 7.645m, which is 0.095m behind the street average setback.</p>	Yes
Rear Setback	4m minimum ground floor 6m minimum upper floor.	<p>The ground floor level is setback 4.86m and is unchanged from the existing.</p> <p>There is no first floor component at the rear due to the topography of the site.</p>	Yes
Side Setbacks	0.9m minimum.	<p>Southern boundary - 3.105 (to the proposed addition). Northern boundary - 1.8m (existing).</p>	Yes
Garage setback	1m behind building and 5.5m to front boundary.	The garage is setback a minimum of 7.945m from the street and is forward of the façade of the dwelling.	No - see DCP Variation 1.
Visual and Acoustic Privacy	Windows of habitable rooms (not bedrooms) of first floor must not overlook unless window treatment provided.	<p>A new window is proposed on the northern elevation with a sill height of 1.5m to restrict overlooking.</p> <p>A new window is proposed on the</p>	Yes



	<p>First floor balcony or deck not permitted unless demonstrated no adverse impact on privacy.</p>	<p>southern elevation with a sill height of 1.5m to restrict overlooking.</p> <p>There is an existing balcony facing the street. This balcony is to be enclosed with a new balcony being built in front.</p> <p>The privacy impacts resulting from this modification are considered to be similar to the existing situation.</p> <p>The patio to the rear southern elevation exists, with the new alfresco area in the rear being generally at ground level resulting in no adverse privacy impacts onto the adjoining allotments.</p>	
Site Coverage	<p><u>Site Cover - Two Storey</u> 50% Ground Floor 30% Upper Floor*</p>	<p>Lower Ground floor 94.74m² or 15.1% Upper Ground floor 210.57 or 33.6% <i>*Note given the fall of the land there is no effective upper level for the purpose of this control.</i></p>	Yes
Landscaped Area	Minimum 30% Site	There is 188m ² being 30.03% soft landscaping on site.	Yes
Car parking	Double garages permitted.	Double garage provided with the garage door	Yes



	Garage doors not to exceed 50% of front façade.	being 36% of the width of the front façade.	
Private Open Space (POS)	<p>≥ 20% Site Area.</p> <p>PPOS area of minimum area 24m² with minimum dimension 4m.</p>	<p>There is 161m² equating to 25% of POS behind the building line, with minimum dimensions of 2.5m.</p> <p>A PPOS area to the rear exist, it has an area of 24m² meeting the minimum dimensions of 4m accessible from the alfresco area.</p>	Yes
Solar Access	<p>≥ 50% PPOS to receive ≥ 3hrs solar access between 9am & 3pm on 21st June</p> <p>Adjoining dwelling to receive same rate to PPOS.</p>	<p>The PPOS area to the rear of the lot will receive solar access to greater than 50% of this space and will receive greater than 3hrs solar access between 9am & 3pm on 21 June.</p> <p>The PPOS of the adjoining dwelling to the south will receive greater than 50% solar access between the hours of 9am and 12pm on the 21 June.</p> <p>The shadow diagrams are attached to this report.</p>	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density Residential.
---------	-----------------------------



Permissibility:	The proposed development is defined as a ' Dwelling House ' by the LEP which is a permissible land use in this zone.
-----------------	--

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and Deemed State Environmental Planning Policy No 20- Hawkesbury-Nepean River both apply to this site. The development is ccompliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 - Generally compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions applicable.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Three submissions (from one property) were received which have been discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Compliance with Plans or Policies

DCP Variation 1 – Garage Setback from facade

DCP Control

Camden DCP 2011 requires a garage to be set back 1m behind the front building line.

Variation Request

The proposed garage is not set back 1m behind the building line as it is directly below the front façade of the dwelling.

Council Staff Assessment

- The garage of the existing dwelling is not set back 1m behind the front dwelling façade, and therefore does not meet this control. The proposed addition presents a façade that is not dissimilar to the existing situation on site and development in the locality. The proposed garage design is not considered to result in garage dominance and is not inconsistent with the existing development and how it is viewed from the street.



-
- The design proposed is not inconsistent with the existing development form within the locality. There are various dwellings within the streetscape where the garages align with the dwelling façade or are in forward of the building line.
 - The proposed garage is set back greater than the minimum requirement of 5.5m as set by the DCP. The garage is setback 7.945m from the front boundary which does not inhibit the ability to park a vehicle within the property boundary on the existing driveway.
 - The porch feature provided over the garage has an overhang of 300mm to soften the appearance of the garage when viewed from the street.

Having regard to the comments outlined above, it is recommended this DCP variation be supported.

Key Issues

The key issues associated with the DA are limited to the DCP variation and submissions issues discussed in this report.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 6 May, 2016 to 19 May, 2016. Three submissions (from one property) were received objecting to the proposed development.

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

1. *The proposed additions will excessively over shadow the neighbouring property to the south including its primary outdoor living space which has a northerly aspect. The shadow from the additions will project into the living space and impact upon solar power and solar hot water.*

Officer comment:

The shadow diagrams show the existing and proposed overshadowing impacts.

The property to the south will retain three hours of solar access to at least 50% of its principal private open space (PPOS) between the hours of 9am and 3pm during mid-winter which is consistent with the criteria outlined in the DCP.

At 9am, solar access to the PPOS on the property to the south will not be impacted by the proposal.

At 12pm, the shadows cast by the proposed development encroaches into the PPOS, however as shown in the diagram below, the shadow does not occupy more than 50% of the PPOS.

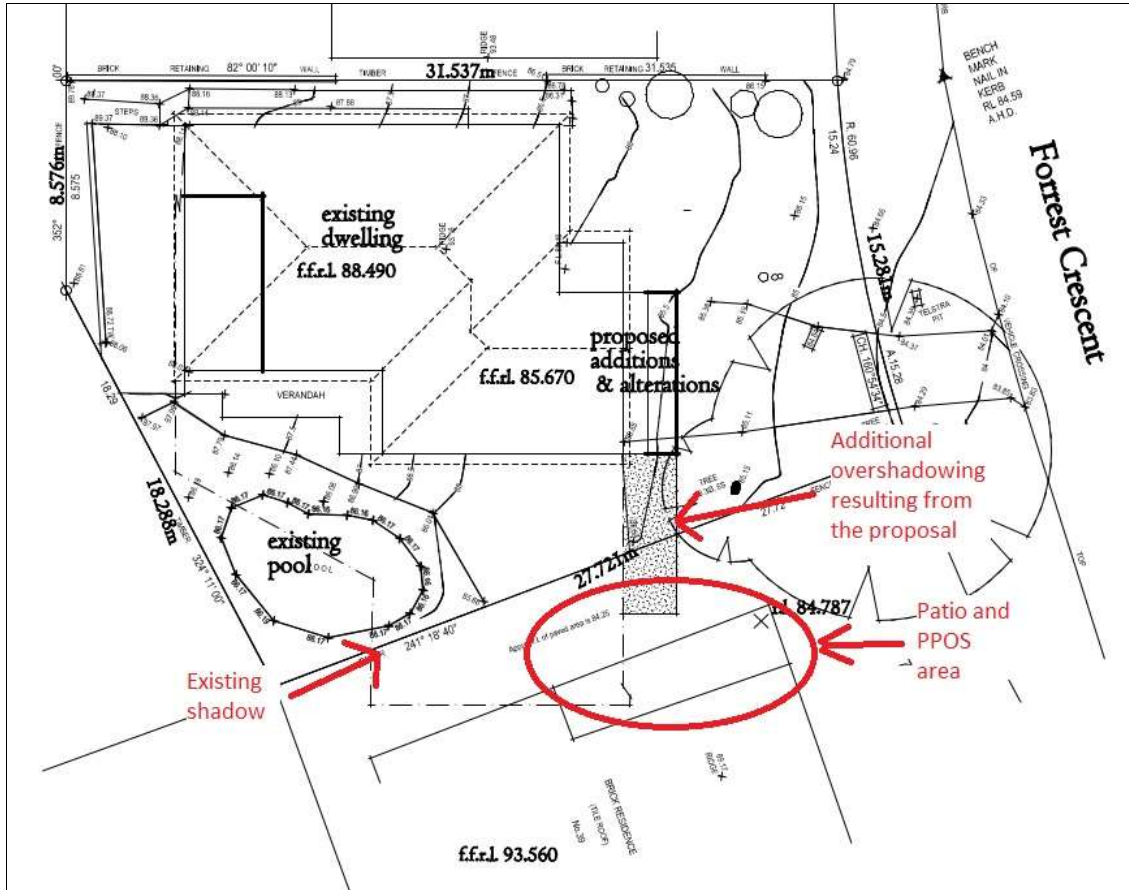


Figure – Shadow Diagram at 12pm on 21 June

At 3pm, the PPOS on the property to the south is currently overshadowed and the proposed development does not increase this impact.

No additional overshadowing of the northern elevation of the southern allotment, solar panels and solar hot water system will occur as a result of the proposal.

Since this DA was lodged, amendments have been made to the plans to reduce the overshadowing impact to the southern neighbor including the deletion of a proposed extension of the upper level roof at the front of the dwelling.

Having regard to the above, the proposed development is considered acceptable in terms of its overshadowing impacts.

The shadow diagrams are attached to this report.

2. *There is discrepancy between the position of the existing shadow on the shadow diagrams and the actual shadow cast on site.*

The diagrams are considered representative of the shadow cast by the proposed dwelling additions and demonstrate compliance with the solar access controls.

The applicant has surveyed the adjoining property to establish the location of the dwelling and the PPOS of the southern lot to enable an accurate assessment of the overshadow impact.



The shadow diagrams have been reviewed by Council staff who are satisfied they have been drafted having regard to true north and accurate angles of sunlight at the various times throughout the day during mid-winter being 21 June. Level changes have been taken into consideration and the length of the shadowing is considered accurate.

3. *The large windows proposed on the south west side of the existing dwelling directly overlook our primary outdoor living space which will result in an unacceptable intrusion to privacy. It is requested that these windows be removed or modified to sill height.*

Officer comment:

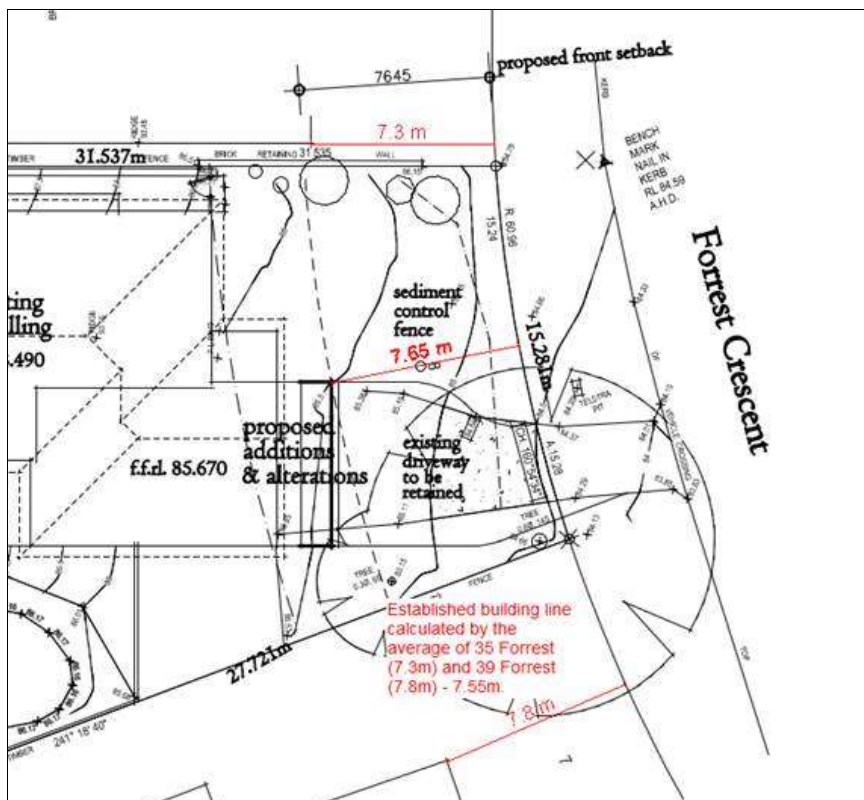
The window of concern services the kitchen. Originally this elevation proposed a second window which serviced a bedroom, however during the assessment of the application this window was deleted, and the window sill height of the kitchen was increased to 1.5m above the finished floor level of the room to restrict overlooking.

4. *Concerns the proposed extension will site the building far closer to the street than the neighbouring dwellings with the dwelling, potentially dominating the streetscape. Concerned the proposal does not meet the average required setback.*

Officer comment:

The setbacks of the adjoining allotments have been established via survey and taken into consideration when calculating the appropriate setback to the street for the subject additions. The projection toward the street associated with the dwelling addition has been reduced and does not exceed the average of the two adjoining dwellings.

The below figure demonstrates the adjoining property setbacks, average street setback and proposed front setback.





-
5. *The plans do not accurately describe the use areas of the neighbouring property to the south.*

Officer comment:

Council officers have undertaken a site inspection and note the functionality of the northern side of the southern allotment. Council staff have had regard to the use areas in the assessment of the application.

6. *The statement of environmental effects submitted does not address the issues of privacy, shadowing or the removal of vegetation in which we believe the two large trees will require substantial lopping.*

Officer comment:

The statement of environmental effects provided with the application was considered acceptable for the purpose of lodging the DA with Council.

The development has been assessed against the relevant planning controls and further information has been requested where necessary to facilitate a full and proper assessment of the proposal.

Discussions with the applicant have indicated lopping of the Jacaranda tree may be required to facilitate the development. The DA has been reviewed by Council's Vegetation Management Officer and conditions of consent have been recommended to ensure any works to the tree are carried out in an appropriate way to ensure structural stability of the tree and a visually pleasing outcome obtained.

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 280/2016 is recommended for approval subject to the attached to this report.

RECOMMENDED

That Council approve DA280/2016 for alterations and additions to a dwelling house and associated site works at 37 Forrest Crescent, Camden, subject to conditions attached.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Site Survey Plan
4. Floor Plans - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD03

**SUBJECT: TWO STOREY ATTACHED DUAL OCCUPANCY AND TORRENS
SUBDIVISION - 46 ORBIT STREET, GREGORY HILLS**

FROM: Director Planning & Environmental Services

TRIM #: 16/320184

APPLICATION NO: 901/2016
PROPERTY ADDRESS: 46 Orbit Street, Gregory Hills
APPLICANT: Sam Maltese (Trojan Homes)
OWNER: Mr Phuong Quoc Tran

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 torrens title subdivision at 46 Orbit Street, Gregory Hills.

The DA is referred to Council for determination as there is one unresolved submission objecting to the proposed development

SUMMARY OF RECOMMENDATION

That Council determine DA 901/2016 for the construction of a two storey attached dual occupancy and torrens title subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 901/2016 seeks approval for the construction of a two storey attached dual occupancy and torrens title subdivision.

Specifically the proposed development involves:

- Construction of a two storey dual occupancy, each dwelling consisting of four bedrooms and a single garage;
- Associated site works;
- Torrens title subdivision; and
- Stormwater connection to easement and street gutter.

The cost of works for the development is \$637,216.

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

THE SITE

The site is commonly known as 46 Orbit Street, Gregory Hills and is legally described as Lot 8242 DP 1208220.

The site is located on the corner of Orbit Street and Cumberland Street within the residential subdivision of Gregory Hills. To the north and northwest of the site are vacant residential lots. To the south of the site is a single storey dwelling and a two storey dwelling currently under construction. To the east is a two storey dwelling and to the southeast is a vacant residential lot.

Within the vicinity of the site are a variety of approved development types consisting of single storey dwellings, two storey dwellings, attached dual occupancies and detached dual occupancies.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant with the exceptions of the variation noted below. Below is a summary of the key development statistics associated with the DA and the variation.

	Standard	Proposed	Compliance
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
4.1A Minimum Lot Size for other development	<p>Minimum lot size for dual occupancy 500m².</p> <p>Minimum lot size for semi-detached dwelling 200m².</p>	<p>The lot meets the minimum requirement for a dual occupancy being 609.2m².</p> <p>The dual occupancy is proposed to be torrens subdivided post construction. This will result in two</p>	Yes



		semi-detached dwellings, which each require a minimum lot size of 200m ² . The subdivision will result in Lot A 339.2m ² and Lot B 270m ² .	
4.3 Height of Building	Maximum 9.5m building height.	Maximum height of development 8.9m above existing ground level.	Yes

Turner Road Development Control Plan 2007 (DCP)			
7.1.2 Residential Density Target	Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure and corresponding characteristic by Density Band.	The dwelling density of the two lot subdivision is calculated at 19.37 dw/Ha. The typical characteristics of the residential density band 15-20 dw/ha is a suburban streetscape featuring a mix of detached dwelling houses, semi-detached dwellings and dual occupancies. The proposed development is consistent with this clause of the DCP.	Yes
7.2 Block and Lot Layout	Minimum lot size Clause 4.1A for semi-detached dwelling 200m ² . Minimum lot frontage by density target is met. Minimum lot frontage 9m for density target 15-20dw/Ha.	Each lot will provide the minimum lot size for a semi-detached dwelling as specified within the SEPP resulting in Lot A 339.2m ² and Lot B 270m ² . The dwelling density of the two lot subdivision is calculated at 19.37 dw/Ha. The minimum lot width required is 9m for density target 15-20 dw/Ha. Proposed Lot A has a lot width	Yes



		of 15.1m and Lot B 9m.	
7.4.3 Front Setback	<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 - 4.6m to façade. Dwelling 2 - 4.6m to façade.</p> <p>Dwelling 1 - 3.52m to articulation zone Dwelling 2 - 3.52m to articulation zone.</p> <p>Dwelling 1 - 6.64m to garage and 2.04m behind facade Dwelling 2 - 6.64m to garage and 2.04m behind façade.</p>	Yes
7.4.4 Rear Setback	Rear setbacks - 4m ground floor and 6m first floor.	<p>Dwelling 1 - 4.4m to alfresco (ground) 10.69m to upper floor.</p> <p>Dwelling 2 - 4.4m to alfresco (ground) 10.69m to upper floor.</p>	Yes
7.4.4 Side Setbacks	<p><u>Dwelling 1</u> Minimum 0.9m (ground) & 0.9m (side A) upper level and 1.5m (side B) upper level.</p> <p>Secondary street setback (Corner lot) minimum 2m to facade and 1m to articulation zone.</p> <p><u>Dwelling 2</u> Minimum 0.9m where detached.</p>	<p><u>Dwelling 1</u> South Boundary (Side A) - 2.027m (secondary street setback applies) North Boundary (Side B) - Attached to Dwelling 2</p> <p>Minimum 2.027m setback to secondary street (Orbit Street).</p> <p><u>Dwelling 2</u> North Boundary - 1.205m South Boundary - Attached to Dwelling 1</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
7.4.5 Site Coverage	<u>Dwelling 1</u> 50% ground floor and 30% upper floor.	<p>Dwelling 1 - Ground floor 121m² (35.7%) Upper floor 90m² (26.5%).</p> <p>Dwelling 2 - Ground</p>	Yes



	<p><u>Dwelling 2</u> 60% ground floor 40% upper floor for lots greater than 375m².</p>	<p>floor 124.6m² (46.1%) Upper floor 91m² (33.7%).</p>	
7.4.6 Landscaped Area	<p><u>Dwelling 1</u> Min 30% of lot area.</p> <p><u>Dwelling 2</u> Min 25% of lot area.</p>	<p>Dwelling 1 - 50.1% soft landscaping.</p> <p>Dwelling 2 - 36.6% soft landscaping.</p>	Yes
7.4.8 Car parking	<p>3 bedrooms or more, dwellings must provide at least 2 car spaces with at least one located behind the building line.</p>	<p>Dwelling 1 - One space provided within garage behind building line, and one stacked within lot boundary.</p> <p>Dwelling 2 - One space provided within garage behind building line, and one stacked within lot boundary.</p>	Yes
7.4.7 Principal Private Open Space (PPOS)	<p><u>Dwelling 1</u> Minimum 24m², min dimensions of 4m and accessible from a living room.</p> <p><u>Dwelling 2</u> Minimum 20m², min dimensions of 4m and accessible from a living room.</p>	<p>Dwelling 1 - PPOS provided 24m², 6m x 4m, gradient less than 1:10 and accessible from alfresco.</p> <p>Dwelling 2 - PPOS provided 20m², 5m x 4m, gradient less than 1:10 and accessible from alfresco.</p>	Yes
7.4.7 Solar Access	<p>50% of the PPOS (of both the proposed development and adjoining properties) is required to receive 3 hours of sunlight between 9am and 3pm on 21 June.</p>	<p>Dwelling 1 - PPOS area receives more than 3hrs solar access between 9am to 3pm on 21 June to more than 50% of PPOS.</p> <p>Dwelling 2 - PPOS area receives more than 3hrs solar access between 9am to 3pm on 21 June to more than 50% of PPOS.</p>	Yes



		Adjoining development will receive more than 3hrs solar access between 9am to 3pm on 21 June to more than 50% of PPOS.	
7.4.10 Boundary Fencing	Front fence ≤ 1m.	No front fence proposed	Yes
	Side/rear fence ≤ 1.8m, setback ≥1m from front façade.	1.8m height fence where adjoining property boundary, setback 1m from facade	Yes
	Corner lot secondary street fence ≤ 1.8m for a max one third of length of frontage & ≤ 1m forward of building/garage line.	The boundary fencing along the secondary street frontage continues for 47% of the length of the secondary frontage. This is addressed as a variation below in the report.	No - See Variation No. 1

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as a ‘dual occupancy’ by the SEPP which is a permissible land use in this zone. Subdivision is proposed and permitted with consent via the SEPP within the zone.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy 55 - Remediation of land</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u></p>
--	--



	Compliant with conditions recommended where necessary. <u>Deemed State Environmental Planning Policy No 20 - Hawkesbury-Nepean River</u> Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	None Applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None Applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Turner Road Development Control Plan 2007 (DCP)</u> Generally compliant with conditions recommended where necessary. One variation is noted below. <u>Camden Development Control Plan 2011 (DCP)</u> Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	None applicable.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which is discussed in the submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Compliance with Plans or Policies

DCP Variation 1 - Corner Lot Boundary Fencing

For corner lots, the DCP requires fencing on the secondary street frontage to be no more than 1.8m in height for a maximum one third (33%) of the length of the secondary street frontage.

Variation Request

The secondary street boundary fencing extends for 47% of the length of the secondary street frontage.

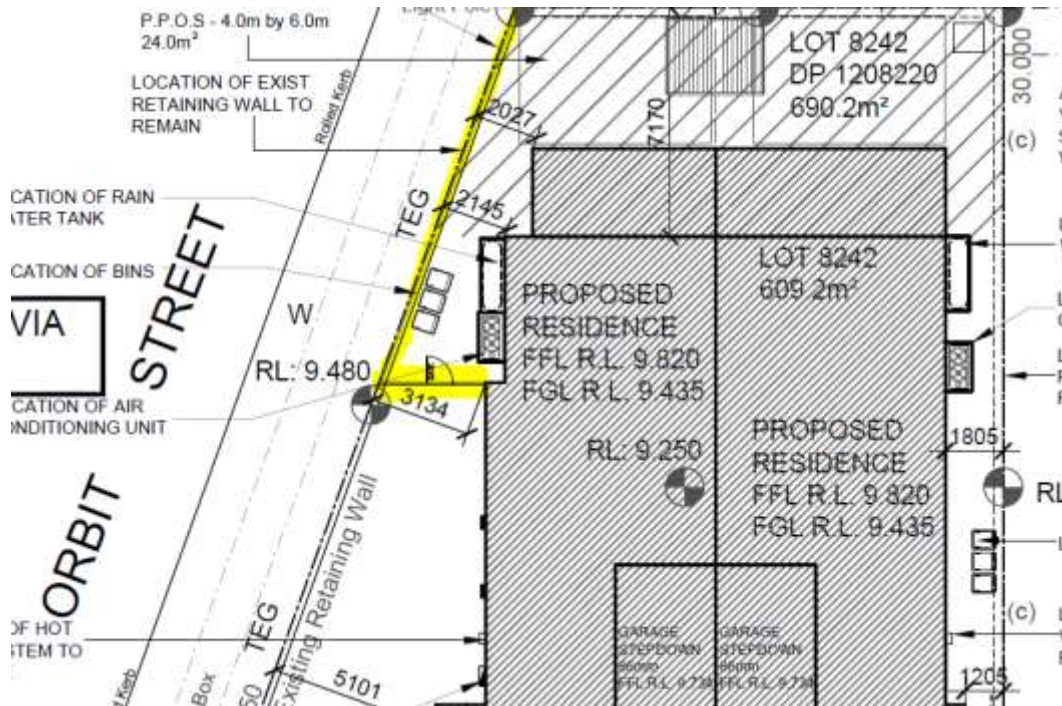
Council Staff Assessment

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

- The secondary street boundary fencing has been extended to screen the services to the side Dwelling 1 which include the water tank, airconditioning unit and bins.
- The objective of the control for boundary fencing is to '*ensure boundary fencing is of a high quality and does not detract from the streetscape*'. The variation to the boundary fencing (3.8 metres) along the secondary street frontage is not considered to have an adverse impact on the streetscape.
- The use of boundary fencing to appropriately screen services to the side the dwelling is an acceptable outcome despite the variation from the numerical control.

- The boundary fencing does not extend past the frontage of the dwelling and will not have an unreasonable adverse impact in regards to pedestrian or vehicle sightlines.

Consequently, it is recommended that Council support this proposed variation to the DCP based on the above reasons.



Key Issues

The key issues associated with the DA are limited to the DCP variation and submission issues discussed in this report.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 12 August, 2016 to 25 August, 2016. One submission was received (objecting to the proposed development). The development was then notified to a number of additional surrounding properties for a period of 14 days as these properties were not notified originally. The exhibition period was from 14 October, 2016 to 28 October, 2016. No submissions were received during this time.

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

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

1. *The proposed development does not positively address both street frontages. The rain water tank, bins and air-conditioning unit will be visible from the street.*

Officer comment:

The secondary street façade (southern elevation) is considered satisfactory. This elevation contains an articulated/stepped wall, a porch feature wrapping around the



façade and vertical rendered feature columns with a roof feature above. A variety of windows break up the façade on this frontage also to add interest.

The boundary fencing has been extended to appropriately screen the bins, water tank and airconditioning units from street view.

2. *The proposed development is against the NSW Planning and Environment Dwelling Density Guide.*

Officer comment:

The NSW Planning and Environment Dwelling Density guide is not a consideration under the *Environmental Planning and Assessment Act 1979*. Aside from the variation discussed above, the proposed development is compliant with the relevant planning controls of the SEPP (Growth Centres) and the Turner Road DCP.

3. *The relevant corner lot size will be inconsistent with the Turner Road DCP as it required larger lots on corners. The corner lots are of larger width to mitigate the difficulties in development within the lot because of odd shapes.*

Officer comment:

The lot mixture and layout was considered as part of the original subdivision which included a layout with larger lots located on corners. The objectives of the block and lot layout controls that are of relevance include:

- (a) *To encourage variety in dwelling size, type and design to promote housing choice and create attractive streetscape with distinctive characters.*
- (b) *To accommodate a mix of lot sizes and dwelling types across a precinct*

The proposed development is permissible and meets the minimum lot size requirement within the SEPP. As stated within the objectives, a variety of lot sizes provides an opportunity for a mix of dwelling types including dual occupancies and semi-detached dwellings.

The subdivision of the dual occupancy will not result in the creation of additional vacant odd lots. The lot frontages created by the subdivision comply with the dwelling density table as specified within the DCP, which requires a minimum lot frontage of 9m for dwelling density of 19.37 dwellings per hectare.

4. *The proposed development will result in a higher than intended density.*

Officer comment:

The Turner Road DCP sets out the minimum density requirements for the Turner Road Precinct which was considered at the original subdivision stage. The proposed development meets the minimum lot sizes and is consistent with the density yields envisaged for this precinct.

5. *The proposed development will increase noise levels and decreases privacy and comfort.*

Officer comment:

The acoustic and privacy impacts have been considered as part of the assessment of the DA. The proposed development is residential in nature and scale and complies with



the relevant controls in relation to building setbacks, height, design and overall built form. The upper levels contain bedroom and bathrooms only.

The privacy and acoustic impacts arising from the development are considered to be consistent with adjoining development and acceptable.

6. *The proposed development will not give due consideration to the environment due to the type of plant species used.*

Officer comment:

The landscaping plan originally proposed a 'Chinese tallow tree', which is not considered a species sympathetic to the environment. The landscaping plan has been amended to exclude the 'Chinese tallow tree', and instead includes plantings of 'White Crepe Myrtle' and 'Common Gardenia' to the front of the property. This is considered a suitable alternative and sympathetic to the local environment.

7. *The proposed development is not a right fit overall.*

Officer comment:

The variety of lot widths and sizes within the locality enable a mix of dwelling styles and types which include dual occupancies and semi-detached dwellings which are permissible with the zone.

The development originally proposed a lot width of 8.7m for Dwelling 2, which has since been amended to comply with the minimum requirement of 9m under the DCP as per the relevant density table. In this regard, the proposed two lots comply with the lot width requirement.

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 901/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 901/2016 for the construction of a two storey attached dual occupancy development and torrens title subdivision at 46 Orbit Street, Gregory Hills, subject to conditions listed in Attachment 1.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD04

SUBJECT: DEMOLITION OF ALL STRUCTURES, REMEDIATION AND CONSTRUCTION OF A 72 PLACE CHILD CARE CENTRE, INCLUDING SIGNAGE, CARPARKING, TREE REMOVAL, LANDSCAPING AND SITE WORKS - 31 BROUGHTON STREET, CAMDEN

FROM: Director Planning & Environmental Services
TRIM #: 16/370344

APPLICATION NO: 563/2016
PROPERTY ADDRESS: 31 Broughton Street
APPLICANT: Mr Joseph Tadros
OWNER: Mr Joseph Tadros

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the demolition of all structures, remediation and construction of a 72 place child care centre, associated parking and business identification signage at 31 Broughton Street, Camden.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 563/2016 for the demolition of all structures, remediation and construction of a 72 place child care centre, associated parking and business identification signage pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 563/2016 seeks approval for the demolition of all structures, remediation works and construction of a 72 place child care centre, associated parking and business identification signage.

Specifically the proposed development involves:

- Demolition of all the existing structures on the land;
- Remediation of the site;
- Removal of three trees - one conifer, one jacaranda and one celtis;
- Construction of a new two storey child care centre with a building area of approximately 640m² comprising six play rooms, kitchen, laundry, store rooms and amenities, staff room, meeting room and office including:
 - The upper floor area, which contains two external soft fall play areas, indoor play areas, storage rooms, baby change room, staff amenities and bottle preparation area;



-
- The lower floor level, which contains two external soft fall play areas, indoor play areas the main office, main kitchen, staff and children amenities, laundry, staff room and storage rooms;
 - Provision for 72 children in the following age groups:
 - 0 - 2 years = 16 children;
 - 2 – 3 years = 20 children;
 - 3 -5 years = 36 children;
 - Hours of operation between 7.00am and 7.00pm, Monday to Friday;
 - Employment of 12 staff;
 - Car parking for a total of 18 vehicles (including one accessible space)
 - Erection of 2.1 m acoustic fencing around the side and rear boundaries of the site and 1.8m acoustic fencing around the upper and lower outdoor play areas;
 - Erection of business identification signage; and
 - Associated landscaping and site works.

The value of the works associated with the development is \$748,200.

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

THE SITE

The site is commonly known as 31 Broughton Street and is legally described as Lot 10 DP 979451.

The site is located near the intersection of Broughton Street and Park Street, Camden.

The site has a frontage of 20.46m and a depth of approximately 100.58m. The site area is 2,022.7m².

The land is rectangular in shape and adjoins multi dwelling housing developments to the north and southwest. Adjoining development to the southeast and south are residential cottages currently occupied by commercial uses.



The site is located within the B4 Mixed Use zone as shown in the map below.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is compliant with these controls. Below is a summary of the key development statistics associated with the DA.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
4.3 Height of Buildings.	Max height 7m.	6.9m height proposed.	Yes
5.10 Heritage Conservation.	Conserve the environmental heritage of Camden.	See Heritage Impacts discussion in the Key Issues section of this report.	Yes
7.1 Flood Planning.	Consider a range of matters relating to flood planning including the proposed development's compatibility with the flood hazard, adverse impacts on flood behavior and environmental impacts.	The flood planning matters listed in this clause have been considered and the proposed development is considered acceptable.	Yes
7.5 Child Care Centres.	Consider if the site has an area of at least 1,200m ² and does not adjoin an existing or proposed classified road.	The site has an area of 2,022.7m ² and does not adjoin an existing or proposed classified road.	Yes

Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
B1.4 – Water Management	Compliance with Council's engineering specification.	Plans detailing concept on-site storm water detention and disposal have been lodged in support of the DA. These plans are considered acceptable. A condition is recommended requiring the proposed development to comply with Council's Engineering Specifications. The application is proposing the site be drained via an easement through the allotments at the rear.	Yes
B1.11 – Flood Hazard Management.	Compliance with Council's Engineering Specifications and Flood Risk	A standard condition is recommended to address compliance with Council's	Yes



Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
	Management Policy.	engineering specifications. The proposed development is generally consistent with Council's Flood Risk Management Policy.	
B1.12 Contaminated and Potentially Contaminated Land Management.	An assessment is to be made by the applicant under SEPP No. 55 to the suitability of the land for proposed use.	The DA includes a Remedial Action Plan (RAP) to ensure the site is remediated and will be suitable for its intended use in accordance with SEPP 55.	Yes
B1.16 Acoustic Amenity.	Compliance with Council's Environmental Noise Policy (ENP).	The applicant has submitted an acoustic report in support of the DA. The report demonstrates there will be no adverse noise impacts upon surrounding properties and recommends a number of acoustic treatments including acoustic fencing. Council staff have reviewed the report and agree with its findings. The above achieves compliance with the ENP.	Yes
B3.1.2 Camden Heritage Conservation Area.	Retain the unique heritage significance of Camden town. New development is to be sympathetic to, and enhance, the Conservation Area.	See Heritage Impacts discussion in the Key Issues section of this report.	Yes
B4.9 Child Care Centres.	Types of business identification signs shall generally be limited to a flush wall and pylon signage. A maximum of two	One flush wall sign and one pylon sign proposed identifying the child care business. Each sign is 1200mm	Yes



Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
	signs to a total combined area of 4m ² shall be permitted.	x 900mm having a total area of 2.16m ² . The pylon sign has a maximum height of 3m which is acceptable in the streetscape and having regard to the DCP.	
B5 Off Street Car parking rates/ requirements.	One car parking space per four children.	The proposed 72 place centre requires 18 car parking spaces. 18 spaces are proposed.	Yes
	One of the car parking spaces shall be designed for people with a disability.	One of the proposed spaces has been designed for people with a disability.	Yes
D5.1 Child Care Centres.	All child care centres must be licensed by the NSW Department of Education and Communities. (DEC)	A condition is recommended requiring a licence to be issued by DEC prior to the building being operational.	Yes
	No access to classified road.	Broughton Street is not a classified road.	Yes
	Road access minimum width 7.4m	Road access width is 11.5m.	Yes
	No frontage to cul-de-sac or no through road.	The frontage of Broughton Street is not a cul-de-sac.	Yes
	Additional traffic not to adversely affect amenity of neighbourhood.	See Traffic and Parking Impacts discussion in the Key Issues section of this report.	Yes
	Not adversely affected by noise pollution or contamination unless these impacts can be mitigated.	The DA includes a RAP to ensure the site is remediated to be suitable for its intended use.	Yes
		Surrounding uses are	Yes



Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
		not considered to result in acoustic impacts on the children within the proposed childcare facility.	
	Not affected by 1% AEP.	Not affected by 1% AEP.	Yes
	Not within 100m of high voltage transmission, mobile phone towers or radio telecommunication facilities.	The site is not within 100m of any high voltage transmission tower, phone tower or radio or telecommunications facilities.	Yes
	Not within 100m the site to approved restricted premises or sex services premises.	An audit of development consents within 100m of the site do not include restricted or sex service premises.	Yes
	Not within 55m measured in a straight line from any part of the site boundary to an above ground liquid petroleum gas tank that has a capacity of 8 kilolitres or less.	The site is not within 55m of an above-ground LPG tank.	Yes
	Must be connected to the reticulated sewer of Sydney Water unless satisfactory on-site sewage management can be provided.	The site is serviced by Sydney Water for potable water and sewer.	Yes
	Development applications for child care centres must be accompanied by a Phase 1 contamination investigation undertaken in accordance with Council's Management of Contaminated Lands Policy.	Council's Environmental Health Officer has reviewed the contamination report and associated RAP. The implementation of the RAP will ensure the site is remediated and made suitable for its intended use.	Yes
	Kitchen fitouts must comply with the Food Act and Regulations and Council's Food	Council's Environmental Health Officer has reviewed the kitchen fitout and	Yes



Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
	Premise Code.	recommended conditions of consent.	
Built Scale and character.	Non-residential zones, the building design must complement the desired built form, scale and character for the neighbourhood.	The proposal is consistent with the desired built form, scale and character for the neighbourhood.	Yes
	Architectural elements which articulate the front and other facades visible from the public domain.	The façade is visible from the public domain and is sufficiently articulated.	Yes
	Large expanses of blank and unarticulated walls must be avoided.	The proposal does not include large expanses of blank walls.	Yes
	Entrances to buildings must be orientated towards the street front and be easily identifiable.	There is an entrance orientated towards Broughton Street as well as a rear entrance providing access from the car park at the rear.	Yes
Setbacks.	The front setback area may only be used for access, car parking and landscaping purposes and not for outdoor play areas and the like.	No outdoor play areas are proposed in the front setback area.	Yes
Acoustic amenity.	An Acoustic Assessment Report must be submitted with the development application.	An acoustic report has been submitted and reviewed by Council's Environmental Health Officer, who is satisfied with the proposal subject to the imposition of conditions.	Yes
	Where acoustic fencing is required it must be of solid continuous construction and have a maximum height of 2.1m.	The proposed acoustic fencing on the side and rear boundaries is no higher than 2.1 metres. Acoustic fencing around the outdoor play areas is a maximum of 1.8 metres (Perspex).	Yes
	Outdoor play areas	The noise from the	Yes



Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
	must be located to minimise noise.	<p>outdoor play areas on the ground and first floor is to be attenuated by 1.8m acoustic fencing.</p> <p>The proposal will comply with Council's Environmental Noise Policy (ENP).</p>	
	For larger centres, the number of children participating in outdoor activities and play time at any one time must be controlled to ensure satisfactory acoustic impacts for neighbouring properties.	<p>The applicant has submitted an acoustic report in support of the DA. The report demonstrates there will be no adverse noise impacts upon surrounding properties.</p> <p>The report nominates a maximum of 30 children playing outdoors at any one time.</p> <p>A condition is recommended to require an acoustic compliance report to be prepared once the centre is a sufficient size to allow a maximum of 30 children to participate in outdoor play at the same time. For any non-compliance, the acoustic report must make recommendations for compliance or further attenuation of noise sources which would be enforced by Council.</p>	Yes
Landscaped Area.	A landscape concept plan must be submitted with a DA for a child care centre.	A landscape concept plan has been submitted and is satisfactory subject to conditions requiring a change in some	Yes



Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
		vegetation species and the incorporation of vegetation to screen the acoustic fencing along the northern and southern boundaries.	
Fencing.	Fences must be designed to maximise privacy to all adjoining properties.	2.1 metre high acoustic fencing is proposed to the side and rear boundaries which will maximise privacy. A condition has been recommended for the fencing to be lapped and capped timber.	Yes
	Child proof fencing and self-closing gates must be installed around outdoor play areas and at the entrance.	Child proof gates are proposed around outdoor play areas where necessary.	Yes
	Fencing must be of a type consistent with the residential character of the areas so as to minimise the centres impact on the streetscape.	A 1.2m high front picket fence is proposed which is acceptable in the streetscape.	Yes
Open Space.	Open space requirements are to comply with the requirements set out in the Children's (Education and Care Services) Supplementary Provisions Regulation 2012.	The open space complies with the requirements of the Children's (Education and Care Services) Supplementary Provisions Regulation 2012.	Yes
Traffic, Parking & Pedestrians.	Must be designed to allow for the safe delivery and collection of children and also for the safe movement and parking of staff, visitors and service vehicles.	Council's Traffic Engineers are satisfied the design of the driveway and car park provide safe access for the delivery and collection of children, staff, parents, visitor and service vehicles. Conditions are recommended which include the extension	Yes



Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
	A traffic report must be submitted with the DA.	of the existing traffic island restricting traffic movements to left-in and left-out only (subject to Local Traffic Committee approval). A traffic report has been submitted with the DA. The traffic report was assessed by Council's Traffic Engineers, who recommend approval subject to the imposition of conditions.	Yes
	Parking spaces to be fully contained within the site.	All parking spaces are contained within the subject site.	
	A drop-off area must be provided fully contained within the site and clearly shown on a plan.	Drop-off areas are provided on site within the rear car parking area.	Yes
Hours of Operation.	Where a site is located outside of a residential zone the proposed hours of operation must be included in the application.	The proposed hours of operation are 7am to 7pm Monday to Friday and are considered appropriate in this location.	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	B4 – Mixed Use.
Permissibility:	The proposed development is defined as a 'Child care centre' by the LEP which is a permissible land use in this zone.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	SEPP 55 - Remediation of Land - Compliant with conditions recommended where necessary.
--	--



	SEPP 64 – Advertising and Signage - Compliant with conditions recommended where necessary. (Deemed SEPP) SREP No.20 - Hawksbury-Nepean River (No.2 - 1997) - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP2011 - Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Prescribed conditions imposed.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the ‘Key Issues’ section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Two submissions were received which are discussed in the submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

Heritage Impacts

The subject site is located within the Camden Heritage Conservation Area (HCA).

Clause 5.10 of the Camden LEP 2010 seeks to conserve the environmental heritage of Camden.

In addition, the DCP seeks to retain the unique heritage significance of Camden and ensure that new development is sympathetic to, and enhances, the heritage conservation area.

The proposed development is considered to be consistent with the controls and objectives of the LEP and DCP with respect to heritage conservation.

A heritage impact statement (HIS) has been prepared as part of the DA, that supports the proposed development. **A copy of the HIS is attached to this report.**

Council’s Heritage Officer has reviewed the HIS and agrees that the existing cottage is not a contributory item to the HCA and no objection is raised to its demolition.

The proposed development is considered to be ‘good infill’ development, noting it presents to the street as a single storey development with some federation/bungalow detailing.

The proposed front setback is not inconsistent with development within the conservation area. The proposed landscaping in the front setback area will help to soften the development.



The façade is proposed to be a light orange face brick with a bright colour scheme of bright yellow gable boards, light blue eaves and details, and Brunswick green gutters. The applicant has demonstrated that similar colours are used in the HCA.

No objection is raised to the colour scheme as these bright colours will make up only a small portion of the finishes. However, the proposed red for the driveway and pedestrian path is not supported. A condition is recommended requiring this colour to be replaced by a mid-grey tone.

The construction of 2.1m high acoustic fencing along the side and rear boundaries and a 1.2m front picket fence is considered acceptable from a heritage perspective. A condition has been recommended for the fencing to be lapped and capped timber.

Council's Heritage Officer has reviewed the proposal and raised no objection subject to conditions of consent.

Traffic and Parking Impacts

The proposal is supported by a Traffic and Parking Impact Assessment Report. The report notes that the impact of the traffic generated by the proposal is considered satisfactory and will not result in an unacceptable peak hour traffic generation. Further, the on-site car parking layout and circulation is adequate to enable vehicles to enter and exit the site in a forward direction.

Council's traffic engineers have reviewed the proposal and concluded that the proposed development will not have an unacceptable traffic or road/pedestrian safety impact on the surrounding environment.

Conditions are recommended requiring plans to be submitted to and approved by the Local Traffic Committee for the extension of the existing pedestrian refuge island on Broughton Street at the applicant's expense and restricting vehicular access to left in/left out.

As noted above, the proposed development complies with the car parking requirements of the DCP.

Acoustic Impacts

The applicant has submitted an acoustic report in support of the DA. The report demonstrates there will be no adverse noise impacts upon surrounding properties. The report recommends a number of measures to mitigate noise impacts arising from the operation of the childcare facility. These measures include restricting the number of children accessing the outdoor play areas at any one time to 30 children and the construction of 2.1m acoustic fencing to the side and rear boundaries and 1.8m acoustic fencing to the perimeter of the upper and lower external play areas.

The acoustic report and recommendations have been reviewed by Council's Environmental Health Officers who have no objection to the development subject to recommended conditions which are attached to this report.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 14 June 2016 to 27 June 2016 with no submissions being received.



The proposal required the preparation of a Remediation Action Plan (RAP) and was then advertised for 30 days from 3 August, 2016 to 2 September, 2016. Two submissions were received during this period.

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

1. *Traffic impacts on Broughton Street*

Officer comment:

As discussed above, Council's traffic engineers have reviewed the proposal and consider that the proposed development will not have an unacceptable impact on traffic or road/pedestrian safety. Conditions have been recommended requiring the extension of the existing pedestrian refuge island on Broughton Street at the applicant's expense and restricting vehicular access to left in/left out.

2. *Noise generated by traffic, car parking and 72 children.*

Officer comment:

The applicant has submitted an acoustic report in support of the DA. The report demonstrates there will be no adverse noise impacts upon surrounding properties. The report recommends a number of measures to mitigate noise impacts arising from the operation of the childcare facility. These measures include restricting the number of children accessing the outdoor play areas at any one time to 30 children and the construction of 2.1m acoustic fencing to the side and rear boundaries and 1.8m acoustic fencing to the perimeter of the upper and lower external play areas.

The acoustic report and recommendations have been reviewed by Council's Environment and Health Officers, who have no objections to the development subject to recommended conditions, including a condition requiring an acoustic compliance report to be prepared. For any non-compliance, the acoustic report must make recommendations for compliance or further attenuation of noise.

3. *The site and adjoining sites are already flood affected and the additional hard surfaces will exacerbate this.*

Officer comment:

The site has a minor flood affectation at the rear of the site. Stormwater plans have been provided and assessed. The proposed on-site detention basin is of sufficient size to ensure post development water flows meet pre-development flows in accordance with Council's Engineering Specifications i.e. there will be no additional stormwater runoff as a result of the proposal.

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 563/2016 is recommended for approval subject to the conditions attached to this report.



RECOMMENDED

That Council approve DA563/2016 for the demolition of all structures and construction of a child care centre for 72 child places, associated parking and business identification signage at 31 Broughton Street, Camden, subject to the attached conditions.

ATTACHMENTS

1. Recommended Conditions
2. Site Plan
3. Proposed Plans
4. Drainage Plans
5. Heritage Impact Statement
6. Traffic & Parking Impact Assessment Report
7. Public Exhibition and Submissions Map - *Supporting Document*
8. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD05

SUBJECT: ALTERATIONS AND ADDITIONS AND USE OF BUILDING FOR A MEDICAL CENTRE - 37 JOHN STREET, CAMDEN

FROM: Elton Consulting

TRIM #: 16/264525

APPLICATION NO: DA 696/2016
PROPERTY ADDRESS: 37 John Street Camden
APPLICANT: Mr John Hatch
OWNER: Camden Council

This report and independent development assessment has been prepared by Elton Consulting.

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for alterations and additions of an existing building at 37 John Street, Camden and to allow the change of use from a public administration building to a medical centre.

The DA is referred to Council for determination as Council is the owner of the land. Accordingly, the assessment of the development application has been carried out by an independent consultant engaged by Council.

No submissions have been received by Council on the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine DA 696/2016 for alterations and additions to the existing building and change of use from a public administration building to a medical centre, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 696/2016 seeks approval for alterations and additions to the existing building, change of use from a public administration building to a medical centre and car parking for 20 vehicles.

Specifically the proposed development involves:

- Change of use of the existing public administration building, to a medical centre;
- Alterations and additions to the existing internal fit out of the public administration building, to accommodate a medical centre, creating:
 - Four treatment rooms;
 - Consulting space for podiatry, radiology, pathology, physiotherapy, dental and psychology services;



- Seven examination rooms;
 - A pharmacy;
 - Meeting training room;
 - Reception;
 - An office;
 - Waiting areas;
 - Storage;
 - Amenities;
- Car-parking for 20 vehicles including a designated emergency space, staff parking and two accessible car parking spaces - car parking for the proposed development will be leased from the former Council car park, which is the subject of a recent development approval for a multi-storey car park;
 - Proposed hours of operation for the medical centre of Monday to Friday from 8am to 8pm and Saturday/Sunday from 8am to 6pm - no details of the operating hours on a public holiday have been submitted.

A copy of the proposed plans is provided as an attachment to this report (**Annexure A**).

THE SITE

The site is commonly known as 37 John Street, Camden and is legally described as Lot 1 DP 216189. Car parking to support the proposed development will be provided to the rear of the property on the site of the former Council car park (Lot 2 DP 525423). The site is demonstrated in the following figure (outlined in red below):





Lot 1 DP 216189 is rectangular in shape and is located on the southwest frontage of John Street. The site is approximately 1,625m² and the gross floor area of the existing building is 1,209m².

The site contains two buildings:

- 'Macaria' - located at the front of the allotment. This building is an item of local heritage significance listed in the Camden Local Environmental Plan (LEP) 2010. The most recent use of Macaria was as part of Council's public administration facility.
- The former Council Public Administration Building - located to the rear of the allotment.

The site contains a landscaped frontage to John Street which includes angled parking fronting 'Macaria' and the entrance to the former public administration building.

The site is located within a commercial area of the suburb of Camden and includes a number of adjoining local commercial and administrative uses. To the rear of the site is the former Council car park. The former Council car park is proposed to be used to provide car parking for the medical centre, although it is also the location of a recently approved decked car park for the Camden Town Centre.



The following figures demonstrate the existing site context:



Figure 1 Front of building taken from John Street



Figure 2 Front of building taken from John Street



Figure 3 Rear of building taken from the former Council car-park



Figure 4 Former Council car-park taken from rear of building

The 'Macaria' building is a heritage listed building. In 1984, Council granted development consent for alterations and additions to this particular building (DA 129/84) which included restoration works, repainting and the replacement of defective components.

Council's former public administration building was granted conditional consent in 1973 (DA 27/73). Council granted consent for the building's intended use as a public administration facility. In 2000, Council granted conditional consent to alterations and additions of the existing public administration, which included a revised configuration and floor plan (DA 1400/2000). DA1400/2000 is the last known development consent on the subject property.

In addition to the local heritage significance of the 'Macaria' building, the site is also located within the boundaries of the Camden Town Centre Heritage Conservation



Area, a conservation area recognised under the Camden Local Environmental Plan 2010.

KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant. Below is a summary of the key development statistics associated with the DA and any variations.

Below is a summary of the key development statistics associated with the development application:

Clause	Requirement	Proposal	Compliance
<i>Camden Local Environmental Plan 2010</i>			
2.6 Subdivision – Consent Requirements	Subdivision requires development consent.	N/A.	N/A
2.7 Demolition	Demolition requires development consent.	No demolition of the existing building is proposed.	N/A
4.1 Minimum Lot Size	No minimum lot size control for the property.	No proposal to amend the current lot size.	Yes
4.3 Height of Buildings	7 metres.	No proposal to amend the height limit.	Yes
4.4 Floor Space Ratio	No floor space ratio control for the property.	No proposal to amend the floor space ratio.	Yes
5.10 Heritage Conservation	Consent Authority may require a heritage management document to be prepared for land on which a heritage item is located or which is within a heritage conservation area.	The site contains a heritage item of local significance ('Macaria') and is located within the Camden Town Centre Conservation Area. However, a heritage management plan has been considered unwarranted in this case. Refer to comments under this Table.	Yes
7.1 Flood Planning	This clause applies to land that is at, or below, the flood planning level. Development consent must not be granted to development on land to	The area has been known to experience flooding in the past. However, the proposed development proposes no physical exterior	Yes



Clause	Requirement	Proposal	Compliance
	which this plan applies where development is incompatible with the flood hazard and will adversely impact upon localised flooding behaviour resulting in damage to property and loss of life.	development to the building. Accordingly, it is highly unlikely to contribute to any flooding in the area.	
7.2 Airspace Operations	Consideration must be given to development that penetrates the Obstacle Limitation Surface (OLS) Map.	The development does not penetrate the OLS Map.	Yes
Camden Development Control Plan 2011			
A2 Notification and Advertising Requirements			
A2.1 Notification and Advertising	Council may need to notify and advertise the proposed development in accordance with the DCP provision.	Council has notified adjoining owners and advertised the proposed development for a period of 14 days.	Yes
B1 General Land Use Controls			
B1.9 Waste Minimisation and Management B1.9.1 Waste Management Plan	Council outlines the requirements for waste minimisation and management and requires a waste management plan to be prepared for certain types of development applications.	A partially completed waste management plan (addressing operational waste) has been provided by the applicant. A completed waste management plan (which addresses internal demolition and construction waste) shall be required as a condition of consent with the submission and approval of same prior to the issue of any construction certificate.	Yes
B1.15 Development Near Camden Airport	Buildings or structures located within the Camden Airport Obstacle Limitation Surface (OLS) must confirm with the height requirements of	The site is located within the boundaries of the Camden OLS. However, the proposed development (i.e. alterations and	N/A



Clause	Requirement	Proposal	Compliance
	the OLS Map.	additions) is not of the nature to create any significant risk to flight safety.	
B1.16 Acoustic Amenity	Council must ensure that the amenity of surrounding residential uses is not impacted upon by noise instruction	The proposed development is unlikely to generate significant noise impacts over and above those generated by the previous land use and are considered acceptable.	Yes
B1.17 Air Quality	Council must ensure appropriate levels of air quality for the health and amenity of residents.	The proposed development is unlikely to generate any significant air quality impacts as a result of carrying out the development.	Yes
B3 Environmental Heritage			
B3.1 European Heritage	Council must retain and conserve heritage items and their significant elements and settings.	The proposed development relates to the former public administration building of Council (i.e. at the rear of John Street). No alterations or additions are proposed to the heritage listed item 'Macaria' on the site.	Yes
B3.1.2 Camden Heritage Conservation Area	This clause requires Council to consider a series of external, built form controls in order to mitigate any potentially adverse impacts on the Heritage Conservation Area.	Given the nature of the proposed development (i.e. internal alterations and a change of use), the proposed works will have no adverse impact on the significance of the Camden Town Centre Conservation Area.	Yes
B4 Advertising and Signage			
B4.1 General Requirements for Signs	Council is required to encourage appropriate signage for development which does not compromise the visual	No signage is proposed as part of the development application.	N/A



Clause	Requirement	Proposal	Compliance
	amenity of the area.		
B4.2 Signs on Heritage Items or in Heritage Conservation Areas	Proposed signage should have minimal impact on the heritage significance of the heritage item or within a heritage conservation area	No signage is proposed as part of the development application.	N/A
B5 Access and Parking			
B5.1 Access and Parking Rates /Requirements	Parking is to be provided in accordance with the car parking requirement outlined in tables B8 and B9 of the DCP. In this case, the car-parking requirement under the clause is 49 car-parking spaces.	The proposed development proposes 20 car parking spaces.	No - Refer to comments set under this table.
B5.1 Disabled car parking requirements	Design of off-street parking for people with a disability are comply with AS 2890.6 and the Commonwealth Disability Discrimination Act (1992). The car parking rates for accessible car parking spaces are to comply with the Building Code of Australia except where the requirements are specifically referred to in Table B8.	The applicant states that two of the 20 spaces are to be accessible.	No - Refer to comments set under this table.
B5.1 'Credits' for existing development	The redevelopment of a site may rely on existing shortfalls or deficiencies in car parking based on current and proposed uses	The proponent is seeking to rely on a credit of 50 spaces.	Based on the former use and car parking provision associated with the site, a credit of 50 spaces is considered to be appropriate.
D3 Commercial and Retail Development			



Clause	Requirement	Proposal	Compliance
D3.2 General Controls Applying to all Business Zone Areas	<p>Council must ensure that proposed development:</p> <ul style="list-style-type: none"> • Function and uses; • Layout and design; • Built form and appearance; • Pedestrian amenity; • Public domain; • Parking and access; 	<p>Given the nature of the development (i.e. alterations and additions to an existing building and change of use), there are no external changes proposed (internal amendments only).</p> <p>The introduction of a medical centre builds on the requirements of Clause D3.2.1 Function and Land Uses, by encouraging a community use for the local community.</p>	Yes
D3.5 Camden Town Centre	<p>Council must consider the layout/design and heritage character impacts of the proposed development within the Camden Town Centre.</p>	<p>The proposed development will not propose any significantly adverse impacts to the layout/design or the heritage character of the surrounding area.</p>	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	B2 Local Centre.
Permissibility:	The proposed development is defined as a 'Medical Centre' by the LEP which is a permissible land use in this zone.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy No. 55 - Remediation of Land - Compliant with conditions recommended where necessary.</p> <p>Sydney Regional Environmental Plan No. 20 - Hawkesbury Nepean River (Deemed-SEPP) - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy (Infrastructure) 2007 - The proposed development does not 'trigger' the requirement for traffic-generating development.</p>
--	---



Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	There are no draft environmental planning instruments affecting the proposed development.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan (DCP) 2011 - Generally compliant with variation proposed as discussed below (i.e. waste management plan).
Planning Agreement(s) - S79C(1)(a)(iiia)	There are no planning agreements relating to the proposed development.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	There are unlikely to be any significant impacts as a result of carrying out the proposed development.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	No public submissions were received as part of the proposed development.
Public Interest - S79C(1)(e)	The development is in the public interest.

Compliance with Plans or Policies

DCP variation – Car Parking

DCP Control B5.1

Part B5 (Access and parking) of the DCP deals with car parking requirements and seeks to ensure that adequate provision is made for off-street parking of passenger and service vehicles generated by new developments and redevelopments.

Despite the above, the DCP enables Council to consider acceptable alternatives in lieu of on-site parking which:

- Provide a mechanism to avoid the development of numerous small-scale dispersed car parks;
- Promote the establishment of strategically located larger parking facilities;
- Provide an equitable system of monetary contribution in lieu of on-site parking provision in a Contributions Plan – ensuring that Council is able to responsibly approve development applications that cannot provide all the required parking on-site or where such on-site provision is inappropriate.

Calculations for the number of parking spaces will primarily be based on the gross floor area of the development, unless otherwise specified. Council may consider variations to parking rates in certain circumstances that do not warrant demand and may be supported by a car parking and traffic impact assessment study submitted with a development application. Council can give consideration to other features of the

development such as proposed maximum staffing levels, expected customer levels, etc. where warranted.

Council may also consider an existing shortfall of car parking on a redevelopment site. Where there is an existing shortfall in car parking or a 'deficiency' in car parking requirements has previously been approved, these 'deficient' spaces can be considered as a 'credit' for the purposes of calculating the car parking requirements, provided that:

- The site is not being fully redeveloped - ie the existing building is being removed and another rebuilt, or extensively changed.
- There is not a significant differing pattern of parking demand between the existing and proposed use.
- The local area is not particularly sensitive to increases in parking demand on-street.
- The car parking generation rates in this chapter of the DCP are appropriate to the location.
- The building is in use or has until recently been in use - ie not vacant for any substantial length of time.

In circumstances where it is considered that credits may not be strictly appropriate, the logistics and significance of the building or site may be taken into account and a concession for reduced parking granted. In these circumstances, the applicant will need to demonstrate that there is insufficient room in the building to accommodate parking on-site without compromising its heritage or architectural worth, or that the streetscape and overall amenity will be unreasonably damaged.

In addition to the above, in certain circumstances, Council may accept a monetary contribution pursuant to s94 of the *Environmental Planning and Assessment Act*, in lieu of off-street parking being provided as part of the development. The acceptance of a monetary contribution in lieu of off-street parking is not guaranteed and is at Council's discretion.

Variation Request

In accordance with Table B8 of the DCP, the car parking generation for a health service facility or medical centre is four car parking spaces per 100m² Gross Floor Area (GFA). With a GFA of 1,209m², the proposed redevelopment of the site generates a need for 49 spaces.

An existing carpark adjoins the allotment and is located to the southwest of the site, along Oxley Street. The car park previously served as the Council car park for the former administration building with 20 spaces assigned to the site. This allotment is proposed to be redeveloped with 20 spaces to be leased to the owners/operators of the medical centre for use by staff/patients to the centre.

The application is accompanied by a Traffic and Car Parking Report which supports the provision of 20 spaces to serve the proposed development.

On 18 November 2016, the applicant was requested to provide additional information in relation to the car parking surveys undertaken to support the application, staffing numbers associated with the former and proposed uses and traffic generation. Additional information including a revised Traffic and Car Parking Report, revised floor



plans amending the patient waiting area and a revised letter from the planning consultant, was submitted on 23 November 2016.

The revised Traffic and Car Parking Report indicates that the likely maximum number of staff on the site at any time will be 11. The traffic report indicates that a two day survey at a similarly staffed facility in Mittagong showed a maximum of 18 patients on that site at any time with the conclusion that 17 patients (85th percentile) could be adopted as the likely demand for a staff occupancy of 11 staff.

A modal split of 85% car driver v 15% pedestrian/cyclist/drop off/public transport (based on travel to work mode share) has been applied to this to suggest a staff car parking demand of 10 car parking spaces and a patient car parking demand of 15 car parking spaces (likely demand for 25 car parking spaces).

Having regard to concerns expressed in relation to the potential underestimation of the car parking generation, the application also provided a 'hypothetical' example that suggested that increasing the maximum staffing levels on the site from 11 staff to 16 staff, would generate a need for 14 car parking spaces for staff and 18 spaces for patients (hypothetical demand for 32 car parking spaces).

The applicant's traffic reports submit that the DCP rate of four spaces per 100m² should not be used as:

- The rates are likely to have been based on the RMS Guide for Traffic Generating Developments 2002, which are outdated.
- The centre will operate as a 'one stop shop' arrangement.
- The use of the pharmacy will be restricted to patients of the medical centre being a 'non-pharmacy support service'.
- The Guide allows for traffic generation rates to be based on similar sites, which the implication that this could also apply to parking.
- The report submits that a car parking requirement of 25-32 spaces is more realistic than the 49 spaces generated by the DCP controls.

The applicant also submits that parking credits associated with the former use of the site as Council administrative offices should be applied. The applicant submits that the likely car parking demand associated with the use of the building as a Council office can be calculated by considering:

- Total Council staff numbers on site (80 staff);
- Number of Council vehicles provided to staff (35 vehicles);
- Travel to work patterns for staff not provided with a work vehicle (70% used car mode); and
- Peak hourly number of visitors to site (10 visitors).

Based on the above, it is submitted that the actual car parking demand likely to be associated with the use of the site as a Council administrative building is 70 car parking space. Based on an existing car parking provision of 20 spaces, it is submitted that 50 car parking credits can be applied to the site.

Independent Traffic Consultant's assessment:

Anton Reisch Consulting (ARC) were engaged by Council to provide an independent assessment of car parking and traffic issues associated with the proposal.

Further to a detailed review of all available information in regard to the Proposal, including the additional information submitted, it is the opinion of ARC that the Proposal is supportable in regard to parking and traffic issues.

While ARC is of the opinion that aspects of the comparative assessment (with 'similar' facilities) largely relied upon in the DA Traffic Report are inconclusive, the assessment provided in the revised traffic report generally accords with their assessment that the parking and traffic generation/impacts associated with the Proposal would not be substantially different from the parking and traffic generation/impacts associated with the previous Council use of the site. Appropriate consideration of 'parking credits' suggests that the Proposal would provide compliance with the DCP 2011 parking requirements for the development, and as such must be considered supportable. The key outcomes of the assessment are as follows:

- The application of DCP 2011 Office Premises and Business Premises rate of one space per 40m² to the 1,209m² GFA of the Site would provide a parking requirement for some 31 parking spaces, or a 'credit' of 11 spaces over the 20 spaces which will be retained within the existing Oxley Street car park (for the Site).
- The consideration of the former use of the site as a Public Administration Building would allow for the assessment of car parking under the DCP 2011 to be based on merit taking into consideration the proposed uses and equivalent rates for similar uses as prescribed in this DCP, considering the following:
 - Until very recently (August 2016) the Site was occupied by up to some 82 staff (with an additional 12 staff accommodated in the adjacent Macaria building)
 - The majority of staff worked 'standard' office hours, generally 8:00am/9:00am through to 5:00pm.
 - Anecdotal evidence suggests a high percentage of these staff previously drove to/from the Site, which is supported by reference to available Journey to Work data for the area which indicates an 85% mode to car driver for employees of the Travel Zone (3101) in which the Site lies.
- It is reasonable to conclude that the potential parking demand for up to 70 long term parking spaces per day would be associated with the former use, which would not include the additional Council visitor parking demands, nor the Council staff previously accommodated by the Macaria building.
- An estimated credit of 50 parking spaces can be applied to the former use of the site.
- DCP 2011 provides a parking rates for Health Centre Facility/Medical Centre of four spaces per 100m² GFA; applied to the 1,209m² GFA of the Proposal, a total of 49 parking spaces would be required.
- DCP 2011 also provides a parking rate for Health Consulting Rooms, being three spaces per consulting room plus one space per two employees, though noting that a reduction in the parking requirement will be considered if it can be shown that not



all consulting rooms will be in concurrent operation and/or if convenient on-street parking is available, providing that the use of such parking does not adversely affect the amenity of the immediate area.

- As a worst case, it is estimated that the Health Consulting Rooms rate could be applied to 17 of the rooms provided for by the Proposal (i.e. discounting the office, reception and pharmacy). Assuming also a staff of one per room, the parking requirement per the Health Consulting Rooms parking rate would be 60 parking spaces. However, it is reasonable to provide for some discounting of this rate given that it is not expected that all practitioners would be on-site at the same time so that again the actual parking demand would reflect the Health Centre Facility/Medical Centre requirement (i.e. approximately 49 spaces).
- While the total Proposal parking requirement/demand would be likely lower than the previous requirement/demand, there is expected to be a lower all-day parking demand (i.e. staff) and a higher short-term parking demand (i.e. patients); this has the potential to somewhat redistribute parking, with higher turnover of the spaces directly adjacent to the Site, but less demand for long term parking.
- ARC recommends that Council continue to monitor parking conditions within Camden to ensure that any changes in parking demand or distribution are identified; it may be that additional short-term parking spaces may be justified (replacing the unlimited time parking provided in some public parking areas) but this will need to be determined as part of future investigations.
- The existing car parking does not comply with Australian Standard 2890.1, specifically in regard to the 'blind aisle' design which does not allow for vehicles to turn around within the car park so as to avoid having to reverse out to Oxley Street - such a design is acceptable for employee parking, but not for public parking.
- In addition, the car park does not provide an accessible space, which would be required for this type of development.
- The provision of a turn-around space (so as to allow all vehicles to enter and depart the car park in a forward direction) and an accessible space will likely reduce parking within the car park by two spaces. While this would not compromise the conclusions provided above in regard to the general compliance of the Proposal with the DCP 2011 in regard to parking, it is recommended that the car park be redesigned to provide compliance with AS 2890.1 as a condition of consent.
- The Proposal will generate a higher number of daily trips than the previous Council use of the Site, i.e. the turnover across the day of patients would be significantly higher than that of Council staff and visitors. However, additional trip generation during off-peak periods could be accommodated by the local road network, which itself would have lower background flows during the same off-peak periods.

Traffic Engineer

Council's Traffic Engineers advise that the 20 spaces to be provided is considered acceptable as the parking demand for the medical centre will be at least equivalent to the previous use of this building. However questions are raised with the plans in relation to:

- The provision of dedicated disabled parking to serve the medical centre;

-
- The method of reservation (signage or otherwise) of the 20 spaces to be associated with the medical centre;
 - Whether the dimensions of the parking spaces to be provided comply with Australian Standards (AS2890.1 – Off Street Parking) where the current use is class 1A and the new use is be Class 3, which has a higher turnover rate.

Council's Traffic Engineers advised additional information should be requested in relation to these three items. In response a revised car parking layout plan was submitted showing two of the 20 spaces as accessible.

Planning Officer's assessment:

As set out above, under the DCP the car parking requirements for the proposed use is 49 based on a GFA of 1,209m². With the provision of 20 car parking spaces off site, there is a shortfall of 29 spaces.

Existing credits

The site was recently (August 2016) occupied by Camden Council as its administration centre. Table B8 of the DCP does not set out a specified rate for public administration buildings, but states that the '*assessment is to be based on merit taking into consideration the proposed uses and equivalent rates for similar uses as prescribed in this DCP*'. The DCP further states that in such circumstances where the car parking and/or other requirements are not defined by this chapter for a particular land use in the Camden LEP 2010, a detailed Car Parking and Traffic Impact Assessment Study may be required to be prepared for the proposed development.

As outlined above in the Traffic Consultant's assessment, a credit of 50 spaces can reasonably be applied to the former use of the site.

The proposed development is eligible for this credit (50 spaces) in that:

- The site is not being fully redeveloped - the application relates to a change of use and an internal fit-out only.
- As acknowledged in the Council's traffic engineers and the independent traffic assessment, the parking demand associated with the proposed use is considered to be at least equivalent to the previous use of the building.
- The removal of car parking associated with the use of the building as a Council office will free up spaces in the vicinity of the site, particularly those associated with long term/all-day parking.
- Based on the traffic consultants' assessment, the car parking generated by the development is unlikely to be in excess of four spaces per 100m² GFA (as specified by the DCP) based on the multi-disciplinary nature of the health services supplied and the expectation that not all practitioners would be on site at any one time.
- The building was until August 2016 in use as council's administrative offices.

On this basis, it is considered appropriate that an allowance be made for 50 spaces in terms of 'credits' on the site. This addresses the 29 car parking space shortfall on the site.



Monetary contributions in lieu of off-street parking

As above, the proposed development will result in a numerical shortfall of 29 car parking spaces, and, in certain circumstances, Council may accept a monetary contribution pursuant to s94 of the *Environmental Planning and Assessment Act*, in lieu of off-street parking being provided as part of the development.

In this instance, where the proposed use will generate substantially less car parking demand than the former use (based on both empirical analysis and application of the DCP car parking rates) and the relocation of both the Council office and the existing Argyle Street Medical Centre will free up existing car parking spaces in the area, it is considered that the levying of a monetary contribution cannot be justified.

Compliance with Australian Standards (AS2890.1 and AS 2890.6) and the Commonwealth Disability Discrimination Act 1992.

Notwithstanding the submission of a revised plan showing two accessible spaces, a condition of consent (as recommended by both Council's Traffic Engineers and the independent traffic consultant) should be included requiring the proponent to submit a revised traffic and parking report prior to the issue of a construction certificate, which demonstrates that the proposed car parking serving the development complies with Australian Standards AS 2890.6 and the *Commonwealth Disability Discrimination Act* 1992 in terms of accessible car parking provision and AS2890.1 (Off Street Parking) in terms of minimum car parking space dimensions.

Key Issues

Heritage

There are two specific heritage issues which should be addressed as part of Council's consideration of the proposed development:

- Impact of the proposed development on 'Macaria', the locally-listed heritage item on the same allotment;
- Impact of the proposed development on the Camden Heritage Conservation Area.

In terms of potential impacts on 'Macaria', Clause 5.10 (5) of the Camden Local Environmental Plan 2010 states that Council may require a heritage impact statement to be prepared when development is proposed on land that is either the subject of a heritage listing or which is in a heritage conservation area. A heritage impact statement has not been provided. However, Council's Heritage Officer has reviewed the application and determined it to be adequate and has raised no objection to the development subject to the imposition on conditions in relation to

- There being no attachment of new work to any original fabric of the Macaria building, and
- Any signage on the site being the subject of a separate application.

Parking

As addressed previously, a variation to the car parking requirements can be supported on the basis of existing credits associated with the former use of the site. The issues in



relation to accessible parking and space dimensions are to be addressed by way of conditions of the consent.

It is recommended that at least nine of the 20 spaces be specifically identified and reserved for patient parking.

Traffic

A traffic study has been undertaken by the applicant as part of the proposed development. The traffic study concluded that the generated traffic from the proposed development will not have an impact on the surrounding road network as the generation is not considered to be significant.

Both Council's Traffic Engineers and the independent traffic consultant have reviewed the traffic reports and have not raised any issues with traffic generation.

Noise

The site has previously been developed and is in the centre of an established business district. There is no proposed intensification of the use of the site.

It is not considered that the use of the premises will give rise to any adverse noise impacts, however no information has been provided with regards to plant and equipment on the site (existing/proposed). Considering the B2 zoning and the lack of noise sensitive receptors adjoining the site, this matter can satisfactorily be addressed through conditions.

Waste

The proposed internal alterations and additions will generate waste flows as part of the removal of existing elements of the internal layout and the construction materials. In addition to the construction and demolition processes being undertaken, there will also be general waste flows carried out from the operation of the medical centre.

The proposed configuration of the fit-out for the medical centre includes an area dedicated as bin storage, which will temporarily be used for the provision of storing waste materials. This area will be used as the collection point for waste collected by either Council or Council's waste contractor.

The waste management plan submitted with the application does not address demolition and construction waste. It is recommended that a condition be attached to any consent issued requiring that, prior to the issuance of a construction certificate, a waste management plan is completed to identify waste flows, construction materials, volumes and management of all waste that will be generated as part of the proposed development (including any waste generated during the operational stages of the medical centre).

Hours of operation

The hours of operation for the proposed development are:

- Monday to Friday – 8am to 8pm:
- Weekends – 8am to 6pm.



The development control plan does not contain any standard hours of operation for medical centres, nor does it contain hours of operation for business and commercial premises.

The proposed hours of operation are considered suitable for the purpose of a medical centre. In addition, no submissions have been received advising that the hours of operation are excessive or any submission raised internally by Council's officers. Operation hours on a public holiday should be limited to weekend hours from 8am to 6pm

Advertising and signage

It is important to note that no advertising or signage is proposed as part of this development application, and it will be subject to either a future, separate development application, modification to any future development consent or meet the requirements for signage outlined in Division 2 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Compliance with Building Code of Australia (BCA)

An assessment of the proposal by Council's Building Certification Unit has determined that the application can be supported subject to the imposition of conditions on any development consent issued.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 26/07/2016 to 08/08/2016. No submissions were received during the formal exhibition period and no submissions were received as a result of neighbourhood notification.

One agency submission was received from Sydney Water. Sydney Water recommends that, due to the close proximity of the proposed development to a Sydney Water asset, two conditions of consent be imposed:

- The approved building plans be submitted to Sydney Water 'Tap in', in order to determine whether the proposed development will have any impact on any Sydney Water infrastructure;
- A Certificate under Section 73 of the *Sydney Water Act 1994* must be obtained for the proposed development to determine whether any additional infrastructure is required to be built by Sydney Water to accommodate the proposed development.

Officer Comment:

It is recommended that Council impose conditions of consent relating to obtaining the relevant statutory documentation from Sydney Water for the proposed development.

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 696/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 696/2016 for alterations and additions of an existing building at 37 John Street, Camden and to allow the change of use from a public administration building to a medical centre, subject to the attached conditions.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Applicants Traffic and Parking Assessment
4. Revised Applicants Traffic and Parking Assessment
5. Independent Parking and Traffic Review
6. Public Exhibition and Submissions Map - *Supporting Document*



ORDINARY COUNCIL

ORD06

SUBJECT: CONSTRUCTION OF A 32.5M HIGH TELECOMMUNICATIONS FACILITY, ANCILLARY EQUIPMENT CABIN AND ASSOCIATED SITE WORKS - ADJACENT TO CAMDEN VALLEY WAY, SMEATON GRANGE

FROM: Director Planning & Environmental Services
TRIM #: 16/254252

APPLICATION NO: 477/2016
PROPERTY ADDRESS: Adjacent to Camden Valley Way, Smeaton Grange
APPLICANT: Visionstream Pty Ltd on behalf of Optus Mobiles
OWNER: Roads and Maritime Services

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a telecommunications facility and associated site works adjacent to Camden Valley Way at Smeaton Grange.

The DA is referred to Council for determination as there remain unresolved issues raised in one submission (with 16 signatories) and eight other submissions from the public.

SUMMARY OF RECOMMENDATION

That Council determine DA 477/2016 for the construction of a telecommunications facility and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the attached conditions.

THE PROPOSAL

DA 477/2016 seeks approval for the construction of a telecommunications facility and associated site works.

Specifically the proposed development involves:

- Construction of a new 30m high telecommunications monopole;
- Installation of a headframe and panel antennae that will render the overall height of the proposed development to be 32.5m high;
- Construction of an ancillary equipment cabin and associated telecommunications equipment;
- Associated site works including juvenile tree removal and construction of 3m high security fencing and gates; and
- The entire development will be finished in a standard factory shale grey colour.

The value of the works associated with the proposed development is \$190,000.



The site will be a co-location facility for Optus and Vodafone. The objective of the proposed development is to ensure that 4G telecommunication services can be maintained for the surrounding area, given increased consumer demand for speed and data bandwidth.

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

The proposed telecommunications facility will be located on land currently owned by Roads and Maritime Services (RMS). The land may become Council land in the future as part of the vestment of this part of Camden Valley Way to Council as the Roads Authority. Therefore there may be a financial benefit for Council as the future land owner. It is currently unknown when the land may become Council land. For the purposes of probity, the DA has been reviewed by an external planning consultant who is satisfied with the assessing officer's recommendation and that the DA has been appropriately assessed. **A copy of the external peer review is provided as an attachment to this report.**

THE SITE

The site is part of land owned by the RMS directly adjacent to the southeastern side of the Camden Valley Way road reserve and lies approximately 25m west of 20-26 Dunn Road, Smeaton Grange (the 'Tri-City Trucks' site). The site is located beside an existing access driveway off Camden Valley Way than runs in between stands of existing vegetation. The site is currently owned by RMS.

The Smeaton Grange industrial area lies to the north east, east and south and contains a range of industrial and related land uses. Further to the north east lies the developing residential suburb of Gregory Hills and the Central Hills Business Park. The existing residential suburb of Harrington Park lies to the north, west and southwest. Narellan and Narellan Town Centre lie further to the southwest.



KEY DEVELOPMENT STATISTICS

The proposed development has been assessed against the relevant planning controls and is compliant.

ASSESSMENT

Zoning and Permissibility

Zoning:	SP2 Infrastructure (Classified Road).
Permissibility:	<p>The proposed development is defined as a 'telecommunications facility' by Camden Local Environmental Plan 2010 which is a prohibited development in this zone.</p> <p>However 'telecommunications facilities' are permitted with consent on any land pursuant to Clause 115 of State Environmental Planning Policy (Infrastructure) 2007.</p>

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy (Infrastructure) 2007 - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy No. 55 - Remediation of Land - Compliant with conditions recommended where necessary.</p>
--	--



	Deemed State Environmental Planning Policy No. 20 - Hawkesbury-Nepean River - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden Local Environmental Plan 2010 - Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 (DCP) - Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the 'Key Issues' section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission (with 16 signatories) and eight other submissions were received which are discussed in the 'Submissions' section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

The key issues associated with this DA are:

Site Selection Process

Prior to lodging the DA, the applicant undertook a site selection process to determine the most appropriate site for the proposed development. This also included opportunities to co-locate with existing facilities, however none of the existing mobile phone base stations in the area were considered suitable to meet the coverage objectives.

The following sites were considered in the coverage area:

- Site A - The site which is the subject of this DA.
- Site B - Vacant industrial land at 2-10 Dunn Road, Smeaton Grange.

Site B was appropriate for the proposed development however terms could not be agreed with the site owner. Site A was considered suitable as it is will be screened by existing vegetation, is approximately 120m away from the nearest dwelling house and has an existing access driveway from Camden Valley Way. A third site (Site C) was also considered however it is outside of the coverage area and therefore not considered suitable for the proposed development.

During the assessment, Council officers requested more detail as to why no other sites could be found in more central parts of Smeaton Grange eg. near Anderson Road, Waler Crescent etc. In response, the applicant advised that an alternate site could not be located in the area that met the coverage required and was agreeable to the land owners.



Council officers discussed relocating the facility to the other side of the adjacent access driveway with the applicant however the applicant considers the proposed position to be appropriate and wishes to maintain it. Council officers also attempted to discuss this matter with the RMS however were unsuccessful. It is noted that future road widening for Camden Valley Way will use the existing median in the middle of the road and therefore the proposed development will not impact upon it.

Health Impacts

Under Commonwealth legislation, mobile phone carriers are required to adhere to electromagnetic energy (EME) emission standards administered by the Australian Communications and Media Authority (ACMA).

In 2014, the ACMA adopted the Radiocommunications (Electromagnetic Radiation Human Exposure) Standard 2014 (the Standard), which was prepared by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). This standard is recommended by the World Health Organisation and all telecommunication facility operators are bound by it.

The standard limits the amount of EME that can be emitted from telecommunication facilities and sets appropriate maximum levels designed to protect people in the vicinity of such facilities.

The use of this standard has been tested and supported by the NSW Land and Environment Court (the Court) in the case of Telstra Corporation Limited v Hornsby Shire Council (2006) in which the Court ruled in favour of Telstra. The standard set by the ACMA was considered to be an appropriate health standard for such facilities to comply with.

The proposed development has a maximum EME emission of 1.083% of the standard's maximum level. This is significantly less than the maximum exposure limit and demonstrates the proposed development complies with the applicable health standard.

NSW Telecommunications Facilities Guidelines Including Broadband 2010 (the Guidelines)

Clause 115 of State Environmental Planning Policy (Infrastructure) 2007 requires Council to take into consideration the Guidelines before determining the DA. The guidelines provide four principles relating to the site selection, design, construction and operation of telecommunication facilities. An assessment of the proposed development against the principles is provided below:

- *Principle 1 – A telecommunications facility is to be designed and sited to minimise visual impact.*

It is acknowledged that visual impacts do result from the construction of mobile phone towers which generally require the construction of high poles or towers in order to function.

Similar to other infrastructure, including electricity transmission lines and wind generators, it is often not possible to design and locate them discreetly with the result being that they will often protrude above existing buildings and vegetation and are visible in the landscape.

The proposed development will be 32.5m high and will be visible from a number of viewpoints. The photomontage below illustrates the proposed development.

During the DA assessment, Council officers requested the applicant to reduce the visual profile of the facility, possibly by modifying the design of the hexagonal headframe. In response, the applicant advised that this is not possible due to separation requirements between the antennae to mitigate transmission interference. In addition, the applicant advised that the headframe is necessary to house ancillary equipment to operate the antennae atop the monopole.

The proposed development is generally of a slim line design and finished in a neutral shale grey colour. It is also noted that the site is several metres lower than much of Harrington Park to the north west, that it sits within existing vegetation along Camden Valley Way and that it will be partially obscured by existing mature vegetation along the edge of Harrington Park.

Considering the above, whilst the proposed development will be visible in the landscape, its visual impacts are not considered unacceptable.





- *Principle 2 - Telecommunications facilities should be co-located wherever practical.*

Co-location with other facilities was considered as part of the applicant's site selection process however the applicant has advised that there were no other sites within the coverage area that could be negotiated.

- *Principle 3 - Health standards for exposure to radio emissions will be met.*

The ACMA has adopted the Radiocommunications (Electromagnetic Radiation Human Exposure) Standard 2014 (the Standard), prepared by ARPANSA.

An EME report has been submitted in support of the DA which demonstrates that the proposed development has a maximum EME emission of 1.083% of the standard's maximum level which achieves compliance with this principle.

- *Principle 4 - Minimise disturbance and risk and maximise compliance.*

Subject to the attached conditions, the proposed development will minimise disturbance during construction and achieve compliance with the relevant development controls including the DCP.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 24 May, 2016 to 6 June, 2016. One submission (with 16 signatories) and two other submissions were received (all objecting to the proposed development).

Following the submission of additional information by the applicant the DA was publicly re-exhibited for 14 days. The re-exhibition period was from 12 August, 2016 to 25

August, 2016. Six submissions were received (all objecting to the proposed development).

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

1. *Potential negative health impacts, particularly as the site is at a lower level than Harrington Park and the EME will be closer to residents. The full extent of potential long term health impacts is unknown. The tower should be located on higher land closer to Cobbitty or Oran Park where the services are clearly needed.*

Officer comment:

As noted above, the DA demonstrates that the proposed development complies with the Radiocommunications (Electromagnetic Radiation Human Exposure) Standard 2014. The proposed development will have a maximum EME emission of 1.083% of the standard which adequately addresses concerns regarding health impacts.

The proposed development has been located in this area to achieve the coverage objectives which are to ensure that 4G services can be maintained given increased consumer demand for speed and data bandwidth.

2. *Council could be potentially liable for any future health issues. Will the applicant and Council be prepared to set up a compensation fund to help pay for future medical expenses as a result of the proposed development?*

Officer comment:

The DA demonstrates that the proposed development complies with the Radiocommunications (Electromagnetic Radiation Human Exposure) Standard 2014 which adequately addresses concerns regarding health impacts.

3. *How has Industry Code C564:2011, which details how a precautionary approach is to be undertaken, been considered?*

Officer comment:

Council staff have raised this matter with the applicant which has detailed how Industry Code C654:2011 has been considered. This has included how it has undertaken a site selection process, minimised EME exposure, considered State and local government telecommunications policies and considered the carrier's objectives, whether the site is a community sensitive location and the design of the facility.

4. *Negative visual impacts and potential for future expansion by other carriers.*

Officer comment:

The proposed development has been designed to minimise its visual impacts in that it is generally of a slim line design and finished in a neutral shale grey colour. It is also noted that the site is several metres lower than much of Harrington Park to the northwest, sits within existing vegetation along Camden Valley Way and will be partially obscured by existing mature vegetation along the edge of Harrington Park.

Considering the above, whilst the proposed development will be visible in the landscape, its visual impacts are not considered to be unacceptable.



Future potential expansions of the facility by other carriers cannot be assessed at this time as only the facility shown on the proposed plans is proposed by this DA. It is however noted that this site will be a co-location facility for both Optus and Vodafone.

5. *Why was this location chosen and what other locations were considered? Alternative locations should be considered for the proposed development including more remote locations and areas further within Smeaton Grange. It is too close to the residential properties and a local child care centre in Harrington Park and residential properties along Camden Valley Way.*

Officer comment:

Prior to lodging the DA, the applicant undertook a site selection process to determine the most appropriate site for the proposed development. A number of sites were considered however all but one were unsuitable to meet the proposed development's coverage objectives or unavailable due to land owner issues.

Council staff asked the applicant to provide more detail as to why no alternate sites could be found in more central parts of Smeaton Grange. The applicant has advised that an appropriate site could not be found in these areas that met the coverage objectives and that could be agreed to by the land owners.

It is noted that the DCP generally restricts child care centres from being developed within 100m of telecommunications facilities. There are no existing child care centres within 100m of this site.

The proposed development has been assessed and it is considered reasonable in terms of its impacts upon the existing residents in Harrington Park.

6. *Telecommunications facilities are not usually located in close proximity to schools so why should this one be located in an area where young children live?*

Officer comment:

As noted above, the applicant's site selection process has determined this site as the most suitable site of those available in the area. In addition, the proposed development complies with the relevant health standard. It is noted that the proposed development will be located approximately 120m away from the nearest residential dwelling house in Harrington Park.

7. *As Optus customers in Harrington Park we have never had a reception issue in 9 years and so the need to build the proposed development so close to Harrington Park is not understood.*

Officer comment:

The applicant has advised that the objective of the proposed development is to ensure that 4G services can be maintained for the surrounding area given consumer demand for increased speed and data bandwidth.

8. *When residential properties were purchased the proposed development was not identified on any plans. Why should it be imposed on residents after having spent significant money buying into the Camden area?*

Officer comment:



Pursuant to the *Environmental Planning and Assessment Act 1979*, applicants have the legal right to lodge DAs for development on any land at any time. This DA has been assessed by Council staff and the proposed development is considered acceptable.

9. *When a masterplan for an area is developed provision is made for required infrastructure including schools, hospitals, fire stations, etc. Why has Council not planned for telecommunications facilities but instead left them to be dangerously placed in the midst of residential properties? Will Council provide rates discounts because of the lack of planning?*

Officer comment:

Exact sites for telecommunications facilities are not designated during the master planning of an urban release area. The ultimate need for, and consequent location of, these facilities is determined based on a range of factors including consumer demand, technology, co-location opportunities with existing infrastructure and the area's landform, which can only be considered in detail once an area is further developed. Rating of properties in the surrounding areas is unrelated to the proposed development.

10. *Loss of property value.*

Officer comment:

Potential impacts upon property values are not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

11. *Why were some residents only notified in August 2016 and not in May 2016?*

Officer comment:

Council staff publicly exhibited the DA for 14 days in accordance with the DCP. In response, Council received submissions that included property owner/occupiers outside of the original exhibition area. Following the submission of additional information by the applicant Council staff re-exhibited the DA and also notified those additional property owners/occupiers that were included in the petition and submissions.

It is noted that for both exhibition periods the notification areas were well in excess of the DCP requirements.

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 477/2016 is recommended for approval subject to the conditions attached to this report.



RECOMMENDED

That Council approve DA 477/2016 for the construction of a telecommunications facility and associated site works adjacent to Camden Valley Way, Smeaton Grange, subject to the attached conditions.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Independent Peer Review
4. Photomontages
5. Public Exhibition and Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD07

SUBJECT: POST-EXHIBITION REPORT - PLANNING PROPOSAL TO AMEND THE SYDNEY REGION GROWTH CENTRES SEPP AND CAMDEN GROWTH CENTRES PRECINCTS DCP AMENDMENTS - CATHERINE FIELDS PART PRECINCT

FROM: Director Planning & Environmental Services

TRIM #: 16/325129

PREVIOUS ITEMS: ORD04 - PLANNING PROPOSAL TO AMEND THE SYDNEY REGION GROWTH CENTRES SEPP AND CAMDEN GROWTH CENTRES PRECINCTS DCP AMENDMENT - CATHERINE FIELDS PART PRECINCT - Ordinary Council - 26 Apr 2016 6.00pm

PURPOSE OF REPORT

The purpose of this report is for Council to consider the outcome of the public exhibition of the draft Planning Proposal to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP) and an amendment to the Camden Growth Centre Precincts Development Control Plan (DCP) which applies to the Catherine Fields (Part) Precinct.

The report recommends Council adopt the draft Planning Proposal and draft Camden Growth Centre Precincts DCP (as amended) and forward the draft Planning Proposal to the Department of Planning and Environment (DPE) for the plan to be made.

The draft Planning Proposal is included as **Attachment 1 to this report** and the draft DCP is included as **Attachment 2 to this report** (provided under separate cover).

BACKGROUND

At its meeting on 26 April 2016, Council considered a report regarding a draft Planning Proposal to amend the Growth Centres SEPP and a draft amendment to the DCP.

Resolution of Council

At its meeting on 26 April 2016, Council resolved to:

- i. endorse the Planning Proposal to amend various maps within Appendix 9 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and insert an Additional Permitted Use for the use of Oran Park House as a sales office;*
- ii. endorse the draft amendment to the Camden Growth Centres DCP;*
- iii. forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination;*
- iv. exhibit the Planning Proposal and the draft amendment to the Camden Growth Centres DCP for a period of 28 days in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations following receipt of a Gateway Determination for the Planning Proposal;*



-
- v. *notify the Department of Planning and Environment of the exhibition of the draft amendment to the Camden Growth Centres DCP in accordance with the delegations issued by the Department on 19 January 2015;*
 - vi. *forward the Planning Proposal and DCP amendment to the Department of Planning and Environment at the conclusion of the public exhibition period if no unresolved public submissions are received; and*
 - vii. *require that a report be prepared at the conclusion of the public exhibition period which outlines the results of the exhibition.*

A copy of the report from 26 April 2016 is included as **Attachment 3 to this report**.

Summary of Planning Proposal

The draft Planning Proposal sought to amend the Growth Centres SEPP by:

- Redistributing the amount of medium density housing in the precinct in the form of integrated housing, which will result in a minor increase of 23 dwellings across the precinct which is proposed to have approximately 3200 dwellings;
- Amending the heritage curtilage for Oran Park House (Catherine Park House) to reflect the recent State heritage listing of the item, with corresponding mapping amendments to reflect the amended curtilage; and
- Permitting the use of Oran Park House as a sales office subject to Council granting development consent.

Amendments to Camden Growth Centres DCP

Amendments to Schedule 4 Catherine Fields (Part) Precinct

An amendment to Schedule 4 of the DCP (which applies to the Catherine Fields Part Precinct) has been prepared which includes:

- Changes to the Indicative Layout Plan (ILP) and other figures within the DCP;
- Changing various figures to be consistent with the current DPE housekeeping SEPP amendment;
- Heritage amendments including:
 - Amending Section 3.1 *The Coach House Neighbourhood Centre*; and
 - Amending Section 4.1 *Development Surrounding Oran Park House (Catherine Park House)*;
- Inserting new Section 4.5 *Specific Controls for residential streets in the Catherine Fields Part Precinct*;
- Inserting new controls applying to attached dwellings including:
 - New Section 4.6 *Specific Controls for ‘town home’ attached dwelling*; and
 - New Section 4.7 *Specific Controls for rear-accessed dwellings directly fronting open space*.

Housekeeping amendments to the main body of the DCP (Section 4)

In addition to the above, minor housekeeping amendments were initiated by Council officers to the DCP. These include amending

- Table 4-5 - *Clause 4.2 Dwelling Design* – the table is currently inconsistent with the diagrams in Figure 4-7 Solar Access. The amendment will facilitate consistency with diagrams contained within Figure 4-7 Solar Access.
- Table 4-6 – *Clause 4.2 Dwelling Design Controls* – the table is currently inconsistent with the diagrams in Figure 4-7 Solar Access. The amendment will facilitate consistency with diagrams contained within Figure 4-7 Solar Access.

MAIN REPORT

Gateway Determination (Planning Proposal)

In accordance with Council's resolution, the Planning Proposal was forwarded to the DPE and a Gateway Determination was issued on 15 July 2016, which is included as **Attachment 4 to this report**. The Gateway Determination required Council to make minor amendments to the Planning Proposal and consult with NSW Rural Fire Service (NSW RFS) prior to the commencement of community consultation. The NSW RFS response is included as **Attachment 5 to this report**.

The NSW RFS has provided the following comments:

1. Rear Lane Access for Attached Dwellings

To provide suitable access for suppression activities at the rear of attached dwellings, the design shall incorporate rear laneway access for attached dwelling developments on bush fire prone land or within 100 metres of the riparian corridor. Laneways shall be through roads with minimum carriageway widths that comply with Table 4.1 of Planning for Bush Fire Protection 2006. Attached dwellings that incorporate front access only are not supported.

Officer Comment

Whilst there was initial concern from NSW RFS over the rear lane access for attached dwellings, the proponent has provided further information to NSW RFS. The NSW RFS has now indicated that its concerns have been addressed and no amendments are required to be incorporated in the Draft Camden Growth Centre Precincts DCP (response is included in **Attachment 5**).

2. Urban Perimeter Roads

To reinforce urban perimeter roads requirements under Planning for Bush Fire Protection 2006, the following provision should be incorporated into Section 3.3 and 2.3.6 of the Camden Growth Centre Precincts Development Control Plan:

- *Urban perimeter roads (i.e. roads interfacing potential bush fire hazards) shall be two-way with a minimum carriageway width of 8 metres, exclusive of any on-street parking areas. Perimeter road designs shall ensure that any on-street parking does not obstruct the minimum carriageway width.*

Officer Comment

Council officers have discussed this issue with the NSW RFS representatives and have determined that this issue of perimeter roads is not site-specific to Catherine Fields (Part) Precinct, but has broader implications for development within all precincts in the South West Priority Land Release Area. The RFS has advised that a review of the policy 'Planning For Bushfire Protection' will be undertaken next year. Rather than including new controls in the DCP at this stage, the outcomes of the review will be considered and reflected in a future DCP amendment if necessary. No further changes are required.



Public Exhibition

In accordance with Council's resolution, the Planning Proposal and DCP amendment were exhibited from 27 September 2016 to 25 October 2016 and three submissions were received including two responses from state agencies. A copy of the submissions is provided as **Attachment 6 this report**.

The submission received from the Department of Planning and Environment indicated support for the draft Planning Proposal and DCP amendment. The submission from the Office of Environment and Heritage (OEH) generally supported the proposal however it raised some concern over some aspects of the proposal.

The Office of Environment and Heritage (Heritage Branch) Submission

1. Planning Proposal

The OEH has indicated no objection to the majority of the proposed amendments as described within the draft Planning Proposal.

The proposal to allow for the permanent additional permitted use of Oran Park House as a sales office is not supported. The OEH has raised no objection to the temporary use of Oran Park House as a land sales office.

The OEH has also requested that, prior to any permanent adaptive reuse of Oran Park House, an updated Conservation Management Plan (CMP) endorsed by the Heritage Council is developed.

Officer Comment

The proponent has indicated agreement to remove the proposal to insert an Additional Permitted Use into Schedule 1 of the Growth Centres SEPP for Oran Park House as a land sales office. This is amended in the draft Planning Proposal. The temporary use of Oran Park house as a Sales office is currently permitted with consent and does not require an amendment to the Growth Centres SEPP.

A CMP for Oran Park House was prepared by Godden McKay Logan as part of the finalisation of the rezoning of the Catherine Fields Part Precinct in 2013. The proponent is currently updating the CMP and will consult with the OEH in finalising the document.

2. DCP Amendment

Feedback has also been provided by OEH on the draft DCP amendment. The issues raised relate to Sections 3.1 - *The "Coach House" Neighbourhood Centre* and 4.1 - *Development surrounding Oran Park House* of the Camden Growth Centre Precincts DCP and the need to update the current CMP to reflect the State Heritage Listing.

Officer Comment

As previously, identified the proponent has indicated that it will update the CMP and work with the OEH to ensure the protection of the Oran Park House. The amendments to Sections 3.1 and 4.1 of the DCP that were publicly exhibited are no longer proposed to proceed as part of this amendment to the DCP. Once the updated CMP is resolved with OEH, the amendments to Sections 3.1 and 4.1 of the DCP will be further reported to Council.

Public Submission

The remaining submission related to concerns over the heritage amendments to Oran Park House.

1. Concern over the curtilage allowing housing and other urban works

The submission raises concern that the curtilage now allows for housing and other urban works that have the potential to adversely impact upon the heritage value and appreciation of Oran Park House.

Officer Comment

Oran Park House was included on the State Heritage Register on 5 March 2015. The State Heritage listing included a reduction in the heritage curtilage for Oran Park House.

This Planning Proposal amends the size of the heritage curtilage of Oran Park House to align with the formal State Heritage Listing. It is not proposed to change the permitted uses surrounding the house. It is noted that low density residential development has always been permitted within the Heritage Curtilage of Oran Park House, as identified during the Catherine Fields Part Precinct planning process in 2013.

The neighbourhood centre has always been identified within the curtilage of Oran Park House, particularly around the Coach House. The current CMP, prepared by Godden McKay Logan, is a guide for all development within the curtilage. All development must be undertaken in accordance with this CMP.

2. Concern over long term development surrounding Oran Park House

Concern is raised over the possibility of unsympathetic development surrounding Oran Park House. Specific reference is made to Blair Athol in Campbelltown and the heritage item being 'consumed' by surrounding development. Particular concern relates to the single storey larger lots fronting the curtilage and it is requested that the controls be strongly enforced with a legally binding restriction. Further, it is requested that no parking or streetscaping be allowed on the footpath area opposite the house to retain the views of the house.

Officer Comment

The management and control of the development of Oran Park House and within its curtilage is via a number of instruments and controls;

- The adopted CMP prepared by Godden McKay Logan;
- The Camden Growth Centre Precincts DCP; and
- Growth Centres SEPP.

These documents will ensure that development within the vicinity of Oran Park House and other key outbuildings is controlled to ensure no adverse impacts on the item.

The Growth Centres SEPP includes a Height of Building map which stipulates the height of development around the Oran Park House being limited to 5m, which is the equivalent of a single storey development. It is important to note that the inclusion of this height limit in the Growth Centres SEPP means that it holds a greater legal standing than if included in the DCP. Further work is proposed on updating the CMP which is the overarching conservation document for the Oran



Park House. The concerns of the submitter will be considered in the updating of the CMP.

3. Request for a Plan of Management

The submission requests that a detailed Plan of Management be prepared for ongoing protection, improvement and usage of Oran Park House and all area within it surrounding curtilage. The submitter has requested to be included in the development of any Plan of Management for the item.

Officer Comment

A Plan of Management can only be prepared for publicly owned or managed land and, as Oran Park House will remain in private ownership, a Plan of Management is not required to be prepared. However, as previously mentioned a CMP was prepared for Oran Park House and curtilage. In this instance the CMP is considered to be similar to a Plan of Management.

When Development Applications are lodged with Council, all works must be undertaken in accordance with this CMP, the adopted DCP and SEPP controls. The proponent is currently updating the CMP, in coordination with OEH and Council, to reflect the change to the curtilage as part of the State Heritage Listing in 2015.

With regard to the submitter being involved in the amendment of the CMP, this process is being undertaken by the proponent and Council does not have a legislative role in this process. The request to be included in the development of the amended CMP has been provided to the proponent.

Post Exhibition Planning Proposal Amendments

As discussed in this report it is not proposed to proceed with the insertion of an Additional Permitted Use into Schedule 1 of the Growth Centres SEPP for Oran Park House. Any reference of this has been removed from the draft Planning Proposal.

The amended draft Planning Proposal is provided as **Attachment 1 to this report**.

Post Exhibition DCP Amendments

Schedule 4 – Catherine Fields Part Precinct

It is proposed to make the following amendments to Schedule 4 of the DCP (which applies to the Catherine Fields Part Precinct):

- Changes to the Indicative Layout Plan (ILP) and other figures within the DCP;
- Changing various figures to be consistent with the current DPE housekeeping SEPP amendment;
- Inserting new controls applying to attached dwellings including;
 - New Section 4.6 *Specific Controls for “town home’ attached dwelling;*
 - and
 - New Section 4.7 *Specific Controls for rear-accessed dwellings directly fronting open space.*

There are changes to three sections of the DCP amendment that were reported to Council on 26 April 2016.



Section 3.1 *The Coach House Neighbourhood Centre* and Section 4.1 *Development Surrounding Oran Park House*

No amendments are proposed to Sections 3.1 and 4.1 to the existing adopted DCP. The exhibited amendments will be further refined in conjunction with the OEH and the proponent following completion of an updated CMP, and a further report to Council will be provided.

Section 4.5 *Specific controls for residential streets in the Catherine Fields Part Precinct* (pre-exhibition)

In the report to the 26 April, 2016 Council Meeting, Section 4.5 *Specific Controls for residential streets in the Catherine Fields Part Precinct* was included as being a new proposed section. At the 28 June, 2016 Council Meeting an amendment to the Camden Growth Centre Precincts DCP was endorsed, which included amendments to the road layouts in Section 3.3.1 Layout and Design. As a result of these new controls, it was considered that the new section 4.5 was no longer needed and, in consultation with the proponent, this section was removed prior to exhibition.

FINANCIAL IMPLICATIONS

There are no direct financial implications to Council as a result of this matter.

CONCLUSION

The draft Planning Proposal and draft DCP amendment for Catherine Fields Part Precinct was exhibited for a period of 28 days and three submissions were received.

Officers have recommended amendments to the exhibited draft Planning Proposal and draft DCP to address some of the concerns outlined by submitters. The proposed amendments are of a minor nature and do not require re-exhibition.

It is recommended that the Planning Proposal and draft DCP, including the amendments in this report in response to the public exhibition period, be adopted by Council.

RECOMMENDED

That Council:

- i. adopt the draft Planning Proposal (as amended) and draft Camden Growth Centre Precincts DCP (as amended) for Catherine Fields (Part) Precinct;**
- ii. submit the draft Planning Proposal to Department of Planning and Environment requesting the plan to be made;**
- iii. forward the amendment to the Camden Growth Centres Precinct DCP to the Department of Planning and Environment in accordance with the amended delegations issued to Council on 19 January 2015 and request that the DCP amendment be made;**
- iv. publicly notify the adoption of the DCP in accordance with the provisions of the Act and Regulations; and**
- v. advise submitters of the outcome of this report.**



ATTACHMENTS

1. Planning Proposal for Catherine Fields Part Precinct - Final
2. Draft Camden Growth Centre Precincts DCP Amendment 7 - December Council Meeting Version (HUB only - SEPARATE COVER)
3. Attachment 3 - CF Part Precinct Council report 28 April 2016
4. CF Part Precinct Gateway Determination 15 July 2016
5. NSW RFS referral response
6. Submissions Catherine Fields Part Precinct



ORDINARY COUNCIL

ORD08

**SUBJECT: SUBMISSION TO DEPARTMENT OF PLANNING AND ENVIRONMENT
- PROPOSED MEDIUM DENSITY HOUSING CODE AND DRAFT
MEDIUM DENSITY DESIGN GUIDE**

FROM: Director Planning & Environmental Services

TRIM #: 16/323702

PREVIOUS ITEMS: ORD03 - Submission to Department of Planning & Environment on the Discussion Paper to Expand Complying Development to include Two Storey Medium Density Housing - Ordinary Council - 23 Feb 2016 6.00pm

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exhibition of the Department of Planning and Environment's (DPE) Proposed Medium Density Housing Code (MDHC) and Draft Medium Density Design Guide (MDDG) and to seek Council's endorsement of a submission objecting to the proposed changes. A copy of the draft submission is **provided as Attachment 1 to this report.**

A copy of the exhibition documents **are provided as Attachment 2 to this report.** (provided under separate cover).

BACKGROUND

In 2008, the DPE gazetted the State Environmental Planning Policy (Exempt and Complying Codes) 2008 (Codes SEPP).

The Codes SEPP provides a framework for 'fast-tracking' the approval of certain types of development that comply with a set of prescribed 'complying development' standards. Complying development certificates (CDCs) can be issued by councils or accredited private certifiers.

Under the current provisions of the Codes SEPP, one and two storey freestanding dwellings, minor modifications to existing dwellings, commercial developments/uses and alterations to existing commercial and industrial buildings can be approved as complying development.

Discussion Paper on Medium Density Housing 2015

The DPE exhibited a discussion paper titled '*Options for Low Rise Medium Density Housing and Complying Development*' from 27 November 2015 to 1 March 2016. The paper recommended that medium density housing be included as complying development under the Codes SEPP.

Council considered a report at its meeting 23 February 2016 and endorsed a submission objecting to the discussion paper. The objection focused on the DPE's proposal to permit medium density housing as complying development, and the associated impacts on the amenity, density and future character of the Camden LGA.

A copy of Council's earlier submission **is provided as Attachment 3 to this report.**



MAIN REPORT

Following the exhibition of the discussion paper, the DPE considered all submissions and prepared the two documents currently on public exhibition, which are the Proposed Medium Density Housing Code (MDHC) and Draft Medium Density Design Guide (MDDG).

The formal exhibition commenced on 12 October 2016 and concludes on 12th December 2016. Council has been granted an extension to allow Council to consider this report.

Medium Density Housing Code (MDHC)

The MDHC recommends changes to the Codes SEPP to enable the following forms of development to be approved as complying development:

- Terrace housing, manor houses and dual occupancies with street frontages;
- Torrens title subdivision of smaller lots for the purposes of dual occupancies; and
- Medium density housing and subdivision under one complying development certificate.

The purpose of the changes is to reduce approval times and cost and to encourage increased residential densities in the Sydney metropolitan area.

Medium Density Design Guide (MDDG)

The design of these new forms of complying development will need to fully comply with the benchmarks and controls contained in the MDDG.

Councils may choose to adopt the MDDG which will guide the design of medium density development applications. If this is the case, the document must be adopted in its entirety and amendments are required to the current DCP in order to make reference to the MDDG.

If Council does not adopt the MDDG, development applications for multi-dwelling housing will be assessed against Council's current DCP controls.

A review of the MDHC and MDDG by Council officers has identified the following key issues:

1. Strategic intent;
2. Impacts on housing density and associated planned infrastructure;
3. Inadequate community consultation proposed under the Housing Code changes;
4. Impact on Council resources;
5. Mandated carparking controls not reflective of Camden LGA;
6. Review of Certifier qualifications; and
7. Technical concerns.

The key issues are discussed in detail in the draft **submission included as Attachment 1 to this report**. A summary of the key issues is provided below.

1. Strategic Intent of the proposed amendment

The draft Southwest District Plan has identified a need for an additional 143,000 dwellings in the next 20 years, with Camden proposed to provide a large percentage of this housing target.

From 2012-2016, approximately 8,220 residential lots were approved by Camden Council, which equates to an average of 2,055 lots per year.

In addition, Camden Council's average determination time (November 2015-2016) for a development application is approximately 34.5 days, meeting legislated requirements.

While the need for housing diversity and streamlined approvals is acknowledged, the above statistics show that Camden is already achieving these targets by providing a large proportion of housing within targeted timeframes.

Camden Council is unique in that the large majority of the LGA is within the South West Priority Growth Area. The challenges faced within a greenfield area are not the same as an infill area in inner Sydney and therefore the changes are not considered the most appropriate way to facilitate increased development in the LGA.

A better approach would be to ensure that each area of Camden has targets for the provision of a range of housing types and densities in appropriate locations. This would provide Council with greater control over densities and urban design outcomes, whilst still achieving the target for the provision of affordable housing.

Recommendation

That the Camden LGA be excluded from the draft changes to the Codes SEPP.

2. Impacts on housing density and associated planned infrastructure

The proposed changes to the Codes SEPP are likely to result in increased densities across the Camden LGA. This could occur in both existing suburbs and greenfield developments.

The proposed changes will enable the approval of torrens title subdivisions below the existing minimum allotment size (within the Camden LEP 2010 and Sydney Growth Areas SEPP (2006)), in association with dual occupancy and medium density housing.

The proposed changes will increase the viability of this form of housing and result in an increase of this type of product, and a corresponding increase in residential density.

The inability to control density outcomes will impact on the provision of infrastructure, particularly in established areas where Council is currently planning infrastructure upgrades.

In greenfield areas, contributions plans are developed based on the total expected population. Changes to legislation such as the proposed amendments



can increase density (and total population) in a precinct, resulting in undersized infrastructure such as open space and recreational land, community facilities, and impact on the road network.

Recommendation

The proposed amendments to the Codes SEPP will create significant contribution planning and infrastructure provision concerns for the Camden LGA.

Greenfield areas are subject to extensive master planning to ensure infrastructure is sized and appropriately located to cater for the new community. Master planning also ensures an appropriate mix of densities and housing types in the right locations, with improved urban design outcomes. The proposed changes would undermine the intent of this master planning.

It is recommended that the Camden LGA be exempt from the provisions of the proposed changes.

3. Inadequate community consultation proposed under the Housing Code changes.

Under the *Environmental Planning and Assessment Regulation 2000* (Regulation), CDCs are only notified to properties within 20m of the site and Council.

CDC notification does not allow for the consideration of submissions from neighbours. In this instance, under a CDC a terrace housing or dual occupancy development would require no formal consultation with adjoining landowners.

Recommendation

The Regulation should be amended to include a notification period that applies to these new forms of complying development and is equal to Council's current notification requirements for a development application.

4. Impact on Council resources

The proposed amendments will impact on Council resources.

Approvals under the current Codes SEPP are less complex and require limited information and/or involvement from Council officers. The proposed changes to include medium density housing will require increased referrals to Council staff for information and advice on matters such as waste collection, drainage infrastructure and capacity, and local traffic impact and advice.

Recommendation

Should the proposed amendments proceed, it is recommended that the Regulation be amended to allow Council to levy for advice on matters that affect Council assets and infrastructure.

5. Mandated carparking controls not reflective of Camden LGA

The MDDG controls require only one car space per dwelling, irrespective of the number of bedrooms.

Camden DCP 2011 requires a minimum of one car parking space per dwelling plus 0.2 spaces per two bedroom dwelling plus 0.5 spaces per three or more bedroom dwelling. Therefore, a four bedroom dwelling requires two spaces.

Given that 68% of households in the Camden LGA have access to two or more motor vehicles compared to 44% in Greater Sydney, additional car parking is required to accommodate the needs of the local community.

Additionally, the 6m minimum lot frontage width required by the MDDG (for dual occupancies and terraces) restricts the ability to provide on-street parking, when a driveway is proposed at the dwelling frontage.

The car parking rates and minimum frontage requirements in the Codes SEPP do not provide sufficient opportunities for kerbside parking and will place pressure on on-street parking.

Recommendation

Council's DCP parking and minimum site frontage requirements should apply to CDC developments.

6. Review of Certifier Qualifications

The proposed amendments to the Codes SEPP will enable certifiers to approve medium density housing as complying development. The current system for CDC approvals does not require certifiers to undertake merit based assessment or consider urban design outcomes.

Recommendation

It is recommended that the DPE review the current requirements for certifiers in NSW and ensure training for certifiers undertaking medium density approvals.

7. Technical Concerns regarding controls

In addition to the wider strategic concerns, there are a number of technical concerns regarding the implementation of the proposed amendments including:

- Basement car parking

The MDDG does not consider matters such as salinity, flooding and groundwater movements, which are of concern with basement car parking.

- Acoustic Treatments

The requirement for 2.1m high acoustic walls along classified roads is not supported. This can result in poor urban design outcomes and eliminate passive surveillance to the street.



- Setbacks in laneways

The requirement for a zero setback from laneways is not supported. This does not provide sufficient setbacks for large vehicles to pass and waste to access.

- Concerns re accessible parking and adaptable housing

The guidelines do not include a provision for adaptable housing. Should the amendments proceed, it is recommended that a provision be included for adaptable housing within multi-dwelling developments.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this report.

CONCLUSION

The DPE is currently exhibiting a draft amendment to the Codes SEPP until 12 December, 2016. The amendments proposed expand the range of development that can be approved under the Codes SEPP through a CDC to include dual occupancy, manor homes and multi-unit housing and allow Torrens title subdivisions that vary Council's current standards.

Council officers have reviewed the draft amendments and raise a number of concerns regarding urban design outcomes, infrastructure provisions, servicing for waste and other key services, and the community consultation provisions.

It is recommended that the DPE does not proceed with the proposed changes to the Codes SEPP. However, if the proposed changes are to proceed, it is recommended that the proposed changes do not apply to the Camden LGA.

RECOMMENDED

That Council:

- i. endorse the submission that objects to the Proposed Medium Density Housing Code and Draft Medium Density Design Guide;**
- ii. forward the submission to the Department of Planning and Environment; and**
- iii. forward a copy of the submission to Mr Chris Patterson, State Member for Camden.**

ATTACHMENTS

1. Council Submission to DPE
2. Exhibition documents Medium Density Housing Code - (HUB only - SEPARATE COVER)
3. Council s submission 26 February 2016



ORDINARY COUNCIL

ORD09

SUBJECT: RESPONSE TO NOTICE OF MOTION - THE IMPACT OF CELTIS SINENSIS, CELTIS AUSTRALIS AND CELTIS OCCIDENTALIS ON THE ENVIRONMENT

FROM: Director Planning & Environmental Services

TRIM #: 16/289535

PURPOSE OF REPORT

The report is provided in response to the Notice of Motion – The Impact of *Celtis sinensis*, *Celtis australis* and *Celtis occidentalis* on the environment, as resolved by Council on 12 April, 2016.

It is recommended that the report be received and noted.

BACKGROUND

On 12 April, 2016, Council considered a Notice of Motion by Councillor Campbell and resolved to call for a report on the following:

- i. The impact of *Celtis sinensis*, *Celtis australis* and *Celtis occidentalis* on the environment including the potential spread and distribution of the plant; this investigation should include an investigation into any associated health risks with the plant including the damage caused by the Hackberry Woolly Aphid which infests the plant and is now known to be present in the Camden area;
- ii. The process for having the plants declared as noxious weeds, and in the case of *Celtis sinensis* and *Celtis australis* having the declaration upgraded to a class three to allow control and removal of the plant from the area; and
- iii. Outline of control or removal mechanisms available and associated costs for budget processes.

MAIN REPORT

Celtis occidentalis and *Celtis australis* are commonly occurring throughout the Camden Local Government Area (LGA). They are not considered significant pests and are not currently declared weed species. Within the LGA there are several of these trees which are part of historical plantings (eg. Argyle St, Camden). Whilst these species are generally not a high value plant, they are not considered invasive or known to cause environmental damage in the area.

Celtis sinensis is a commonly occurring plant throughout the area and is declared a Class 4 Noxious Weed. This plant is controlled and removed where it is found to be located in other weed control sites within the LGA.

Celtis occidentalis, *Celtis australis* and *Celtis sinensis* are widely spread across the Sydney basin.



i. Associated Health Risks with Celtis species and links to the Hackberry Woolly Aphid, sooty mould and asthma

In researching this matter, Council officers consulted with the Department of Primary Industry (Department) and NSW Health to ascertain any known health risks with the Celtis species.

The Department (**Attachment 1**) confirmed the prevalence of the Celtis species in Sydney and the widespread distribution of aphids, mealybugs and other insects which digest sap and excrete honeydew which provides nutrients for the colonization of sooty mould. The Department verbally confirmed that it is not aware of any link between sooty mould and asthma and acknowledged that the control of the aphid and other honeydew excreting insects would be difficult.

Correspondence received from NSW Health (**Attachment 2**) advises that, due to limitations in its data and records, it has been unable to determine any spikes in asthma in the last two years within the LGA and, as such, is unable to identify any links between asthma and an increased prevalence of the aphid and sooty mould.

NSW Health indicates that, even if a spike in asthma within the LGA was identified, the cause could not be accurately linked to sooty mould. Asthma can be attributed to pollen, a physiological response to underlying health issues, a change in weather or an increase in particulate matter from other sources.

ii. The process for having the plants declared as noxious weeds, and in the case of Celtis sinensis and Celtis australis having the declaration upgraded to a class three to allow control and removal of the plant from the area

Under the *Noxious Weeds Act 1993*, local control authorities are required to control noxious weeds in accordance with the Noxious Weed Control Order. Given the widespread prevalence of noxious weeds across certain parts of our LGA and the cost in controlling these weeds, Council prioritises Class 1, 2 and 3 weeds over Class 4.

Class 1, 2 and 3 weeds are generally highly invasive and environmentally damaging and generally require continuous suppression and eradication. Examples of noxious weeds that are prioritised by Council are alligator weed, salvinia, water hyacinth, green cestrum, Chilean needle grass and serrated tussock.

Council focusses on aquatic weeds due to its location in the Upper Hawkesbury Nepean Catchment and works with Wollondilly, Campbelltown and Liverpool Councils to control aquatic weeds, particularly alligator weed.

The current process for declaring a noxious weed is for the plant to be listed in a weed control order and passed by State Parliament. Prior to this, a weed risk assessment is required to be prepared through the Regional Weeds Committee, which determines the level of risk and relevance of having a declaration.

This matter was raised by Council's Noxious Weeds Ranger at a Regional Weeds Committee meeting in August 2016. The Regional Committee is comprised of all South West Sydney Councils and State Government agencies responsible for noxious weeds control.

It was indicated by meeting participants, that regionally the *Celtis* species, including *Celtis Sinensis*, is not as high a priority as other weed species such as Honey Locust, African Olive and Privet prevalent which are in our region.

The matter of having the Noxious Weed Declaration upgraded to a Class 3 was tabled at the August 2016 Regional Weeds Committee. This was not supported by the Committee as they identified other priorities such as African Olive, Honey Locust and Privet to be of greater significance across the area. The abovementioned plants are extremely invasive and require significant resources to control and remove requiring a strategic approach and significant funding.

Additionally, the Department has recently identified a number of emerging risks including Tiger Pear, which is considered to be the worst of the cactus species in NSW and has been found within the region. Council will need to factor control of these emerging species into future control priorities.

iii. Outline of control or removal mechanisms available and associated costs for budget processes.

Celtis species can grow to become medium to large trees of 10-20 metres. Control of these plants would need to be by physical removal using chainsaw or drum mulching machine. Both methods are expensive and, for this to occur, a complete on-ground assessment would need to take place where each tree would need to be identified and mapped.

The estimated cost of physical removal of a celtis tree is \$600-\$1000 via chainsaw and approximately \$10,000 per hectare via drum mulching machine.

Current actions implemented by Council

Council currently employs a Noxious Weeds Ranger who, amongst other duties, coordinates prioritized noxious weed control activities on public land and the Nepean River. Additionally, the Noxious Weeds Ranger conducts compliance inspections on private land and is a member of the Regional Weeds Committee.

Council currently budgets approximately \$30,000 per annum for prioritized noxious weed control activities. Public land noxious weeds control is prioritised based on weed classification, sensitivity of the area and the likelihood of spread of the plant.

Celtis sinensis, *Celtis australis* and *Celtis occidentalis* are not considered to be significant issues in the Camden LGA. To assist in the prevention of further spread of these plants Council has removed all of the *Celtis* species listed from tree replacement lists. Existing populations of these plants are generally removed from bush regeneration sites prior to replanting with native species.

Council's Noxious Weeds Ranger regularly inspects local nurseries to ensure restricted species are not being sold including *Celtis sinensis*.

It is suggested that web based material and other education material be developed and distributed to highlight suitable planting alternatives to *Celtis* species which are native or of a less invasive nature as well as to identify appropriate control or removal techniques.



FINANCIAL IMPLICATIONS

It is estimated that labour costs for the manual removal of a large *Celtis* tree is between \$600 and \$1,000.

These plants are broadly distributed across the LGA and are not generally found in dense clusters but as individual trees. It is estimated that there are in excess of 1,000 *Celtis* trees across the LGA.

Removal of a large tree using drum mulching technique is estimated at \$10,000 per hectare.

CONCLUSION

Celtis species of weeds are not considered significant pest species in the Camden LGA. The Department of Primary Industry and NSW Health have not determined a clear link between these weeds and health issues such as asthma.

Council prioritises its noxious weeds control activities and budget towards more invasive and environmental damaging species (Class 1-3 noxious weeds) such as alligator weed, salvinia, water hyacinth and serrated tussock.

RECOMMENDED

That Council that Council receive and note the information in this report.

ATTACHMENTS

1. Response from Department of Industry
2. Response from NSW Health



ORDINARY COUNCIL

ORD10

SUBJECT: APPOINTMENTS TO COMMITTEES
FROM: Director Customer & Corporate Services
TRIM #: 16/318244

PURPOSE OF REPORT

This report seeks Council to appoint nominated Community representatives to the Community Management Committees, who have delegated responsibilities for activities and functions of Council under Section 355 of the Local Government Act.

BACKGROUND

Section 355 of the Local Government 1993 states that:

The function of a Council may, subject to this Chapter, be exercised:
(b) by a Committee of the Council,

Council currently has four Community Management Committees operating under S355 of the Local Government Act. They are:

- Camden International Friendship Association, (CIFA), delegated to manage our relationship with Kashiwa City, Japan;
- Camden Seniors' Program Committee, delegated to provide an annual program of up to four (4) events for seniors living in Camden;
- The Camden Bicentennial Equestrian Park Committee, (BEP) delegated with care and control of the Camden Bicentennial Equestrian Park; and
- The Camden Town Farm Committee, delegated care and control of Camden Town Farm.

The appointment of Management Committees is entirely at the discretion of the Council. The Committees are appointed and reappointed in accordance with the provisions of the *Local Government Act 1993* every four years, following the election of the Council. Committee membership is on a quadrennial basis for the term of Council and all committee members act in a voluntary capacity.

To provide guidance and information, a Community Committees Handbook was prepared and adopted by Council. The Handbook outlines the responsibilities, functions and operations of the Community Management Committees; and clarifies Council's role in this partnership. Committees and their members are required to adhere to the conditions set out in the Handbook and also abide by other Council policies including the Code of Conduct.

According to the Handbook, Committee members should be from the Camden Local Government Area however Council may approve members from outside the area. Usually, when a nominee resides outside the LGA, they have either had a long standing relationship with the group or with Camden. Further, with regard to the size of Committees, the Handbook states that Committee membership will usually not number less than 4, and not more than 15, as appointed by Council (including office bearers), however this is at the discretion of Council.



Following the appointment of the Committees, Council issues a Deed of Delegation to each Committee which formalises its ability to act on Council's behalf on the matters set out.

MAIN REPORT

Nominations have been called for all Committees. This was done by advertising in the local print media and advising all existing Committee members. Public meetings were advertised and held for the purpose of providing information to any community member who may be considering nominating or wanting additional information.

The following nominations have been received seeking appointment to **Camden International Friendship Association (CIFA)**:

Gordon Clipsham	(The Oaks)
Warren Dunk	(Narellan)
Gaylene Feld	(Camden)*
Gary Ireland	(Elderslie) *
John Jarvis	(Razorback) *
Richard Leemen	(Grasmere) *
Alan McBride	(Camden)*
Kristina Took	(Camden)*
Andrew Watson	(Narellan Vale)

* Indicates appointed in 2012

The following nominations have been received seeking appointment to the **Camden Seniors Program Committee**:

Sandra Baird	(Camden South)
Bruce Bunn OAM	(Castle Hill) *
Maria Campton	(Narellan)*
Judith Cowell	(Camden)*
Christine Crooks	(Camden) *
David Crooks	(Camden)*
Pauline Grinbergs	(Menangle)
Helen Lanyon	(Oran Park)*
Keith Maddock	(Elderslie)
Val Moskvitch	(Mt Annan)*
Margaret Thornton	(Grasmere)
Denis Timms	(Gilead)*

* Indicates appointed in 2012

The following nominations have been received seeking appointment to the **Camden Town Farm Committee**:

Annette Arany	(Camden) *
Tony Biffin	(Camden) *
David Buckley	(Theresa Park) *
Sarah Cleaton,	(Elderslie)
Sandy Davies	(The Oaks) *
Debbie Dewberry	(Camden)
Jeff Ferrif	(Thirlmere) *



Penny Fischer	(Camden)
David Funnell	(Ellis Lane) *
Keith Hart	(Elderslie)
Jim Ironside	(Oakdale) *
Michael Lee	(Camden Park) *
Kerrie Tickner-Flynn	(Razorback)
Nicolet Westerhof	(Bargo) *
Patrick White	(Kirkham)

The following nominations have been received from those seeking appointment to the **Camden Bicentennial Equestrian Park Committee**. Where the nominee represents a park user group, this information is also provided. The Bicentennial Equestrian Park Committee differs slightly as some members to this Committee represent user groups of the park.

Some individuals have nominated as group representatives and staff will need to contact each organisation and ask it to nominate their representative and their alternate representative from the persons seeking to be appointed as the group's representative.

Camden Equitation: One member and one alternate
(2 nominations received)

Camden Men's Shed: Ray Monohan * (Camden)
Jim Norris* (Alternate) (Camden)

Camden Show Society: One member and one alternate
(3 nominations received)

Cobbitty Pony Club: Jenny Frankum * (Orangeville)

**County of Cumberland
Campdraft Club:** Mark Dench* (Thirlmere)

Eventing Equestriad Australia: Garry Clarke (Werombi)

Sydney Polocrosse Club: Jeff Ferrif* (Thirlmere)

Wollondilly Polocrosse: Lillian Greenslade (Wingello)

Community Representatives

David Funnell*	(Ellis Lane)
David Head*	(Cobbitty)
John Kelly	(Theresa Park)
Dr Tony Mogg	(Cobbitty)
Jason Sharpe	(Pheasants Nest)
John Vallance	(The Oaks)
Patrick White*	(Kirkham)

FINANCIAL IMPLICATIONS

Activities of each Committee are managed within existing budget allocations.



CONCLUSION

Section 355 of the *Local Government Act* allows Council to delegate functions to Committees. Following an open and public process in calling for nominations, the persons named in this report have applied to be appointed to Council Committees.

Groups represented on the Bicentennial Equestrian Park Committee will be advised of their appointment and asked to identify their individual representatives.

RECOMMENDED

That Council:

- i. appoint the persons named in this report, or representatives of the organisations named in this report, to the committees they have nominated to be part of; and,**
- ii. issue a Deed of Delegation to:**
 - a. the Camden International Friendship Association to manage Camden's relationship with Kashiwa City, Japan;**
 - b. the Camden Seniors Program Committee to provide a program of up to four events each year for seniors living in Camden Local Government Area.**
 - c. the Camden Town Farm Committee for care and control of the Camden Town Farm; and**
 - d. the Camden Bicentennial Equestrian Park for care and control of the Camden Bicentennial Equestrian Park,**

within the framework, requirements and guidelines stipulated by the *Local Government Act 1993* and Camden Council's Community Management Committees Handbook.



ORDINARY COUNCIL

ORD11

SUBJECT: COMMUNITY SPONSORSHIP PROGRAM ALLOCATION - JANUARY TO JUNE

FROM: Director Customer & Corporate Services

TRIM #: 16/347009

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 2017.

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 with all applications being assessed by the Sponsorship Allocation Committee using set guidelines and criteria to ensure probity and consistency in evaluating requests.

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 nine applications were received, including one late application. Each application was assessed against the Program guidelines and criteria, with 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, all applications have been recommended for monetary and/or in-kind support under the sponsorship program.

Information in relation to the following applications for sponsorship for the period January to June 2017 has been provided previously to Councillors.

The following events/activities are recommended for funding from the Community Sponsorship Budget:



	Event	Total Recommended Monetary	Total Recommended In-Kind
1	AnnanROMA Food & Wine Festival	\$5,000	Nil
2	Carols in the Garden (<i>late application</i>)	\$2,000	Nil
3	ANZAC Day Service	\$10,000	Nil
4	Camden Meals on Wheels (Centenarian Luncheon)	\$2,000	Nil
5	Camden Show	\$9,000	\$6,000
6	NSW BMX State Titles (Pre events)	\$2,000	\$400
7	Macarthur Lions ANZAC Fun Run	\$4,000	Nil
8	NSW JRU Under 12 State Championship	\$2,000	\$800
9	St Pauls Fete	Nil	\$250
Total		\$36,000	\$7,450
Total of both In-Kind and Monetary		\$43,450	

A detailed spreadsheet outlining the Community Sponsorship Program requests and allocations is **attached** for your information; this includes Council officer's total recommended actual amounts.

FINANCIAL IMPLICATIONS

The total recommended sponsorship, both monetary and in-kind, is \$43,450 to cover events held January to June 2017. A comprehensive breakdown of the amounts recommended can be found within the **attached** spreadsheet.

The total budget allocation for Community Sponsorship, as per the 2016/17 budget, is \$68,100. This is split into two portions to cover the two halves of each year.

The balance (after funding events between July to December 2016) of the Community Sponsorship budget is \$30,242.50. Officers are recommending a position to Council that will require additional funding of \$13,207.50. Advice has been provided from Council's Finance section that confirms this funding is able to be allocated as part of the December quarterly review, should Council choose to do so.

CONCLUSION

The breadth of events/activities being undertaken by a range of community organisations continues to grow in both number and quality, contributing to the increase in social capital and improved community wellbeing, within the Camden LGA.



This has been demonstrated by the quality and range of worthwhile events and activities seeking sponsorship assistance from Council.

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 and/or activities within the community and provide improved opportunities for the community to access and attend events and/or activities within the Camden LGA.

RECOMMENDED

That Council:

- i. approve sponsorship for the events and activities 1 to 9, totalling \$43,450 (comprising \$36,000 cash and \$7,450 in-kind) as recommended by the Sponsorship Allocation Committee in this report and funded from the 2016/2017 Community Sponsorship budget allocation; and**
- ii. allocate \$13,207.50 from the December quarterly review to provide additional sponsorship funding; and**
- iii. write to each applicant advising them of the outcome.**

ATTACHMENTS

- 1. January to June 2017 - Council Report Community Sponsorship Program Summary for Council Report**



ORDINARY COUNCIL

ORD12

SUBJECT: HOUSING ACCELERATION FUND - INGLEBURN ROAD AND RICKARD ROAD, LEPPINGTON

FROM: Director Community Infrastructure

TRIM #: 16/334017

PURPOSE OF REPORT

To formally notify Council of a grant offer of \$2.9M (excl. GST), by the NSW Government under the Housing Acceleration Fund, to advance the planning and design required for the future upgrade of sections of Ingleburn and Rickard Roads, Leppington.

BACKGROUND

The Housing Acceleration Fund (HAF) provides a funding source for essential infrastructure, including sewer, water, road and electricity networks, to 'fast-track' new residential and employment developments. The fund has previously accelerated key infrastructure projects in Western Sydney such as the upgrades to Camden Valley Way. In June, 2014, the NSW Government announced an allocation of \$83M via the HAF, for similar projects.

As reported to Council at its Ordinary Meeting of 9 February, 2016, advice was received from the NSW Government that \$31M of the \$83M announced in 2014 had been allocated toward the upgrade of sections of Ingleburn and Rickard Roads, Leppington. Further correspondence received by Council from the NSW Department of Planning & Environment outlines a formal offer of \$2.9M (excl. GST) in grant funding, which is the subject of this report.

MAIN REPORT

Ingleburn Road and Rickard Road are currently rural standard roads located in the Leppington (North) Precinct within the South West Priority Growth Area (SWPGA) within the Camden Local Government Area. The upgrade of these roads is not funded from Section 94 Developer Contribution Funds but are proposed to be funded from the NSW State Government's Special Infrastructure Contribution (SIC Levy).

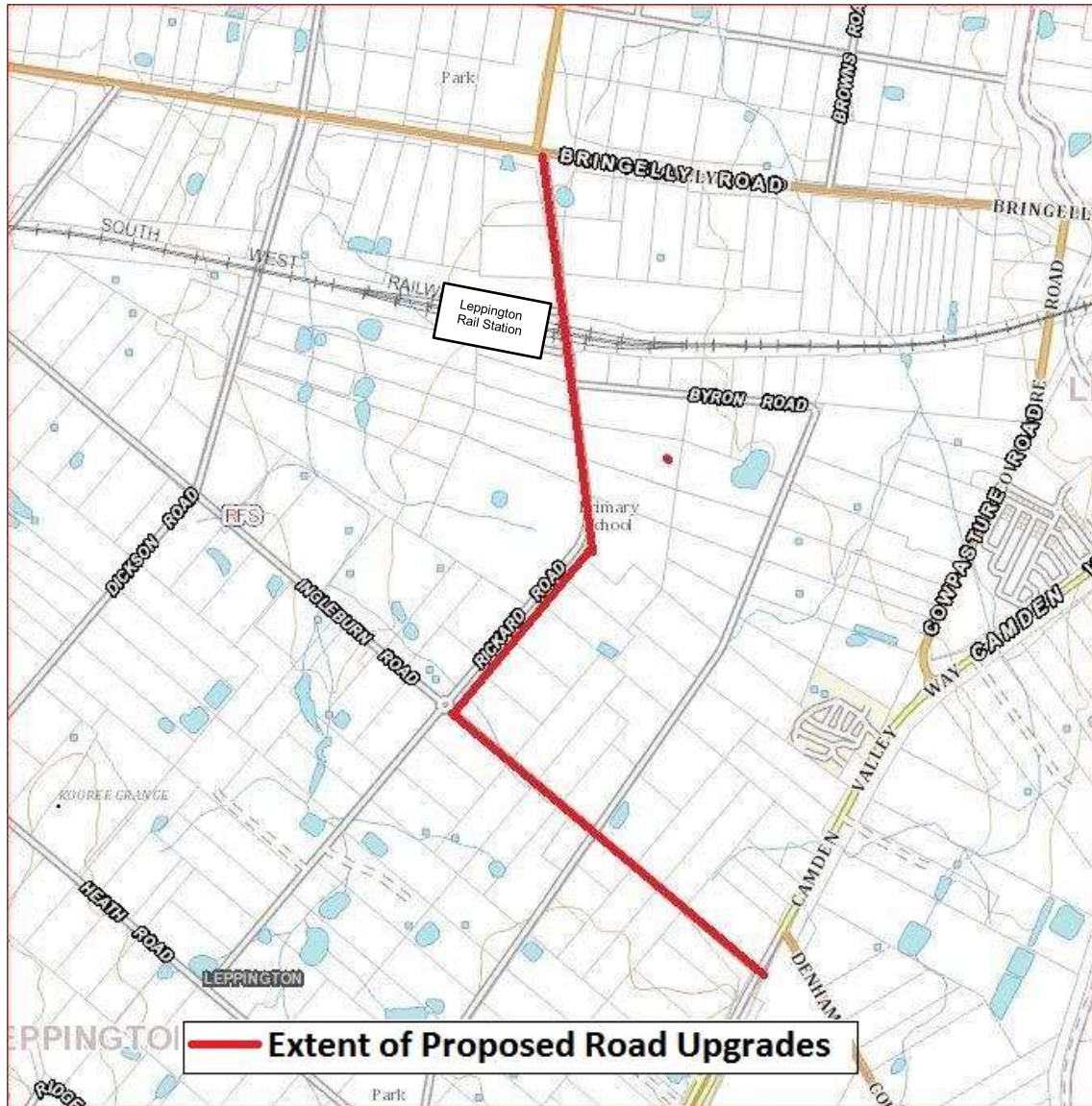
Recent NSW Government investment in the South West Rail Link (SWRL) resulted in the Leppington Railway Station opening early in 2015 to support development in the SWPGA. The Leppington (North) Precinct is expected to include the Leppington Major Centre, which will provide retail space equivalent to Liverpool's Retail Precinct, and over 600,000m² Gross Floor Area of business park land.

A critical piece of infrastructure required to unlock this development is the upgrade of:

- Ingleburn Road between Camden Valley Way and Rickard Road; and
- Rickard Road between Ingleburn Road and Bringelly Road.

Currently, both Ingleburn Road and Rickard Road are not suitable for the anticipated growth in Leppington (North). Upgrading these roads will allow them to serve as major

access routes for the broader area, servicing the additional release areas of Leppington East and Leppington (refer map).



Land within the Leppington North and Leppington Precincts is highly fragmented and enabling infrastructure is required to unlock development potential in these areas, which includes:

- Sydney Water’s first package of sewer works to service the area; and
- the proposed Ingleburn and Rickard Roads upgrade (the subject of this report).

Delivering this critical infrastructure will accelerate housing and employment activity in the precinct, by facilitating land development activity.

The NSW Department of Planning & Environment (DP&E), proposes that Council project-manage the upgrade of Ingleburn Road and Rickard Road. In this regard, correspondence received from DP&E outlines the proposed provision (subject to approval) of an initial allocation of \$2.9M (excl. GST) to Council to:



-
- Advance the planning and design of Ingleburn Road and Rickard Road and prepare a final business case for the release of construction funding of a revised Stage 1 to a total value of \$31M; and
 - Carry out planning and design and preparation of a Strategic Business Case for the remaining sections of Ingleburn Road and Rickard Road (Stage 2), in addition to Byron Road.

It is considered beneficial for Council to be directly involved in the delivery of this infrastructure as these roads will remain Council roads into the future and it will allow Council to coordinate other works including road upgrades such as Byron Road, major stormwater infrastructure and detention basins funded via local development contributions (Section 94). It is further acknowledged that, due to the fragmented ownership issues in the Leppington and Leppington North precincts, Council will be responsible for the delivery of most infrastructure in the precinct.

It is noted that, at its Ordinary Meeting of 9 February, 2016, Council resolved to accept an offer by the NSW Government of \$300,000 for procurement of project management expertise, for preliminary planning/scoping to upgrade Ingleburn and Rickard Roads, Leppington. These funds have not been paid to Council to date. The funding offer of \$300,000 is now withdrawn by the NSW Government and will be replaced by the grant offer of \$2.9M (excl. GST).

In anticipation of the NSW Government approving the \$2.9M (excl. GST) grant offer to Council, formal endorsement is required for Council to enter into a funding deed with the NSW Government. In this regard, it is recommended that Council resolve to delegate authority to the General Manager, to enter into a funding agreement with the NSW Government, to accept the \$2.9M (excl. GST) grant offer on the behalf of Council.

FINANCIAL IMPLICATIONS

Funding for the upgrade of Ingleburn Road and Rickard Road will come from the NSW Government's State Infrastructure Contributions Levy (SIC). This funding source is administered by the NSW Department of Planning & Environment and has no financial impact on Council's Section 94 plan for the subject area.

The HAF funding is additional to the SIC levy and is being used to accelerate the delivery of identified infrastructure. The funding of \$2.9M (excl. GST) will enable the initial planning/scoping phase of the project to progress without impacting on Council's current budget.

The previously accepted funds of \$300,000 have not been received by Council, and the tasks identified are now included in the revised offer of \$2.9M (excl. GST).

CONCLUSION

The HAF provides a funding source for essential infrastructure, including water, road and electricity networks, with the intent to 'fast-track' the delivery of residential and employment developments.

The NSW Government has approved an allocation of \$2.9M (excl. GST) to cover planning, design and project management resources to progress the upgrade of Ingleburn Road and Rickard Road, Leppington. With the funding support of the NSW Government, Council has the opportunity to advance the upgrade of Ingleburn Road



and Rickard Road to facilitate development in Leppington through enabling critical infrastructure to occur.

RECOMMENDED

That Council:

- i. accept the offer from the NSW Government, for the funding of \$2.9M (excl. GST) for planning, design and project management resources, as noted in this report, subject to entering into a formal Deed of Agreement;**
- ii. include the funding within Council's Operational Plan (budget); and**
- iii. note that the previous funding offer of \$300,000, accepted by Council for this project at its Ordinary Meeting of 9 February, 2016, is superseded by this current funding offer.**



ORDINARY COUNCIL

ORD13

SUBJECT: AUSTRALIAN MEN'S SHED ASSOCIATION, NATIONAL SHED DEVELOPMENT PROGRAMME - ACCEPTANCE OF GRANT FUNDING

FROM: Director Community Infrastructure

TRIM #: 16/360651

PURPOSE OF REPORT

To accept \$6,000 (excl. GST) in grant funding from the Australian Men's Shed Association National Shed Development Program Round 13, to contribute to a reinforced concrete apron in front of the Camden Men's Shed Workshop.

BACKGROUND

The National Shed Development Program is a competitive Men's Shed grants program that allows Men's Sheds and organisations supporting Men's Sheds within their community to apply for funds to better respond to local needs.

In July, 2016, Council submitted an application for funding of \$6,000 (excl. GST) on behalf of the Camden Men's Shed. The funds will contribute to a reinforced concrete apron in front of the Camden Men's Shed Workshop to enable work to be carried out on machinery such as the tractor and ride-on mowers outside the workshop area.

MAIN REPORT

The Camden Men's Shed is located in the Camden Bicentennial Equestrian Park and consists of members from the local area. The members perform most of the maintenance of the 80ha equestrian park including grass cutting, tree planting and trimming, fence and gate construction and repairs, painting, drainage, and machine maintenance.

The Australian Men's Shed Association has advised that Council was successful in its funding application for \$6,000 (excl. GST) to contribute to a reinforced concrete apron in front of the Camden Men's Shed Workshop. The Camden Men's Shed will contribute in-kind labour i.e. trenching and excavation, to support the completion of the project.

FINANCIAL IMPLICATIONS

The funding application for \$6,000 (excl. GST) under the National Shed Development Program was successful. The Camden Men's Shed will contribute in-kind labour i.e. trenching and excavation to support the completion of the project. No additional funds are sought from Council for the project.

CONCLUSION

The National Shed Development Program has awarded a grant of \$6,000 to Council on behalf of the Camden Men's Shed to contribute towards a concrete apron in front of the Camden Men's Shed Workshop.



RECOMMENDED

That Council:

- i. accept the grant of \$6,000 (excl. GST) from the Australian Men's Shed Association; and**
- ii. write to the Federal Member for Hume, The Hon. Angus Taylor MP, thanking him for his support.**



ORDINARY COUNCIL

ORD14

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - OUTDOOR YOUTH SPACE
FROM: Cr Fedeli
TRIM #: 16/369976

“I, Councillor Theresa Fedeli, hereby give notice of my intention to move the following at the Council Meeting of 13 December 2016:

That Council investigate appropriate locations for an additional outdoor youth space given the popularity of Birriwa Outdoor Youth Space at Mount Annan and report on associated costs.”

RECOMMENDED

That Council investigate appropriate locations for an additional outdoor youth space given the popularity of Birriwa Outdoor Youth Space at Mount Annan and report on associated costs.



ORDINARY COUNCIL

ORD15

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - CAMDEN LAC
FROM: Cr Cagney
TRIM #: 16/370918

"I, Councillor Cindy Cagney, hereby give notice of my intention to move the following at the Council Meeting of 13 December 2016:

1. That Council urgently write to the Premier Mr Mike Baird, the Police Minister Mr Troy Grant, Camden State MP Mr Chris Patterson, and the Commissioner of Police Mr Andrew Scipioni, requesting that they permanently increase staffing levels at the Camden LAC prior to the Christmas holiday period.
2. That Council write to our Federal MP's, Dr Mike Freelander and Mr Angus Taylor, to seek their assistance to progress the matter.
3. That Council write to Wollondilly Shire Council and seek the assistance of the Mayor, Cr Judith Hannan, the General Manager and all Councillors of Wollondilly to join with Camden in this cause and to ask that they contact all of the relevant persons in paragraph one, on behalf of the residents of Wollondilly."

RECOMMENDED

That Council:

- i. **urgently write to the Premier Mr Mike Baird, the Police Minister Mr Troy Grant, Camden State MP Mr Chris Patterson, and the Commissioner of Police Mr Andrew Scipioni, requesting that they permanently increase staffing levels at the Camden LAC prior to the Christmas holiday period; and**
- ii. **write to our Federal MP's, Dr Mike Freelander and Mr Angus Taylor, to seek their assistance to progress the matter; and**
- iii. **write to Wollondilly Shire Council and seek the assistance of the Mayor, Cr Judith Hannan, the General Manager and all Councillors of Wollondilly to join with Camden in this cause and to ask that they contact all of the relevant persons in paragraph one, on behalf of the residents of Wollondilly.**



ORDINARY COUNCIL

ORD16

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - ILLEGAL PARKING ISSUES IN SOMERSET AVENUE, NARELLAN
FROM: Cr Cagney
TRIM #: 16/370917

“I, Councillor Cindy Cagney, hereby give notice of my intention to move the following at the Council Meeting of 13 December 2016:

That Council staff prepare an information report for Council on the illegal parking issues in Somerset Avenue, that were highlighted in the 7 News report on December 1st.

Given that Council has adopted to take approx 3 million dollars from Section 94 Contributions Plan for increased parking in the Somerset/Doncaster Avenue Narellan Precinct, could the report include an estimated timeline of when the monies will be repaid in order to be used for parking infrastructure in Narellan.”

RECOMMENDED

That Council staff prepare an information report for Council on the illegal parking issues in Somerset Avenue, that were highlighted in the 7 News report on December 1st.

Given that Council has adopted to take approx 3 million dollars from Section 94 Contributions Plan for increased parking in the Somerset/Doncaster Avenue Narellan Precinct, the report should include an estimated timeline of when the monies will be repaid in order to be used for parking infrastructure in Narellan.