



Camden Council

Business Paper

Ordinary Council Meeting
12 December 2017

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
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
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
OEH	Office of Environment & Heritage
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
Strategy
David Reynolds

Manager Governance and Risk
Charles Weber

Chief Financial Officer
Paul Rofe

Director Sport Community and
Recreation
Sandra Kubecka

Director Planning and Environment
Nicole Magurren

Director Community Assets
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

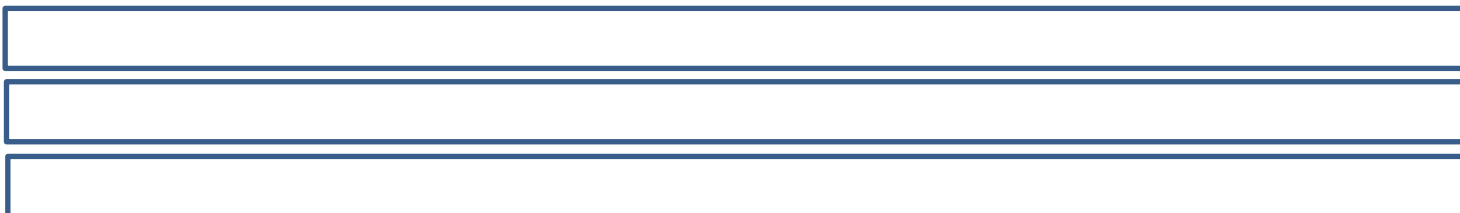
Councillor
Paul Farrow

Councillor
Cindy Cagney

Public Address

Public Seating

Media





ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 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 28 November 2017.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 28 November 2017, 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: TWO LOT SUBDIVISION, CONSTRUCTION OF TWO X TWO STOREY DWELLINGS, ATTACHED STUDIO DWELLINGS AND STRATA SUBDIVISION OF STUDIO DWELLINGS - 150 KAVANAGH STREET GREGORY HILLS

FROM: Director Planning & Environment
TRIM #: 17/379172

APPLICATION NO: DA 167/2017
PROPERTY ADDRESS: 150 Kavanagh Street Gregory Hills
APPLICANT: Blue Tongue Homes
OWNER: Blue Tongue Homes

UPDATE

The DA is reported to Council for determination following the deferral of this item at the 28 November 2017 meeting for a Councillor site inspection.

The 28 November 2017 Council report is provided below. No changes have been made to this report since it was reported on 28 November 2017.

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a two lot Torrens title subdivision, construction of two x two storey dwellings, attached studio dwellings and strata subdivision of studio dwellings at 150 Kavanagh Street Gregory Hills.

The DA is referred to Council for determination as there are two submissions (from the same household) which are unresolved objecting to the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine DA167/2017 for 150 Kavanagh Street Gregory Hills 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

DA167/2017 seeks approval for a two lot subdivision, construction of two x two storey dwellings, attached studio dwellings and strata subdivision of studio dwellings.

Specifically the proposed development involves:

- Two lot Torrens title subdivision, each 327.3m² in area;
- Construction of two x two storey dwellings each containing three bedrooms and a single garage;
- Construction of two attached studio dwellings, each 45m² in floor area and each containing one bedroom and a single garage;
- Strata subdivision of the studio dwellings;

- Stormwater connection to the existing street drainage network; and
- Associated site works.

The total of cost of works is \$580,617.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council’s website under the Development Applications, by clicking on ‘Find A DA’.

THE SITE

The site is known as 150 Kavanagh Street Gregory Hills and is legally described as Lot 404 DP 1197230. The site has an area of 654.6m² and has three street frontages, being Mudgee Street, Bega Street and Kavanagh Street.

To the north of the site are two storey dwellings and two storey attached dual occupancies. To the west of the site is a two storey attached dual occupancy. To the east and south of the site are vacant residential lots.

Consent has been granted to subdivide and construct two storey dwellings with attached studio dwellings for the adjoining site to the east.



KEY DEVELOPMENT STATISTICS

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



State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
	Standard	Proposed	Compliance
4.1A Lot Size	Minimum lot size for dwelling house 300m ² .	Lot H – 327.3m ² Lot G – 327.3m ² Note – There is no minimum lot size for a studio dwelling.	Yes.
4.3 Height	Maximum height of buildings 9.5m.	Lot G – 7.2m Lot H – 7.23m	Yes.
Turner Road Control Plan (2007) DCP			
7.2 Lot Frontage	Minimum lot frontage for the applicable density band is 9m.	Lot G – 17.6m Lot H – 17.6m	Yes.
7.4.3 Front Setback	Minimum 4.5m to façade line.	Lot G - Principal dwelling 4.5m and studio dwelling 5.58m. Lot H - Principal dwelling 4.5m and studio dwelling 5.58m.	Yes.
7.4.4 Rear Setback	<p>Minimum 4m to ground floor and 6m to upper floor.</p> <p>Reduced rear setbacks may be considered in accordance with Clause 4.2.4 of the DCP, for corner lots where the width is at least 15m and where the lot has a shallow depth (approximately square). Clause 4.2.4 states that the rear setback can be varied to be consistent with the side setback (0.9m) subject to ensuring the private open space and solar access requirements are met.</p>	<p>Lot G - 5.389m ground and upper 5.389m.</p> <p>Lot H - 5.389m ground and upper 5.389m.</p> <p>Each lot has a frontage of 17.65m and is approximately square and as such a reduce rear setback can be considered.</p> <p>The development complies in regards to private open space and solar access, therefore the reduced rear setback is acceptable in</p>	Yes.



		accordance with Clause 4.2.4.	
7.4.4 Side Setbacks	<p>Side A – Minimum 0.9m ground and 0.9m upper.</p> <p>Side B – Minimum 0.9m ground and 1.5m upper.</p>	<p>Lot H – Side A = 2m ground and upper, Side B = 1.618m ground and upper</p> <p>Lot G - Side A = 1.618m ground and upper, Side B 2m = ground and upper</p>	Yes.
7.4.5 Site Coverage	<p>Maximum 50% ground floor and 30% upper floor</p> <p>*Pursuant to Clause 7.5.2 (3) upper floor site coverage of the principle dwelling and studio may be exceeded providing solar access and privacy controls are met.</p>	<p>Lot H – Ground 106m² (32%) and upper 106m² (32%)</p> <p>Lot G – Ground 106m² (32%) and upper 106m² (32%)</p> <p>The upper floor coverage includes the studio and principal dwelling (32%). The development complies with regards to privacy and solar access controls.</p>	Yes
7.4.6 Landscaped Area	Minimum 30% of site to be soft landscaped.	<p>Lot H = 168m² (51.5%) landscaped area</p> <p>Lot G = 168m² (51.5%) landscaped area</p>	Yes
7.4.8 Car parking	<p>Three or more bedroom dwellings are to provide two spaces within the property boundary with one space behind the building line.</p> <p>Studio dwellings require one space</p>	<p>Lots H and G - Principal dwellings (three bedrooms) includes a single garage behind the building line and a space stacked within the property boundary.</p> <p>The studio dwellings (one bedroom) include a</p>	Yes



	behind the building line.	single garage and a space stacked within the property boundary.	
7.4.7 Private Open Space	Principal Private Open Space (PPOS) requires a minimum 24m ² & minimum dimensions of 4m & gradient no steeper than 1:10.	Principal dwelling Lot H – 100m ² of POS with minimum 4m dimensions, gradient ≤ 1:10 and located in the rear yard. Principal Dwelling Lot G - 100m ² of POS with minimum 4m dimensions, gradient ≤ 1:10 and located in the rear yard. Studio Dwelling PPOS requirement is separately discussed in part 7.7.2 - Studio Dwelling controls of this report.	Yes
7.4.7 Solar Access	50% of the PPOS (of both the proposed development and adjoining properties) is required to be receive three hours of sunlight between 9.00am and 3.00pm on 21 June.	Each lot has at least three hrs solar access between 9.00am and 3.00pm on 21 June to at least 50% of PPOS and adjoining dwelling PPOS. Shadow diagrams demonstrate compliant solar access can be achieved to both the subject site and neighboring properties PPOS.	Yes
7.7.2 Studio Dwelling	Maximum floor area of studio dwelling 75m ² . Combined upper level site coverage (principal and studio dwelling) may be exceeded	Lot G - GFA of studio 45m ² Lot H - GFA of studio 45m ² Upper floor coverage proposed is 32% which is acceptable given	Yes



	<p>subject to privacy and solar access not being compromised.</p> <p>Windows and POS must not overlook POS of adjacent dwellings (not including principal dwelling). Must either have obscured glazing, be screened or have a minimum sill height of 1.5m above floor level</p> <p>Where built over a rear garage and separated from upper levels of the principal dwelling, there must be a minimum separation of 5m between upper floor rear facade of the principal dwelling and studio dwelling</p> <p>One car space to be provided behind the building line</p> <p>POS provided on balcony with access from a living space, 8m² area and dimensions 2m.</p> <p>Strata title subdivision only from the principal dwelling on the land.</p> <p>Access to be separate from principal dwelling and from a public street</p> <p>Provisions for separate services to be provided</p>	<p>solar access and privacy controls are met.</p> <p>No upper floor windows overlooking the principal dwelling POS or adjoining property POS. 1.5m sill height window used in the bedroom of the studios facing the side boundary.</p> <p>The studio dwelling is attached to the principal dwelling, therefore there is no separation required.</p> <p>Two car spaces are provided, including one in a garage and one in the driveway.</p> <p>12m² balcony is provided for each studio dwelling with minimum dimensions of 2m.</p> <p>Strata subdivision is proposed and will be conditioned.</p> <p>Access is via a public street via a separate entry to the side of the garage.</p> <p>A separate waste bin storage and area for collection is provided.</p>	
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ASSESSMENT

Zoning and Permissibility

Zoning	R1 General Residential
Permissibility:	The proposed development is defined as 'subdivision', 'dwelling house' and 'studio dwelling' by the SEPP which are permissible land uses 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 (Sydney Region Growth Centres) 2006</u> – Compliant with conditions recommended.</p> <p><u>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River</u> – Compliant with conditions recommended.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> – Compliant with conditions recommended.</p>
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<p><u>Turner Road DCP 2007</u> - Compliant with conditions recommended where necessary</p> <p><u>Camden DCP 2011</u> - Compliant with conditions recommended.</p>
Planning Agreement(s) - S79C(1)(a)(iiia)	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)	Two submissions (from the same household) 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 the DA are limited to the 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 8 March 2017 to 21 March 2017. Two submissions (from the same household) were received (objecting to the proposed development).



The DA was re-notified for 14 days in accordance with the DCP due to amended plans being received. The exhibition period was from 5 October 2017 to 18 October 2017. No submissions were received during this time.

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

1. *The proposed development will create additional traffic and create on-street parking issues.*

Officer comment:

The existing street network is considered sufficient to cater for the proposed development with regards to traffic generation. The road widths are compliant with the DCP and are considered adequate to facilitate traffic movements around the precinct.

The DCP requires that the principal dwelling includes two off-street parking spaces, with one located behind the building line, while the studio dwellings require one space behind the building line. The principal dwellings and studio dwellings each have a single garage and a second space located in the driveway. The development therefore complies with the DCP in respect to car parking.

2. *The amount of dwellings proposed on each lot is too many. I am happy for the development to contain two dwellings but not four dwellings.*

Officer comment:

The DA has been assessed against the relevant SEPP which specifies the minimum subdivision lot size and minimum lot size for different forms of residential accommodation. The DA is compliant with the requirements as discussed above.

The DA is not inconsistent with the surrounding development, which includes a mix of dual occupancy dwellings, small lot housing and dwellings containing attached studios.

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, DA167/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA167/2017 for a two lot subdivision, construction of two x two storey dwellings, attached studio dwellings and strata subdivision of studio dwellings at 150 Kavanagh Street Gregory Hills, subject to the conditions attached to this report.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD02

SUBJECT: CONSTRUCTION OF GREENHOUSES, NEW SITE ACCESS, A CARPARK, OFFICE BUILDING, FARM BUILDING (PACKING SHED), FOUR RURAL WORKERS' DWELLINGS, AMENITIES BUILDING, TREE REMOVAL AND ASSOCIATED SITE WORKS AND THE PROVISION OF SERVICES - 705 CUT HILL ROAD, COBBITTY

FROM: Director Planning & Environment

TRIM #: 17/379163

APPLICATION NO: DA 885/2016
PROPERTY ADDRESS: 705 Cut Hill Road, Cobbitty
APPLICANT: Robbie EL Hassan
OWNER: Robbie EL Hassan

UPDATE

The DA is reported to Council for determination following the deferral of this item at the 28 November 2017 meeting for a Councillor site inspection.

The 28 November 2017 Council report is provided below. No changes have been made to this report since it was reported on 28 November 2017.

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of greenhouses, new site access, carpark, office building, farm building (packing shed), four rural workers' dwellings, amenities building, tree removal and associated site works including the provision of services at 705 Cut Hill Road, Cobbitty.

The DA is referred to Council for determination as there are two unresolved submissions objecting to the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine DA 885/2016 for the construction of greenhouses, new site access, a carpark, office building, farm building (packing shed), four rural workers' dwellings, amenities building, tree removal and associated site works including the provision of services 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 885/2016 seeks approval for tree removal, the construction of greenhouses, new site access, carpark, office building, farm building (packing shed), four rural workers' dwellings, amenities building, tree removal and associated site works including the provision of services.



Specifically the proposed development involves:

- Removal of 30 Eucalyptus crebra trees to facilitate construction works;
- Construction of:
 - Three greenhouses measuring 50m x 90m, with a maximum height of 4.6m and constructed from a metal frame and plastic sheet covering;
 - A 18m² office/administration building, with a maximum height of 3.3m;
 - A 144m² farm building (packing shed), with a maximum height of 5.75m;
 - Four 18m² prefabricated rural workers' dwellings, with a maximum height of 3.3m. Each dwelling contains two beds and a kitchenette;
 - A 72m² amenities building, with a maximum height of 3.3m;
 - Formalising the existing stock access from Cut Hill Road to be used as the access point for the greenhouses;
 - A new carparking area for 18 vehicles; and
 - Associated site works and the provision of services including water tanks and irrigations systems.
- Use of the site for the growing of fruit and vegetables for a commercial use.
 - Types of produce to be grown (subject to seasonal and market conditions at the time) include beans, peas, cucumbers, tomatoes, chillies, peppers, leafy greens and herbs.
 - Up to eight (8) staff will be employed onsite, including a manager residing in the existing dwelling.
 - Rural workers' dwellings to be occupied on a temporary/seasonal basis (during picking times).
- Hours of operation
 - Monday to Friday – 6.00am to 7.00pm.
 - Saturday – 7.00am to 5.30pm.
 - Sunday and Public Holidays – Closed.
- A maximum 10 vehicle movements per day during peak growing periods to transport produce offsite to the wholesaler or markets for sale. Vehicles include a car or van (being up to a transit van or a one ton ute), having a maximum length of 5.2m, accessing the site from the formalised service driveway.

Estimated cost of works is \$225,000.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development Applications, by clicking on 'Find a DA'.

THE SITE

The site is known as 705 Cut Hill Road, Cobbitty and is legally described as Lot 3 DP 252113.



The site is irregular in shape, has a site area of 55.33 ha and is located on the western side of Cut Hill Road. The site is bounded by Cut Hill Road to the northeast and Nepean River to the southwest. The site currently contains a dwelling with associated ancillary structures including a series of dams.

The site has previously been used as a cattle stud, with hay sheds, holding yards and cattle feeding areas. Stock sales also took place onsite within the existing sales arena.

The property is currently used for hay production and contains horses, sheep and cattle.

Surrounding development consists of the residential dwellings on large rural lots and primary production.



KEY DEVELOPMENT STATISTICS

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

Camden Local Environmental Plan 2010 (LEP)

Clause	Requirement	Provided	Compliance
2.3 Land Use Table.	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	The proposal is for intensive plant/vegetable agriculture, rural workers' dwellings and ancillary development in the RU1 zone. The proposal is consistent with the objectives of the zone.	Yes.



Clause	Requirement	Provided	Compliance
4.3 Height of Buildings.	Maximum 9.5m height.	5.75m maximum height (farm building).	Yes.
5.9 & 5.9AA Trees or Vegetation.	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	Up to 30 trees are proposed to be removed. Council's Landscape Officer has assessed the proposed tree removal and raised no objection subject to off-set planting. Thirty trees have been conditioned to be planted.	Yes.
7.4 Earthworks.	To ensure that earthworks for which development consent is required will not have a detrimental impact.	The earthworks are not likely to have detrimental impacts.	Yes.

Camden Development Control Plan 2011 (DCP)

Control	Requirement	Provided	Compliance
B1.4 Water Management	Detention, drainage and water sensitive urban design measures to be provided in accordance with Council's Engineering Specifications.	Stormwater management will be in accordance with Council's Engineering Design Specifications.	Yes.
B1.5 Trees and Vegetation	Removal of significant trees requires consent.	Up to 30 trees are proposed to be removed. Council's Landscape Officer has assessed the proposed tree removal and is satisfied subject to off-set planting. A condition is recommended requiring 30 trees to be planted.	Yes.
B1.10 Bushfire Risk Management.	Prevent loss of, and damage to life, property and the environment due to bushfires by requiring development to be compatible with bushfire risk management principles.	The applicant has provided a Bushfire Risk Assessment Certificate. The attack Level nominated is BAL12.5 and conditions are recommended requiring compliance. The applicant has confirmed this can be achieved without the development needing to be modified.	Yes.
B2 Landscape Design.	A landscape plan is to be provided that complies with this part.	A landscape plan was submitted with the DA and is satisfactory,	Yes.



		subject to conditions including replacement planting.	
B5.1 Off-street Car Parking Rates and Requirements.	Minimum parking is not stated for rural workers' dwelling or intensive plant agriculture.	Eighteen spaces (including three manager's spaces) are provided onsite, including a manoeuvring bay.	Yes.
D1.1 Rural Accommodations, Dwellings and Outbuildings.	- Buildings in all rural zones shall provide a minimum front setback of 20m.	All works are located 80m behind the existing dwelling.	Yes.
	- Buildings in all rural zones shall provide a minimum side and rear setback of 5m.	All works are a minimum 76m from the side boundary and over 1km from the rear boundary. The cabins are in excess of 120m from the southern boundary.	Yes.
	- Dwellings must be located to minimise the removal of existing vegetation.	Tree removal is supported by Council's Landscape Officer. Replacement planting is recommended.	Yes.
	- Buildings should be visually unobtrusive in the overall landscape.	Proposed buildings are a maximum of 5.75m in height and will have minimal visual impact on the landscape.	Yes.
	- Buildings should complement the characteristics of the landform. Cut and fill shall be kept to a minimum.	All works maintain the existing ground levels and are consistent with the existing landform.	Yes.
	- The roofline of buildings should reflect the land profile within the vicinity of the development.	The roofline of the proposed farm building (packing shed) is consistent with the existing dwelling.	Yes.
	- All outbuildings must be ancillary to an approved use on the land on which it is situated.	The proposed works are ancillary to the agricultural use of the site.	Yes.
- The maximum floor area for rural outbuildings not used for the purposes of agriculture is 100m ² .	The buildings proposed as part of this DA are ancillary to the agricultural use of the land.	Yes.	



	<ul style="list-style-type: none"> - On unsewered sites, effluent and household waste water is to be disposed in accordance with Council's Sewage Management Strategy. - Access driveways are to be of trafficable width to allow for passing vehicles, manoeuvring and turning space, and bush fire access including emergency and service vehicles. 	<p>There is sufficient area available to comply with Council's Sewage Management Strategy. Appropriate conditions are recommended.</p> <p>The internal driveways are acceptable and compliant. The existing stock access is being formalised to service the greenhouses.</p>	<p>Yes.</p> <p>Yes.</p>
D1.2 Farm Buildings.	<ul style="list-style-type: none"> - All farm buildings must be ancillary to an existing agricultural use. - Farm buildings should be constructed using materials, colours and finishes that complement the principal dwelling. - Farm buildings should be sited so as not to be visually prominent when viewed from the road. - Farm buildings should be constructed in a cluster to minimise the amount of land occupied by development. - The minimum setback from any road is 20m. 	<p>The farm building (packing shed) is for the storage and packing of agricultural products, including beans, peas, cucumbers, tomatoes, chillies, peppers, leafy greens and herbs that will be grown on site.</p> <p>The proposed farm building (packing shed) is to be constructed of colourbond which is consistent with the other proposed outbuildings.</p> <p>The proposed farm building (packing shed) is located behind the existing development and therefore will not be visually prominent from the road.</p> <p>All the proposed buildings are in close proximity to one another, therefore reducing the impact on the agricultural land.</p> <p>All building works are located behind the existing dwelling which is greater than 20m from Cut Hill Road Cobbitty.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



	<ul style="list-style-type: none"> - The minimum side and rear boundary setback is 5m. - Cut and fill shall be kept to a minimum and slope should not exceed 15%. - Farm buildings should feature pitched roofs. 	<p>All works are a minimum of 76m from the side boundary and in excess of 1km from the rear boundary.</p> <p>All works maintain the existing ground levels and are consistent with the existing landform.</p> <p>The farm building (packing shed) proposes a combination of a pitched and skillion roof.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
D1.3.1 Intensive Plant Agriculture.	<ul style="list-style-type: none"> - 2ha minimum lot size. - Setbacks to all buildings and structures: Front boundary 20m. - Side and rear boundary 5m. - Watercourses 40m. - Only new and durable materials shall be used in the construction of greenhouses/igloos/market gardens. - Landscape screening or buffer shall be established between any boundary and greenhouses /igloos/ market gardens to effectively mitigate the visual impact of the development. - Landscape screening or buffers minimum 1.5m height. - On unsewered sites, effluent and household waste water is to be disposed in accordance 	<p>The subject site is 55.33ha.</p> <p>The proposed development is approximately 130m from the front boundary.</p> <p>Minimum 76.11m from the side boundary.</p> <p>All works are a minimum 50m from a watercourse.</p> <p>The DA is seeking to use new materials for the construction of the greenhouses.</p> <p>A minimum 76m buffer is proposed to the side boundary. Conditions are recommended regarding replacement planting.</p> <p>Conditions of consent have been proposed for replacement planting and screening of the development area.</p> <p>Council's Health Officer has reviewed the DA and is satisfied subject to the imposition of conditions.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



	with Council's Sewage Management Strategy.		
	- A Water Cycle Management Plan (WCMP) must be provided detailing how water will be sourced, stored, used, treated and recycled for the agricultural operation.	The applicant has provided details of waste water, irrigation water recycling and stormwater management.	Yes.
	- Buffer distances from any septic wastewater disposal areas must comply with the requirements of Council's Sewage Management Strategy.	Council's Health Officer has reviewed the DA and is satisfied subject to recommended conditions regarding wastewater.	Yes.
	- Any odour must be contained within the boundaries of the site.	Council's Health Officer has reviewed the DA and is satisfied subject to conditions.	Yes.

ASSESSMENT

Rural Lands Strategy

The Rural Lands Strategy seeks to protect Camden's remaining rural lands and to retain Camden's valued scenic and cultural landscapes. The DA satisfies this aim and the key Rural Planning principles as the proposal involves the use of the land for agricultural purposes.

Zoning and Permissibility

Zoning:	RU1 – Primary Production.
Permissibility:	'Intensive plant agriculture' and 'rural workers' dwelling' are permissible in the RU1 Primary Production zone under Clause 2.3 of Camden Local Environmental Plan 2010.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<u>State Environmental Planning Policy No. 55 – Remediation of Land</u> - Compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i)	Camden Local Environmental Plan 2010 - Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.



Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 - Compliant with conditions recommended.
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)	Two submissions were received which are discussed in detail 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 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 25 August 2016 to 7 September 2016. Two submissions were received objecting to the proposed development.

Amended plans were submitted 9 October 2017 increasing the side setback to a minimum 76m from the southern boundary. The amendments have no adverse impact on the amenity of adjoining properties and therefore were not re-notified.

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

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

1. *Concern is raised existing roadside vegetation along Cut Hill Road does not allow trucks and cars to pass safely.*

Officer Comment:

While Cut Hill Road has established vegetation close to the road edge, Council's Traffic Engineer has reviewed the application and raised no objection to the additional vehicle movements associated with this proposal.

The surrounding rural road network can accommodate the additional traffic movements (a maximum of 10 vehicle movements per day) given the applicant is proposing to use a car or van which is a maximum 5.2m in length, such as transit van or a one ton ute. A condition has been included to restrict vehicle size.



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2. *Concern is raised over animal welfare and the condition of fencing on the subject site as a reflection of future farming practices.*

Officer Comment:

This DA is for the construction of greenhouses and associated development to support and harvest fruit and vegetables. The DA is not seeking to accommodate any additional animals on site.

During discussions, the submitters were advised to contact the RSPCA regarding any animal welfare concerns. The contact details of the RSPCA have been forwarded to the submitter.

3. *Concern is raised over use of chemicals on the subject site and impacts on adjoining properties and the river.*

Officer Comment:

Intensive agriculture includes the use of chemicals. The proposed growing of fruit and vegetables will be undertaken within the greenhouse structures, which are setback a minimal 76 m from the boundary. As such, the proposal is not expected to have any unacceptable impacts on adjoining land.

Council's Environmental Health Officer has reviewed the proposal and raised no objection subject to conditions including:

- No stockpiles including manure stockpiles to be kept on-site;
- Spray tanks that contain or previously contained pesticides/herbicides are not to be rinsed on-site;
- Proper wastewater handling is to be undertaken; and
- Spraying of pesticides and herbicides shall be undertaken in accordance with a suitable operational procedure that will eliminate/control spray drift.

These conditions are standard for agricultural development to ensure no adverse impacts for neighbouring properties.

4. *Concern is raised over the proposed hours of operation, potential noise impacts and the number of and use of the workers' cabins.*

Officer Comment:

The applicant has provided details relating to the operation of the proposed agricultural business. The following hours of operation during peak periods are proposed:

Monday to Friday – 6.00am to 7.00pm
Saturday – 7.00am to 5.30pm
Sunday and Public Holidays – Closed

These hours are considered appropriate for an agricultural use. These hours will be reduced during slow growing periods.

The site is required to operate in accordance with *Protection of the Environment Operations Act 1997* and comply with the NSW Industrial Noise Policy 2000 (as



amended) and this has been addressed in an acoustic report and the recommended conditions.

The acoustic report has been reviewed by Council's Environmental Health Officer. No objection was raised subject to conditions limiting plant equipment noise and the provision of a suitable housing for the main irrigation pump.

The proposal includes the construction of four rural workers' dwellings (with a maximum occupancy of two persons per dwelling, eight persons in total). The dwellings will accommodate persons employed on site, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry.

The rural workers' dwellings are permissible and are located more than 120 metres from the nearest boundary. The rural workers' dwellings are not considered to result in any adverse impact on the amenity of surrounding residents. A condition is imposed to ensure the dwellings are not used other than as rural workers' dwellings.

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 885/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 885/2016 for construction of greenhouses, new site access, carpark, office building, farm building (packing shed), four rural workers' dwellings, amenities building, tree removal and associated site works including the provision of services at 705 Cuthill Road ,Cobbitty, subject to the conditions attached to this report.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD03

SUBJECT: SECTION 96(2) MODIFICATION - ADDITIONAL ACTIVITIES, OPERATING DAYS AND TIMES FOR AN EXISTING PLACE OF PUBLIC WORSHIP - 124 GEORGE ROAD, LEPPINGTON

FROM: Director Planning & Environment

TRIM #: 17/17873

APPLICATION NO: DA 1107/2008(3)
PROPERTY ADDRESS: 124 George Road, Leppington
APPLICANT: Pascoe Planning Solutions
OWNER: Australasian Conference Association Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96(2) Modification application to modify a previously approved development application (DA) for a place of public worship at 124 George Road, Leppington.

The application is referred to Council for determination as there remain unresolved issues raised in two submissions from two property addresses.

In addition, the original DA was determined by Council at the Ordinary Council meeting of 26 October 2010 and the proposed modifications impact on issues that required the initial referral to Council (unresolved submission issues relating to the original DA).

SUMMARY OF RECOMMENDATION

That Council determine Section 96(2) Modification DA1107/2008(3) for modifications to a previously approved place of public worship pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* subject to the modified conditions attached to this report, including a 12 month trial period to allow for monitoring of the impacts of the proposed additional activities, operating days and times.

THE PROPOSAL

Section 96(2) Modification DA1107/2008(3) seeks approval to modify a previously approved place of public worship.

The proposed modifications seek to introduce new activities, operating days and times in addition to those that were originally approved by Council in 2010. The approved maximum number of people that are permitted to attend the premises at any one time, being 390, will not be increased.

Table 1 below outlines the activities, operating days and times originally approved by Council in 2010:



Table 1			
	Activity	Hours	Attendees
Monday	None	None	None
Tuesday	None	None	None
Wednesday	None	None	None
Thursday	None	None	None
Friday	Church sermons	7pm-8.30pm	195
	Ancillary office / meeting room	7pm-8.30pm	No limit
Saturday	Congregation worship	9.30am-5pm	390
	Social and sport events	8pm-10pm	195
	Ancillary office / meeting room	9.30am-5pm and 8pm-10pm	No limit
Sunday	None	None	None

Table 2 below outlines the cumulative approved and proposed activities, operating days and times should the modification application be approved:

Table 2			
	Activity	Hours	Attendees
Monday	Weddings and birthdays	10am-6pm	390
	Funerals	8am-10am and 7pm-11pm	390
Tuesday	Weddings and birthdays	10am-6pm	390
	Funerals	8am-10am and 7pm-11pm	390
	Focus groups / workshops	7pm-9.30pm	100
Wednesday	Weddings and birthdays	10am-6pm	390
	Funerals	8am-10am and 7pm-11pm	390
	Prayer meetings	7pm-9.30pm	195
Thursday	Weddings and birthdays	10am-6pm	390
	Funerals	8am-10am and 7pm-11pm	390
	Focus groups / workshops	7pm-9.30pm	100
Friday	Weddings and birthdays	10am-6pm	390
	Funerals	8am-10am and 7pm-11pm	390
	Church services	7pm-10pm	195
Saturday	Weddings and birthdays	10am-6pm	390
	Funerals	8am-10am and 7pm-11pm	390



	Congregation worship	9.30am-5pm	390
	Social and sport events	7pm-11pm	390
Sunday	Weddings and birthdays	10am-6pm	390
	Funerals	8am-10am and 7pm-11pm	390
	Church related activities including children's activities and band recitals	10am-6pm	390

In addition, the following additional special activities are proposed:

- Week of prayer for 195 attendees (this will occur three times a year for one week in January or February, March or April and September or October for a period of one week from 7pm-10.30pm. All other proposed activities will be cancelled where there is a schedule clash);
- Singing groups and brass band practice for 100 patrons (this will occur twice a week from 7pm-10pm); and
- New Year's Eve year end service for 390 patrons (this will occur each New Year's Eve from 6pm-12 midnight).

Where weddings, birthdays and funerals are scheduled to occur at the same time as other approved activities, the other activities will be cancelled.

The approved development include an ancillary office and meeting rooms that were originally approved to operate at the same days and times as the rest of the development. The ancillary office and meeting rooms are now proposed to operate at the same days and times as the rest of the development as modified.

Further information on the application is publicly available on Council's website under the Development Applications, by clicking on 'Find A DA'.

THE SITE

The site is known as 124 George Road, Leppington and is legally described as Lot 2 DP 200915.

The site is rectangular in shape and has a frontage of 77m to George Road, a maximum depth of 278m and an area of 2ha. The site slopes upwards from George Road before falling to its sides and rear. Remnant Cumberland Plain Woodland exists in the middle and rear of the site. The previously approved place of public worship building, ancillary car park and acoustic barriers exist in the front half of the site.

The site is located within the future Catherine Fields North precinct of the South West Priority Growth Area (SWPGA) and almost the entire property is mapped as bush fire prone land.



The surrounding area is characterised by undulating topography, scattered vegetation, low density detached dwellings set on large rural lots and a range of agricultural activities undertaken in open paddocks, rural sheds and agricultural igloos.

Leppington railway station is located 3.5km to the north east of the site in the Leppington North precinct of the SWPGA. Camden Valley Way, the East Leppington precinct of the SWPGA and the Emerald Hills urban release area are to the east. To the south is the State Heritage item "Raby" (homestead and grounds) with the rural residential suburb of Catherine Field to the south and west.



HISTORY

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

Date	Development
26 October 2010	Approval of DA 1107/2008(1) for the erection and use of a church hall as a place of public worship, construction of a car park and associated site works, at the Ordinary Council meeting of 26 October 2010
12 May 2015	Approval of Section 96(2) Modification DA 1107/2008(2) for modified acoustic barrier material, at the Ordinary Council meeting of 12 May 2015



KEY DEVELOPMENT STATISTICS

The proposed modifications have been assessed against the relevant planning controls and are compliant. Below is a summary of the key development statistics associated with the application.

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
A2 Notification Requirements	Section 96 Modification applications are to be publicly exhibited in accordance with the DCP	The application has been publicly exhibited in accordance with the DCP	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy (ENP)	Acoustic reports and supporting information have been submitted in support of the application. The reports and information demonstrate that the proposed development as modified will comply with Council's ENP and recommends a number of measures to achieve this. Acoustic impacts are discussed in the 'Key Issues' section of this report	Yes
B1.18 Trial Periods	Council may impose trial periods on development to allow further assessment of operational impacts	A 12 month trial period is recommended to allow for further consideration of the operational impacts of the proposed additional activities, operating days and times	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	RU4 Primary Production Small Lots
Permissibility:	Modifications to an approved 'place of public worship' are permitted pursuant to Section 96(2) of the <i>Environmental Planning and Assessment Act 1979</i>

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - Compliant
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Local Environmental Plan - S79C(1)(a)(i)	Camden Local Environmental Plan 2010 - Compliant with conditions recommended
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 - Compliant with conditions recommended
Planning Agreement(s) - S79C(1)(a)(iiia)	None
The Regulations - S79C(1)(a)(iv)	Maintain 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 the proposed modifications and the site attributes are conducive to them
Submissions - S79C(1)(d)	Two submissions were received which are discussed in the 'Submissions' section of this report
Public Interest - S79C(1)(e)	The proposed modifications are in the public interest

Key Issues

Noise Impacts

The site contains 3m high acoustic barriers along parts of its north western and south eastern boundaries. These barriers were approved as part of the original DA to mitigate noise impacts upon surrounding properties.

The applicant has submitted acoustic reports and information in support of the application. The acoustic report assessed potential noise impacts from the proposed activities (including noise from the car park and vehicular traffic).

Council officers have assessed the applicant's initial acoustic report and requested additional information to ensure any potential noise impacts are attenuated. As a result, an upgrade to the place of public worship building has been proposed to improve noise attenuation. The upgrade will involve the installation of a secondary glazing system using 6.38mm laminated glass to create a minimum air gap of 50mm along the north western side of the building.

The upgrade will attenuate the additional noise that will be generated by the proposed modifications to a level that is compliant with Council's Environmental Noise Policy (ENP).

The following additional noise attenuation measures are also proposed:

- Reduction of some of the operating times for the proposed activities. It is recommended that all proposed activities between Monday-Thursday each week are restricted to a latest finishing time of 9.30pm in order to help ensure the amenity of the surrounding area. The proposed activities for Friday-Sunday and the special activities, being the week of prayer and the New Year's Eve year end service, are supported as proposed noting compliance with the ENP.
- Keeping all doors and windows of the building closed during all services and events. This is to include two sets of doors at the main entrance to the building.



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- All activities are to cease by their finish times and the site is to be completely vacated within 30 minutes of those finishing times.
 - Limiting the use of vehicle horns, revving of engines, children playing and raised conversations.
 - Implementation of an operational management plan to ensure compliance with the above and minimise noisy activities. The applicant has submitted an operational management plan and a condition that requires compliance with it is recommended.

A further condition is recommended that requires the operational management plan to be amended to include the monitoring and management of attendees so that they do not cause disturbance to surrounding residents. This will also include providing the occupiers of surrounding properties the contact details of the congregation member(s) responsible for monitoring and managing attendees.

- A condition for a 12 month trial period is recommended to allow for monitoring of the impacts of the proposed additional activities, operating days and times.

Subject to the above building upgrade and operational management measures, it is considered that the proposed modifications will not have an unreasonable impact upon the amenity of surrounding properties by way of noise and will comply with Council's ENP.

Traffic Impacts

The approved maximum number of people that are permitted to attend the premises at any one time, being 390, will not be increased. The proposed modifications will increase the frequency and duration of activities at the site but not the overall number of vehicles that will travel to and from it. Therefore it is not considered that the proposed modifications will result in any unreasonable traffic impacts upon the surrounding road network.

The other key issues associated with the application are limited to the submission issues discussed in this report.

Submissions

The application was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 23 November to 7 December 2016. Two submissions were received from two property addresses (both objecting to the proposed development).

The submissions raise a number of issues that do not relate specifically to the current modification application. Matters raised regarding the existing approval and DA conditions are under investigation by Council's compliance officers.

1. *The applicant has not complied with the conditions previously imposed as part of the original development consent and a subsequent Section 96 modification. This has included ignoring the originally approved hours of operation. There is no evidence that the applicant will comply with any further modified conditions. The proposed modifications should not be approved.*



Officer comment:

As above, Council's compliance officers are investigating the issues raised regarding compliance with previous conditions. It is noted there have been two complaints regarding the operation of the development since it began in 2015. These complaints relate to noise from events that were held on the site.

- 2. There have been previous events at the site involving loud, amplified music and groups of youths overflowing out of the church and into the front yard of a nearby property.*

Officer comment:

Providing the use complies with the recommended conditions, including the proposed building upgrade and operational management measures, it is considered the proposed modifications will not have an unreasonable impact upon the amenity of surrounding properties by way of noise.

A condition is recommended that requires the applicant's submitted operational management plan to be amended to include the monitoring and management of attendees so that they do not cause disturbance to surrounding residents. This will also include providing contact details of the congregation member responsible for monitoring and managing attendees to adjoining residents.

It is recommended that a 12 month trial period be imposed to allow for monitoring of the impacts of the proposed activities, operating days and times.

- 3. The application should be modified to ensure that patrons remain on the property without overflowing onto the streets and neighbouring properties. The church should make its best effort to entertain all cross-sections of their guests. Particular concern is raised regarding the proposed Saturday night social events from 7pm-11pm which is unacceptable every week.*

Officer comment:

Subject to compliance with the proposed building upgrade and operational management measures, it is considered that the proposed modifications will not have an unreasonable impact upon the amenity of surrounding properties by way of noise. As noted, an amended operational management plan for the site will require patrons to be monitored and managed so that they do not cause disturbance to surrounding property occupiers.

- 4. The proposed modifications will result in unacceptable noise and disturbance to surrounding properties. Particular concern is raised regarding such impacts on Sundays.*

Officer comment:

Subject to the building upgrade and management measures, it is considered that the proposed modifications will not have an unreasonable impact upon the amenity of surrounding properties by way of noise or other disturbances. This includes on Sundays.



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5. *The application does not limit the number of occasions that loud amplified music will blast the area.*

Officer comment:

The application provides details of the proposed activities and when they will occur. All music has been assessed and must comply with the nominated site specific noise criteria detailed in the acoustic report and the recommended conditions attached to this report. It is recommended that a 12 month trial period be imposed to allow for monitoring of the impacts of the proposed activities, operating days and times.

6. *Concerns regarding vehicles and people entering and leaving the site late at night. Many of the proposed activities will have end times of 10pm or later which seems unusually late for church activities. The application proposes that almost every day some activity will run until 10pm or later. If this becomes a problem Council will need to review the operating times allowed.*

Officer comment:

The potential noise impacts of vehicle entering and exiting the site at the specified times have been assessed in the applicant's acoustic reports and by Council staff. Any proven non-compliance with any imposed condition will be investigated and addressed by Council's compliance officers.

It is recommended that all activities between Monday and Thursday be restricted to a finishing time of 9.30pm. The proposed activities for Friday-Sunday and the special activities, being the week of prayer and the New Year's Eve year end service, are supported as proposed noting compliance with the ENP.

7. *Prayer meetings on weeknights to 10pm are not acceptable as internal and external lights will be kept on until 11pm or later.*

Officer comment:

An existing condition imposed on the original development consent requires the site's lighting to comply with AS 4282 Control of the Obtrusive Effects of Outdoor Lighting. Compliance with this condition will ensure no unreasonable light spillage will impact upon surrounding properties. It is not anticipated that internal lighting within the building will have a significant impact upon adjoining properties.

8. *The proposed activities are inconsistent with the original approval for a place of public worship. The proposed modifications will involve the use of the building as a function centre (a prohibited land use) and a paid venue for weddings and parties.*

Officer comment:

A 'function centre' is a prohibited land use in the RU4 Primary Production Small Lots zone. However the proposed modifications expand upon the approved activities for this development that were originally approved by Council in 2010.

The development including the proposed modification fit within the definition of a "place of public worship" by the relevant planning instruments, namely:



'a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.'

This definition permits a broad range of activities to occur on the site without it being separately defined as a 'function centre'.

9. *The proposed modifications are inconsistent with the zone objectives and are inappropriate for a rural zone.*

Officer comment:

The relevant objectives of the RU4 Primary Production Small Lots zone seek to allow land uses that are compatible with sustainable primary industry and to minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed development is compatible with surrounding land uses in that, subject to the proposed building upgrade and operational management measures, their potential noise and amenity impacts will not be unreasonable. Similarly, the achieved compliance with Council's ENP will ensure that there is no unreasonable conflict with other land uses in this or adjoining zones.

10. *Will the proposed focus groups be open to the public or only to certain people?*

Officer comment:

This issue cannot be considered in the assessment of the subject modification application. However it is noted that during the assessment of the original DA for the place of public worship, the applicant expressed an invitation for the local community to join the activities of the church as they wish.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The application 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, Section 96 Modification DA 1107/2008(3) is recommended for approval subject to the modified conditions attached to this report.

RECOMMENDED

That Council approve Section 96 Modification DA 1107/2008(3) for modifications to a previously approved place of public worship at 124 George Road, Leppington subject to the modified conditions attached to this report.

ATTACHMENTS

1. Recommended Conditions
2. Site Location Map
3. Public Exhibition and Submissions Map - *Supporting Document*
4. Operational Management Plan - *Supporting Document*
5. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: CONSTRUCTION OF A TWO STOREY DWELLING AND ATTACHED SECONDARY DWELLING - 29 NICHOLSON PARADE, SPRING FARM

FROM: Director Planning & Environment

TRIM #: 17/367096

APPLICATION NO: DA 1062/2017

PROPERTY ADDRESS: 29 Nicholson Parade, Spring Farm

APPLICANT: Lily Homes Pty Ltd

OWNER: Buckley Building Company Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey dwelling and attached secondary dwelling at 29 Nicholson Parade, Spring Farm.

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 1062/2017 for the construction of a two storey dwelling and attached secondary dwelling at 29 Nicholson Parade, Spring Farm 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

DA1062/2017 seeks approval for the construction of a two storey dwelling and attached secondary dwelling.

Specifically, the proposed development involves:

- Construction of a two storey dwelling containing ground floor living room, family/meals area, kitchen, laundry and double garage;
- At first floor level, the dwelling contains four bedrooms (ensuite and walk-in robe to the master bedroom) and bathroom;
- An attached secondary dwelling (59 m² in area) containing one bedroom, combined living/dining room, kitchen, laundry and bathroom;
- Separate private open space for both the principal dwelling and secondary dwelling;
- Stormwater connection to the existing street drainage and site works.

The total cost of works is \$315,780.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development Applications, by clicking on 'Find A DA'.



THE SITE

The site is known as 29 Nicholson Parade, Spring Farm and is legally described as Lot 4163 DP 1194060. The site is located on the south-eastern corner of Nicholson Parade and Blain Road at Spring Farm.

The site has an irregular splayed boundary as a result of a roundabout provided at this street intersection. The site has a depth in excess of 29m, a width of 18.67m at the rear and a site area of 495.1. There is an 800mm (approximate) fall across the site.

Development in the immediate locality is characterised by predominantly single storey detached housing.



KEY DEVELOPMENT STATISTICS

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

Camden LEP 2010			
	Standard	Proposed	Compliance
Height (cl.43)	Max. 9.5m	7.275m	Yes
Secondary Dwelling (cl.5.4(9))	Must not exceed 60m ² or 25% of the total floor area of the principal dwelling, whichever is the greater.	59.04m ²	Yes



Camden DCP Controls			
	Control	Proposed	Compliance
Cut & fill (B1.2)	Max 1m	200mm	Yes
Fill distance from boundary (B1.2)	No fill within 2m of boundary (unless drop edge beam)	No fill proposed within 2m of the boundary	Yes
Height (D2.1.3)	Max. two storeys	Two storeys	Yes
Visual & Acoustic privacy (D2.1.4)	No direct overlooking of main living areas or POS	Only bedrooms are proposed on the 1 st floor	Yes
Site Cover (D2.1.5)	Max. 50% - Ground Floor	Ground - 120.4/495.2 x 100 = 24%	Yes
	Max. 30% - Upper Floor	Upper 94.4 / 495.2 x 100 = 19%	Yes
Private open space (D2.1.5)	Min. private open space area of 20% of the site area, or 99m ² .	107m ²	Yes
	The private open space is to contain an area of principal private open space (PPOS) with a minimum area of 24m ² and minimum dimension of 4m which is accessible from a living area of the dwelling.	Both the principal dwelling and secondary dwelling contain an area of PPOS meeting the requirements of the DCP.	Yes
(D2.1.5) Private open space solar access	50% of PPOS (subject site and adjoining properties) is to receive three hours of sunlight between 9.00am and 3.00pm on 21 st June	Solar access to 50% of PPOS for the subject lot and adjoining properties provided.	Yes
	North facing windows of living areas shall receive at least three hours solar access between 9am and 3pm on June 21st over a portion of their surface.	Principal and secondary dwellings have Nth facing windows which will receive the required solar access.	Yes
	North facing windows to living areas of neighbouring properties shall not have sunlight	Neighbouring properties will continue to receive	



	reduced to less than three hours between 9 and 3pm on June 21st.	not less than three hours between 9 and 3pm on June 21st.	
Landscape Area (D2.1.5)	Minimum 30%, or 148.56m ²	207m ²	Yes
Garages (D2.1.6)	On lots greater than 15m in width, front loaded double garages are permitted.	A double garage is provided	Yes
Garage door width	On lots greater than 15m in width, width of garage shall no greater than 50% of the dwelling's front elevation.	The garage door occupies 23% of the front elevation of the building and does not dominate the street frontage.	Yes
Spring Farm Release Area DCP Controls			
	Control	Proposed	Compliance
Front setback – Collector Road (Blain Road)	Min. 4.5m	4.5m	Yes
Architectural Element	1.5m (max) encroachment	Porch – 1.2m encroachment	Yes
Secondary Street Setback – Nicholson Parade	Min. 2m	4.5m	Yes
Garage Setback (min)	Min. 1m behind building line	1.0m behind building line (excluding patio)	Yes
	Min. 5.5m front boundary	5.53m from boundary.	Yes
Side Setback (min)	Min. 0.9m	0.9m	Yes
Rear Setback Ground Floor	Min. 4m	4m	Yes
Rear Setback First Floor	Min. 6m	6m	Yes
Garage setback behind building line	Min. 0.9m	1.5m	Yes



Part D2.2.1 - Secondary Dwelling DCP Controls			
Floor Area	A secondary dwelling must not exceed 60m ² or 25% of the total floor area of the principal dwelling, whichever is the greater.	59.04m ²	Yes
Car Parking	No additional car parking required for secondary dwellings	No car parking proposed for the secondary dwelling	Yes
Private Open Space	No additional private open space area required but clothes drying facility to be provided with adequate solar access.	The principal and secondary dwellings have their own private open space areas.	Yes
Strata or Torrens title subdivision	No subdivision of secondary dwellings permitted	No subdivision proposed	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential
Permissibility:	The proposed development is defined as a 'dwelling house' and an attached 'secondary dwelling' by the LEP which are permissible land uses in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<u>Deemed SEPP No. 20 – Hawkesbury-Nepean River</u> - Compliant with conditions recommended. <u>SEPP (BASIX) 2004 – BASIX Certificate No. 847809M</u> accompanies the application.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2011 - Compliant with conditions recommended.
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 was received which is 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 the DA are limited to the 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 25 August to 7 September 2017. One submission objecting to the proposed development was received.

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 submissions.

1. Overshadowing of living spaces and alfresco

Officer Comment:

Concerns have been raised that the proposed dwelling will cast a shadow on the adjoining property from before 9.00am until 3.00pm during winter.

The DCP states that 'sunlight must reach at least 50% of the principal private open space (PPOS) of both the subject dwelling and of any adjoining dwelling for not less than 3 hours between 9.00am and 3.00pm on 21 June.'

Shadow diagrams submitted with the DA indicate the adjoining property to south-west will have some overshadowing as the result of the development. However, the private open space area will continue to receive sunlight for 3 hours to 50% of the private open space area during winter.

The DCP also requires that solar access to north facing windows in the adjoining dwellings is maintained. The shadow diagrams submitted indicate that at 12.00 noon and 1.00pm on 21 June, the two storey component of the development does not cast shadow over the lounge room window of the adjoining property. At 2.00pm and 3.00pm, the north facing lounge room window will not be overshadowed by the proposed development.

The adjoining dwelling will therefore receive the required 3 hours of sunlight between 12.00 noon and 3.00pm required by the DCP.

A copy of the shadow diagrams is attached.

2. Reduced ability to generate solar power

Officer Comment:

Concerns have been raised that the shadows cast by the proposed dwelling will have a significant impact on the ability to generate solar energy from solar panels at the objector's property.

There are no solar panels currently installed on the neighbouring dwelling however the submission suggests that the owners of the property are considering purchasing solar panels for their property in the future.



There are no controls in the DCP for overshadowing of solar panels on adjoining properties, or the roof of adjoining properties in the case where solar panels do not exist. Notwithstanding, the shadow diagrams (including elevations) indicate there will be minimal overshadowing of the adjoining roof.

3. *Privacy impact from first floor windows*

Officer Comment:

Concerns have been raised that the proposed development provides 3 first floor windows on the south-western elevation of the dwelling that impact on the privacy of the adjoining property by overlooking the main living room, kitchen and alfresco dining area.

The first floor windows are set back 6 metres from the adjoining boundary and service bedrooms and bathrooms. In addition, the first floor bedroom windows in the south west elevation have high sill heights. Given these windows service low use rooms, it is considered that the proposed development will not adversely impact on the privacy of adjoining dwellings.

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 1062/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 1062/2017 for the construction of a two storey dwelling and attached secondary dwelling at 29 Nicholson Parade, Spring Farm subject to the conditions attached to this report.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Shadow Diagrams
4. Floor Plans - *Supporting Document*
5. Public Exhibition & Submitters Map - *Supporting Document*
6. Approved Plans - 31 Nicholson Parade, Spring Farm - *Supporting Document*
7. Submission - *Supporting Document*



ORDINARY COUNCIL

ORD05

SUBJECT: CONSTRUCTION OF A TWO STOREY DWELLING AND ATTACHED SECONDARY DWELLING - 20 KINGSLEY STREET, ORAN PARK

FROM: Director Planning & Environment

TRIM #: 17/357284

APPLICATION NO: DA 1019/2017
PROPERTY ADDRESS: 20 Kingsley Street, Oran Park
APPLICANT: Allcastle Homes Pty Ltd
OWNER: Mr X Li and Ms B Feng

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 attached secondary dwelling at 20 Kingsley Street, 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 1019/2017 for the construction of a two storey dwelling and attached secondary dwelling at 20 Kingsley Street, Oran Park 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 1019/2017 seeks approval for the construction of a two storey dwelling and attached single storey secondary dwelling at 20 Kingsley Street, Oran Park.

Specifically the proposed development involves:

- Construction of a two storey dwelling containing:
 - Ground floor - a double garage, dining, lounge, family, study, media, kitchen, laundry and powder room, with an entry porch to the front and rear covered alfresco area.
 - First floor – comprising five bedrooms all with robes, the master contains an ensuite, a bathroom and separate WC, and a living room.
- An attached single storey secondary dwelling (61 sqm in area) containing 2 bedrooms is proposed towards the rear eastern side of the dwelling;
- Provision of services for the site and landscaping.

Estimated cost of works is \$541,414.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council’s website under the Development Applications, by clicking on ‘Find a DA’.

THE SITE

The site is known as 20 Kingsley Street, Oran Park and is legally described as Lot 9425 DP1213341. The site has a total site area of 540m² and is located on the southern side of Kingsley Street, Oran Park. The site is 18m wide, has a depth of 30m and falls to the rear.

The site is located in a residential subdivision where there are various forms of residential development being single and two storeys in height. To the west is an existing single storey dwelling, to the east, south and across the road is vacant land. There are predominately single storey dwellings in the immediate vicinity.



KEY DEVELOPMENT STATISTICS

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

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
	Standard	Proposed	Compliance
4.1 Lot Size	Minimum lot size for the principal dwelling -300m ² . Minimum lot size for the Secondary Dwelling – 450m ²	540m ² .	Yes.



4.3 Height	Maximum height of buildings 9.5m.	8.119m.	Yes.
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Oran Park Development Control Plan			
	Standard	Proposed	Compliance
7.5.2 Cut & fill	Max 1m.	715mm.	Yes.
7.6.2 Streetscape & Architectural Design	Primary street façade to address the street and to incorporate two design features.	A porch and entry feature has been provided to the front elevation. The materials and finishes are varied to enhance the recessed and projecting architectural elements.	Yes.
7.6.2 Front façade	Include one habitable room with a window fronting the street.	At the ground floor the lounge room fronts the street. At the first floor a living room fronts the street.	Yes.
7.6.3 Front setback	Minimum 4.5m to building façade line.	Principal Dwelling - 4.5m. Secondary Dwelling – 14.950m.	Yes.
7.6.3 Front articulation	Minimum 3m to articulation zone.	3.130m.	Yes.
7.6.3 Garage line	Minimum 5.5m to garage line and 1m behind the building line.	5.690m which is and 1.19m behind the building line.	Yes.
7.6.4 Side setback	Ground floor minimum 900mm. First Floor: Min. 900mm for side A (west). Min. 1.5m for side B (east).	Principal Dwelling – 1.140m. Secondary dwelling – 920mm. Principal Dwelling Side A – 1.140m. Side B - 6.340m.	Yes.
7.6.4 Rear setback	Ground - Minimum 4m. First - Minimum 6m.	Principal Dwelling Ground - 6.24m. First – 8.65m. Secondary Dwelling – 4.0m.	Yes.



7.6.5 Height	Maximum two storeys	Principal Dwelling - two storeys. Secondary Dwelling – single storey.	Yes.
7.6.5 Site Coverage	Ground – Maximum 50% equates to 270m ² . First Floor – Maximum 30% equates to 162m ² .	Total combined site coverage: Ground - 37% or 204m ² . First Floor - 30% or 162m ² .	Yes.
7.6.5 Landscaped area	Minimum 30% of the lot area Equates to 162m ² .	44.4% or 240.02m ² .	Yes.
7.6.7 Principal private open space	Minimum 24m ² with a minimum dimension of 4m and a gradient less than 1:10.	Exceeds 24m ² and compliant dimensions and grade.	Yes.
7.6.7 Principal private open space solar access	Minimum 3hrs solar access between 9am to 3pm on 21 June to 50% of PPOS and adjoining dwelling PPOS.	Solar access for the subject and adjoining sites meets these controls. See detailed discussion in the 'Submission' section of this report.	Yes.
7.6.8 Car parking requirements	Two bedroom dwelling and above – two spaces.	A double garage has been provided for the dwelling. (No additional carparking is required for the secondary dwelling).	Yes.
7.6.9 Visual and Acoustic Amenity	Windows not to face adjoining dwelling windows and POS	The upper level of the dwelling contains bedrooms, bathrooms and a living room. The living room contains a sliding glass door faces the street, and therefore will not impact the amenity of adjoining sites.	Yes.
Secondary Dwelling – 7.7.2 - Table 21 DCP			
	Standard	Proposed	Compliance
Gross floor area	Not to exceed 75m ² .	61.29m ² (Two bedroom secondary dwelling)	Yes.



Onsite Carparking	No additional carparking space required.	No allocated space provided for the secondary dwelling.	Yes.
Private Open Space	No separate private open space to be provided.	No separate access provided for the secondary dwelling, however access to the private open space available.	Yes.
Subdivision	Subdivision from the Principle Dwelling not permitted.	No subdivision proposed.	Yes.
Access	Separate direct access to a street, laneway or shared driveway not required.	No driveway access provided for the secondary dwelling.	Yes.
Services and Facilities	No separate services of facilities required.	The services and facilities provided for the principle dwelling can be extended to service the secondary dwelling.	Yes.

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential
Permissibility:	The proposed development is defined as a 'Dwelling' and 'Secondary Dwelling' by the SEPP, both are permissible land uses in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<u>SEPP (Sydney Region Growth Centres) 2006</u> Compliant with conditions recommended. <u>Deemed SEPP No. 20 – Hawkesbury-Nepean River</u> Compliant with conditions recommended. <u>SEPP (BASIX) 2004 – BASIX Certificate provided.</u> Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Oran Park DCP 2007</u> - Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiia)	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 is 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 the DA are limited to the 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 11 August 2017 to 24 August 2017. One submission was received objecting to the proposed development.

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

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

1. *Loss of sunlight to the rear yard.*

Officer Comment:

Concerns have been raised regarding overshadowing of the submission writers private open space, located to the east of the subject site.

A review of Council records revealed that no development had been approved or lodged for this lot, nor was a copy of proposed plans provided with the submission. As such the impacts of overshadowing on this property have been assessed based on the minimum side and rear setback controls for any future dwelling on this site.

Shadow diagrams submitted with the DA (attached to this report) indicate that the subject development overshadows a portion of this lot during the afternoon period, however a minimum three hours solar access will be provided between 9am and 12pm complying with the relevant DCP controls.

The submission writer also raises a concern regarding the potential impact of overshadowing from future development at the rear of their site. It should be noted that lots adjoining the rear boundary are south of the submission writers lot and therefore have no impact on overshadowing.

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, DA1019/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 1019/2017 for the construction of a two storey dwelling and attached secondary dwelling at 20 Kingsley Street, Oran Park.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD06

SUBJECT: CONSTRUCTION OF AN OUTBUILDING, DRIVEWAY EXTENSION, REMOVAL OF TREES AND ASSOCIATED SITE WORKS - 146 ELLIS LANE, ELLIS LANE

FROM: Director Planning & Environment

TRIM #: 17/342435

APPLICATION NO: DA 378/2017
PROPERTY ADDRESS: 146 Ellis Lane, Ellis Lane
APPLICANT: Sydney Sheds and Garages
OWNER: David Azzopardi

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of an outbuilding, driveway extension, removal of trees and associated site works at 146 Ellis Lane, Ellis Lane.

The DA is referred to Council for determination as there are two submissions (from one property) objecting to the proposed development that remain unresolved.

SUMMARY OF RECOMMENDATION

That Council determine DA 378/2017 for the construction of an outbuilding, driveway extension, removal of trees 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

DA378/2017 seeks approval for the construction of an outbuilding, driveway extension, removal of trees and associated site works at 146 Ellis Lane, Ellis Lane.

Specifically the proposed development involves:

- Construction of a colour bond shed 90m² in floor area;
- Concrete hard stand area of 40m² adjacent to the shed;
- Removal of three Eucalyptus trees;
- Extension of the gravel driveway; and
- Associated site works.

The estimated cost of works is \$16,950.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development Applications, by clicking on 'Find a DA'.



THE SITE

The site is known as 146 Ellis Lane, Ellis Lane and is legally described as Lot 23 DP 260419.

The site is located within the rural-residential area of Ellis Lane. The area is characterised by large lot residential development consisting of detached dwelling houses and associated outbuildings to the north, south and west of the site. To the northeast of the site are larger rural allotments accommodating agricultural uses. Large portions of the land to the northeast are flood affected, however the subject site is not affected by flooding.

The Nepean River is southeast of the site approximately 380m away.



KEY DEVELOPMENT STATISTICS

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

Clause	Standard	Proposed	Compliance
Camden Local Environmental Plan (LEP) 2010			
4.3 Height of Buildings	Max permitted height 9.5m.	3.98m proposed.	Yes.
5.9 & 5.9AA Trees or Vegetation	Consent required for tree removal.	The removal of three trees is proposed. Consent	Yes.



		is sought via this application.	
Camden Development Control Plan (DCP) 2011			
B1.2 Earthworks	Maximum 1m cut and fill.	370mm cut and 280mm fill proposed.	Yes.
D2.1.11 Outbuildings	<p>Outbuildings should be sited to retain existing vegetation on site.</p> <p>The use of the outbuilding must be of domestic storage and hobby use only, which is ancillary to the use of the dwelling onsite.</p> <p>Outbuildings should be sited so as they are not to encroach or impact on any existing service infrastructure, onsite sewerage management systems and associated effluent areas.</p>	<p>The removal of three trees is proposed. Council's vegetation management officer has reviewed the proposal, which is supported subject to conditions for replacement planting to offset the tree removal.</p> <p>The outbuilding is proposed to be used for domestic storage and hobby use. A condition reinforcing this has been recommended.</p> <p>Council's EHO has reviewed the effluent management area. This area is not impacted by the proposed development. An approval to operate a waste-water system has previously been granted, there is sufficient area to accommodate the wastewater.</p>	Yes.
D2.1.11 Floor area	Maximum floor area 100m ² .	The shed has 90m ² of floor area.	Yes.
D2.1.11 Height	Maximum height 4.8m above existing ground level.	3.98m maximum.	Yes.



<p>D2.1.11 Stormwater</p>	<p>Stormwater discharge must be disposed of solely within the property boundary without causing any nuisance to the adjacent properties.</p> <p>For outbuildings greater than 20m² in floor area, stormwater must be collected and discharged to:</p> <p>a) Existing onsite stormwater lines; or</p> <p>b) To a collection tank with an overflow connected to the existing onsite stormwater lines.</p> <p>c) Absorption trenches or existing watercourse as deemed suitable by Council.</p>	<p>The proposal is accompanied by a stormwater management plan which details how stormwater will be managed on the site along with recommended conditions of consent regarding on-site detention and disposal.</p> <p>This issue is discussed in detail later in this report.</p>	<p>Yes.</p>
<p>D2.1.11 Front setback</p>	<p>Located behind building line.</p>	<p>The shed is located behind the building line being at the rear of the site.</p>	<p>Yes.</p>
<p>D2.1.11 Side and rear setback</p>	<p>Comply with provisions contained with the SEPP (Exempt and Complying Development Codes) 2008.</p> <p>Minimum 2.5m side setback</p> <p>Minimum 2.545m rear setback</p>	<p>The setbacks have been calculated in accordance with the SEPP.</p> <p>2.5m minimum provided.</p> <p>2.71m minimum provided.</p>	<p>Yes.</p>
<p>D2.1.11 Building and design</p>	<p>Roof pitch must not exceed 36 degrees.</p> <p>External wall cladding and roofing should be of masonry, colourbond sheet metal or other approved material which is compatible with the surrounding development in terms of profile, colour and finish.</p>	<p>Roof pitch is 15 degrees.</p> <p>External cladding is colourbond - 'classic cream' which is compatible with surrounding development.</p>	<p>Yes.</p>



	Roof and wall cladding should generally be of low reflective natural earth and vegetation tones.	The roof is colourbond in 'manor red'. This colour has low reflectivity and is compatible with surrounding development.	
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ASSESSMENT

Zoning and Permissibility

Zoning:	R5 Large Lot Residential
Permissibility:	The proposed development is defined as an 'outbuilding' by the LEP which is ancillary to a 'dwelling house' 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 55 – Remediation of Land – Compliant with conditions recommended. Deemed SEPP Regional Environmental Plan No 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 – Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiia)	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)	Two submissions were received which is 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 the DA are limited to the submission issues discussed in this report and the disposal of stormwater.

Disposal of Stormwater

The proposal is accompanied by a stormwater management plan detailing how stormwater will be managed.



There is a 1m wide easement extending through the site that connects with a 3m wide drainage easement through Lot 26 DP260419. The downstream property (Lot 26) is burdened by the 3m wide easement to which the 1m easement connects. The subject site has a legal right to drain through this easement which was created via a subdivision certificate (numbered 13/1980).

The proposal provides a rainwater tank with a capacity of 4,800L. The capacity is a combination of 2,800L for the on-site detention and 2,000L for rainwater re-use. As a result, the total detention equates to 4,800L which is considered acceptable for the development proposed.

The stormwater plan provided shows stormwater being directed to the easement. However, the plans provided do not contain sufficient information with regard to discharge into the easement. It is therefore recommended via a deferred commencement condition of consent that stormwater shall not be directed into the drainage easement and amended plans be provided by a suitably qualified hydraulic engineer demonstrating the onsite disposal of stormwater in accordance with Council's engineering specifications.

Submissions

The DA was publicly exhibited for 14 Days in accordance with the DCP. The exhibition period was from 11 April 2017 to 24 April 2017. Two submissions (from one property) were received (objecting to the proposed development).

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

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

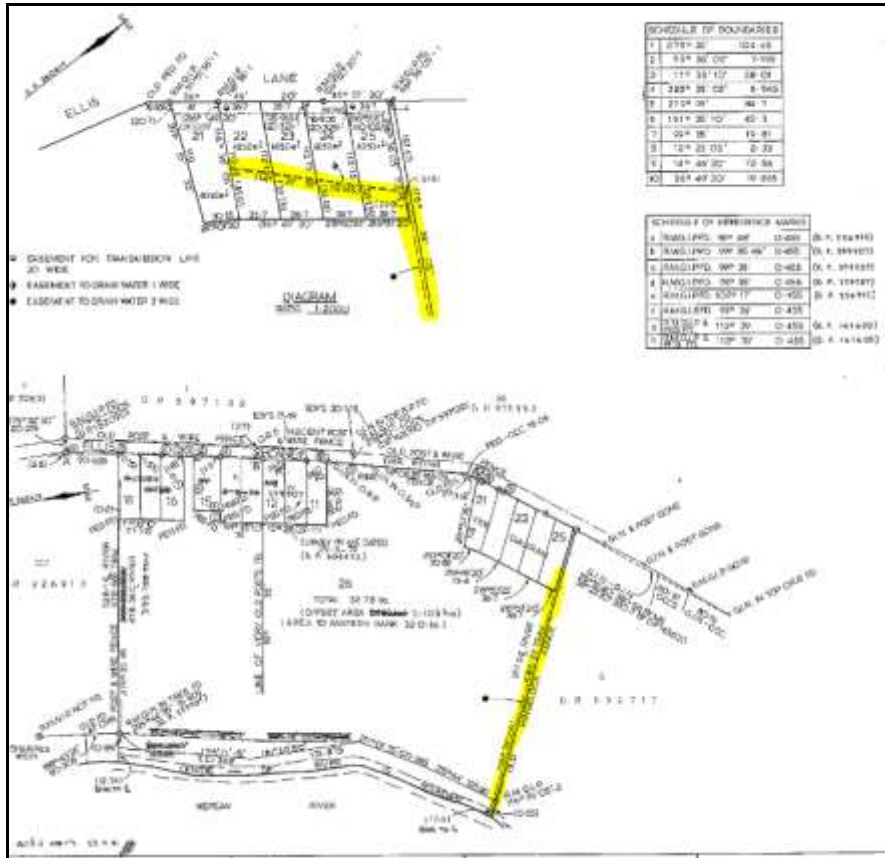
1. *The inter allotment drain upon the 5 neighbouring properties was previously approved by council. However, at the time of such approval a proposed development of our clients adjoining property which included a proposed easement to capture such water and pipe it to Nepean River did not proceed and was never approved.*

Accordingly, the situation now exists that water is being discharged from five properties onto our property with no approved or appropriate drainage measure in place.

Officer comment:

The subdivision (certificate number 13/1980) to create the subject lot (Lot 23) formalised an easement to drain water 1m wide benefitting lots 21 to 25 inclusive. This easement is shown in the below extract of DP 260419. The subdivision also created an easement to drain water 3m wide burdening lot 26 to which the 1m easement intersects. The 3m wide easement benefits lots 21 to 25 inclusive (the subject site is lot 23). The 3m wide easement extends through lots 25 and 26 and terminates in the Nepean River. This easement was formalized and is annotated in the 88B instrument associated with DP 260419 and is shown below.

The subject site has a legal right to discharge storm water into the above mentioned easements, however a condition has been imposed requiring that storm water disposal from the proposed new structure is disposed of onsite and not to the easement.



- Accordingly, we require Council to immediately attend to the rectification of the unauthorised discharge of water onto their property.

Officer comment:

The discharge of stormwater into the easement is considered to be lawful as it is consistent with the 88B and deposited plan which shows the registered easement through the downstream properties.

However, the plans provided do not contain sufficient information with regard to discharge into the easement. It is therefore recommended via a deferred commencement condition of consent that stormwater shall not be directed into the drainage easement and amended plans be provided by a suitably qualified hydraulic engineer demonstrating the onsite disposal of stormwater in accordance with Council’s engineering specifications.

- At this time we will not consent to the establishment of an easement for the purpose of draining water to the Nepean River as a result of the adverse environmental impact this will have.

Officer comment:

An easement to drain water into the Nepean River has been established and is formalised within DP 260419 and the accompanying 88B instrument via the registration of the instruments on 6 May 1981. The subject site has lawful access to drain via the easements to the Nepean River.



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 378/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 378/2017 for the construction of an outbuilding, driveway extension, removal of trees and associated site works at 146 Ellis Lane, Ellis Lane subject to the conditions attached to this report.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD07

SUBJECT: DEMOLITION AND REMOVAL OF STRUCTURES AT THE REAR, CONSTRUCTION OF A TWO STOREY COMMERCIAL BUILDING AND CARPARKING INCLUDING SITE WORKS - 76 JOHN STREET, CAMDEN

FROM: Director Planning & Environment
TRIM #: 17/364352

APPLICATION NO: DA 884/2017
PROPERTY ADDRESS: 76 John Street, Camden
APPLICANT: Reginald Hawkins
OWNER: Merv Collins

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the demolition and removal of structures at the rear, construction of a two storey commercial building and car parking including site works at 76 John Street, Camden.

The DA is referred to Council for determination as there remain unresolved issues raised in a submission which objects to the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine DA 884/2017 for the demolition and removal of structures at the rear, construction of a two storey commercial building and car parking including site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent, subject to deferred commencement, and the conditions attached to this report

THE PROPOSAL

DA 884/2017 seeks approval for the demolition and removal of structures at the rear, construction of a 2 storey commercial building and car parking including site works.

Specifically the proposed development involves:

- Demolition works including the rear extension of the heritage cottage; the detached single storey garage and removal of a metal shipping container.
- Construction of a two storey commercial office building located at the rear of the site consisting of four offices ranging in size from 38.47m² – to 52.69m², entry foyers, lift provisions and amenities;
- Proposed Gross Floor Area (GFA) for the office space area of 199.58m²;
- Provision of a verandah located on the northern elevation of the building over both the lower and upper levels;
- Four car parking spaces located to the rear of the existing cottage including the provision of a an accessible car space;
- Drainage via an easement into the John Street carpark; and
- Associated landscaping and site works.



Tenants for the offices are presently unknown. As such their fitout and use of each space will be subject to separate approval unless the works are exempt under the State Environmental Planning Policy (Exempt and Complying Development) 2008.

The development's cost of works is \$370 000.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publically available on Council's website under the Development Applications by clicking on 'Find a DA'.

THE SITE

The site is known as 76 John Street, Camden and is legally described as Lot 15 Sec 2 DP 193308. The site is generally rectangular in shape and has an overall area of approximately 613.4m². The site slopes from the front of the site to the rear.

The site is located within the commercial centre of Camden and is located approximately 150m south of Argyle Street, Camden. It is bounded by John Street to the southwest, a single storey commercial building at No. 74 John Street and a public car park to the northwest, a single storey brick commercial building at No. 29 Hill Street to the northeast and a single storey commercial building at No. 78 John Street on its south eastern side.

The surrounding area is characterised by a combination of single and two storey heritage listed cottages which have been subject to adaptive reuse and are now primarily used for a variety of commercial premises fronting John and Hill Streets. Within the middle of the street block is a public car park known as the John Street car park.

Figure 1: Location Plan



The subject site is located within a heritage conservation area and the existing single storey building on the site is listed as a local heritage item under the Camden Local Environmental Plan 2010.

The existing single storey building is a late nineteenth century cottage. The cottage features a hipped roof form finished in corrugated iron with a grey finish, including existing chimneys. A veranda is located on the southwestern elevation with a bull nose roof. All associated guttering is grey blue. The dwelling is constructed of weatherboard.

The site is bordered by a white and grey blue picket fence on the John Street boundary, all other boundaries present Colourbond fencing with a grey blue finish. A non-original addition has been constructed at the rear of the cottage. The driveway and rear yard of the site is concreted. A freestanding garage with an open gable roof form is located at the rear of the site. A blue shipping container is currently located within the rear yard.

Figure 2: Existing John Street frontage.



Figure 3: Existing site from public car park at rear showing St Johns Spire beyond the site.

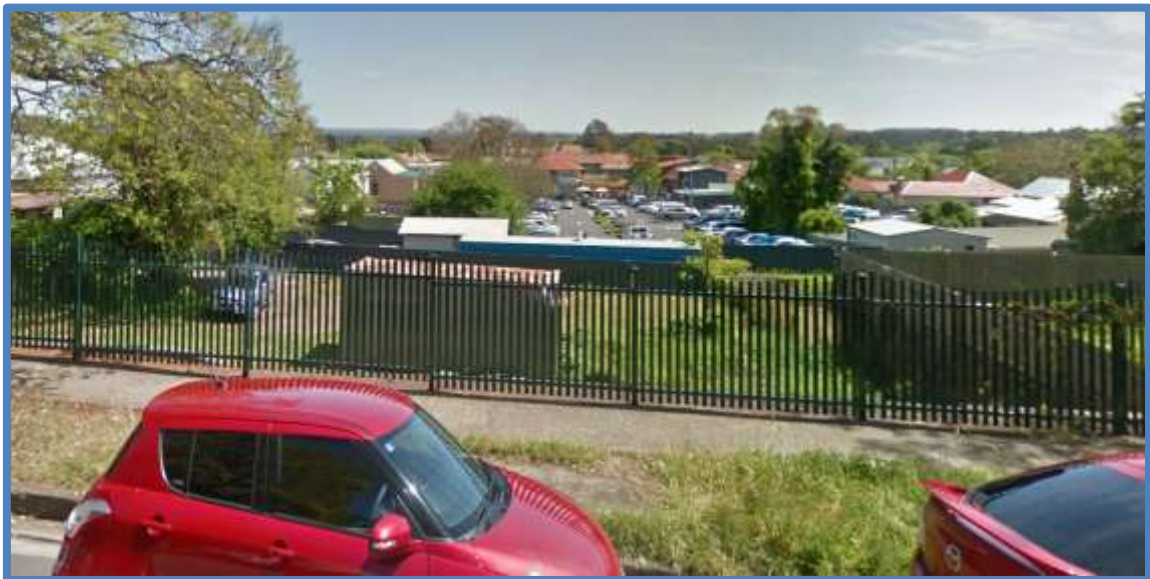




Figure 4: Existing rear of site showing non-original attached addition (from the rear of the chimney), shipping container and detached garage.



Figure 5: Existing rear of site viewed from Broughton Street.



KEY DEVELOPMENT STATISTICS

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

Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
2.7 Demolition	Demolition of a building or work may be carried	Consent for demolition of the non-original rear	Yes.



	out only with development consent.	addition and detached garage is included as part of this proposal.	
4.3 Height of Buildings	Maximum height 7m. Building height is defined as the vertical distance from ground level (existing) to the highest point of the building	6.85m from the existing ground level to the highest point of the building being the ridgeline.	Yes.
5.10 Heritage Conservation	Conserve the environmental heritage of Camden, and the heritage significance of heritage items.	See Heritage Impacts discussion in the Key Issues section of this report.	Yes.
7.4 Earthworks	Ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	<p>The site has a slope of approximately 3m from front to rear and approximately a half metre cross fall from south to north. Minor earthworks are proposed to provide a flat building platform and to ensure compliance with height of building control outlined above.</p> <p>The proposed earthworks are not considered to have a detrimental impact on the environment and surrounding land.</p> <p>Council's engineer has reviewed the proposal and raises no objection subject to conditions.</p>	Yes.
Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
B1.2 – Earthworks	Earthworks should be minimised.	A maximum of 700mm of cut is proposed at the rear of the property to provide a flat building platform. The proposed earthworks are considered satisfactory.	Yes.
B3.1 – European Heritage and B3.1.2 –	Retention and conservation of heritage items.	See Heritage Impacts discussion in the Key Issues section of this report.	Yes.



Camden Heritage Conservation Area	<p>New development is to be sympathetic to the heritage significance of the heritage item.</p> <p>Retain the unique heritage significance of Camden town.</p>		
B5.1 – Off-Street Car Parking Rates and Requirements	<p>Office Premises and Business Premises - one car parking space per 40sqm of gross floor area (GFA).</p> <p>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. Details are set out in the relevant Contributions Plan. The acceptance of a monetary contribution in lieu of off-street parking is not guaranteed and will be at Council's discretion.</p>	<p>Existing cottage 80m² requires two car parking spaces.</p> <p>Proposed building is 199.58m² requiring five spaces.</p> <p>Four spaces are provided inclusive of one accessible space.</p> <p>Seven spaces are required.</p> <p>The proposal is deficient by three spaces.</p> <p>The applicant has advised that they wish to provide payment of a Section 94 Contribution in lieu of off-street parking.</p>	Yes, subject to a condition requiring the payment of Section 94 contributions in lieu of deficient three off-street parking spaces.
D3.2.1 – Function and Uses	Development within business zones shall incorporate a range of local retail, commercial, entertainment, childcare, residential and community uses to serve the needs of the local community.	The proposed development includes the provision of commercial office space which provides employment opportunities for the local community.	Yes.
D3.2.2 – Layout/Design	The layout and location of uses must consider potential future noise and amenity conflicts for both the subject development and adjoining/nearby development.	The proposed layout and location of the office uses are consistent with other development within the street and locality.	Yes.



	<p>The development must be designed so that it addresses the street.</p> <p>New development must not detract from significant existing views and vistas.</p>	<p>The development will address the public street by ensuring that all public access is by way of the front entrance at John Street. No access either vehicular or pedestrian is proposed via the John Street public car park.</p> <p>The significant heritage view to St Johns Anglican Church from the Camden Town Centre, Lower Hill Street, John Street and View Street will not be adversely impacted by the proposed development. The proposed development's ridge pitch is 1m below the existing heritage cottage given the building is located on a located on the lower portion of the site and excavated to achieve a level building platform.</p>	
<p>D3.2.3 – Built Form and Appearances</p>	<p>Development to be compatible with surrounding business development in terms of appearance, type, bulk and scale, design and character.</p>	<p>The two storey building proposed at the rear has been set back approximately 34.5m from the street. The retention of the original cottage will continue to contribute to the streetscape as the proposed rear addition will not be the dominant visual element when viewed from John Street. The two storey commercial building's ridge height is 1m lower than the existing heritage cottage.</p> <p>The proposed form is considered compatible</p>	<p>Yes.</p>



	<p>Buildings are to create visual interest.</p> <p>Roof forms should respond to the built form of other nearby business development. The design of roofs may adopt traditional forms found in the immediate locality.</p> <p>New development must not cause significant overshadowing or overlooking of public places, relative to the patterns of usage of those places. Where a building addresses a public space, buildings must always address and embellish that public space. Public spaces may include a street, any form of urban open space (e.g. courtyard, plaza, etc.), or any form of landscaped open</p>	<p>within the existing streetscape when viewed from the John Street car park given its adoption of traditional elements such as vertical window form, verandah and weatherboard finishes.</p> <p>The proposed development's orientation overlooking the John Street car park will provide much needed visual interest and passive surveillance for the southern portion of the car park without negatively impacting on any significant views, vistas or streetscapes.</p> <p>The roof structure of the two storey addition has been designed to be sympathetic to the existing cottage and adopts a traditional hipped form with a skillion verandah which is a common element found in the immediate locality.</p> <p>The location of the lot on the southern end of the John Street car park and the positioning of the development at the rear of the site results in no overshadowing of any public space.</p> <p>The proposed development has been designed specifically to provide visual interest and activation of the façade overlooking the John Street car park. The usage of the car</p>	<p>Yes.</p> <p>Yes.</p>
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	space. This must also help contribute towards place-making.	park would benefit from passive surveillance from this building. The building does not result in any adverse privacy issues resulting in a beneficial measure for the community from an Environmental Design perspective.	Yes.
D3.2.6 – Parking and Access	The visibility of parking areas at street frontages shall be minimised through parking layout and design, building location and design, and landscaping treatments.	The proposed car parking area is located to the rear of the property and is generally concealed from the street.	Yes.
D3.7.2 – Built Form and Appearance	Buildings shall contribute to the local distinctiveness of the Camden township by using a varied palette of colours, materials and finishes. Buildings in full corporate colours will not be permitted.	The proposed new building will be finished in weatherboards of a shale grey colour with the support posts in a deep grey colour. The roof will be weathered zincalume. While the colours are not a traditional heritage colour scheme, the proposed finishes of the development reference the existing cottage while remaining discernible as a contemporary addition.	Yes.
D3.7.4 – Heritage and Character	Development within the B4 Mixed Use zone at Camden must be consistent with the Camden Town Centre Strategy dated 2008 prepared by Camden Council.	The Town Centre Strategy identifies the site within the Hill Street precinct as having some limited development potential through the adaptive reuse of buildings and/or non-intrusive development at the rear of properties. The principles encourage development at the rear	Yes



		<p>which retains the streetscape character and significant views, including those from outside the Camden township.</p> <p>The development is consistent with the objectives of the Camden Town Centre Strategy.</p>	
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ASSESSMENT

Zoning and Permissibility

Zoning:	B4 Mixed Use.
Permissibility:	The proposed development is defined as an 'office premises' 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>Deemed State Environmental Planning Policy No. 20 – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land – Compliant with conditions recommended.</p>
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 – Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiiia)	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 was received which is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

Car Parking

The proposed development provides four car parking spaces inclusive of one accessible space. Seven spaces are required by the rates specified in the DCP. Accordingly, the proposal is deficient by three spaces.

However the DCP also outlines that:

'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. Details are set out in the relevant Contributions Plan. The acceptance of a monetary contribution in lieu of off-street parking is not guaranteed and will be at Council's discretion.'

The applicant has requested to provide payment of Section 94 Contributions in lieu of off-street parking to fund future public car parking in Camden as outlined in the Camden Section 94 Contributions Plan.

Figure 6: Extract from Camden Contributions Plan showing areas where Contributions may be levied in lieu of off-street car parking.



The payment of Section 94 contributions in lieu of off-street parking is considered acceptable given the proximity of public car parking nearby. Additionally public car parking funded through Section 94 contributions has been provided elsewhere in the Camden Town Centre. Council's Traffic Engineers have reviewed the proposal and found the car parking provision to be satisfactory subject to the payment of Section 94 contributions.



A condition of consent is recommended requiring the payment of Section 94 Contributions prior to the issue of a Construction Certificate.

Heritage Impacts

The site is identified as a local heritage item and is within the Camden Heritage Conservation Area in Schedule 5 of the Camden Local Environmental Plan.

Clause 5.10 of the Camden LEP seeks to conserve the environmental heritage of Camden, and the heritage significance of heritage items.

In addition, the DCP requires the retention and conservation of heritage items and seeks to ensure that new development is sympathetic to the heritage significance of the item. The DCP's aim is to retain the unique heritage significance of the Camden town.

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

A Statement of Heritage Impact (SoHI) has been prepared by Heritage 21 as part of the DA that supports the proposed development, being to conserve the heritage significance of the heritage item.

The SoHI assesses the impact of the proposal on the existing heritage item. Heritage 21 has also provided advice to the applicant, this has been incorporated into the final proposal, including:

- The inclusion of columns on the first floor;
- The use of timber weatherboards to clad the exterior of the proposed development;
- The dimensions of the windows, form and fabric of the proposed openings;
- The use of colourbond for the roof finish;
- The use of wrought iron in the balustrade; and
- The inclusion of architraves.

The SoHI ultimately concludes that *“Heritage 21 is confident the proposed development complies with relevant heritage controls and would have acceptable level of impact on the heritage significance of the subject site, being within the Camden Town Centre Heritage Conservation Area and the heritage items in its vicinity.”*

The proposed two storey addition is located at the rear of the site and is set back approximately 35m from the street. The rear addition has been sited behind the heritage cottage such that it will not be visually prominent when viewing the cottage from the street. The rear addition has been separated from the original cottage by the carpark so as to clearly distinguish the original from the new.

The proposed building at the rear will be finished in weatherboards in shale grey, with deep grey posts. The roof will be weathered zincalume. While the colours are not traditionally heritage, the proposed finishes reflect the colour tones and materials of the existing cottage whilst remaining discernible as a contemporary built form.

A condition is recommended which requires a photographic archive record to be created of the site prior to, during and after the works are completed. Additionally the

original elements of the existing cottage will be protected during demolition works to remove the non-original attached additions and the removal of the detached garage.

It is considered the proposed works will conserve the heritage item maintaining its significance. The new rear addition is sympathetic to the heritage significance of the item and the Camden Town Centre Heritage Conservation as a whole.

Visual Impact

There are no side setback requirements for commercial developments. However, the applicant has provided a 1m setback to the rear and side boundaries. In addition the north-western elevation is provided with architectural detailing in the form of verandah and balcony with wrought iron balustrade and a skillion roof together with vertical full height windows addressing the John Street car park to the north.

The proposed development will result in a two storey blank wall to the south-eastern elevation being located 1m from the boundary presenting to the neighbouring property at 78 John Street. This elevation will be visible from Broughton Street when viewed across the rear yards of 78 and 80 John Street, Camden. The visual impact of this blank wall is lessened by the slope of the land falling away from the neighbouring properties and Broughton Street together with the 1.8m high colourbond fence currently existing along the boundary which largely screens the lower level of the buildings elevation from view.

Additionally, it is recommended the consent be subject to a deferred commencement determination pending the provision of revised plans which introduce additional architectural elements in the form of:

- Eaves to be incorporated on the proposed building to match the existing cottage; and
- Additional planting within the southern setback. (Council's Landscape Officer has provided a list of four plant species which are suitable for low sunlight conditions and confined space).

The proposed development is considered to be consistent with the built form expected in the B4 zone and subject to the 7m height of buildings control. It is considered that the development in this commercial context is reasonable and acceptable, subject to the imposition of a deferred commencement condition which requires the introduction of additional architectural elements for the proposed building and suitable planting within the southern setback.

The deferred commencement condition also requires the applicant to submit a Construction Traffic Management Plan to Council for the proposed works within the public car park at the rear of the site. This condition is recommended as the development includes drainage works in the public car park at the rear of the site.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 20 July 2017 to 2 August 2017. One submission was received, which objected to the proposed development. A copy of the objection is provided as a supporting document to this report.



Following the notification period, Council officers met with the applicant to discuss the proposal and requested the height of the building be reduced to comply with the height limit and to incorporate further architectural features such as overhanging eaves and changes to the façade treatment on the south-eastern elevation.

Amended plans were submitted, which brought the proposal into compliance with the height of buildings development standard. Additionally the applicant advised that conditions of consent could be formulated to address any remaining issues.

The revised plans received were forwarded to the submitter. The revised plans did not resolve the concerns raised.

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

- 1. Non-compliance with the height of building development standard and lack of sufficient justification in applicant's request to vary development standard.*

Officer comment:

Subsequent to the above comments, the proposed development was amended to comply with the 7m height control.

- 2. Proposed is inconsistent with The Burra Charter - The DA needs to be significantly revised because it is not compliant with the Conservation Principles of the Burra Charter.*

Officer Comment

The proposed development is consistent with the relevant planning controls regarding heritage conservation. Further the development is compliant with the built form controls as discussed in this report.

The Statement of Heritage Impact, while not overly comprehensive, provides sufficient information to enable the assessment of the application.

- 3. Proposal is inconsistent with the Draft South West District Plan - The proposal for new work, especially in terms of its height and bulk, does not demonstrate how it preserves and does not detract from Camden Township's heritage value nor how it is consistent with the character of the existing cottage, John Street and the Heritage Conservation Area*

Officer Comment

The draft District Plan has no statutory weight in the consideration of a development application. Notwithstanding, it is considered that the proposed development does not detract from the heritage value of Camden and is consistent with the character of the existing cottage, John Street and the Heritage Conservation Area.

- 4. The proposed infill development is inappropriate in character, scale and form*

Officer Comment

The rear addition is located at the rear of the site and is lower than the existing cottage. As such the new development will appear as a recessive element when viewed from John Street.

The character of the area is dominated by one and two storey built forms with verandahs along primary frontages, vertical windows with simple designs. The proposed development adopts these character elements.

It is considered that the proposed development is appropriate having regard to the character, scale and form of the development in the locality.

5. Alternative designs should be considered - suggestion of a different design consisting of a single level of office space with car parking below.

Officer comment:

The proposed design creates visual interest and passive surveillance of the John Street car park. The use of ground floor car parking would not significantly lessen the height of the building. The deficit car parking is addressed by way of the payment of Section 94 Contributions to fund works within the Camden Town Centre in accordance with the relevant Contributions Plan.

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 884/2017 is recommended for approval subject to deferred commencement conditions and the conditions attached to this report.

RECOMMENDED

That Council determine DA 884/2017 for the demolition and removal of structures at the rear, construction of a two storey commercial building and car parking including site works at 76 John Street, Camden pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to deferred commencement and the conditions attached to this report.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Statement of Heritage Impact
4. Public Exhibition & Submissions Map - *Supporting Document*
5. Submission - *Supporting Document*



ORDINARY COUNCIL

ORD08

SUBJECT: AMENDMENT TO THE EMERALD HILLS VOLUNTARY PLANNING AGREEMENT AND CAMDEN DCP

FROM: Director Planning & Environment

TRIM #: 17/304882

PURPOSE OF REPORT

The purpose of this report is for Council to consider proposed amendments to the Emerald Hills Voluntary Planning Agreement (VPA) and Camden Development Control Plan (Camden DCP 2011), and consider the outcomes of the public exhibition of both proposed amendments.

The report also recommends Council endorse the draft VPA (as exhibited) and draft Camden DCP 2011 (as amended). The draft VPA and draft Camden DCP 2011 are provided as **attachments to this report**.

BACKGROUND

The Emerald Hills development is bound by Camden Valley Way, Raby Road, St Andrews Road and the Sydney Water Upper Canal. The site has a total area of 151.1 hectares. In 2014, the site was rezoned from an RU2 Rural Landscape zone to a combination of R2 Low Density Residential, B2 Local Centre, E2 Environmental Conservation and SP2 Infrastructure zones.

A map of the site is **provided as Figure 1 below**.



Figure 1 – Site Map for Emerald Hills



As part of the rezoning, a VPA was entered into between Council, the landowner and the proponent (Emerald Hills Estate) in August 2014.

The proponent is now seeking amendments to both the VPA and Camden DCP 2011.

The proposed amendments to the VPA consist of:

- An increase to the number of residential lots from 1280 to 1342 lots;
- Upgrade works to St Andrews Road valued at \$2.1 million; and
- Expansion and additional embellishment to a local park within the development, valued at \$100,000.

The proposed amendments to the Camden DCP 2011 consist of:

- Minor changes to the subdivision pattern e.g road alignments to reflect recent development approvals;
- Minor changes to the local road network and removal of cul-de-sacs to improve traffic connectivity;
- Realignment of transmission easements to reflect location; and
- An additional figure to clarify where trees associated with the former Remembrance Driveway must be planted.

Councillor Briefings and Public Exhibition

The proposed amendments were briefed to Council on 17 May and 27 June 2017. The matter was placed on public exhibition between 1 November and 1 December 2017. No submissions were received.

MAIN REPORT

Proposed amendments to the Emerald Hills VPA

Change to the total number of lots in the development

The VPA amendment proposes to increase the number of residential lots in the development from 1280 to 1342 lots.

Officer comment

The proposed amendment seeks to reconcile inconsistency between the Emerald Hills VPA and Camden DCP 2011.

The VPA currently identifies a maximum of 1280 residential lots, which equates to 14.3 dwellings per hectare. This is inconsistent with the Camden DCP 2011 which permits a maximum density of 15 dwellings per hectare, which would result in a total of 1342 residential lots.

The proposed amendment to the VPA seeks to reflect the maximum permissible density identified within the Camden DCP 2011 by increasing the number of residential lots covered under the VPA from 1280 to 1342.



Upgrade works to St Andrews Road

The VPA amendment proposes to include upgrade works to St Andrews Road, valued at \$2.1 million.

Officer Comment

St Andrews Road is currently a single lane rural road. In the future it is identified to function as a collector road between Camden Valley Way, Emerald Hills and East Leppington developments and Denham Court Road. Upgrading of this road will also make the road bus capable and provide potential bus services to these new communities.

There is currently no source of funding to deliver upgrade works to St Andrews Road.

The proposal to deliver upgrade works to St Andrews Road under the Emerald Hills VPA will provide certainty to Council and the community on funding and timing.

Expansion and additional embellishment to local park

The VPA amendment proposes to increase the size of an existing local park in the development and embellish it with a playground valued at \$100,000. The expansion will increase the size of the local park by 840sqm.

The local park is outlined in red in **Figure 2 below**.



Figure 2 – Location of local park proposed to be expanded and embellished

Officer comment

Under the current VPA, this park is identified as passive open space with no play equipment. The proposed playground embellishment and expansion will provide a more useable formal play area.

Infrastructure considerations as a result of increasing residential lots

Open space

The proposal to increase the number of residential lots from 1280 to 1342 requires the provision of a total of 11.76ha of open space. The draft VPA provides a total 11.15ha of open space representing a shortfall of 0.61ha should 1342 lots be achieved.

Officer comment

The draft VPA will deliver 11.15ha of formal open space. The Emerald Hills development also contains a total of 3.056ha of transmission easement land.

Whilst not defined as open space or included in open space calculations, the transmission easement land has been incorporated into the design and embellishment of the wider open space network. This design as demonstrated in **Figure 3 below** increases the useability of the open space network across the development and ensures that the transmission easement land is functional and useable for the community.

The VPA also requires that the transmission easement land is embellished prior to been transferred to Council.

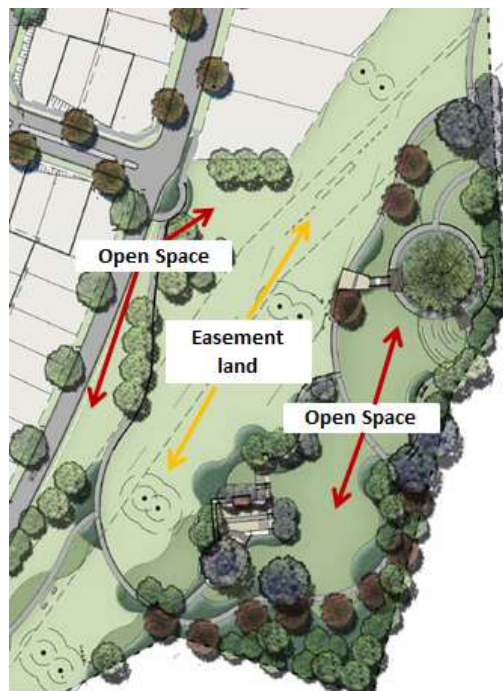


Figure 3 – Easement land and formal open space areas in Emerald Hills

Notwithstanding the numerical shortfall of 0.61ha Council Officers consider the overall physical amount of open space available on the site (including the transmission easement land) will offer sufficient usable open space areas throughout the development.



Proposed amendments to Camden DCP 2011

Minor amendments to the Emerald Hills ILP

The amendments proposed in the Emerald Hills ILP and associated figures consist of:

- Minor changes to the subdivision pattern *e.g road alignments* to reflect recent development approvals;
- Minor changes to the local road network and removal of cul-de-sacs to improve traffic connectivity;
- Realignment of transmission easements to reflect location; and
- An additional figure to clarify where trees associated with the former Remembrance Driveway must be planted

The draft ILP and associated figures are **provided as an attachment to this report**.

A comparison of the changes between the current ILP and draft ILP are marked in red in **Figures 4 and 5 below**.

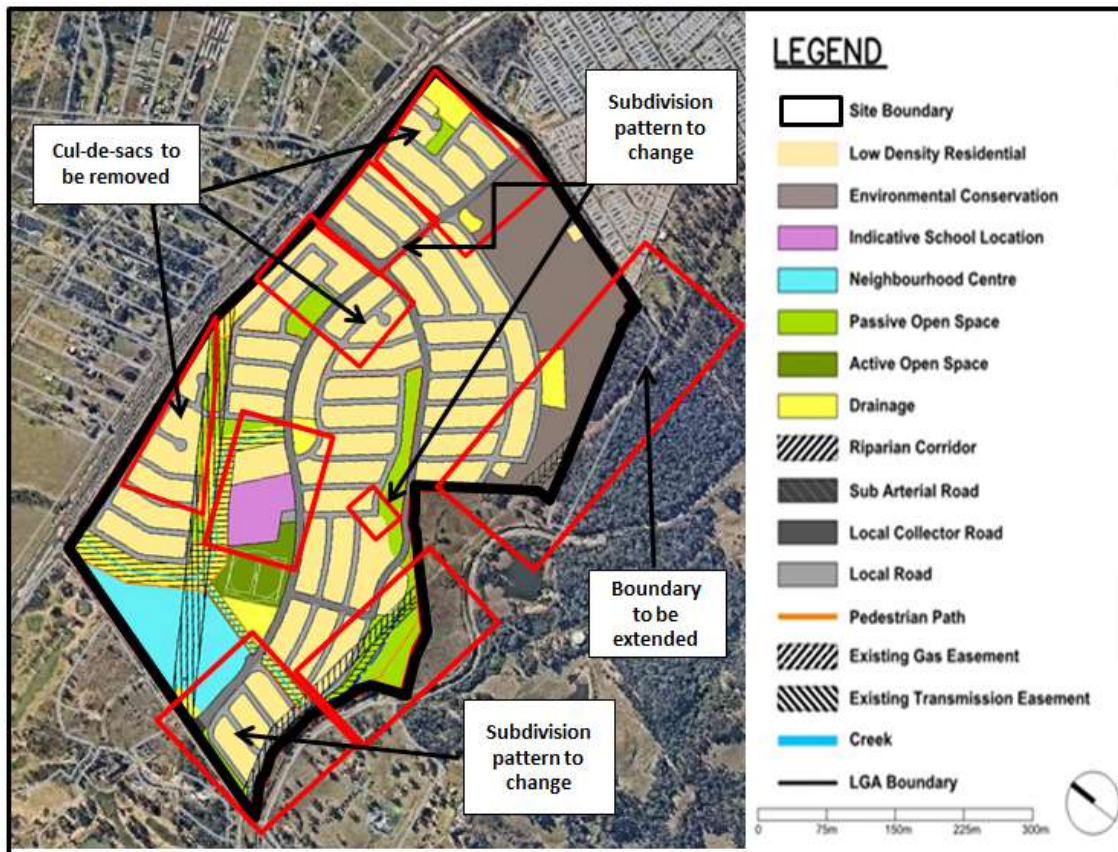


Figure 4 – Current Indicative Layout Plan (ILP)

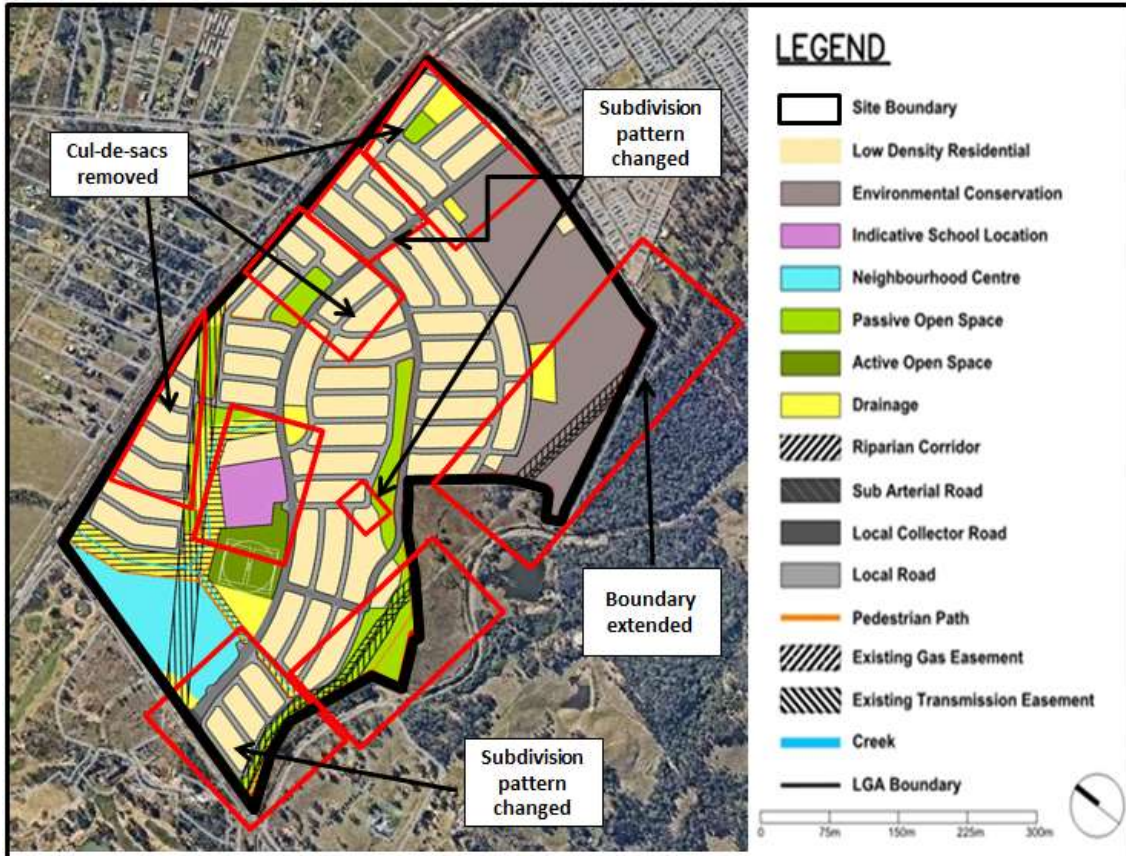


Figure 5 – Draft Indicative Layout Plan (ILP)

Additional figure in the Camden DCP 2011

An additional figure is proposed to be inserted in the Camden DCP in response to a recently approved DA for bulk earthworks and tree removal at Emerald Hills. As part of the approval a condition of consent was imposed requiring a road verge be established to permit street planting along the access street running parallel to Camden Valley Way. The street planting will offset the loss of the trees associated with the former Remembrance Driveway.

The additional figure demonstrates the design requirements of the access street to achieve the outcome conditioned in the DA approval.

Post exhibition changes - LGA boundary realignment near East Leppington

On 14 November 2017, Council considered a report on the Camden and Campbelltown LGA boundary changes, provided **as an attachment to this report**.

The boundary realignment will impact the boundary of the north eastern portion of the Emerald Hills development, zoned as an environmental conservation area. The boundary will extend eastwards to incorporate the land that is now located within the Camden LGA as a result of the realignment. The boundary changes are shown in the draft ILP in **Figure 4**.

As a result of the LGA boundary changes, an additional minor adjustment is necessary to the Land Application Map within the Camden DCP 2011. The adjustment will incorporate the north eastern portion of the site that is now part of the Camden LGA into the Land Application Map.



Public exhibition

The proposed amendments to the Emerald Hills VPA and Camden DCP 2011 were exhibited between 1 November and 1 December 2017. No submissions were received.

Post exhibition changes to Camden DCP 2011

It is recommended the Land Application Map in the Camden DCP 2011 be amended to reflect changes in the Camden/Campbelltown LGA boundaries.

Post exhibition changes to the Emerald Hills VPA

There are no post exhibition changes proposed in the Emerald Hills VPA.

Next steps

Should Council resolve to endorse the draft VPA, it will be executed under Council's Power of Attorney.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The proposed amendments to the Emerald Hills VPA and Camden DCP 2011 were exhibited between 1 November and 1 December 2017. No submissions were received.

One post exhibition amendment is recommended to the Land Application Map in the Camden DCP 2011. This amendment is minor and does not warrant re-exhibition.

There are no post exhibition amendments to the Emerald Hills VPA.

With the inclusion of the post exhibition amendment to the Camden DCP 2011, it is recommended the proposed amendments to the Emerald Hills VPA and Camden DCP 2011 be endorsed by Council.

RECOMMENDED

That Council:

- i. endorse the draft VPA and authorise the relevant VPA documentation to be completed under Council's Power of Attorney;**
- ii. endorse the proposed amendments to the Camden DCP 2011 as exhibited; and**
- iii. grant delegation to the General Manager to adopt the proposed amendments to the Camden DCP 2011; and**
- iv. publicly notify the adoption of the Camden DCP 2011 and Emerald Hills VPA in accordance with the provisions of the Environmental Planning and Assessment Act 1979 and Regulations.**

ATTACHMENTS

1. Emerald Hills Deed of Variation & Draft VPA 2017
2. Draft Camden DCP 2011 Emerald Hills Figures
3. Council Report 14 November 2017 - LGA Boundary Alignment



ORDINARY COUNCIL

ORD09

SUBJECT: COMPREHENSIVE LEP REVIEW PHASE 1 - MINOR AMENDMENTS - EXHIBITION OUTCOMES

FROM: Director Planning & Environment

TRIM #: 17/359946

PREVIOUS ITEMS: ORD03 - Camden Comprehensive LEP Review - Phase 1 Minor Amendments - Ordinary Council - 12 Jul 2016 6.00pm

PURPOSE OF REPORT

The purpose of this report is to advise Council of the outcome of the public exhibition of the Camden LEP Review Phase 1 – Minor Amendments Planning Proposal. This report seeks Council endorsement to proceed with the Planning Proposal and submit it to the Department of Planning and Environment (DPE) for finalisation.

The amended draft Planning Proposal is provided as **an attachment to this report**.

BACKGROUND

The LEP Review Program for Camden Local Environmental Plan 2010 (Camden LEP 2010) has been separated into three phases:

- Phase 1 – Minor Amendments;
- Phase 2 – Higher level investigations; and
- Phase 3 – Significant investigations.

This report addresses the changes proposed as part of Phase 1 (Minor Amendments) (also known as the housekeeping LEP amendment).

Phase 2 will commence following the finalisation of the Western City District Plan.

The draft Planning Proposal seeks to make minor amendments to the Camden LEP 2010. The amendments seek to address matters which are of an administrative or low-impact nature, with the aim to improve the overall operation and accuracy of the LEP, including:

- Administrative review of heritage listings (Schedule 5);
- Review of LEP mapping;
- Review of LEP clauses;
- Review of the land use table; and
- Review of additional permitted uses.

The administrative review of heritage listings includes updating the property description or the address of a heritage item that has changed since Camden LEP 2010 was made and to correct any disparity between LEP maps and the heritage schedule.

A review of Camden LEP 2010 maps has been undertaken to ensure that LEP maps are accurate, aligned with cadastral boundaries, consistent with strategic intent and in line with the current DPE technical mapping standards.



A review of LEP clauses in Camden LEP 2010 has been undertaken to ensure that local clauses continue to be relevant and responsive to local development trends and updated to reflect changes in public authorities.

A review of the Land Use Table (permissible and prohibited uses) in Camden LEP 2010 has been undertaken to ensure relevance against the objectives of each zone.

Schedule 1 of Camden LEP 2010 (Additional Permitted Uses) provides a list of uses permitted on identified sites which are in addition to those uses identified in the LEP Land Use Table or other planning instruments. An administrative review of Schedule 1 has been undertaken to correct property descriptions and reflect instances where the property description or the address may have changed since Camden LEP 2010 was made or remove the Additional Permitted Use where it is no longer relevant.

On 12 July 2016, Council resolved to endorse the draft Planning Proposal and to forward it to the DPE for Gateway Determination, and subject to Gateway being received, proceed to public exhibition. A copy of the previous Council report is provided as **an attachment to this report**. The DPE issued the Gateway Determination on 23 August 2016. A copy of the Gateway Determination is provided as **an attachment to this report**.

In accordance with the Gateway Determination, consultation with public authorities occurred from 19 September to 12 October 2016.

To comply with the Gateway Determination and Council's resolution, the draft Planning Proposal was publically exhibited from 29 November 2016 to 27 January 2017.

Upon review, Council officers identified additional matters to be addressed in the draft Planning Proposal. Given the timing, it was considered appropriate to include these amendments in the draft Planning Proposal.

The additional matters include setting a minimum lot size for secondary dwellings (450m²) and nominating bus shelter advertising as exempt development.

As a result, an amended draft Planning Proposal, incorporating the additional matters, was exhibited from 9 May to 9 June 2017.

A Councillor Briefing on this matter was held on 24 October 2017.

MAIN REPORT

Public Exhibition

Council received 7 submissions including 3 public authority submissions and 4 community submissions (including a submission from the Australian Botanic Garden). A copy of the submissions is provided as **a supporting document**.

A summary of the issues raised in the submissions across both exhibition periods is provided below. A detailed response to the issues raised is provided as **an attachment to this report**.

Public Authority Submissions

Aviation Public Authorities

The aviation public authorities (Sydney Metro Airports, Airservices Australia, the Department of Infrastructure and Regional Development, and the Civil Aviation Safety Authority) support the draft Planning Proposal, subject to minor amendments being made to LEP Clause 7.2 – Airspace Operations.

Officer Response:

Council officers have reviewed the requests of the aviation public authorities and LEP Clause 7.2 has been amended to address their comments.

Rural Fire Service (RFS)

The RFS requested the draft exempt development clause for special events and temporary uses of land be revised to address the following matters:

- A bushfire emergency management and evacuation plan be prepared in accordance with RFS guidelines and consider the need for appropriate bush fire protection measures;
- Events not be held on days with an extreme or catastrophic bush fire danger rating for the local area; and
- No camping be allowed.

Officer Response:

The draft clause has been amended in consultation with the RFS to include conditions that apply to bushfire prone land. The draft LEP clause is discussed in more detail in this report under the Australian Botanic Garden heading.

Office of Environment and Heritage (OEH)

OEH (Heritage Council) supports the administrative review of heritage items and the review of heritage maps as part of the draft Planning Proposal and requests that Council supply its heritage mapping database to OEH.

OEH (Water) notes the suggested amendment to LEP Clause 7.1 (Flood Planning) is consistent with recent flood studies undertaken for the Camden LGA and supports the proposed change.

Officer Response:

The heritage mapping database will be provided to OEH.

Community Submissions

Raby

The submission supports the proposed amendment to Raby's property description in LEP Schedule 5 Heritage Listings.



The submission requests the heritage curtilage for Raby be reduced in size. The submission considers this would serve to protect and preserve the heritage significance of Raby whilst at the same time allow for increased residential development opportunities planned for as part of the South West Priority Growth Area (SWPGA).

Officer Response:

Raby is listed as a heritage item on the state heritage register (in addition to being listed as a local item in Camden LEP 2010) and is located in the Catherine Field Precinct of the SWPGA. Consideration of additional residential development potential and the heritage curtilage will be addressed as part of any future precinct planning process. The requested reduction to Raby's heritage curtilage is not supported.

Australian Botanic Garden (ABG)

Issue

Two lots that form part of the ABG site are zoned R2 Low Density Residential and should be rezoned to SP1 Special Activities, consistent with the remainder of the ABG site.

Officer Response:

Council officers have reviewed the request. The subject lots have been zoned R2 in error and their rezoning to SP1 is consistent with the remainder of the ABG site. Amendments are also required to the height of buildings and lot size maps. The requested amendments are supported.

Issue

A lot that forms part of the southern extent of the ABG site (near the Glenlee coal washery site) should be rezoned from RU1 Primary Production to SP1 Special Activities.

Officer Response:

The Rural Lands Strategy applies to land zoned rural within the Camden LGA (excluding the SWPGA). The intent of the Strategy is to protect Camden's remaining rural land and to protect the quality of scenic landscapes, vistas, ridgelines or heritage values.

The suggested rezoning of the subject lot from RU1 to SP1 is supported on the basis that the rural character of the land will be retained as part of the ABG site. It is not considered that there will be any impact on the quality of scenic landscape or heritage values. Amendments are also required to the height of buildings and lot size maps.

Issue

The ABG requests its site be included in the draft 'community events clause' to enable community events (such as concerts, exhibitions, open-air cinema, markets, festivals and the like) to be carried out at the ABG as exempt development (without the need for development consent).

Officer Response:

Council officers have considered the request and support the inclusion of the ABG within the draft community events clause, subject to a number of restrictions being placed on an event (a maximum of two days per calendar year and operating between 7.00am and 10.00pm with the exception of the ANZAC day dawn service).

As mentioned under the Rural Fire Service heading of this report, the draft clause has also been amended to address bushfire management issues.

The suggested revised draft LEP clause is included below:

Events (Community and Fundraising)

1. *The event must take place on a public road or on public land owned by, or under the care or control of;*
 - (a) *the Council where the prior written consent of Council has been granted.*
 - or
 - (b) *the Australian Botanic Garden, and*
2. *The event must not exceed 2 days per calendar year.*
3. *The event may only operate between 7:00am and 10:00pm (except for the purposes of the Anzac Day dawn service).*
4. *Where located on bushfire prone land, a bushfire emergency management and evacuation plan must be prepared in accordance with NSW RFS Guidelines and consider the need for appropriate bush fire protection measures. A copy of the emergency management and evacuation plan must be provided to the local fire service and Council.*
5. *Events shall not be held on days with an extreme or catastrophic bush fire danger rating in the local area.*
6. *The event must not include camping on the site.*
7. *Must maintain safe pedestrian access and emergency vehicle access and egress.*
8. *Must not include the erection of a permanent structure on the land.*
9. *Must not include the clearing or disturbance of vegetation.*

Gledswood

The submission requests the local heritage curtilage that applies to Gledswood under Camden LEP 2010 be amended to apply to part of Lot 1203 (currently all of Lot 1203 is included in the curtilage). The submission notes that Council resolved, on 14 February 2017, to request OEH to retain part of Lot 1203 within the state heritage curtilage.

The submission requests amendments to the Camden LEP 2010 height of buildings map and lot size map to make these consistent with the suggested amendments to the heritage map.

The submission also requests the LEP Schedule 5 be amended to reflect 'local' heritage significance, as opposed to state heritage significance.

Officer Response:

Figure 1 below provides a comparison of the local heritage curtilage that applies to Gledswood under Camden LEP 2010 and the OEH state heritage curtilage.



On 14 February 2017, Council resolved to make a submission to OEH requesting that part of Lot 1203 be retained in the state heritage curtilage. This was not supported by OEH and the amended state heritage curtilage was gazetted on 30 August 2017.

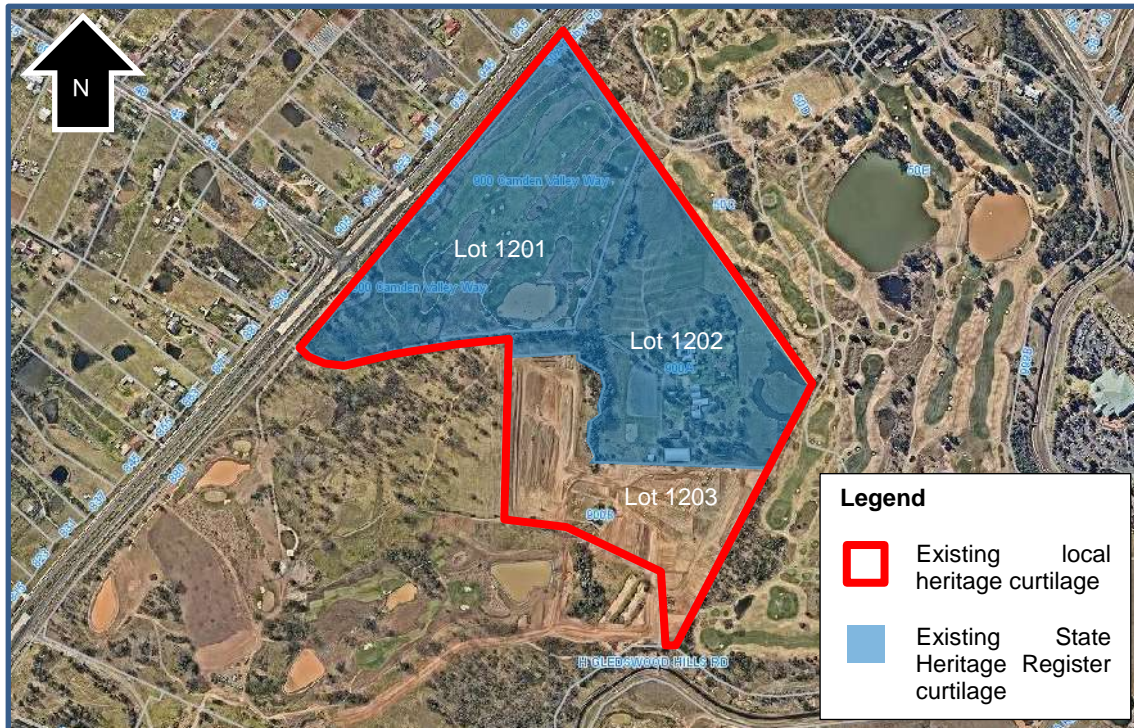


Figure 1: Gledswood state heritage curtilage and local heritage curtilage (Camden LEP 2010)

The amendments sought to the local heritage curtilage would be consistent with Council's previous resolution and the Gledswood Conservation Management Plan (CMP) shown in **Figure 2**. This would prevent complying development under the State Environmental Planning Policy (Exempt and Complying Codes) 2008 (known as the Codes SEPP) from occurring on the 'L shaped development area' in **Figure 2**.

Under the Codes SEPP, development with a maximum height of buildings of 8.5m is possible. The 'L shaped development area' is intended to have a maximum height of buildings of 7m. Also under the Codes SEPP, there is no requirement to use specific materials and colours, which is a requirement of the CMP.

Amendments would also be required to the Camden LEP height of buildings map and lot size map to make these maps consistent with the revised heritage curtilage map and the CMP.

Officers support the further amendment of LEP Schedule 5 to list the state heritage curtilage and local heritage curtilage that would apply to Gledswood. The current and proposed heritage curtilage maps are shown in **Figures 3 and 4**.

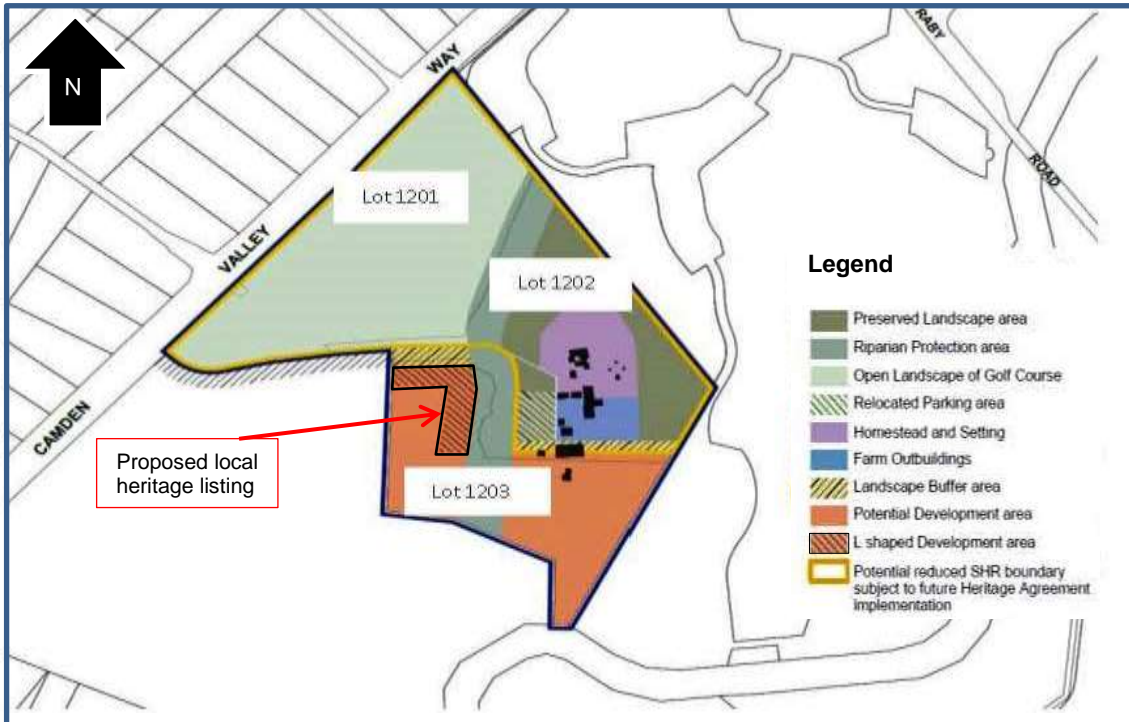


Figure 2: Extract from Gledswood Conservation Management Plan

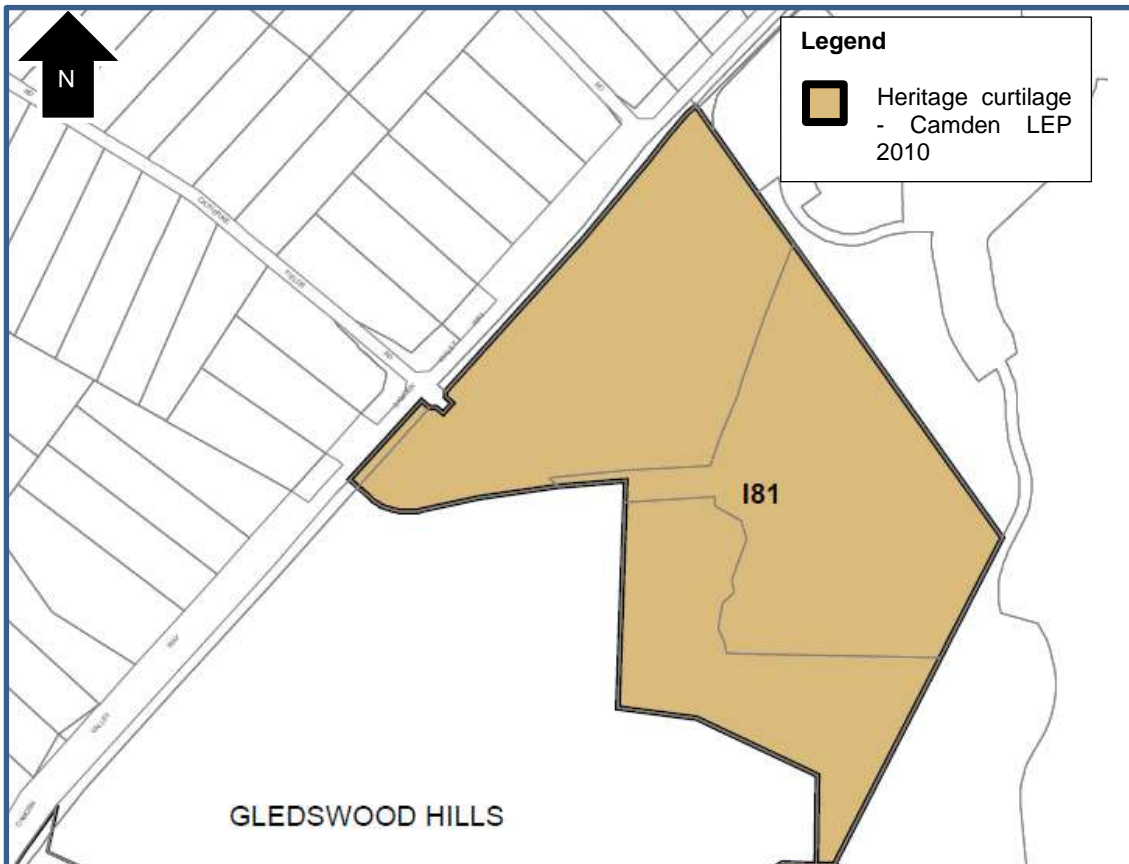


Figure 3: Existing heritage map – Camden LEP 2010



Figure 4: Proposed heritage map

Amendments made post first exhibition

Amendment

The draft Planning Proposal intends to make secondary dwellings permissible with consent in the R2 Low Density Residential zone. Secondary dwellings are already permissible via the Affordable Rental Housing State Environmental Planning Policy (Affordable Rental Housing SEPP). In addition to making secondary dwellings permissible, it is proposed to include a minimum lot size control.

Officer Response:

The inclusion of a minimum lot size of 450m² for secondary dwellings in Camden LEP 2010 is consistent with the secondary dwelling minimum lot size control in the Growth Centres SEPP and the Affordable Rental Housing SEPP. The draft Planning Proposal has been amended to include a minimum lot size for secondary dwellings of 450m².

Amendment

Bus shelter advertising is proposed to be nominated as exempt development in the LEP. Bus shelters are located within the road reserve which means their approval requires Council agreement.

Officer Response:

Commercial advertising signage on bus shelters is not exempt development and requires a development application. Additionally, clause 10 of State Environmental

Planning Policy No 64 – Advertising and Signage, prohibits advertising signage in a number of land use zones including residential and open space zones.

The draft Planning Proposal is proposed to be amended to nominate advertising signage on bus shelters (and taxi rank shelter signs) as exempt development, subject to compliance with the following development standards:

- Must be located on land owned or managed by Council;
- Council approval must be obtained for the shelter and advertising signage;
- Must not extend beyond the perimeter of the shelter;
- Only one advertising panel per shelter that may comprise an advertisement on two sides;
- Must not contain flashing or neon signage;
- Must not obstruct pedestrian paths of travel; and
- Must not obstruct the line of sight of vehicular traffic.

Planning Proposal Amendments

A summary of the key amendments made to the draft Planning Proposal include:

- Draft clause 7.2 (Airspace operations) has been amended to address concerns raised by the aviation public authorities;
- The draft exempt development clause for events has been amended to address the concerns raised by the RFS. The draft clause has also been amended to include ABG land, subject to a number of restrictions being met;
- The local heritage curtilage that applies to Gledswood is proposed to be amended to apply to part of Lot 1203 and related changes to the height of buildings and lot size maps;
- Two residential lots and one rural lot that form part of the ABG site are proposed to be rezoned to SP1 Special Activities. This amendment will result in changes to the zoning, height of buildings and lot size maps;
- A minimum lot size of 450m² for secondary dwellings has been included; and
- Advertising signage on bus shelters (and taxi rank shelter signs) is nominated as exempt development, subject to compliance with a number of development standards.

Way forward

Subject to Council endorsement to proceed with the proposed amendments to the draft Planning Proposal, it will be forwarded to the DPE for finalisation.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The Phase 1 Minor Amendments Planning Proposal seeks to address matters which are of an administrative or low-impact nature with the aim to improve the overall operation and accuracy of the LEP.

As a result of the public exhibition process, Council received 7 submissions, including 3 public authority submissions and 4 community submissions. The draft Planning Proposal has been amended to address the submissions received.



Subject to Council's endorsement, the amended draft Planning Proposal will be forwarded to the DPE requesting the plan to be made.

RECOMMENDED

That Council:

- i. adopt the draft Planning Proposal (as amended);**
- ii. submit the draft Planning Proposal to the Department of Planning and Environment requesting the plan to be made; and**
- iii. write to submitters to notify them of Council's decision.**

ATTACHMENTS

1. Draft Final Planning Proposal 7 dec 17 UPDATED
2. Council report & resolution 12 July 2016
3. Gateway determination LEP Review
4. Comprehensive LEP Review Phase 1 – Submissions Response Table 6/12/17
5. Submissions LEP Review updated 7/12/17 - *Supporting Document*



ORDINARY COUNCIL

ORD10

SUBJECT: DRAFT GREATER SYDNEY REGIONAL PLAN AND DRAFT WESTERN CITY DISTRICT PLAN

FROM: Director Planning & Environment

TRIM #: 17/352781

PREVIOUS ITEMS: ORD02 - Draft South West District Plan and draft amendment to A Plan for Growing Sydney. - Ordinary Council - 28 Mar 2017 6.00pm

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exhibition of the Greater Sydney Commission's draft Greater Sydney Region Plan and draft Western City District Plan, and to seek Council's endorsement of a submission providing comment on the draft Plans. A copy of the draft submission is **provided as an attachment to this report**.

A copy of the exhibition package can be viewed on Council's website.

BACKGROUND

At its meeting of 28 March 2017, Council considered a report on the Greater Sydney Commission's (GSC) draft South West District Plan, and endorsed a submission providing comment on the draft Plan. A copy of the previous report to Council and Council's submission on this matter is **provided as an attachment to this report**.

In September 2017, the NSW Minister for Planning announced that the West and South West Districts had merged to facilitate planning and advocacy around the Western Sydney Airport, creating the Western City District. The Western City District includes Camden, Blue Mountains, Campbelltown, Fairfield, Hawkesbury, Liverpool, Penrith and Wollondilly Local Government Areas, and reflects the boundary of the Western City Deal currently being negotiated.

A new draft District Plan has been prepared for the Western City District, and is currently being exhibited with the new draft Greater Sydney Region Plan until 15 December 2017. The Plans respond to feedback from the previous public exhibition and are aligned with the NSW Government's *Future Transport Strategy 2056*.

Together these documents are intended to provide a coordinated strategy to align land use planning with future transport services and infrastructure over the next 40 years across the Greater Sydney Region.

Councillors were briefed on the Draft Region Plan and Draft District Plan on 21 November 2017.

Draft Greater Sydney Region Plan

The Draft Region Plan is a strategic land use plan with a 40 year vision and 20 year plan for the Sydney Metropolitan Area, built on a vision of a "30-minute city" where people within Greater Sydney live within 30 minutes of their jobs, health and education facilities, services and great places.



The needs of a growing and changing population will be met by transforming Greater Sydney into a metropolis of three cities – the Western Parkland City (in and around the Western Sydney Airport), the Central River City (Parramatta) and the Eastern Harbour City (Sydney CBD).

The Draft Region Plan has been developed following a review of the current region plan applying to the Greater Sydney Region, *A Plan for Growing Sydney*.

Draft Western City District Plan

While the draft Region Plan presents the overarching vision and strategy for Greater Sydney, it will be implemented at a local and district level through District Plans.

District Plans propose priorities and actions that will influence how different levels of Government plan within their respective district, and how public and private investment decisions are made. For local government, the District Plans will:

- Inform the preparation and review of Local Environmental Plans (LEPs);
- Inform the consideration of planning proposals;
- Guide strategic land use, transport and infrastructure planning across local government areas; and
- Inform infrastructure planning.

The Draft Western City District Plan (draft District Plan) is a 20-year plan to manage growth in the context of the Western Parkland City, leveraging off the Western Sydney Airport and Badgerys Creek Aerotropolis which is envisaged to transform the District and bring infrastructure, businesses and knowledge-intensive local jobs to residents.

Council's previous submission

Council's previous submission to the then draft South West District Plan broadly supported the vision of the draft Plan, however identified issues related to the ability to implement the vision within the current planning system, and the lack of consideration of key infrastructure to support the projected growth. Council presented a number of recommendations to be considered by the GSC in finalising the draft Plan. The ways in which Council's previous recommendations have been addressed in the revised Draft District Plan are summarised below:

Recommendation 1:

That the NSW Government commit to a holistic and comprehensive review of the development contributions framework, with particular regard to the \$30,000 cap on contributions in greenfield release areas, and the definition of essential infrastructure, within twelve months of the finalisation of the District Plan.

Current District Plan:

DPE announced in July 2017 that the cap would be incrementally increased, and eventually removed altogether by 2020, where a contributions plan has been approved by IPART.

Recommendation 2:

Require all policy changes to the NSW planning framework to be approved by the GSC as being consistent with District Plans.



Current District Plan:

Action included which would see the GSC peer review all key planning and infrastructure plans as being consistent with the District Plans. Draft submission recommends this be strengthened to require review and approval by the GSC.

Recommendation 3:

The role of larger “local centres” such as Oran Park and Camden be investigated and clarified through the development of a centres framework

Current District Plan:

The draft Plans provide more detail as to how “local centres” have been classified- mostly they are considered supermarket based centres. The responsibility for developing a hierarchy of local centres sits with Council.

Recommendation 4:

The GSC, Council and OEH develop and investigate a regional strategy for the South Creek catchment including development of a funding framework for acquisition and long term management, and investigate recreational opportunities associated with the development of land within and adjacent to the South Creek corridor.

Current District Plan:

This recommendation is partly addressed through the South Creek Corridor Plan, however funding responsibilities are unclear.

MAIN REPORT

A review of the draft Region Plan and the draft District Plan has been undertaken and Council officers have prepared a draft submission.

Council officers have identified three key policy changes from the previous draft South West District Plan to the current draft Western City District Plan focused on aligning growth with infrastructure, providing a clearer vision for the South Creek corridor, and investigating office space within industrial areas.

Whilst the overall vision for the Western Parkland City is broadly supported, the following key issues have been identified:

- The new draft District Plan should better reflect Camden’s identity and history;
- The success of the Western City relies heavily on the Western Sydney Airport /Aerotropolis. There is a need to ensure that the District Plan identifies other economic development opportunities;
- The delivery of the Western Parkland City requires a commitment to the delivery of quality open spaces;
- The vision of a coordinated and vibrant Western City will not be achieved without early commitment to key infrastructure projects such as north-south rail;
- Camden’s valued rural land must be protected by identifying the ‘urban edge’ for future development;
- Social and cultural infrastructure gaps need to be better addressed and alternate funding mechanisms explored;



-
- The draft District Plan should explore opportunities for additional health and tertiary education facilities within the South West Priority Growth Area (SWPGA);
 - Existing and emerging centres must be strengthened and industrial land retained and expanded; and
 - There is a need for incremental housing supply targets, by LGA, at a minimum 5-year increment as agreed by local Councils. Local housing strategies should inform targets.

The key issues are discussed in the draft submission. A summary of the submission including officer recommendations is provided below.

Summary of draft Submission

1. Infrastructure and Collaboration

Growth Infrastructure Compact

The draft District Plan outlines methods for aligning locations for future growth with the availability of infrastructure, known as a “growth infrastructure compact”.

The draft submission identifies the need for the District Plan to establish a framework for identifying and prioritising infrastructure using this approach, and raises concern that this approach does not adequately address areas where growth is currently occurring.

Recommendations

- That the NSW Government ensure that all precinct release areas have an approved servicing and staging strategy for key infrastructure that responds to future densities.
- That the District Plan further clarify how the growth infrastructure compact will be used to determine locations for future growth.
- That the NSW Government investigates the establishment of an infrastructure coordination authority, which oversees the planning and delivery of essential infrastructure within the identified growth areas and priority precincts.
- That the GSC pilot a growth infrastructure compact within the SWPGA.

Funding Infrastructure

The draft submission raises concerns around the ability of the District Plan to deliver on key promises under the current development contributions funding framework and recommends further review of the framework, including funding mechanisms for the provision of community and open space infrastructure.

Recommendations

- That the NSW Government commit to a further review of the development contributions framework, including the definition of non-essential infrastructure.

-
- That the NSW Government further investigates additional funding mechanisms, including 'value capture' and prepare an implementation framework with input from local government and the development industry.

Working through Collaboration

The draft submission raises concerns around the inconsistency between the aims and objectives of the draft District Plan and other plans, policies and strategies. The ability to implement the District Plan relies on all levels of government and policy working consistently together.

The draft submission seeks clarity on the legislative and working relationship between the GSC, the Department of Planning and Environment (DPE) and other State Government agencies, and recommends that the GSC review and approve all key land use and infrastructure policy and plans prepared by the DPE to ensure consistency with the District and Region Plan.

Recommendations

- That the NSW Government and GSC clarify the legislative relationship between the GSC, District Plans and Growth Centres SEPP, and the precinct planning process.
- That the review of the Structure Plan for the SWPGA reflect the draft Region and District Plan, as well as the precinct planning that has occurred in the SWPGA and the key infrastructure required to support development in the SWPGA.
- That Action 13 the draft Region Plan requiring the GSC to peer review all key land use and infrastructure plans be implemented within 12 months of finalising the Plan, and expanded to require key land use and infrastructure policy and plans prepared by the DPE to be approved by the GSC.

2. Liveability

Health and Education

The draft submission identifies that, outside the major metropolitan clusters of Liverpool, Penrith and Campbelltown/Macarthur, there is a lack of provision of health and education facilities to support the projected population growth. The draft submission highlights the importance of a greater university and tertiary education presence within the SWPGA, and recommends further investigations into tertiary education and major healthcare facilities outside the regional centres to support population growth within the priority growth areas.

Recommendations

- That the draft District Plan include the identified TAFE campus at the Leppington Town Centre.
- That the GSC explore innovative opportunities for additional tertiary education facilities within the SWPGA, including a new university campus.
- The planning for a new medical precinct, including an additional public hospital, in the SWPGA is identified as a priority in the District Plan.
- The GSC and Department of Health to commit to developing an integrated strategic framework for the delivery of health infrastructure.



Social Infrastructure Gaps

The draft submission highlights the disadvantage of the Western City District with regards to access to key human services. The submission recommends an increased focus on the provision of services such as community health, aged care services and youth services, and not just built infrastructure.

Recommendations

- The District Plan to require a study on the regional social infrastructure gaps within 12 months of the finalisation of the District Plan.
- The District Plan to require a commitment from the NSW Government to provide and fund early services to new communities, with key agencies as partners in delivery.

Housing

The draft District Plan calls for councils to prepare local housing strategies to meet five and ten year housing targets and identify capacity to contribute to a rolling program to deliver the 20 year district supply. The draft submission identifies a number of administrative issues for Council in administering this, and instead recommends that the plan provides incremental housing supply targets that are informed by a local housing strategy.

The draft submission also seeks further clarity on the delivery of affordable rental housing targets within greenfield development, and the impact this will have on development contributions planning.

Recommendations

- Amend the draft District Plan to include incremental housing targets by LGA, informed by a local housing strategy.
- The GSC to consult with councils to better understand the practicalities of implementing the affordable rental housing targets in greenfield areas.
- The GSC to consider the impact of the affordable rental housing targets on development contributions planning.

3. Productivity

Integrating Land Use and Infrastructure

The draft submission highlights that the vision of a coordinated and vibrant Western City District will not be achieved without early commitment to timeframes for major transport corridor preservation and acquisition, and the construction of strategic road and rail infrastructure.

Recommendations

- The NSW Government commit to timeframes for corridor preservation/acquisition and the future construction of:
 - North-south rail link in the Western City (i.e. Western Sydney Airport/ Badgerys Creek Aerotropolis to Campbelltown-Macarthur, via Oran Park and Narellan)
 - The Outer Sydney Orbital; and
 - Leppington Western Sydney Airport- Badgerys Creek Aerotropolis train link



-
- The NSW Government work collaboratively with the GSC and Camden Council to identify and prioritise additional transport connections to support the rapidly growing population in the SWPGA.
 - The Western City District Structure Plan (page 8) of the draft District Plan be amended to align with the Region Plan by identifying the Outer Sydney Orbital as a 'visionary road'.

Industry Sector Strategies

The previous draft South West District Plan included an action identifying the need to develop an Economic Development Strategy for the Western City. The current draft District Plan contains no reference to this strategy, however outlines a number of initiatives currently being undertaken by the NSW Government, mostly targeted towards specific industries.

The draft submission highlights the importance of investigating additional economic development opportunities outside of the Western Sydney Aerotropolis, including greater emphasis on Camden's historic assets and their contribution to the visitor economy, and expresses concern that the draft District Plan does not present this opportunity.

Recommendations

- The District Plan be amended to include reference to Camden's natural, historical and cultural assets and their contribution to the visitor economy of the Western City.
- Economic development opportunities to be informed by local economic development strategies to ensure local opportunities for investment are not lost in the context of the higher order employment lands surrounding the Western Sydney Airport.
- The NSW Government and the GSC to consult with councils, industry and business leaders prior to the preparation of industry sector strategies.

Industrial Land and Office Development

The draft District Plan proposes a strategy to consider office development in industrial zones where it does not compromise industrial activities in the Western City District, in order to grow and diversify local employment opportunities.

The draft submission raises concern over the potential for this approach to divert commercial and professional activity away from existing and future centres in the Western City, and the impact this would have on protecting industrial lands.

Recommendations

- The GSC and the DPE explore further initiatives to address the lack of stand-alone office precincts in existing and future centres within the Western City.
- Amend Action 49 of the draft District Plan requiring Council to "consider office development in industrial zones" to instead require Council to investigate office development in industrial zones as part of a centres hierarchy review, and require each Council to adopt a policy position on this matter.



Centres Hierarchy

The draft submission recommends that the GSC work with Council to develop a taskforce to investigate opportunities for emerging centres in the Western City. The draft submission also highlights the need for the District Plan to address the infrastructure required to accommodate the development of Narellan as a strategic centre, and highlights the challenges Council faces with regard to implementing a local centres hierarchy due to the extent of new centres located within the SWPGA.

Recommendations

- That the GSC work with Camden Council to establish a taskforce responsible for exploring opportunities within emerging centres.
- That planning for the Narellan Strategic Centre not commence ahead of commitments from the NSW Government to key infrastructure construction and upgrades that will support the growth of this centre.
- The extent of the Narellan Strategic Centre (identified on page 93 of the draft District Plan) be amended to remove Smeaton Grange Industrial Area.
- The DPE work with Camden Council to develop a local centres hierarchy, including future centres within the SWPGA, and identify mechanisms to maintain and support the local centres hierarchy.

4. Sustainability

Rural Lands

The draft District Plan manages the Metropolitan Rural Area by limiting urban development to land within the urban area. The draft submission recommends the 'urban edge' be identified within the District Plan and reflected within the Growth Centres SEPP, further protecting Camden's rural land.

Recommendations

- The GSC continues to protect Camden's valued rural lands and scenic and cultural landscapes.
- The District Plan identify the "urban edge" for the Camden LGA and that this boundary be reflected within the Growth Centres SEPP.
- All future urban development located within SWPGA, but adjoining rural land not identified for future urban development, be required to include transitional zoning to reduce land use conflict.
- GSC to consider Camden's Rural Lands Strategy and the findings of Camden's Rural Lands Study to inform any future investigations and Growth Centre precinct planning.

South Creek

The draft submission identifies the need to develop a funding framework for the long term acquisition and management of South Creek, as well as a strategic plan which identifies the range of opportunities for recreation and community facilities associated with the development of land within and adjacent to the South Creek corridor.

Recommendations

- The GSC to work with state agencies and councils to develop a funding framework for the long term acquisition and management of South Creek.
- The GSC, Council and landowners develop a strategic plan which identifies diverse opportunities for recreation and community facilities associated with the development of land within and adjacent to the South Creek corridor.

Delivering High Quality Open Space

The draft submission highlights that the vision for the Western Parkland City cannot be achieved without significant investment in new and improved public open spaces, as well as appropriate management of valuable natural assets such as the Nepean River, which links the Western City and offers significant opportunities for diverse liveability and environmental outcomes.

The draft submission highlights the importance of waterways in realising the parkland city vision, and recommends the District Plan be amended to indicate stronger commitment to investing in high quality open spaces, including the development of a district and regional level public open space strategy, and the establishment of a Nepean River Catchment group to manage activities associated with the river. The draft submission also recommends that strategies such as shared and co-located facilities be explored further with Council.

Recommendations

- The GSC to amend the District Plan to include the Nepean River as an investigation area to emphasise the Green Grid within the Western Parkland City.
- The GSC to amend the District Plan to indicate stronger commitment to investing in high quality public open spaces for the Western Parkland City.
- The GSC commit to working with Councils to develop a district and regional level public open space strategy and explore alternate funding mechanisms.
- The GSC and Department of Education to work with councils to better understand the barriers to the implementation of co-located sport and recreational facilities in greenfield areas.
- The GSC to commit to setting up a Nepean River Catchment group to address the accessibility and improvement of the Nepean River and to explore alternate funding mechanisms.
- The GSC to review the existing proposal and undertake additional work to identify the viability of increasing tree canopy cover in the context of small lot development.
- The NSW Government review existing policy (e.g. Codes SEPP and draft Greenfield SEPP) to support increased tree canopy cover on private land.

Energy Efficient Housing

The draft submission notes that designing energy efficient homes will reduce emissions as well as household energy and water costs, and recommends that the GSC work



with councils and relevant agencies to achieve more sustainable and affordable residential housing.

Recommendations

- The GSC work with councils and state agencies to identify and review existing and new mechanisms to achieve more sustainable housing without impacting on affordability.

5. Implementation and Monitoring

In undertaking strategic planning processes, planning authorities such as Council must give effect to the draft District Plan, specifically the priorities and actions. The draft District Plan includes a planning hierarchy outlining the roles of planning authorities in giving effect to the draft District Plan. This diagram appears to suggest that State Environmental Planning Policies (SEPPs) sit above the Draft Region and District Plan in the planning hierarchy.

The draft submission outlines that in order for the vision to be implemented and monitored, it is vital that the draft Region and District Plans inform all planning and infrastructure plans, including SEPPs. The draft submission also highlights the need for actions that are tangible, with responsibilities and timeframes clearly identified. The relationship between the draft District Plan and Council's Community Strategic Plan must also be clarified to ensure that the actions are consistent with community expectations.

Recommendations

- The planning hierarchy be amended to require SEPPs to be consistent with the Region and District Plans.
- GSC to provide clarification of the relationship between the draft District Plan and Council's Community Strategic Plan, and to what extent Council will need to ensure that the CSP is consistent with the District Plan.
- The District Plan include a detailed 'Action Plan' identifying which agency will undertake each action, and outline timeframes and the correlation between other strategic documents.
- GSC to review all actions to ensure they are tangible and that the appropriate stakeholders are identified.

FINANCIAL IMPLICATIONS

There are no direct financial implications for Council as a result of this report, however achieving the objectives of the Plan may result in resourcing implications for Council.

CONCLUSION

The GSC is exhibiting the Draft Greater Sydney Region Plan and the Draft Western City District Plan until 15 December 2017. The draft Region and District Plans offer a coordinated strategy to align land use planning with future transport services and infrastructure over the next 40 years across the Greater Sydney Region.

Council officers have reviewed the draft Region and District Plans and broadly support the overall vision, priorities and actions for the Western City District. However the draft



submission raises concerns that this vision will not be realised without early commitment to key infrastructure and greater investment in the viability of centres and to the delivery of quality open spaces.

It is recommended that the GSC continue to work with Council to further investigate these issues prior to finalising the draft Region and District Plans and that consultation with Council and the community continue throughout the process.

RECOMMENDED

That Council:

- i. endorse the attached draft submission to be forwarded to the Greater Sydney Commission;**
- ii. forward the submission to the Greater Sydney Commission and the Department of Planning and Environment; and**
- iii. forward a copy of the submission to Mr Chris Patterson MP, State Member for Camden.**

ATTACHMENTS

1. Updated Draft Submission to Region Plan & Draft Western City District Plan
6/12/17
2. Council Report & Submission 28 March 2017



ORDINARY COUNCIL

ORD11

SUBJECT: DELEGATIONS TO THE MAYOR - CHRISTMAS/NEW YEAR PERIOD
FROM: Director Customer & Corporate Strategy
TRIM #: 17/358656

PURPOSE OF REPORT

The purpose of this report is to request that Council delegate authority to the Mayor (and the Deputy Mayor in the absence of the Mayor) during the Christmas/New Year period.

BACKGROUND

In line with past practice, it is proposed to grant a delegation to the Mayor (and the Deputy Mayor in the absence of the Mayor) to make decisions during the recess period.

MAIN REPORT

Council will be in recess from 13 December 2017 until 13 February 2018 (the recess period). During the recess period, it may be necessary to approve development applications or other urgent matters requiring a decision which may not fall within the delegations granted to staff, for example, development applications of a contentious nature or where objections have been received.

The *Local Government Act 1993* (the Act) allows Council to delegate functions under section 377 of the Act and, in addition, authority is also provided to the Mayor under section 226 of the Act, to exercise functions between meetings. It is Council's normal practice, to delegate authority to the Mayor (and the Deputy Mayor in the absence of the Mayor) during the recess period to approve development applications or other urgent matters. In this way, authority is provided to exercise the development approval function and allow Council to fulfil its statutory obligations between meetings.

This delegation would only be exercised in matters of urgency. In the event of an issue of significant magnitude and impact arising, a special Council Meeting will be convened.

A report outlining any exercise of this delegation will be provided to the Ordinary Council Meeting of 13 February 2018.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

Council is requested to delegate authority to the Mayor (and Deputy Mayor in the absence of the Mayor) for approval of development applications or other urgent matters during the recess period of 13 December 2017 to 13 February 2018 as provided under sections 226 and 377 of the Act.



RECOMMENDED

That Council:

- i. delegate authority to the Mayor (and Deputy Mayor in the absence of the Mayor) for the approval of development applications or other urgent matters, during the period 13 December 2017 to 13 February 2018 as provided under sections 226 and 377 of the Local Government Act 1993; and**
- ii. be informed as to the use of such delegated authority by report to the Ordinary Council Meeting of 13 February 2018.**



ORDINARY COUNCIL

ORD12

SUBJECT: PCYC - CAMDEN
FROM: Director Sport, Community and Recreation
TRIM #: 17/355777

PURPOSE OF REPORT

The purpose of this report is to advise Council of the Police Citizens Youth Club's (PCYC) request to rescind their decision to be part of the Participation Agreement with Camden Council to deliver a PCYC in Kirkham Park, Elderslie. This report also seeks endorsement to reallocate funding identified for the PCYC to projects that will provide other activities for the young people of Camden.

BACKGROUND

On 11 March 2014, Council resolved to confirm Kirkham Park Oval, Elderslie as the preferred site for the construction of a PCYC facility. It was also resolved to enter into a participation agreement with PCYC deliver this facility.

Council had allocated \$2.1 million dollars from Section 94 contributions from the Camden Contributions Plan, for the development of stage one.

Subsequent to both PCYC and Camden Council signing the Participation Agreement, PCYC have undertaken a review of their preferred facility model for the provision of programs. The staged approach for the delivery of a PCYC at Kirkham Park no longer fits within the PCYC preferred model.

Council officers have provided alternative options for the delivery of this project however PCYC has advised that they too do not meet the newly developed criteria for a facility model, as outlined by PCYC.

A Councillor briefing was held on 28 November, 2017 in relation to this matter.

MAIN REPORT

As a result of the changes to the PCYC facility modelling, the Chief Executive Officer has written to Council advising that Kirkham Park does not fulfil their requirements for sustainable youth engagement therefore, PCYC is unwilling to proceed at this location. PCYC have also rejected alternatives proposed by Council officers.

It is therefore recommended that the funding of \$2.1m, Council had previously allocated from Section 94 from within the Camden Contributions Plan for a PCYC facility, be redirected to the Fergusons Land Cricket project and the Macarthur BMX project. These projects will provide alternative activities for the young people of Camden.



Both Fergusons Land Cricket project and the Macarthur BMX project have been endorsed by Council and form part of the 2017 to 2020 budget periods:

1. Ferguson's Land Cricket facility – total project allocation of \$3,354,000
2. Macarthur BMX – total project allocation of \$674,000

These facilities will complement the suite of major sporting and recreational pursuits that have been either recently completed, or planned for, by Camden Council as listed below:

Completed

- The award winning Birriwa Youth Space, Mount Annan
- Narellan Sports Hub Stage One, Narellan
- Mount Annan Leisure Centre redevelopment project, Mount Annan

Planned

- Sedgewick Reserve Youth Space, Currans Hill – in design and due for delivery in late 2018
- Harrington Park Lake Youth Space, Harrington Park – in design and due for delivery in late 2018
- Curry Reserve Water Play Park, Elderslie – in design and due for delivery in late 2018
- Julia Reserve Youth Centre and skate park, Oran Park – planning and design phase
- Water Play Park, Oran Park – planning and design phase
- Synthetic Football Field – planning phase
- Fergusons Land Cricket facility – planning and design phase
- Macarthur BMX expansion project – planning and design phase

Camden Council is currently partnering with Cricket NSW and Macarthur BMX to deliver facilities to address the needs of their respective growing sports.

Fergusons Land Cricket Project

Fergusons Land is a site that has been identified by Council for the delivery of a new cricket facility, in the sport of cricket and will address the expansion of cricket within the south west region, in particular the Camden local government area.

It is proposed to deliver three cricket ovals, amenities and parking at Fergusons Land in a staged approach. This facility will focus on the development of excellence in sport by providing opportunities for elite sports people. The facility will also provide for increased participation in cricket, in particular for females.

It is recommended to allocate an additional \$1.1m to this project, increasing the allocation of funding for stage one to \$4,454,000.

The Fergusons Land Cricket Project is eligible to receive funding from Section 94 contributions from within the Camden Contributions Plan.



Macarthur BMX

Macarthur BMX has provided Camden Council with a plan to expand their sport at Kirkham Park. The proposal considers an increased track size with ancillary uses that would attract state and national events to Kirkham Park, providing alternative sporting and recreational pursuits for the young people of Camden.

It is recommended to allocate an additional \$1m to this project, increasing the allocation of funding to \$1,674,000.

The Macarthur BMX project is also eligible to receive funding from Section 94 contributions from within the Camden Contributions Plan.

Both the Fergusons Land Cricket and the Macarthur BMX projects are consistent with recommendations contained within the Camden Recreation Demand Study 2014.

FINANCIAL IMPLICATIONS

To support the development of Fergusons Land and Kirkham Park BMX it is proposed that the previous allocation of \$2.1m of Section 94 funds from within the Camden Contributions Plan for the PCYC at Kirkham Park be reallocated to the following projects:

1. Fergusons Land Cricket facility - \$1.1 million increasing the Council allocation for this project to \$4,454,000
2. Kirkham Park BMX expansion project - \$1 million increasing the Council allocation for this project to \$1,674,000.

CONCLUSION

Camden Council has allocated \$2.1 million of Section 94 funds from within the Camden Contributions Plan to the development of the PCYC project.

The Chief Executive Officer of PCYC has written to Camden advising that Kirkham Park does not fulfil their requirements for sustainable youth engagement therefore PCYC is unwilling to proceed at this location. PCYC have also rejected alternative options proposed by Council officers.

It is therefore recommended that Council reallocate the \$2.1m to the following projects that are both eligible to receive Section 94 funding from the Camden Contributions Plan:

1. Fergusons Land Cricket facility - \$1.1 million increasing the Council allocation for this project to \$4,454,000
2. Kirkham Park BMX expansion project - \$1 million increasing the Council allocation for this project to \$1,674,000.

The development of these facilities is consistent with recommendations contained within the Camden Recreation Demand Study 2014.



RECOMMENDED

That Council:

- i. note PCYC's formal advice not to proceed with the development of a PCYC facility at Kirkham Park; and**
- ii. endorse the re-allocation of \$2.1 million in Section 94 funding from the Camden Contributions Plan to the Fergusons Land Cricket project (\$1.1mil) and Kirkham Park BMX expansion project (\$1mil) as identified in this report.**

ATTACHMENTS

1. Attachment - Fergusons Land Cricket Project - Spatial Plan
2. Attachment - Macarthur BMX Expansion Project - Overlay
3. Attachment - Letter from PCYC



ORDINARY COUNCIL

ORD13

SUBJECT: COMMUNITY SPONSORSHIP PROGRAM JANUARY TO JUNE 2018
FROM: Director Sport, Community and Recreation
TRIM #: 17/342015

PURPOSE OF REPORT

This report seeks Council's endorsement of the recommended sponsorship allocation requests received for this round, both monetary and in-kind, by the Sponsorship Allocation Committee as outlined in the Community Sponsorship Program.

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 and are 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 12 applications were received. Each application was assessed against the Program guidelines and criteria, with consideration given to the social and economic benefit for the local community, level of appeal and demonstrated need for funding.

After assessment against the guidelines and criteria, eight applications have been recommended for monetary and/or in-kind support under the sponsorship program.

Information in relation to the following applications for sponsorship has been provided previously to Councillors.

The following eight 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	ANZAC Day Service (Late Application)	\$8,000 (an additional \$2000 to be allocated from an existing budget)	Nil
3	Camden Meals on Wheels (Centenarian Luncheon)	\$2,000	Nil
4	Camden Show 2018	\$9,000	\$6,000
5	NSW BMX State Titles (Pre events)	\$1,000	\$296
6	Macarthur Lions ANZAC Fun Run	\$4,000	Nil
7	St Pauls Fete	Nil	\$645
8	The Argyle Affair	Nil	\$882.30
Total		\$29,000	\$7,823.30
Total of both In-Kind and Monetary		\$36,823.30	

The additional four applications received were not recommended for sponsorship. A detailed spreadsheet outlining the Community Sponsorship Program requests and recommended allocations is **attached** for your information.

FINANCIAL IMPLICATIONS

The total recommended sponsorship, both monetary and in-kind, is \$36,823.30 (GST exclusive). A comprehensive breakdown of the amounts recommended can be found within the **attached** spreadsheet.

The total budget allocation for Community Sponsorship, as per the 2017/18 budget, is \$67,900. This budget covers two funding rounds each year.

The balance (after funding events in round one, including four late applications) of the Community Sponsorship budget is \$13,681. Officers are recommending sponsorship that will require additional funding of \$23,142.30. It is recommended that the shortfall funding be allocated as part of the December quarterly review process, 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 8, totalling \$36,823.30 (GST exclusive) (comprising \$29,000 cash and \$7,823.30 in-kind) as recommended by the Sponsorship Allocation Committee in this report, funded from the 2017/2018 Community Sponsorship budget allocation; and**
- ii. allocate \$23,142.30 from the December quarterly review to provide additional sponsorship funding; and**
- iii. write to each applicant advising them of the outcome and thanking them for their participation in the program.**

ATTACHMENTS

- 1. Attachment - Community Sponsorship Program Summary 2018**



ORDINARY COUNCIL

ORD14

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - DEFIBRILLATOR UNITS AT SPORTING FIELDS AND COMPLEXES

FROM: Cr C Cagney

TRIM #: 17/385880

"I, Councillor C Cagney hereby give notice of my intention to move the following at the Council Meeting of 12 December 2017:

1. Council staff investigate possible external funding opportunities that would enable Council to ensure that defibrillator units were fitted on site at each of Council's sporting fields/complexes and that a report be brought back to Council in February 2018.
2. Council staff source information on community or city based programs that have reduced fatality numbers due to sudden heart failure through the use of defibrillator units, and that the information be made available in a Councillor workshop for discussion, during March/April 2018."

RECOMMENDED

That Council staff:

- i. **investigate possible external funding opportunities that would enable Council to ensure that defibrillator units were fitted on site at each of Council's sporting fields/complexes and that a report be brought back to Council in February 2018.**
- ii. **source information on community or city based programs that have reduced fatality numbers due to sudden heart failure through the use of defibrillator units, and that the information be made available in a Councillor workshop for discussion, during March/April 2018.**