



Camden Council

Business Paper

Ordinary Council Meeting
14 November 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

Director Planning and Environment
Nicole Magurren

Manager Governance and Risk
Charles Weber

Chief Financial Officer
Paul Rofe

Director Community Assets
Vince Capaldi

Director Sport Community and
Recreation
Sandra Kubecka

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Ashleigh Cagney

Councillor
Theresa Fedeli

Councillor
Eva Campbell

Councillor
Peter Sidgreaves

Councillor
Paul Farrow

Councillor
Michael Morrison

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 Local Traffic Committee Meeting of 17 October 2017 and Minutes of the Ordinary Council Meeting held 24 October 2017.

RECOMMENDED

That the Minutes of the Local Traffic Committee Meeting of 17 October 2017 and Minutes of the Ordinary Council Meeting held 24 October 2017, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - CAMDEN COUNCIL WINS CUSTOMER SERVICE TEAM OF THE YEAR AWARD - 2017 NATIONAL LOCAL GOVERNMENT CUSTOMER SERVICE AWARDS

FROM: The Mayor

TRIM #: 17/354185

Each year Councils from across Australia come together for the National Local Government Customer Service Awards. The annual awards provide an opportunity for customer service teams and individuals within local government to be recognised for their commitment to providing high-quality customer service to their communities.

I am incredibly pleased to advise that at this year's gala awards dinner, held on Thursday 26 October 2017 in Newcastle, Camden Council was awarded first place in the Customer Service Team of the Year category and received a highly commended (runner-up) in the National Customer Service Excellence category.

The National Customer Service Excellence category is the pinnacle award which recognises the 'best of the best' for customer service excellence. It seeks to acknowledge Councils who have achieved outstanding results through key initiatives that demonstrate leadership and commitment to excellence in customer service.

The Customer Service Team of the Year award recognises outstanding teams who provide high-quality customer service through the delivery of outcomes sought by their council. The award acknowledges a team who demonstrates consistent teamwork, overachieves as a group and illustrates customer service best practice.

This is a well-deserved win and evidence that Camden's Customer Relations team is leading the way in providing high-quality customer service through strong teamwork.

The team manage around 80% of Council's interactions with the public, including over 100,000 phone calls in 2016/17, and regularly meet and exceed customer expectations.

For example, customer surveys conducted in 2016/17 found that 97.2% of customers' expectations were met or exceeded and a further 98.6% found the frontline staff friendly and helpful.

The Customer Relations team is truly committed to creating a positive customer experience. This is a direct result of Council's proactive approach to customer service, a top priority of the organisation, and continuous improvement of the service provided by Council.

I am very proud of how far we have come in the last 4 years and that Camden is now setting the benchmark for other councils when it comes to customer service. Our outstanding facilities, combined with hard-working staff, commitment to innovation and strong leadership, support our team in achieving customer service excellence.

I congratulate Council's staff and particularly the Customer Relations team on this outstanding achievement and thank them for their ongoing commitment to serving our community.

RECOMMENDED

That Council note the information.



ORDINARY COUNCIL

ORD01

SUBJECT: CONSTRUCTION OF A LONG DAY CHILD CARE CENTRE FOR 40 CHILDREN AGED 0 TO 5 YEARS WITH CAR PARKING, LANDSCAPING AND ASSOCIATED SITE WORKS - 37 DANVERS ROAD & 36 ROSECOMB ROAD, SPRING FARM

FROM: Director Planning & Environment
TRIM #: 17/253744

APPLICATION NO: DA 116/2017
PROPERTY ADDRESS: 37 Danvers Road and 36 Rosecomb Road, Spring Farm
APPLICANT: Ms Dilsat Karaoglu
OWNER: Mr F and Ms D Karaoglu

UPDATE TO 10 OCTOBER 2017 COUNCIL REPORT

The DA is referred to Council for determination following the deferral of this item at the meeting of 10 October 2017 for a Councillor site inspection.

The following additional information is provided in response to questions and issues raised at the Councillor site inspections.

Waste Collection

Waste will be stored onsite in a dedicated waste storage area located adjacent to the staff parking area. The waste storage area can accommodate 6 x 240 litre garbage or recycling bins.

Based on its size, the proposed development is expected to require 4 x 240 litre bins. Collection can occur from Pekin Street and will not require on-site collection. The proposed development would qualify for a commercial waste service, which can occur any day of the week.

An additional condition is recommended requiring the waste bins to be presented on Pekin Street on the day of collection.

Access and Traffic

The development provides an ingress driveway from Pekin Street and a separate egress driveway to Rosecomb Road.

Currently access to the site from Springs Road will be via Norfolk Boulevard which is a collector road and Danvers Road which is a local road. To return to Springs Road, access would be via Kale Road and then Norfolk Boulevard. However, once surrounding development is completed there will be alternative access routes to the site.

The Spring Farm Masterplan Street Network is provided as an attachment to this report.



Clause 7.5 of the Camden LEP requires consideration of the size and location of the child care facilities and this is reinforced by the controls in the DCP. Specifically, the DCP requires child care centres to be located on sites that exceed 1200m² and that do not have direct access from an existing or proposed classified road. The subject site complies with these requirements.

The site meets the 'site planning' criteria contained in the DCP, including the traffic related aspects such as road type and road width. In this regard, as identified in the attached traffic advice prepared on behalf of the applicant, the road width of 7.5m includes the width of the existing roll kerb.

The DA was accompanied by a traffic report and a further traffic advice submitted in response to issues raised during the notification period. Council's traffic officers are satisfied the development will not have a significant impact on the movement of traffic in the local road system.

Whilst the proposal is compliant, there is an opportunity for a designated 'hard stand area' to be constructed within the road reserve on the Pekin Street frontage of the site. This hard stand would provide a defined area within the road reserve for vehicles to park. It is recommended the hard stand area be 1m wide and constructed of a permeable concrete block material. These works will require the removal and replacement of the existing street trees. An additional condition is recommended to require these works to be undertaken by the applicant.

Car Parking

The Camden DCP (Part B5.1) requires one space per four children. Noting the childcare centre is proposed for 40 children, 10 car parking spaces are required. Thirteen car parking spaces are provided.

The applicant has advised that staff shifts are generally staggered throughout the day, with the centre at full staffing capacity between 10.30 am and 2.30 pm. Further, typically only two staff members would open and close the centre.

Based on this, an additional condition is recommended requiring car parking spaces Nos. 4 and 8 to be sign-posted to enable use by parents during the peak drop-off time between 7:00 am and 9:00 am and the peak pick-up time between 4:00 pm and 6:00 pm. This will provide seven on site spaces for parents during the peak pick up and drop off periods.

The 10 October 2017 Council report is provided below. No changes have been made to this report since it was reported on 10 October 2017.

The conditions have been amended to include the additional conditions noted above. **A copy of the amended conditions is attached.**

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a long day child care centre for 40 children aged 0 to 5 years with car parking, landscaping and associated works at 37 Danvers Road and 36 Rosecomb Road, Spring Farm.



The DA is referred to Council for determination as there remain unresolved issues raised in one submission with 20 signatures from 15 households in the locality, and 13 separate submissions from eight households.

SUMMARY OF RECOMMENDATION

That Council determine DA116/2017 for the construction of a long day child care centre for 40 children aged 0 to 5 years with car parking, landscaping and associated 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

DA116/2017 seeks approval for the construction of a long day child care centre for 40 children aged 0 to 5 years with car parking, landscaping and associated works. Specifically the proposed development involves:

- Construction of a single storey 40 place child care centre building containing three playrooms, kitchen, laundry, office, storage rooms and entry area;
- Provision of associated outdoor play areas;
- Car parking for 13 vehicles, including staff parking and pick up/drop off spaces and accessible parking, with vehicles accessing the site from Pekin Street and exiting to Rosecomb Road;
- The car parking area will be secured by gates on both entry and exit driveways to prevent unauthorised entry when the centre is not in operation;
- Acoustic fencing varying in height between 1.5m and 2.1m, provided along the western boundary adjacent to 34 Rosecomb Road, a section of the western boundary adjoining 35 Danvers Road and on the southern and eastern perimeter of the outdoor play area fronting Danvers Road and Pekin Street;
- Other acoustic treatments including acoustic absorption treatment to the underside of the external metal awnings over sections of the outdoor play area, acoustic absorption panels to ceilings and walls of the play rooms and glazing treatments to windows along the western elevation of the building;
- Associated landscaping and fencing;
- Proposed operating hours of 7.00am to 6.00pm Monday to Friday; and
- Employment of seven staff.

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 37 Danvers Road and 36 Rosecomb Road, Spring Farm and is legally described as Lot 5315 and 5314 DP1210459. The existing lots will be consolidated into one lot if the application proceeds.

The site (which is currently vacant) has a frontage of 21.17m (excluding the splay corner) to Danvers Road, a frontage of 52.0m to Pekin Street, a frontage of 12.49m (excluding the splay) to Rosecomb Road and a total site area of 1233.6m².

The immediate locality comprises a recently established subdivision characterised by single storey dwellings.

A residential subdivision has been approved immediately to the east fronting Pekin Street with construction underway. Further to the east are residue lots which will be the subject of future development.

To the north lies Narellan, to the east lies Mount Annan, to the south beyond the river lies the Wollondilly Shire Council area, and to the west lies Camden South.



KEY DEVELOPMENT STATISTICS

The development 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 2011

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height.	The proposed building has a maximum height of 4.545m.	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development.	The site is serviced by appropriate public utility infrastructure including water and sewer.	Yes
7.5 Child Care Centres	Child care centres being located on land with a minimum site area of 1200m ² and with a boundary that adjoins an existing or proposed classified road.	The subject site, once consolidated, has a total site area of 1,233.6m ² and does not adjoin an existing or proposed classified road.	Yes
	Ensure that child care centres do not adversely affect traffic and pedestrian safety due to increased traffic congestion.	The traffic report submitted with the DA demonstrates that traffic generated by the proposed development can be adequately accommodated within the local road system.	Yes

Camden Development Control Plan 2011

Control	Requirement	Provided	Comply
B1.4 Water Management	Reference must be made to Council's engineering specifications.	A concept stormwater plan has been provided which generally complies with Council's specifications. Conditions are recommended to ensure compliance with Council's engineering specifications.	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy.	An acoustic report was lodged with the DA which is satisfactory. See the 'Key Issues' section of this report for discussion.	Yes
B5.1 Off street car parking	One car parking space per four children.	40 children/ four = 10 spaces	Yes
	One of the car parking spaces shall be designed for people with a disability.	Thirteen car spaces have been provided on site inclusive of an accessible parking space.	
D5.1	Child care centres	The site has an area of	Yes



Control	Requirement	Provided	Comply
Child Care Centres – Site Planning	on residential zoned land must be located on a site with a minimum site area of 1200 m ² and have a 20m frontage measured at the building line.	1,233.6m ² and a width of 21.17m across the Danvers Road frontage.	
	All child care centres must be licensed by the NSW Department of Education and Communities (DEC).	A condition is recommended requiring a licence to be issued by DEC prior to the building being operational.	Yes
	Not permitted on a site with access to a road via a carriageway of less than 7.4m at any one point.	The site has access to local roads which have 7.5m carriageways.	Yes
	Child care centres not have a frontage to a cul-de-sac or no through road.	The site does not have a frontage to a cul-de-sac or no through road.	Yes
	Child care centres should be located where traffic control devices do not impede vehicular access into the site.	A traffic report was submitted with the DA to address vehicle movements. Council's traffic engineer reviewed the report and raises no objection.	Yes
	Child care centres should be located where children will not be adversely affected by land contamination, excessive noise or air pollution.	The proposed development is not located where children will be exposed to excessive contamination, noise or air pollution.	Yes
	Child care centres shall not be located on sites fronting or abutting a classified road, where a traffic conflict may occur,	The subject site does not have frontage to a collector road but rather two local roads. The development will not result in traffic conflicts. The subject site is not flood affected land, and has a	Yes



Control	Requirement	Provided	Comply
	<p>on industrial lands, on sites which are flood affected or on unsewered sites.</p> <p>Not within 100m measured in a straight line from any part of the site to high voltage transmission lines, mobile phone towers or radio telecommunication facilities, unless the application is accompanied by a report demonstrating that the Electro Magnetic Radiation (EMR) affecting the site is within acceptable limits;</p>	<p>sewer connection.</p> <p>The subject site is located approximately 30m from a power line. The applicant has provided a letter from Endeavour Energy which confirms that the highest possible magnetic field level directly underneath these transmission lines is 17.03mG. At a distance of 30 metres, the maximum magnetic field level is 3.5mG.</p> <p>The National Health and Medical Research Council of Australia have adopted interim guidelines which state that the general public should not be exposed to magnetic fields greater than 2000mG on a continual basis. The EMR affecting the subject site is therefore within acceptable limits.</p> <p>A copy of the advice received from Endeavour Energy regarding Electro Magnetic Field Information from this facility is included as an attachment to this report.</p>	Yes
	<p>Not within 100m measures in a straight line from any part of the site to approved restricted premises or sex services premises.</p>	<p>A review of Council's mapping system and DAs approved within a 100m buffer of the site identifies there are no approved restricted premises or sex services within 100m of the subject site.</p>	Yes
	<p>Not within 55m measured in a straight line from any part of the site boundary to an</p>	<p>The site is not within 55m of an above ground liquid petroleum gas tank.</p>	Yes



Control	Requirement	Provided	Comply
	<p>above ground liquid petroleum gas tank that has a capacity of 8kl or less.</p> <p>Child care centres must have access to potable water. Kitchen fit-out must comply with the Food Act and Regulations and Council's Food Premise Code.</p>	<p>The site is serviced by water and sewer. Council's Environmental Health Officer has reviewed the kitchen fitout and has recommended conditions of consent.</p>	<p>Yes</p>
Built Form, Scale and Character	<p>For non-residential zones, the building design must complement the desired built form, scale and character for the neighbourhood.</p>	<p>The bulk and scale of the proposed development is compatible with the residential character of the area, and reflects an appropriate pattern of building bulk in the streetscape from all street elevations.</p>	<p>Yes</p>
	<p>Maximum site coverage of 50%.</p>	<p>The maximum site coverage is 19%.</p>	<p>Yes</p>
	<p>Maximum of two storeys. The GFA of the second storey must not exceed 30% of the total gross floor area.</p>	<p>The proposed facility is single storey in design.</p>	<p>Yes</p>
	<p>Architectural elements which articulate the front and other facades visible from the public domain must be incorporated into the overall building design to create visual interest. Large expanses of blank and unarticulated walls must be avoided.</p>	<p>Each façade is articulated and is suitably incorporated into the overall building design. The building creates visual interest.</p>	<p>Yes</p>
	<p>Entrances to</p>	<p>The main entrance for</p>	<p>Yes</p>



Control	Requirement	Provided	Comply
	buildings should be orientated towards the front of the site facing the street.	patrons of the centre is located facing Pekin Street with pedestrian access available from the road.	
Setbacks	Setbacks.	The site has three street frontages with proposed setbacks as follows:	
	Front 5.5m.	Front (Danvers Road) 8.62m	Yes
	Secondary street 4m.	Secondary (Pekin Street) Minimum 4 m	Yes
	Side setback 2m.	Side (west) 2m	Yes
	Rear setback 4m.	Rear (north) 4.0m	Yes
	The front setback area may only be used for access, car parking and landscaping purposes and not for outdoor play areas and the like, unless it can be demonstrated that doing so is acceptable having regard to site characteristics and the incorporation of appropriate fencing and screening.	The site has three frontages. The building addresses each street frontage. Given the site constraints, the outdoor play area is located within the front and secondary street setback. The location of the outdoor play area will not have an acoustic impact on surrounding residential properties and the fencing/landscaping will adequately screen the outdoor play area.	Yes
Acoustic Amenity	An Acoustic Assessment Report prepared in accordance with Council's Environmental Noise Policy by a consultant qualified in acoustics which details compliance with acoustic criteria of that Policy and this section of the DCP must be submitted with the development	An acoustic report was lodged with the DA which is satisfactory. See the Key Issues section of this report for a discussion on the acoustic report.	Yes



Control	Requirement	Provided	Comply
	<p>application.</p> <p>Outdoor play areas must be located to minimise noise for adjoining neighbouring properties.</p> <p>For larger centres, the number of children participating in outdoor activities and play time at any one time must be controlled to ensure satisfactory acoustic impacts for neighbouring properties. The acoustic report submitted with the application must outline any necessary restrictions on numbers to ensure such satisfactory acoustic impacts.</p>	<p>The outdoor play area is located to the south and east of the proposed building away from the adjoining lots to ensure it does not impact on adjoining dwellings. An acoustic barrier will enclose the outdoor play area to ensure that the centre does not impact on immediately adjoining development to the south and west of the site.</p> <p>The acoustic report submitted with the DA assumes that most children are playing outdoors simultaneously. The report concludes that compliance is achieved at all received locations identified within the acoustic report and a restriction on the phasing of children play times is not warranted.</p>	<p>Yes</p> <p>Yes</p>
Landscaped Area	A landscape concept plan must be submitted with a DA for a child care centre.	A landscape plan was submitted with the DA. A minimum 1m landscape strip is provided in front of the fencing on all street frontages to soften the proposed fencing. Additional landscaping is provided internally. Council's landscape officer reviewed the landscape plan and has recommended conditions of consent.	Yes
Fencing	Details of fencing must be shown and consideration must	The proposed fencing includes the retention of an existing timber fence on the	Yes



Control	Requirement	Provided	Comply
	be given to maximise privacy, noise reduction and ensuring safety of children. All fencing must be of a type and colour consistent with residential character so as to minimise the centres impact on the streetscape.	western boundaries with the installation of an acoustic treatment to the fence varying in height between 1.5 and 2.1 metres. Palisade fencing will be provided around the northern, southern and eastern perimeter of the site, with additional acrylic translucent acoustic treatment provided on the southern and eastern perimeter of the outdoor play area fronting Danvers Road and Pekin Street.	
Traffic, Parking and Pedestrians	Car parking and access must comply with the controls set out in Part B5 of this DCP.	Council's Traffic Engineer is satisfied that the design of the access driveways and the layout of the car parking areas provide safe access for the delivery and collection of children, staff, parent, visitors and service vehicles.	Yes
	A traffic prepared by a suitably qualified consultant must be submitted which addressed the adequacy of the access arrangements, car parking layout and the impact of the additional traffic generated by the proposed centre on the local road system.	The DA has been accompanied by a traffic and car parking assessment report. The report concludes that the existing road network will be able to accommodate the proposed development without any significant impacts. The report confirms that the internal access arrangements and parking layout are satisfactory.	Yes
	Parking spaces to be fully contained within the site	All parking spaces are contained within the subject site.	Yes
	A drop off area must be provided fully contained within the site, and clearly shown on a plan.	The car parking area accommodates 5 car parking spaces that are specifically allocated for the drop off and pick up of children.	Yes
Hours of	Within residential	The proposed hours of	Yes



Control	Requirement	Provided	Comply
Operation	zoned land the standard hours of operation will be restricted to between 7am and 7pm, Monday to Friday (excluding public holidays).	operation are 7am to 6pm, Monday to Friday. No operation on Saturday, Sunday or Public Holidays.	
Fire Safety	Child care centres are classified as Class 9(b) buildings under the Building Code of Australia and meet the required fire safety requirements of the BCA.	The DA has been referred to Council's building surveyor who has recommended conditions of consent.	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 – General Residential under Camden Local Environmental Plan 2010
Permissibility:	The proposed development is defined as a 'child care centre' by the LEP which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy No. 55 – Remediation of Land – Compliant with conditions recommended.</p> <p>Deemed State Environmental Planning Policy No. 9 – Extractive Industry – Compliant with conditions recommended.</p> <p>Deemed State Environmental Planning Policy No. 20 Hawkesbury-Nepean River – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 – Before determining a centre-based child care facility for DAs lodged before 1 September 2017, Council must take into account the regulatory requirements and the National Quality Framework Assessment Checklist set out in the Child Care Planning Guideline. The proposal meets the requirements of this checklist.</p>
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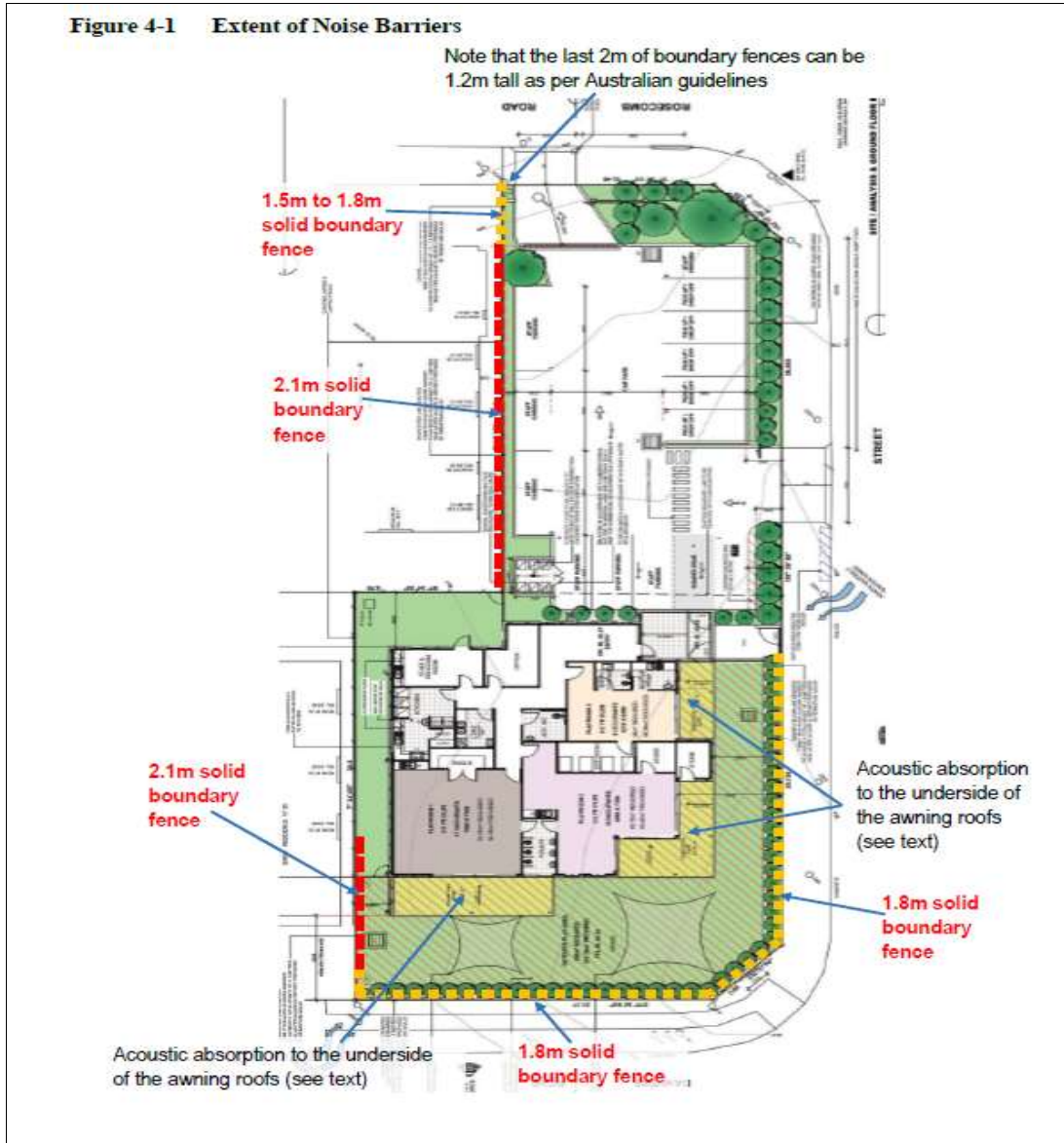
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2011 - Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None
The Regulations S79C(1)(a)(iv)	Impose prescribed conditions
Likely Impacts - S79C(1)(b)	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 containing 20 signatures and 13 submissions were received which are discussed in the Submissions section of this report
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

Acoustic Impacts

The DA was accompanied by an acoustic report which assesses the potential noise generated by the proposed development on the surrounding development. The assessment considered operational noise such as air conditioners and vehicles, and noise from children at play. The assessment also considered the impact of road traffic noise on the proposed development.

The applicant has confirmed that the existing 1.8m high timber fencing will be retained with the provision of 1.5m-2.1m high acrylic translucent acoustic barrier along the western boundary adjacent to 34 Rosecomb Road, a section of the western boundary adjoining 35 Danvers Road and on the southern and eastern perimeter of the outdoor play area fronting Danvers Road and Pekin Street as shown below.



Council’s Environmental Health Officer has reviewed the acoustic report and confirmed that subject to conditions, the child care centre can be operated without any unacceptable impacts on adjoining residences. Conditions are recommended to ensure the recommendations of the report are implemented including the use of fixed glass or glass bricks for openings along the western elevation of the building, the use of acoustic absorption panels to the ceiling and walls of each playroom, acoustic treatment to the underside of proposed awnings and the construction of acoustic noise barriers on certain property boundaries.

A condition is also recommended to require an acoustic compliance report to be prepared once the centre achieves an 80% attendance rate. For any noncompliance, the acoustic report must make recommendations for compliance or further attenuation of noise sources which would be enforced by Council.

Traffic Impacts

The DA was accompanied by a traffic report and associated traffic advice which assessed the existing traffic network, the suitability of the proposed access



arrangements, the adequacy of off-street car parking arrangements and vehicle circulation.

The traffic report and associated traffic advice noted:

- Off-street car parking provided on site exceeds Council's minimum requirements and as such, is not expected to impact on the overall availability of on-street parking within the immediate vicinity.
- The carriageway width at 7.5m is sufficient to enable two-way traffic flow assisted by existing rolled kerbs.
- The proposed 40 place child care centre, based on traffic generation rates contained in the Roads and Maritime Services 'Guide to Traffic Generating Developments', is anticipated to generate up to 28 vehicle trips within the peak evening hour, which equates to one additional vehicle every two minutes.
- The Roads and Maritime Services 'Guide to Traffic Generating Developments' specifies an environmental capacity for local roads of 300 vehicles in both directions in any one hour period. The additional 28 peak hour vehicles generated by the proposed development can be accommodated without noticeable impacts on traffic flow within the adjoining road network.

The report and traffic advice concludes that the existing road network has the capacity to cater for the additional traffic generated by the proposed development without any significant impacts, the proposal provides sufficient off-street car parking which complies with Council's DCP controls and the internal circulation and vehicle manoeuvrability is in accordance with the relevant Australian Standards.

The applicant's traffic report and traffic advice was assessed by Council's Traffic Engineer, who raised no objection to the proposal and recommends approval subject to the imposition of conditions.

A copy of the traffic report and associated traffic advice are attached.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 12 May 2017 to 25 May 2017. One submission with 20 signatures and nine separate submissions were received (all objecting to the proposed development).

Following the receipt of amended plans and additional information, the application was re-notified for a further 14 days between 7 September and 20 September 2017. Four additional submissions were received during this period objecting to the proposed development. These additional submissions were received from persons/households that made submissions during the original notification period.

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

1. Increased traffic and resultant impacts on traffic safety

Officer comment:

As noted above, the DA was accompanied by a traffic report. The traffic report assessed the existing traffic network, the suitability of the proposed access arrangements, the adequacy of off-street car parking arrangements and circulation and vehicle manoeuvrability on site. The report concluded that the existing road network

has the capacity to cater for the additional traffic generated by the proposed development without any significant impacts, the proposal provides sufficient off-street car parking which complies with Council's DCP controls and the internal circulation and vehicle manoeuvrability is in accordance with the relevant Australian Standards.

The traffic report was assessed by Council's Traffic Engineer, who raised no objection to the proposal and recommends approval subject to the imposition of conditions.

2. Insufficient off-street car parking spaces

Officer comment:

As noted previously, the DA was accompanied by a traffic report which considered the adequacy of the proposed car parking area in terms of the number of off-street car parking spaces proposed and the proposed access arrangements. The report concludes that the existing road network can accommodate the proposed development without any significant impacts, and this is supported by Council's Traffic Engineers.

Plans submitted with the DA show the provision of 13 off-street car parking spaces, comprising seven staff parking spaces, five pick up/drop off spaces and one accessible parking space.

Council's DCP 2011 requires off-street car parking for child care centres to be provided at a rate of one space per 10 children. In this regard, a total of 10 off-street car parking spaces are required to comply with the DCP. The proposal therefore exceeds the requirements of Council controls by three spaces.

3. Increased noise impacts

Officer comment:

Concerns have been raised that the proposed development will generate increased noise that is likely to impact on the amenity of adjoining residential properties. The DA was accompanied by an acoustic assessment report that concludes that the proposed child care centre, subject to conditions requiring various acoustic treatments, can operate without any unacceptable impacts on adjoining residences.

Following a review of the DA and accompanying acoustic assessment, conditions have been recommended to mitigate the acoustic impact including the use of fixed glass or glass bricks for openings along the western elevation of the building, the use of acoustic absorption panels to the ceiling and walls of each playroom, acoustic treatment to the underside of the proposed awnings and the construction of acoustic noise barriers on certain property boundaries.

A condition is also recommended to require an acoustic compliance report to be prepared once the centre achieves an 80% attendance rate. For any non-compliance, the acoustic report must make recommendations for compliance or further attenuation of noise sources which would be enforced by Council.

The proposed development is expected to operate without impacts on adjoining residential properties should these measures be implemented.

4. Insufficient and non-compliant rear building setback



Officer comment:

The original development did not fully comply with the setback controls of Council's DCP 2011. Following discussions with the applicant, amended plans were submitted which demonstrate full compliance with the setback controls of the DCP.

5. Flat roof design is not in keeping with existing and future streetscape character

Officer comment:

Concerns have been raised that the proposed development, which incorporates a flat roof design, is not in keeping with the existing or likely future character of the locality. The design of the proposed facility is a contemporary design and includes a flat roof hidden behind parapet walls that extends up to a maximum height of 4.545m.

While the predominant style of building in the locality is single and two storey buildings with conventional pitched roof of tile or metal finish, a flat roof design is not excluded by the planning controls. The proposed building is considered domestic in scale and while different to the architectural style of development in the immediate vicinity, it is not considered to be out of character with the existing, or likely future character of the locality.

6. Devaluation of property values

Officer comment:

The DA must be assessed against the requirements set out in Section 79C of the *Environmental Planning and Assessment Act 1979* and property values do not form part of the Section 79C assessment.

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, DA116/2017 is recommended for approval subject to the conditions attached.

RECOMMENDED

That Council approve DA116/2017 for the construction of a long day child care centre for 40 children aged 0 to 5 years with car parking, landscaping and associated site works at 37 Danvers Road and 36 Rosecomb Road, Spring Farm subject to the conditions attached.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Applicant's additional traffic advice
4. Traffic and Parking Report
5. Endeavour Energy Letter
6. Spring Farm Masterplan Street Network
7. Public Exhibition and Submissions Map - *Supporting Document*
8. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: CONSTRUCTION OF A 70 PLACE CHILD CARE CENTRE, SIGNAGE AND ASSOCIATED SITE WORKS AT 2A REYNOLDS STREET, 2 REYNOLDS STREET, 72 NICHOLSON PARADE, 70 NICHOLSON PARADE, SPRING FARM

FROM: Director Planning & Environment
TRIM #: 17/327789

APPLICATION NO: 628/2017
PROPERTY ADDRESS: 2-2A Reynolds Street & 70-72 Nicholson Parade Spring Farm
APPLICANT: Creative Drafting Services
OWNER: Paul David Savic, Nigel David Goninan, Peter Anthony John Simpson and Julian Anthony Goninan

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a child care centre, signage, and associated site works at 2-2A Reynolds Street and 70-72 Nicholson Parade Spring Farm.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 628/2017 for the construction of a child care centre, signage and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 628/2017 seeks approval for the construction of a child care centre, signage and associated site works.

Specifically the proposed development involves:

- Construction of a single storey child care centre containing three playrooms, kitchen, office, staff room, laundry and outdoor storage room;
- Provision for 70 children, including the ages of 0-2 years (20 children), 2-3 years (20 children) and 3-6 years (30 children);
- Provision of outdoor play areas;
- A 1.8m high pylon business identification sign;



- Car parking for 18 vehicles, including staff parking and pick up/drop off spaces and accessible parking, with vehicular ingress from Nicolson Parade and egress on Parkinson Parade;
- Associated landscaping and fencing;
- Proposed operating hours of 7.00am to 6.00pm Monday to Friday; and
- Employment of 12 child care staff and 3 part time staff, including administration, cleaning and cooking functions.

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 2-2A Reynolds Street and 70-72 Nicholson Parade, Spring Farm and is legally described as Lots 2230, 2231, 2211 and 2212 DP 1180879.

The site is currently vacant and has a total site area of 1,845.84m². The site has a frontage of 26.9m to Nicholson Parade, 49.9m to Parkinson Road and 25.5m to Reynold Street.

The immediate locality comprises a recently established subdivision characterised by single storey dwellings and dwellings under construction.

To the north lies Narellan Vale, to the east lies Mount Annan, to the south beyond the river lies the Wollondilly Shire Council area, and to the west lies the developing suburb of Spring Farm and Elderslie.





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 2011

Clause	Requirement	Proposed	Compliance
4.3 Height of Buildings	Maximum 9.5m building height.	The proposed building has a maximum building height of 6.155m	Yes
6.2 Public utility Infrastructure	Appropriate public utility infrastructure to service the development.	The site is serviced by appropriate public utility infrastructure, including water and sewer.	Yes
7.4 Earthworks	Consider a number of matters relating to earthworks including detrimental effects on drainage patterns, fill quality and amenity of adjoining properties.	Proposed cut and fill is no more than 1m. The proposed earthworks are considered satisfactory.	Yes
7.5 Child Care Centres	Child care centres being located on land with a minimum site area of 1,200m ² .	The site has a total site area of 1,845.8m ² .	Yes
	Child care centres must not be located on land with direct access from an existing or proposed classified road.	The site does not have access to a classified road.	Yes
	Ensure that child care centres do not unreasonably impact on the amenity of adjoining residential development.	The proposed child care centre has been designed to ensure there will be minimal amenity impacts.	Yes
	Ensure that child care centres do not adversely affect traffic and pedestrian safety.	The traffic report submitted with the DA demonstrates the centre will not unreasonably impact pedestrian safety or traffic congestion.	Yes



 Camden Development Control Plan 2011

	Requirement	Proposed	Compliance
B1.4 Water Management	Reference must be made to Council's engineering specifications	A drainage concept plan has been provided which complies with Council's specifications. Conditions are recommended.	Yes
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required).	Contamination was addressed as part of the parent subdivision. The site is suitable for the intended use as a child care centre.	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy.	An acoustic report was lodged with the DA which is satisfactory. See the Key Issues section of this report for a discussion on the acoustic report.	Yes
B2 Landscape Design	A landscape plan is required.	A landscape plan was provided with the DA. Council's landscape officer has reviewed the landscape plans and recommended conditions of consent.	Yes
B4.1 General Requirements for Signs	<p>The signage shall not detract from the amenity and character of the land to which it relates.</p> <p>All advertising signs must relate directly to an approved or exempt land use being conducted on the land on which the sign is displayed.</p> <p>Must be displayed in the English but may include a direct or near</p>	<p>The proposed sign will not detract from the amenity and character of the area.</p> <p>The sign is related to the proposed child care centre.</p> <p>The sign will comprise these details.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>



	<p>direct translation into another language using smaller lettering or characters.</p> <p>Must be maintained in good repair and in a clean and tidy condition at all times.</p> <p>Must be within the property boundaries.</p> <p>Must relate to the scale of the development on the site and in the vicinity.</p> <p>It shall also be in keeping with the design of associated buildings and the character of the area.</p>	<p>A condition is recommended to be included in the consent.</p> <p>The sign is located within the property boundaries.</p> <p>The sign relates to the scale of the development and nearby land uses.</p> <p>The sign is in keeping with the character of the residential zone.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>B4.9 Signage for Child Care Centres</p>	<p>A maximum of two signs to a total combined area of 4m².</p> <p>Sign shall be limited to the business name, address and phone number, and any other information required to be displayed by the Department of Children Services.</p> <p>A free standing sign shall not exceed 2m above natural ground level.</p> <p>Illuminated signs are not permitted.</p> <p>Signs are not permitted to face adjoining residences.</p>	<p>A single sign with an area of 1.5m² is proposed.</p> <p>The sign will comprise these details.</p> <p>Proposed maximum height of 1.8m.</p> <p>The sign is not illuminated. A condition will be included which restricts illumination.</p> <p>The proposed sign faces the street.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



<p>B5.1 Off street car parking</p>	<p>One car parking space per four children.</p> <p>One of the car parking spaces shall be designed for people with a disability.</p>	<p>Seventy children / four = 17.5 (18 spaces required).</p> <p>Eighteen car spaces have been provided inclusive of one accessible parking space.</p>	<p>Yes</p>
<p>D5.1 Child Care Centres – Site Planning</p>	<p>Child care centres on residential zoned land must be located on a site with a minimum site area of 1200m² and have a 20m frontage measured at the building line.</p> <p>All child care centres must be licensed by the NSW Department of Education and Communities (DEC).</p> <p>Not permitted on a site with access to a road via a carriageway of less than 7.4m at any one point.</p> <p>Child care centres not have a frontage to a cul-de-sac or no through road.</p> <p>Child care centres should be located where traffic control devices do not impede vehicular access into the site.</p> <p>Child care centres should be located where children will not be adversely affected by land contamination, excessive noise or air pollution.</p>	<p>The site has an area of 1845.84m². The site has a frontage of 26.9m to Nicholson Parade, 49.9m to Parkinson Road and 25.5m to Reynold Street.</p> <p>A condition is recommended requiring a licence to be issued by DEC prior to the building being operational.</p> <p>The site has access to Nicholson Parade which has a carriageway of 21m.</p> <p>The site has a frontage to a collector road and two local roads.</p> <p>There are no traffic control devices which impede vehicular access into the site.</p> <p>The proposed development is not located where children will be exposed to excessive contamination, noise, air pollution</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



	<p>Child care centres shall not be located on sites fronting or abutting a classified roads, where a traffic conflict may occur, on industrial lands, on sites which are flood affected or within transmission lines or on unsewered sites.</p>	<p>or transmission lines.</p> <p>The development will not result in traffic conflicts. A traffic report was submitted with the DA to address vehicle movements. Council's traffic officer reviewed the report and raised no objection. The site is not flood affected, is not within proximity to transmission lines and has a sewer connection.</p>	<p>Yes</p>
	<p>Not within 100m measured in a straight line from any part of the site to approved restricted premises or sex services premises.</p>	<p>There are no approved restricted premises or sex services within 100m of the site.</p>	<p>Yes</p>
	<p>Not within 55m measured in a straight line from any part of the site boundary to an above ground liquid petroleum gas tank that has a capacity of eight kilolitres or less.</p>	<p>The site is not within 55m of an above ground liquid petroleum gas tank.</p>	<p>Yes</p>
	<p>Must be accompanied by a Phase 1 contamination investigation undertaken in accordance with Council's Management of Contaminated Lands Policy.</p>	<p>Contamination was addressed as part of the parent subdivision. The site is deemed suitable for the intended use as a child care centre.</p>	<p>Yes</p>
	<p>Child care centres must have access to potable water. Kitchen fit-out must comply with the Food Act and Regulations</p>	<p>The site will be serviced by water and sewer. Council's Environmental Health Officer has</p>	<p>Yes</p>



	and Council's Food Premise Code.	reviewed the kitchen fitout and recommended conditions of consent.	
Built Form, Scale and Character	Maximum site coverage of 50%.	Total floor area is 484.64m ² . The maximum site coverage is 26.25%.	Yes
	Maximum of two storeys. The GFA of the second storey must not exceed 30% of the total gross floor area.	Single level only.	Yes
	Architectural elements which articulate the front and other facades visible from the public domain must be incorporated into the overall building design to create visual interest. Large expanses of blank and unarticulated walls must be avoided.	Each façade is articulated. The building creates visual interest.	Yes
	Entrances to buildings should be orientated towards the front of the site facing the street.	The main entrance faces Nicholson Parade with pedestrian access available from the road.	Yes
Setbacks	Minimum Setbacks:		
	Front 5.5m.	The site has three street frontages with a primary setback of 6.710m to Parkinson Road and 31.8m to Nicholson Parade.	Yes
	Secondary street 4m.	A secondary setback of 4.008m is provided to Reynolds Street.	Yes
	Side setback 2m.	Side setback of 2m provided.	Yes
	The front setback area	The site has three	Yes



	<p>may only be used for access, car parking and landscaping purposes and not for outdoor play areas and the like, unless it can be demonstrated that doing so is acceptable having regard to site characteristics and the incorporation of appropriate fencing and screening.</p>	<p>frontages. The building addresses each street frontage however, given the site constraints, the outdoor play area is located within the secondary front setback. The location of the outdoor play area will not have an acoustic impact on surrounding residential properties and the fencing/ landscaping adequately screens the outdoor play area.</p>	
Acoustic Amenity	<p>An acoustic assessment report prepared in accordance with Council's Environmental Noise Policy by a consultant qualified in acoustics which details compliance with acoustic criteria of that Policy and this section of the DCP must be submitted with the development application.</p> <p>Outdoor play areas must be located to minimise noise for adjoining neighbouring properties.</p>	<p>An acoustic report was lodged with the DA which is satisfactory.</p> <p>See the Key Issues section of this report for a discussion on the acoustic impacts.</p> <p>The outdoor play area is located on the eastern and southern sides of the child care centre. An acoustic barrier will enclose the outdoor play area to ensure the centre does not acoustically impact on the adjoining residential lots and to protect the centre from road</p>	<p>Yes</p> <p>Yes</p>



	<p>For larger centres, the number of children participating in outdoor activities and play time at any one time must be controlled to ensure satisfactory acoustic impacts for neighbouring properties. The acoustic report submitted with the application must outline any necessary restrictions on numbers to ensure such satisfactory acoustic impacts.</p>	<p>traffic noise.</p> <p>The acoustic report submitted with the DA assumes most children are playing outdoors simultaneously.</p> <p>The report concludes that compliance is achieved at all received locations identified within the acoustic report and a restriction on children play times is not warranted.</p>	Yes
Landscaped Area	<p>A landscape concept plan must be submitted with a DA for a child care centre.</p> <p>In residential areas, a landscape buffer at least 2m wide must be provided between any street frontage and the location of car parking spaces or drop off areas.</p>	<p>A landscape plan was submitted with the DA. Council's landscape officer reviewed the landscape plans and recommended conditions of consent.</p> <p>A minimum 2m landscape strip is provided along the car parking boundaries and a 1m landscape strip is provided in front of the fencing to the outdoor play areas on all street frontages. Additional landscaping is provided internally.</p>	<p>Yes</p> <p>Yes</p>
Fencing	<p>Details of all fencing must be shown and consideration must be given to maximising privacy and noise reduction, ensuring safety of children and all fencing must be of a type and colour consistent with the</p>	<p>Detail of the proposed fencing has been provided with the DA. A 2.1m high acoustic barrier is proposed along half of the northern boundary to attenuate noise from the car park</p>	Yes



	<p>residential character of the area so as to minimise the centres impact on the streetscape.</p>	<p>and outdoor area. The other half is proposed to be a 1.8m high lapped and capped timber fence.</p> <p>A 1.8m high palisade fence with clear acoustically treated perspex attached to the inside of the fence is proposed to enclose the outdoor play areas along the Parkinson Road and Reynolds Street frontages. The perspex barriers will attenuate noise from the outdoor play area for surrounding residents and also address road traffic noise to minimise impacts on the centre.</p> <p>A 400mm high brick wall with 800mm high timber slat infill panels (1.2m in total) is proposed around the perimeter of the car park along Parkinson Road and Nicholson Parade. The type and scale of fencing proposed is compatible with the adjoining residential development.</p>	<p>Yes</p>
	<p>On corner sites, fences over 1.2m in height must be setback 1m</p>	<p>The fencing along Nicholson Parade, Parkinson Road</p>	



	from the property boundary on the secondary setback to enable landscaping in front of the fence.	and Reynolds Street is setback a minimum of 1m from the boundary.	
Traffic, Parking and Pedestrians	Car parking and access must comply with the controls set out in Part B5 of this DCP.	Council's Traffic Engineer is satisfied the design of the access driveways and the layout of the car parking areas provide safe access for the delivery and collection of children, staff, parent, visitors and service vehicles.	Yes
	A traffic report prepared by a suitably qualified consultant must be submitted which addressed the adequacy of the access arrangements, car parking layout and the impact of the additional traffic generated by the proposed centre on the local road system.	The DA was accompanied by a traffic and car parking assessment report. The report concludes that the existing road network can accommodate the proposed development without any significant impacts. The report confirms that the internal access arrangements and parking layout is satisfactory.	Yes
	Parking spaces to be fully contained within the site.	All parking spaces are contained within the site.	Yes
	A drop off area must be provided and contained within the site, and clearly shown on a plan.	The car parking provides for adequate, safe and efficient drop off and collection of children.	Yes
Hours of Operation	Within residential zoned land the standard hours of	The proposed hours of operation are 7am to 6pm,	Yes



	operation will be restricted to between 7am and 7pm, Monday to Friday (excluding public holidays).	Monday to Friday (excluding public holidays).	
Fire Safety	Child care centres are classified as Class 9(b) buildings under the Building Code of Australia and meet the required fire safety requirements of the BCA.	Conditions are recommended requiring compliance with the BCA.	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential
Permissibility:	The proposed development is defined as a "child care centre" by the LEP which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 - Compliant with conditions recommended.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land - Compliant with conditions recommended.</p> <p>State Environmental Planning Policy No. 64 – Advertising Signage - Compliant with conditions recommended.</p> <p>Deemed State Environmental Planning Policy No. 20 – Hawkesbury Nepean River - 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)(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)	Two submissions were received which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

Acoustics

An acoustic report was lodged with the DA. The acoustic report considers the potential noise generated by the proposed development on the surrounding area including vehicles and noise from children at play. The assessment also considers the impact of road traffic noise on the proposed development.

Council's Environmental Health Officer has reviewed the acoustic report and confirmed that subject to conditions, the child care centre can be operated without any unacceptable impacts on adjoining residences.

Conditions are recommended to ensure the recommendations of the acoustic report are implemented including the requirements for a 2.1m high acoustic barrier on the northern boundary to attenuate the car park and outdoor play area, and a 1.8m high acoustic barrier which encloses the outdoor play area. To address potential noise from the heating, ventilation and air conditioning equipment (HVAC), a condition is recommended which requires air conditioning and mechanical plant to achieve compliance with the required acoustic criteria.

A condition is recommended to require an acoustic compliance report once the centre achieves an 80% attendance rate. For any non-compliance, the acoustic report must make recommendations for compliance or further attenuation of noise sources which would be enforced by Council.

A copy of the acoustic report is attached.

Traffic

The DA was accompanied by a traffic report and associated traffic advice which assesses the traffic network, the suitability of the proposed access arrangements, the adequacy of the off-street car parking arrangements and vehicle circulation.

The report and traffic advice concludes that the road network has the capacity to cater for the additional traffic generated by the proposed development without any significant impacts. The proposal provides sufficient off-street car parking which complies with Council's DCP controls and the internal circulation and vehicle manoeuvrability is in accordance with the relevant Australian Standards.

Child care staff will commence work on a staggered basis between 7:00am and 10:30am as child care places are progressively filled and will finish on a staggered basis as children are collected. A condition is recommended requiring staff car parking spaces to be sign posted to enable unoccupied spaces to be used by parents during peak drop-off time between 7:00am and 9:00am and the peak pick-up time between 4:00pm and 6:00pm.

Council's Traffic Engineers have assessed the proposal and raise no objection to the proposal subject to the imposition of conditions.

A copy of the traffic report is attached.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 8 June 2017 to 21 June 2017. Two submissions were received (both objecting to the proposed development).

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

1. *The proposal is inconsistent with the land use zone and the proposed development is inconsistent with the development plan put forward to buyers at the time of purchase.*

Officer comment:

The site is zoned R1 General Residential under the Camden LEP 2010. Child care centres are permissible with consent throughout R1 General Residential zones. A list of permissible uses, including child care centres, is noted in the Section 149 certificate issued for sites within the R1 General Residential zone.

The building form and siting complies with the design controls of the DCP and the proposal is sensitively designed to ensure that there will be no impacts on adjoining residential amenity. It is considered that the development is compatible with the residential zone.

2. *The development of four individual lots goes against the development plan. The proposed lots were under the 1200sqm requirement at the time of purchase as they were bought as individual residential lots.*

Officer comment:

The consolidation of land is permitted and the four lots combined have a total area of 1,845.84m² which exceeds the minimum requirement of 1,200m² for a child care centre.

3. *Increased traffic and resultant impacts on traffic safety.*

Officer comment:

The DA was accompanied by a traffic report which assesses the traffic volume projections and the likely impacts of the proposal on the local road network, the suitability of the proposed access arrangements, the adequacy of off-street car parking arrangements and vehicle circulation. The report concludes that the road network has the capacity to cater for the additional traffic generated by the proposed development.

The proposal provides off-street car parking which complies with Council's DCP controls and the internal circulation and vehicle manoeuvrability is in accordance with the relevant Australian Standards.

Council's Traffic Engineer has assessed the proposal and raised no objection subject to conditions.



4. *Insufficient off-street car parking spaces and parking for staff members.*

Officer comment:

The DA was accompanied by a traffic report which considered the proposed car parking area in terms of the number of off-street car parking spaces and the access arrangements.

Plans submitted with the DA show the provision of 18 off-street car parking spaces, comprising nine staff parking spaces, eight pick up/drop off spaces and one accessible parking space.

Council's DCP 2011 requires off-street car parking for child care centres to be provided at a rate of one space per four children. In this regard, a total of 18 off-street car parking spaces are required and the proposal therefore complies with the DCP.

Child care staff will commence work on a staggered basis between 7:00am and 10:30am as child care places are progressively filled and will finish on a staggered basis as children are collected. A condition is recommended requiring staff car parking spaces to be sign posted to enable use by parents during peak drop-off times between 7:00am and 9:00am and the peak pick-up times between 4:00pm and 6:00pm.

5. *Increased noise impacts.*

Officer comment:

Concerns were raised with regards to noise impacts on adjoining residential dwellings, and that the recommendations of the Association of Australian Acoustical Consultants (AAAC) have not been implemented into the design of the proposed child care centre. These recommendations include the orientation of the building and outdoor play areas, number and time limits for children at play, supervision of the car park to reduce noise, and location of vehicle entry/exit points. Concerns are also raised that the location of heating, ventilation and air conditioning equipment (HVAC) has not been identified on the plans.

Council's DCP requires the consideration of acoustic impacts and compliance with Council's Environmental Noise Policy.

The DA was accompanied with an acoustic report prepared in accordance with Council's Environmental Noise Policy and the NSW Environmental Protection Authorities policies and guidelines. The acoustic report considers potential noise generated by the proposed development on the surrounding development from operational noise, vehicles and noise from children at play. The assessment also considers the impact of road traffic noise on the proposed development.

The acoustic report assumes that most children are playing outdoors simultaneously. The report concludes that compliance (with the inclusion of the recommended acoustic attenuation measures) is achieved and a restriction on the total number of children and timetables for children at play is not warranted.

Council's Environmental Health Officer has reviewed the acoustic report and confirmed that subject to conditions, the child care centre can be operated without any unacceptable impacts on adjoining residences.

Conditions are recommended to ensure the recommendations of the acoustic report are implemented including the requirements for a 2.1m high acoustic barrier on the northern boundary to attenuate the car park and outdoor play area, and a 1.8m high acoustic barrier which encloses the outdoor play area. To address potential noise from the HVAC equipment, a condition is recommended which requires air conditioning and mechanical plant to achieve compliance with the acoustic criteria.

A condition is recommended to require an acoustic compliance report once the centre achieves an 80% attendance rate. For any non-compliance, the acoustic report must make recommendations for compliance or further attenuation of noise sources which would be enforced by Council.

6. *Careful consideration was not demonstrated in selecting this site for a child care centre.*

Officer comment:

The DCP requires that consideration be given in selecting a suitable location for a child care centre including permissibility, location and size of the land. The proposed development is permitted in the zone. The DCP also specifies requirements for the establishment of a child care centre that are satisfied.

7. *Is there any plan for extra security during the development of the site and ongoing operation stages.*

Officer comment:

The proposal incorporates solid fencing around the boundaries of the car park. It is considered appropriate that gates be provided across the access points to the car park to prevent any use of the car park outside business hours and minimise the potential for anti-social behaviour in this locality. This is addressed through a recommended condition of consent.

8. *Concerns that the public notification was not extensive enough.*

Officer comment:

The DA was notified in accordance with the Camden DCP 2011 and a sign was also placed on the property in accordance with the DCP.

9. *Devaluation of property values and request for compensation such as reduced land rates.*

Officer comment:

The DA is assessed against the requirements set out in Section 79C of the *Environmental Planning and Assessment Act 1979*. The impact on property values is not part of the Section 79C assessment.

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 628/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 628/2017 for the construction of a child care centre, signage and associated site works at 2A Reynolds Street, 2 Reynolds Street, 72 Nicholson Parade, 70 Nicholson Parade, Spring Farm subject to the conditions attached.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Traffic Report
4. Acoustic Report
5. Public Exhibition and Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD03

SUBJECT: CONSTRUCTION OF 8 TWO STOREY DWELLINGS, STRATA SUBDIVISION AND ASSOCIATED SITE WORKS - 3 GERALDTON DRIVE, CURRANS HILL

FROM: Director Planning & Environment

TRIM #: 17/282301

APPLICATION NO: 1140/2016
PROPERTY ADDRESS: 3 Geraldton Drive, Currans Hill
APPLICANT: Cardno Pty Ltd (NSW/ACT)
OWNER: Wolin Investments 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 multi dwelling housing development at 3 Geraldton Drive, Currans Hill.

The DA is referred to Council for determination as there remain unresolved issues raised in 60 submissions received from 24 property addresses in the area. Three of the submissions did not provide a property address.

SUMMARY OF RECOMMENDATION

That Council determine DA 1140/2016 for a multi dwelling housing development 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/2016/1140/1 seeks approval for a multi dwelling housing development.

Specifically the proposed development involves:

- Construction of eight two storey dwellings. Each dwelling will have three bedrooms and two off-street car parking spaces behind their building lines (via garages, carports and open hardstand areas, the dwellings will be constructed and finished with a mix of brick, weatherboard cladding, painted render and metal roof sheeting and the proposed development's maximum building height will be 7.55m;
- Construction of a two-way access driveway from Geraldton Drive, three visitor car parking spaces, communal open space and a communal waste bin storage area;
- Associated site works including the construction of ancillary earthworks, drainage, landscaping and fencing; and
- Strata subdivision creating eight strata lots, ranging in area from 124.06m² to 250.16m², and common areas.

The estimated cost of the proposed development is \$2.2 million.



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 commonly known as 3 Geraldton Drive and is legally described as lot 447, DP 1163902.

The site is irregular in shape and has a frontage of 72.5m to Caulfield Close, 34.1m to Geraldton Drive and an area of 2,167m². The site falls towards Caulfield Close by 1.25m over 30.5m

The site is vacant and devoid of any trees. The site is located within the Manooka Valley urban release area identified in Camden Development Control Plan 2011 (DCP). The DCP identifies this site as being a 'Gateway site.' Gateway sites were historically identified to provide for higher density housing forms including "two storey attached houses or a two storey single structure/multiple dwelling building."

On 30 December 2016, Council staff refused a DA for the construction of nine two storey dwellings, strata subdivision and associated site works at 33, 35, 37 & 39 Newmarket Street to the north of this site. It is noted that the Newmarket Street site is not identified by the DCP as a Gateway site.

The surrounding area is characterised by developed and developing residential subdivision, containing predominantly single and two storey detached dwelling houses. A riparian corridor is located to the south of the site. A small public reserve adjoins the site to the north west and contains part of an Endeavour Energy electricity transmission line.

To the north is the developing Gregory Hills residential suburb and the Turner Road Precinct of the South West Priority Growth Area. To the east is a TransGrid electricity transmission line, the Water NSW Upper Canal (a State heritage item), St. Gregory's College and the Camden/Campbelltown LGA boundary. To the south is the existing residential suburb of Currans Hill and Narellan Road. To the west is the Smeaton Grange industrial estate and Camden Valley Way.



KEY DEVELOPMENT STATISTICS

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

Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
2.6 Subdivision – Consent Requirements	The subdivision of land requires development consent	The DA seeks development consent for strata subdivision	Yes
4.3 Height of Buildings	Maximum building height of 9.5m above ground level (existing)	The proposed development's maximum building height will be 7.55m above ground level (existing)	Yes
7.4 Earthworks	The consent authority is to consider a number of matters relating to earthworks including any likely detrimental impacts upon existing drainage patterns, the quality of fill or	Ancillary earthworks are proposed as part of this development. The matters for consideration listed by this clause have been considered and Council staff are satisfied the earthworks will not have any detrimental impacts on surrounding properties or the environment	Yes



	soil to be excavated and the effect on the existing and likely amenity of adjoining properties		
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Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
A2 Notification Requirements	DAs are to be publicly exhibited in accordance with the DCP	The DA has been publicly exhibited in accordance with the DCP	Yes
B5.1 Off Street Parking Rates /Requirements	Multi dwelling housing requires one car parking space per dwelling, half a space per three bedroom dwelling and one visitor space per five dwellings	<p>The DA proposes 8 three bedroom dwellings. The car parking space calculations are:</p> <ul style="list-style-type: none"> • 8 dwellings x 1 = 8 spaces. • 8 dwellings x 0.5 = 4 spaces. • 1.6 (set of 5 dwellings) x 1 = 1.6 spaces. <p><u>Overall</u> Total required = 13.6 (14) spaces.</p> <p>Total Provided = 19 spaces (16 resident spaces and 3 visitor spaces)</p>	Yes
D2.1.1 Setbacks	4.5m front setback	<p>Dwellings 1, 2, 3 & 7 comply with this setback requirement.</p> <p>Dwellings 4, 5, 6 & 8 will have front setbacks less than 4.5m (ranging from 3.9m to 4.3m).</p> <p>This variation results from the site fronting a roundabout which gives it a curved, irregular frontage. This variation is supported as the setback</p>	No, however minor variation recommended to be supported



		encroachments mostly occur across only a part of the dwellings' frontages, are minor, will not adversely affect amenity or result in the dwellings being unduly prominent in the streetscape	
	3m architectural zone setback	<p>Dwellings 1, 2, 3, 7 & 8 will comply with this setback requirement.</p> <p>Dwellings 4, 5 & 6 have architectural zone setbacks less than 3m (ranging from 2.7m to 2.95m).</p> <p>This variation results from the site fronting a roundabout which gives it a curved, irregular frontage. This variation is supported as the setback encroachments mostly occur across only a part of the units' frontages, are minor, will not adversely affect amenity or result in the dwellings being unduly prominent in the streetscape</p>	No, however minor variation recommended to be supported
	5.5m garage setback (including 1m behind the front building line)	The proposed garage at the rear of unit 1 will be set back between 22.53m and 23.47m from the front boundary and be more than 1m behind the front building line	Yes
	4.5m secondary street setback	A 5.9m secondary street setback between dwelling 8 and Geraldton Drive is proposed	Yes
	6m ground floor rear setback	All of the proposed dwellings will have ground floor rear setbacks in excess of 6m	Yes
	6m first floor rear setback	All of the proposed dwellings will have first floor setbacks in excess of 6m	Yes



	3m public reserve setback	A 3m setback is proposed between dwelling 1 and the adjoining public reserve to the north west of the site	Yes
D2.1.3 Height, Massing and Siting	Maximum building height of 9.5m above ground level (existing) and a maximum height of two storeys	The proposed development's maximum building height will be 7.55m above ground level (existing) and two storeys	Yes
	The ground floor level shall be no more than 1m above natural ground level. Higher levels can be considered if there is no adverse impact on adjacent properties or the streetscape	The proposed ground floor levels will in part be up to 1.26m above natural ground level along their Caulfield Close frontage. The higher levels are required to create level building platforms as the site slopes upwards from Caulfield Close. The levels will not have any negative impacts upon adjoining properties as the site is separated from them. The levels are a reasonable design response to the sloping topography of the site.	Yes
D2.1.4 Visual and Acoustic Privacy	Direct overlooking of the main living areas and private open spaces of adjacent dwellings should be minimised	The proposed dwellings' first floors contain only bedrooms and bathrooms and combined with the compliant rear setbacks, will not cause unreasonable overlooking to adjoining dwellings	Yes
	First floor balconies or decks are not permitted at the side or rear unless it can be demonstrated that no adverse	Dwelling 8 will have balconies at both the side and rear. However these are acceptable as they are separated from surrounding properties by Geraldton Drive and have compliant side and rear	Yes



	privacy impacts will occur	setbacks. They will therefore not adversely impact upon the privacy of adjoining residents	
D2.1.5 Private open Space, Site Cover and Landscaped Area	A maximum 50% ground floor site coverage is permitted	A ground floor site coverage of less than 50% is proposed	Yes
	A maximum 30% first floor site coverage is permitted	A first floor site coverage of less than 30% is proposed	Yes
	30% landscaped area is required	A landscaped area of 30% is proposed	Yes
	Each unit requires a private open space area that is a minimum of 20% of its site area with minimum dimensions of 2.5m	All of the proposed dwellings will have private open spaces equal to at least 20% of their individual lot areas and with minimum dimensions of 2.5m behind their building lines	Yes
	At least 65% of the POS area shall be soft landscaping	Aside from dwelling 1, the proposed dwellings will have less than 65% of their POS areas as soft landscaping. This variation is supported as requiring these areas to provide 65% soft landscaping is impractical given their small areas. The POS areas will be predominately paved with some soft landscaping. The proposed POSs will achieve a reasonable and usable balance between impervious courtyards and landscaping which is acceptable in this circumstance	No, however minor variation recommended to be supported
Each dwelling requires a principal private open space (PPOS) area with a minimum area of 24m ² and minimum	All of the proposed dwellings will have PPOSs with a minimum area of 24m ² and minimum dimension of 4m. The PPOSs will not have a gradient more than 1:10 and will connect to a living	Yes	



	dimensions of 4m. The PPOs are not to have a gradient steeper than 1:10 and connect to a living zone of the dwelling	zone in the dwellings	
	Sunlight must reach at least 50% of the PPOs of both the dwelling and any adjoining dwellings for at least 3 hours between 9am and 3pm on 21 June	Sunlight will reach 50% of each of the PPOs for at least 3 hours between 9am and 3pm on 21 June. The proposed development will not overshadow any adjoining dwellings	Yes
	North facing windows of living areas must receive at least 3 hours of solar access between 9am and 3pm on June 21 over a portion of their surface	The proposed north facing windows serving the ground floor living areas will receive at least 3 hours of solar access between 9am and 3pm on 21 June over a portion of their surfaces	Yes
	North facing windows to living areas of neighbouring properties shall not have sunlight reduced to less than 3 hours between 9am and 3pm on June 21	The proposed development will not reduce sunlight to north facing windows of neighbouring properties	Yes
D2.1.6 Garages, Site Access and Parking	Lots >7m to 10m wide can have rear loaded double garages	Lot 1 will be 9m wide and dwelling 1 will have a rear loaded double garage	Yes
	Lots 5m to 7m wide can have only single rear loaded garages	Lots 2-7 will be between 5m-7m wide. Dwellings 2-7 will have two double loaded car parking spaces in the form of carports and open hardstand areas. This variation is supported as the double loaded	No, however minor variation recommended to be supported



		parking areas for these dwellings are at the rear and will only be visible from certain angles on part of Geraldton Drive. This will minimise their visual impacts upon the streetscape	
D2.1.7 Streetscape and Architectural Design	The form, scale and siting of buildings, including their materials and colours, must be appropriate to the character of the area	The proposed form, scale and siting of dwellings, including their materials and colours, will be appropriate to the character of the area	Yes
	Each street façade of a dwelling must incorporate at least two design features	The street façades for each of the dwellings will incorporate two of the DCP's design features including a mix of building materials and first floor balconies	Yes
	Eaves with a 450mm overhang to 70% of the dwelling are required to provide sun shading and aesthetic interest	450mm eaves are proposed to the front and rear of each dwelling which is typical and satisfactory for the proposed skillion roof form	Yes
	Materials and finishes are to be from a predominantly neutral palette of colours	The proposed materials and finishes will be of neutral colours	Yes
D2.2.3 Site Requirements	Developments consisting of one row of dwellings parallel to the street should have a minimum frontage of 25m	The site has a frontage of 69m to Caulfield Close	Yes
D2.2.3 Site Coverage	A maximum 50% site coverage is permitted	A ground floor site coverage of less than 50% is proposed	Yes
D2.2.3 Image and	Development should blend in with its	The proposed development is a medium density housing form in a	Yes



Legibility	surroundings and/or be in keeping with the character of the area	predominantly low density area. However the DCP identifies this site as being for medium density housing and so the proposed development is consistent with that desired future character. The proposed development will respect the key character elements of the area by providing a two storey built form, generally compliant setbacks, landscaping and articulation through the use of varied materials and finishes and first floor balconies	
	Development should be designed to be compatible with the streetscape and be attractive	Although a medium density housing form, the proposed development will be compatible with the streetscape through general consistency with the maximum building height for the area, setbacks, landscaping and articulation features. The proposed development will be attractive, mixing single and two storey building elements with landscaped and communal open space areas	Yes
	Ensure that all dwellings are designed to face and address both external public roads and internal private access road/driveways	All of the proposed dwellings have been designed to address the surrounding streetscape. The internal driveway is addressed insofar as possible with passive surveillance opportunities existing from first floor windows	Yes
	Create an appearance of a single or grouped dwellings that are separated by gardens and ancillary structures, with	The proposed development will present as a group of dwellings and incorporate appropriate landscaped areas to help integrate it into its surroundings. The facades will utilise a	Yes



	facades designed to incorporate a variety of materials and shade structures	variety of materials and finishes	
	Avoid repeating designs used in other developments	The proposed development will be the first of its kind for the Manooka Valley area	Yes
	Provide clear differentiation between private areas and communal open space and car parking	Private areas at the rear of each dwelling will be defined by garage and carport doors. The proposed car parking and communal open space areas will be defined as they are located separate to, but still accessible from, the proposed dwellings	Yes
	Clearly identify each unit, its entrance and visitor car parking to enable a visitor to easily understand the development's layout	Each dwelling's entrance is identifiable in the streetscape with separate entries and access paths. The configuration of the internal driveway and visitor car parking spaces are easily identifiable	Yes
D2.2.3 Access and Entries	Development should minimise vehicular entry and exit points to the site, provide a well-lit and surveilled pedestrian safe route and consider site accessibility	<p>A single entry point is proposed off Geraldton Drive. This is the optimum access point due to the roundabout along the southern boundary and a three-way intersection at the site's south eastern corner.</p> <p>A pedestrian path linking the site to Caulfield Close will be provided adjacent to the communal open space and visitor parking areas.</p>	Yes
D2.2.3 Car Parking	Car parking must be provided in accordance with Chapter B5 of the DCP	Car parking has been proposed in excess of that required by Chapter B5 of the DCP	Yes



	Parking areas should be located within view of residents to facilitate passive surveillance	The proposed parking area will be located in a publicly visible location near the site's south east corner at the intersection of two roads. The area will receive passive surveillance from the windows and first floor balconies of dwelling 8	Yes
	Driveways, manoeuvring areas, parking areas and garages are to be located away from bedrooms	The proposed internal driveway, manoeuvring areas, parking areas and garages will be separated from bedrooms which will be located at first floor level	Yes
D2.2.3 Storage	Each dwelling must be provided with 8m ³ of secure storage	Each dwelling will be provided with at least 8m ³ of secure storage	Yes
D2.2.3 Communal Open Space and Landscaping	Landscaped and communal open space areas must be provided	Landscaped areas of the site have been proposed in accordance with Section D2.1.5 of the DCP. A communal open space area has been proposed in the south eastern corner of the site near the corner of Caulfield Close and Geraldton Drive	Yes
D2.2.3 Security	Development should be designed consistent with Safer by Design guidelines	The proposed development is consistent with safer by design principles and will achieve passive surveillance, access control and territorial reinforcement	Yes
Table D6 Summary of Controls for Multi Dwelling Housing and Attached Dwellings	Numerical controls relating to a number of matters including minimum site frontage, setbacks, site coverage and PPOS	These controls have been incorporated into and assessed in other sections of this DCP compliance table	Yes
D2.3.3	Numerical	These controls have been	Yes



Manooka Valley Table D10 Summary of Residential Accommodation Controls – Manooka Valley	controls relating to a number of matters including minimum site frontage, setbacks, site coverage and PPOS	incorporated into and assessed in other sections of this DCP compliance table	
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ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential
Permissibility:	The proposed development is defined as "multi dwelling housing" and the subdivision of land which are permitted with consent in this zone

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy (Infrastructure) 2007 - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) - Compliant with conditions recommended where necessary.</p> <p>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary</p>
Local Environmental Plan - S79C(1)(a)(i)	Camden Local Environmental Plan 2010 - Compliant with conditions recommended where necessary
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016 - Compliant with conditions recommended where necessary
Development Control Plan(s) - S79C(1)(a)(iii)	Generally compliant with minor variations proposed as described in this report
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)	60 submissions were received which are discussed in the "Submissions" section of this report
Public Interest - S79C(1)(e)	The development is in the public interest

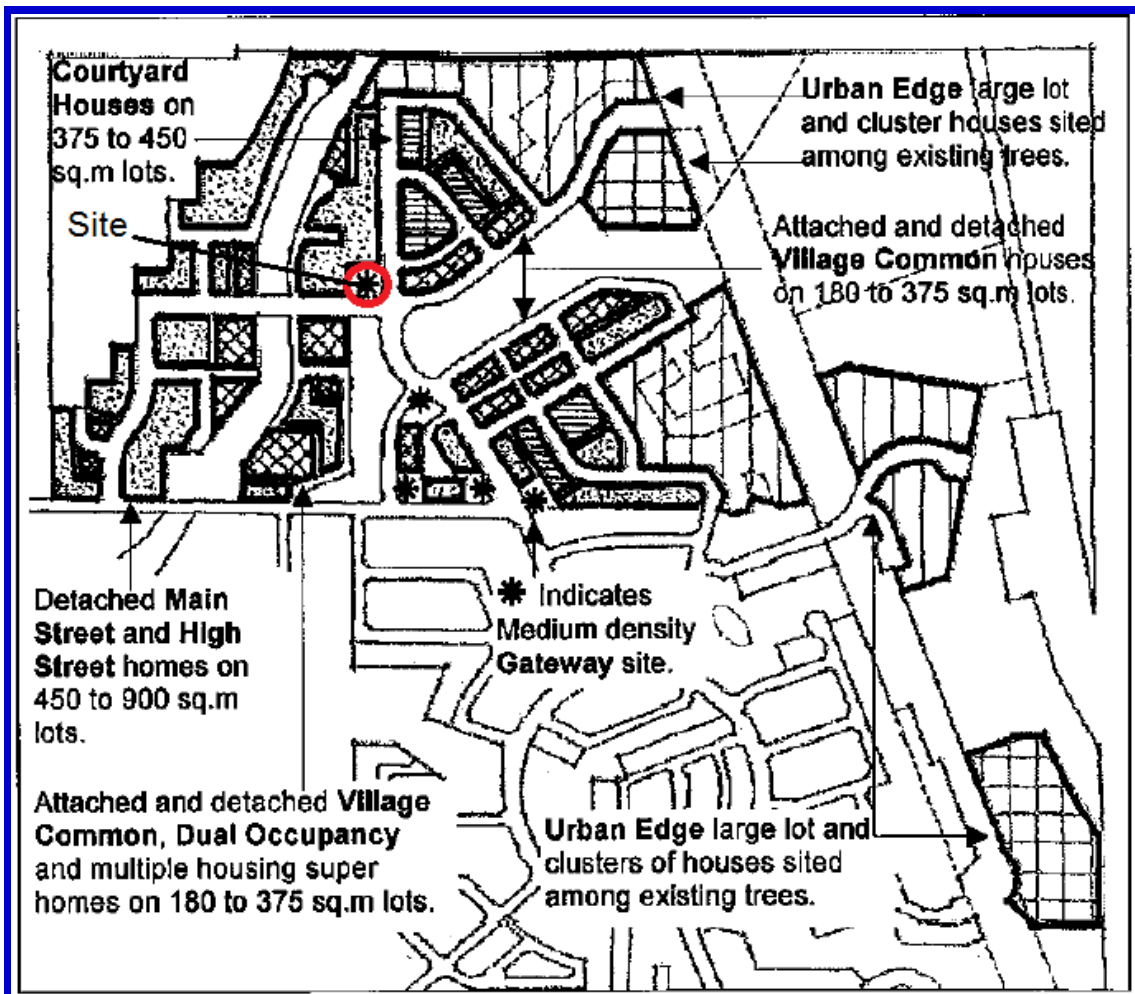


Key Issues

Consistency with the Manooka Valley Master Plan

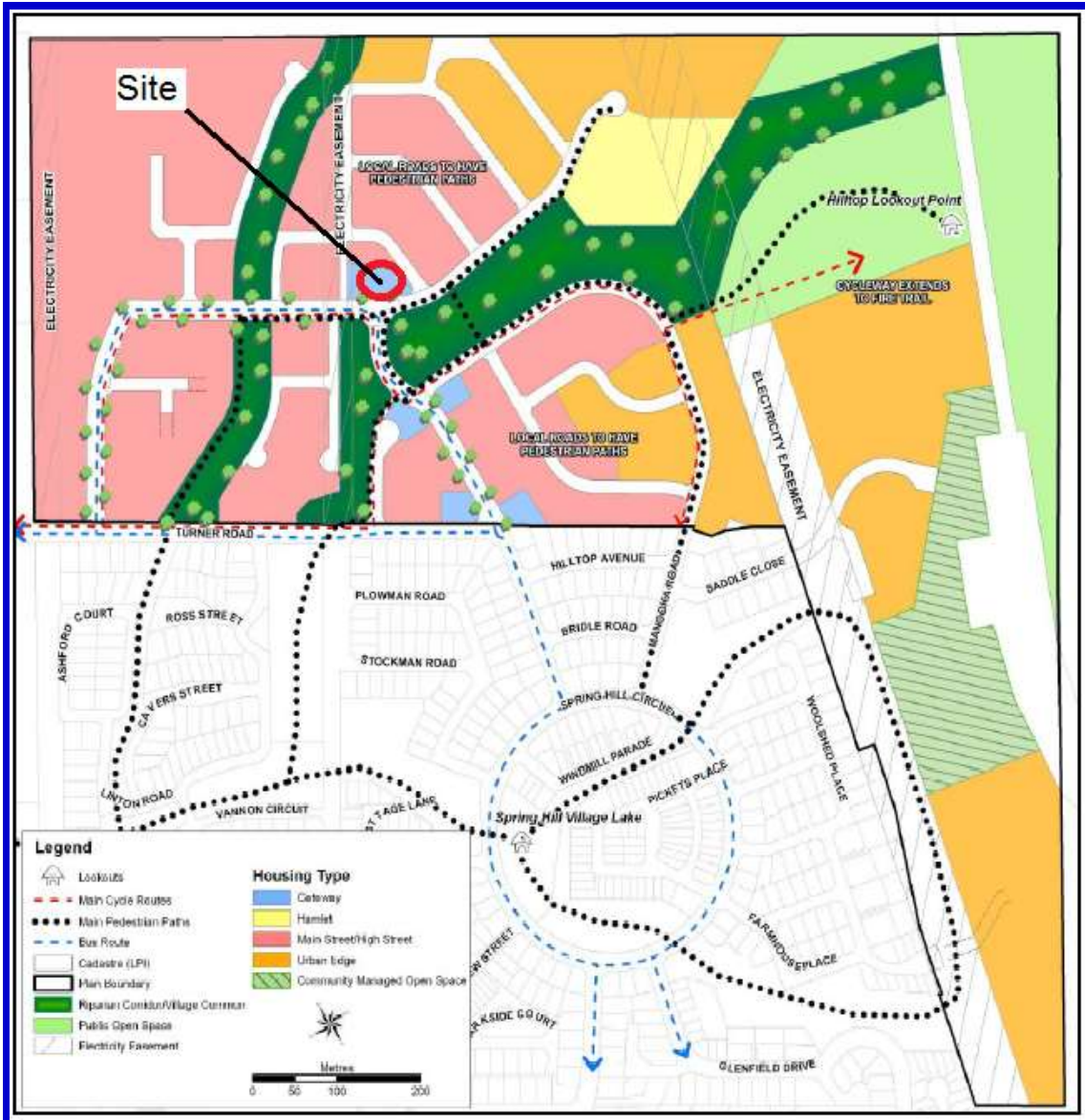
The Manooka Valley master plan identifies the site as being a 'Gateway site.' Gateway sites were historically identified to provide for higher density housing forms.

The first DCP for the area, Development Control Plan No. 128, was adopted by Council at the Ordinary Council meeting of 10 April 2006. This DCP identified the area of the site as being a medium density 'Gateway site.' An extract of DCP 128 with the site highlighted is provided below:



DCP 128 identifies Gateway sites to be "developed as distinctive 'icons' that define the principal entry points into Manooka Valley. Two storey attached or two storey single structure/multiple dwelling medium density housing are possible."

DCP 128 was subsequently incorporated into Camden Development Control Plan 2006 and then into Camden Development Control Plan 2011. Modifications to the layout for the area were adopted by Council in the intervening years to provide the current master plan for Manooka Valley:



The current master plan continues to identify the site as a Gateway site. Therefore the proposed medium density housing development, in the form of two storey attached dwellings, is consistent with the current master plan for the area.

Consistency with the Manooka Valley Planning Principles

The DCP provides a number of planning principles for Manooka Valley. The key principles that are relevant to the proposed development seek to:

- Provide a physical and visual transition between rural/scenic protection areas and Currans Hill. Other lots will provide a low key and visually sensitive transition to surrounding rural and scenic protection land;
- Provide a range of lot sizes and housing diversity, with lot size and building character reflecting their relationship to adjacent amenities; and
- Minimise the visual impacts of development upon Manooka Valley’s landscape setting.



It is considered that the proposed development is generally consistent with these principles as discussed below.

A physical and visual transition between rural/scenic protection areas and Currans Hill is achieved when considering the development of the Manooka Valley area as a whole (which is the intent of the principle). Medium density housing has been identified for the middle of the area around a future bus route. This includes the subject site. This medium density character then transitions through lower density housing to an environmental conservation zone on higher ground to the east. This conservation zone contains existing Cumberland Plain Woodland and Water NSW's Upper Canal (a State heritage item). The principle is ultimately achieved by ensuring compliance with the master plan, i.e. by locating medium density housing in the middle of the area, such as the subject site, away from more visually sensitive areas on higher ground to the east.

The proposed dwellings will increase housing diversity in the area by providing smaller housing forms that will suit different lifestyles. The site is an appropriate location for them, being located adjacent to a public reserve which contains a riparian corridor and a playground. The DCP identifies Ascot Drive to the south and west as a future bus route meaning the site will be in close proximity to public transport. The site will therefore be close to amenities that render it conducive to medium density housing.

The proposed dwellings will be below the maximum 9.5m building height for the site and include landscaping to help integrate them into their surroundings. In addition, the dwellings will be located in the middle of the area away from more visually sensitive locations such as the environmental conservation land on higher ground to the east. The adjoining riparian corridor will not be impacted, one existing street tree will be relocated and additional street tree planting will be provided. Based on this, it is not considered that the proposed development will have a negative visual impact upon the area's landscape setting.

Proposed Design and Character Impacts

The area surrounding the site is characterised by predominantly single and two storey detached dwelling houses with hipped roofs. The DA proposes the construction of eight two storey attached dwellings with an overall length of 48.1m and shallow skillion roof forms.

The key DCP controls for multi dwelling housing requires development that blends in with its surroundings and/or is in keeping with the character of the area whilst being designed to be compatible with the streetscape.

The proposed development will be a medium density housing form and therefore will differ from the existing character of the surrounding area. However as mentioned above, the site is identified the site as a medium density Gateway site.

The proposed development will have a maximum building height of 7.55m which is below the maximum 9.5m maximum building height for the site. The proposed building height is consistent with two storey dwelling houses which is an acceptable scale for this area.

The proposed development is generally compliant with the required building setbacks. There are variations proposed to the dwellings' front setbacks (up to 600mm) however these are very minor in nature and result from the proposed development responding

to the site's curved, irregular frontage around an adjoining roundabout. It is not considered that such minor variations will be readily discernible in the streetscape.

The proposed development will include landscaping to help it integrate with its surroundings. This will include planting of new street trees and a mix of grasses, ground covers, shrubs and trees within the site that will soften the proposed built form in a manner appropriate for the area.

The proposed development, whilst reflecting the planned medium density character, will be compatible with the surrounding area due to its satisfactory building height, setbacks and landscaping as described above.

Submissions

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 21 October to 3 November 2016. Twenty-two submissions from 11 property addresses were received (all objecting to the proposed development). One of the submissions did not provide a property address.

The applicant subsequently submitted amended plans and the DA was publicly re-exhibited for a period of 14 days in accordance with the DCP. The re-exhibition period was from 27 September to 10 October 2017. 38 submissions from 20 property addresses were received (all objecting to the proposed development). Two of the submissions did not provide a property address.

In total, 60 submissions (all objecting to the proposed development) were received from 24 properties. Three of the submissions did not provide a property address.

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

1. *The proposed development will result in additional and unreasonable traffic impacts on the already congested road system through Currans Hill. This will impact upon pedestrian safety.*

Officer comment:

The proposed development will not generate significant additional vehicular traffic in the area. The RMS Guide to Traffic Generating Developments provides that a town house generates between 5 and 6.5 daily vehicle trips. A trip is defined as a one way vehicular movement. This equates to between 40 and 56 daily one way movements for the development. The number of additional return vehicle trips, i.e. vehicles leaving and then returning to the site, will be between only 20 and 28 per day.

As the site is an identified medium density site the additional traffic will not be in excess of that which was originally anticipated during the master planning of the area.

It is not considered that the amount of additional vehicle trips that will likely be generated by the proposed development will have an unreasonable impact upon pedestrian safety in the surrounding area.

2. *Insufficient off-street car parking for residents and visitors has been proposed. It is likely that at least one of the parking spaces will be used for storage. This will result in people parking on the surrounding nature strips and street. The surrounding street network cannot cope with the additional congestion and resultant safety and visibility impacts.*



Officer comment:

The DCP requires the proposed development to provide 14 off-street parking spaces. The proposed development provides 19 spaces which complies with this requirement.

As required by the DCP, at least 8m³ of storage space will be provided within each dwelling as an alternative to storage within the proposed carports or garage.

The surrounding roads have carriageways of between 7.4m and 8m which are wide enough to accommodate vehicles and on-street car parking. Therefore it is not considered that unreasonable congestion, safety and visibility issues will occur as a result of the proposed development.

3. *Access to/from surrounding properties will be restricted/impacted by cars parking on the street during construction and by future occupants of the dwellings.*

Officer comment:

The construction of the proposed development will generate temporary construction traffic and on-street car parking. However this will be temporary and is typical for the construction of new dwellings in urban release areas.

As discussed above, the proposed development complies with Council's car parking requirements. In the event of on-street parking, it is not anticipated that this will unreasonably restrict or impact access to surrounding properties.

4. *Parking on street will restrict emergency vehicle access through the area.*

Officer comment:

It is not anticipated that the proposed development will result in significant on-street car parking. However the surrounding roads have carriageways that are wide enough to accommodate a reasonable level of on-street car parking and access for emergency vehicles.

5. *The internal driveway is narrow and may in practice work as a one-way driveway only.*

Officer comment:

The proposed internal driveway will be 5.8m wide. This width is sufficient to allow two vehicles to pass each other.

6. *The proposed plans may not demonstrate the difficulties future residents will face when attempting to reverse out of units 2-7, particularly if those residents own vehicles larger than the standard car size shown on the proposed plan.*

Officer comment:

The proposed internal driveway will be 5.8m wide which complies with Council's Engineering Design Specification and the applicable Australian Standard (AS 2890). 5.8m is wide enough to allow future residents to safely reverse out of units 2-7.



-
7. *There is no clear line of sight as a person exits their garage making the design a safety issue.*

Officer comment:

Cars reversing out of their parking areas will be required to do so slowly in order to give way to passing vehicles if necessary. This scenario exists for many garages that are accessed from common driveways and does not represent a significant design or safety concern.

8. *Concern that the site only has one access point.*

Officer comment:

One access point is sufficient to cater for the low amount of additional vehicle trips that will likely be generated by the proposed eight dwellings.

9. *The location of the entry/exit driveway will impact nearby properties through noise and headlights. The driveway could instead be located off Caulfield Close.*

Officer comment:

A proposed driveway cannot be located off Caulfield Close as it would be too close to the existing roundabout in front of the site at the intersection of Caulfield Close and Ascot Drive. Other locations are also undesirable due to the nearby three-way intersection of Caulfield Close and Geraldton Drive. The proposed driveway location is the optimum location for a driveway to be provided on the site.

It is noted that a dwelling house exists opposite the proposed driveway at 4 Geraldton Drive and the concerns about potential noise and headlight glare are acknowledged. However due to the low amount of additional vehicle trips that will likely be generated by the proposed development, it is not considered that there will be an unreasonable impact upon the amenity of the occupants of that dwelling house.

10. *There is no public transport near the site.*

Officer comment:

The DCP identifies Ascot Drive to the south and west as a future bus route and therefore the site will be in close proximity to public transport.

11. *Privacy impacts upon surrounding properties.*

Officer comment:

The proposed development will not have any unreasonable privacy impacts upon surrounding properties. The site is separated from surrounding properties by public roads on two sides. The ground floor level of the dwellings will be lower than the properties adjoining the site to the rear.

The dwellings' first floor levels will contain bedrooms and bathrooms which are low use rooms and will not result in unreasonable overlooking to adjoining properties. A small balcony attached to a bedroom at the rear of dwelling 8 will be separated from the properties to the rear by a minimum of 17.9m which is a reasonable separation distance to mitigate overlooking impacts.



12. *Noise impacts, including noise from the number of garages, the proposed driveway and the number of future residents therein.*

Officer comment:

The additional day to day noise impacts generated by the proposed development are not likely to be significant nor beyond what would be anticipated in a general residential area. A standard condition which controls the permissible noise of residential air conditioning units is recommended.

13. *Negative impacts upon residential amenity and the enjoyment of existing properties by reason of overshadowing, air pollution and smells from waste bins.*

Officer comment:

The site is orientated to the north east and will generate shadows to the south west through the south east throughout the day. Therefore it will not overshadow any adjoining properties.

A communal waste bin storage area is proposed near the site's frontage with Geraldton Drive. The bins store will be separated from any existing properties surrounding the site and it is considered unlikely that significant negative smells or air quality loss will be experienced.

The impacts upon air quality due to additional vehicle trips will be negligible given the low amount of additional vehicle trips that will likely be generated.

14. *Loss of views.*

Officer comment:

The construction of eight two storey dwellings will impact views across the site and this part of the area. This is because the site is currently vacant and unimpeded views exist. However the DCP does not identify any specific view lines to be conserved through the site or area and the proposed development will be below the maximum 9.5m maximum building height for the area.

Views through the site and area will be impacted however this is not unreasonable given that the site is identified for medium density housing and that two storey buildings are permitted.

15. *The required 4.5m front building setback has not been complied with.*

Officer comment:

As detailed in this report, dwellings 4, 5, 6 & 8 will have front setbacks less than 4.5m (ranging from 3.9m to 4.3m). This variation results from the site fronting a roundabout which gives it a curved, irregular frontage. This variation is supported as the setback encroachments mostly occur across only a part of the dwellings' frontages, are minor, will not adversely affect amenity or result in the dwellings being unduly prominent in the streetscape.

16. *The proposed development does not fit in with the character of Manooka Valley. The dwellings are box-like, very unattractive, of an identical design and shape and*

the proposed roof slope does not meet the standards of the area. The landscape and visual quality of the area will also be adversely impacted.

Officer comment:

The proposed development's design and its impacts upon the character of the area are assessed in the 'Key Issues' section of this report.

It is noted that the proposed dwellings will incorporate some variations such as changes in building materials. However a consistent design throughout is supported as it will help establish a presence for this Gateway site which is in a prominent location at the entry to the northern part of Manooka Valley.

The shallow roof form is different to many dwellings in the surrounding area however dwelling designs with flat and shallow roofs are an increasingly common feature and are an acceptable design outcome.

17. Combined with other proposals for multi dwelling housing in the area, the proposed development create a sense of land locking/shutting in. The visual bulk of the development is overwhelming in comparison to existing dwellings in the area and will be an eyesore. A slum-like character will be created.

Officer comment:

The proposed development's design and its impacts upon the character of the area are assessed in the 'Key Issues' section of this report.

The visual bulk of the proposed development, whilst different from the character of the surrounding area, is nonetheless compatible with it due to a planned medium density character for the site and generally compliant building heights, setbacks and landscaping.

18. The proposed development is an overdevelopment of the site. The number of proposed townhouses should be reduced.

Officer comment:

It is not considered that the proposed development is an overdevelopment of the site. The proposed development is largely consistent with the applicable planning controls, provides car parking spaces in excess of Council's requirements and will present a built form that is compatible with the surrounding area.

The merits of the proposed development have been assessed as detailed in this report and it is not considered necessary to reduce the number of proposed dwellings.

19. The proposed development will negatively impact the character and the landscape and visual quality of the area.

Officer comment:

The proposed development's design and its impacts upon the character of the area are assessed in the 'Key Issues' section of this report.

The landscape quality of the area will be maintained by not impacting the adjoining riparian corridor, relocating (not removing) one existing street tree, planting new street



trees and providing additional on-site landscaping to help the proposed dwellings integrate with their surroundings.

20. *The wall of double garages at the rear will be visible from surrounding streets and be an ugly eyesore.*

Officer comment:

The row of carports and a garage at the rear of the site will only be visible from certain angles on part of Geraldton Drive and are therefore considered to have minimal visual impacts.

21. *Insufficient landscaped and open space areas are proposed.*

Officer comment:

The proposed development will provide landscaped and communal open space areas compliant with the DCP which are acceptable.

22. *Waste bins and clothes lines will be visible from the street as there are no rear yards.*

Officer comment:

Communal waste bins will be stored in the proposed enclosed waste bin storage area near the site's Geraldton Drive frontage. Each dwelling will be provided with a clothes drying line in their rear private open space behind the building line.

23. *Small dwellings will encourage people to store items outdoors which will be unsightly. The dwellings do not have any built in storage areas.*

Officer comment:

As required by the DCP, at least 8m³ of storage space will be provided within each dwelling as an alternative to storage within the proposed carports, garage or outdoor areas. These storage areas are shown on the proposed plans.

24. *The proposed development is inconsistent with the Environmental Planning and Assessment Act 1979, Camden Local Environmental Plan 2010, the objectives of the R1 General Residential zone, the DCP's controls for multi dwelling housing and the Manooka Valley planning principles.*

Officer comment:

It is considered that the proposed development is consistent with all of the above matters.

The objects of the *Environmental Planning and Assessment Act 1979* encourage development for the purpose of promoting the social and economic welfare of the community and a better environment, the orderly and economic use and development of land and opportunities for public participation in the planning process. As assessed throughout this report, the proposed development is consistent with these objects and all required public participation processes have been carried out.



Camden Local Environmental Plan 2010 provides a number of aims which broadly seek to retain existing character and qualities, provide for sustainable growth, minimise environmental impacts and provide for the needs of existing and future residents. As assessed throughout this report, the proposed development is consistent with these aims as it is considered compatible with the existing and planned future character of the area, will provide different housing opportunities for prospective residents and will have minimal environmental impacts.

The proposed development is permitted with consent in the R1 General Residential zone. Broadly, the zone's objectives seek to provide for the housing needs of the community, provide a variety of housing types and densities and to minimise conflict between land uses within the zone and land uses within adjoining zones. The proposed medium density housing form will contribute to the variety of housing opportunities available in the area such that overall there will be a mix of housing types and densities. The impacts of the proposed development have been assessed and it is not considered that they will be significant or unreasonable.

The DA has been assessed against the DCP's controls for multi dwelling housing in the 'Key Development Statistics' section of this report. The proposed development is generally consistent with these controls.

25. The proposed development does not comply with the principal development standards and associated aims and intent of Camden Local Environmental Plan 2010 regarding subdivision lot size.

Officer comment:

The proposed development includes a strata subdivision that will create eight strata lots that will range in area from 124.06m² to 250.16m². The LEP's minimum lot size for the site, being a mix of 200m² and 450m², does not apply to strata subdivision.

The proposed strata subdivision will reflect the proposed built form. The impacts of the proposed built form have been assessed throughout this report.

26. The intention to develop multi dwelling housing on the site was not previously disclosed by Council or the developer.

Officer comment:

The site has been identified as a Gateway site since 2006 through DCP 128, Camden Development Control Plan 2006 and Camden Development Control Plan 2011. However this is not a matter for consideration in the assessment of a DA.

27. Some residents were not notified of the DA.

Officer comment:

The DA was publicly exhibited in accordance with the DCP and all of issues raised in the submissions have been considered in this report.

28. As the proposed development will be strata titled there is a high likelihood that most of the dwellings being rented. This is out of character with the rest of Manooka Valley which is owner occupied.



Officer comment:

This is not a matter for consideration in the assessment of a DA.

29. *Loss of property values.*

Officer comment:

The potential loss of property values is not a matter for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*.

30. *The developer has previously proposed other multi dwelling housing developments in the area. Concern that increased townhouses in the area will create sub-standard living and a ghetto/housing commission culture.*

Officer comment:

Council staff will assess any future DAs for multi dwelling housing developments against the planning controls applicable at that time and on their merits.

31. *The Manooka Valley community does not support the proposed development.*

Officer comment:

The concerns and lack of support raised by much of the local community are acknowledged. However,, following a detailed assessment, approval of the DA is recommended.

32. *The proposed development will set a precedent for other town house developments. It is noted that pre-DA discussions with Council staff have indicated additional future town houses.*

Officer comment:

Sites for medium density housing for this area are identified by the DCP.

Council staff will assess any future DAs for multi dwelling housing developments against the planning controls applicable at that time and on their merits.

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/2016/1140/1 is recommended for approval subject to the conditions attached to this report.



RECOMMENDED

That Council approve DA 1140/2016 for a multi dwelling housing development at 3 Geraldton Drive, Currans Hill subject to the conditions attached to this report.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD04

SUBJECT: SUBDIVISION OF UNREGISTERED LOT 483 TO CREATE FOUR SUPERLOTS AND THE CONSTRUCTION OF A ROAD

FROM: Director Planning & Environment

TRIM #: 17/306157

APPLICATION NO: DA 643/2017

PROPERTY ADDRESS: 103 Lodges Road, Elderslie

APPLICANT: Proust and Gardner Consulting Pty Ltd

OWNER: AV Jennings Properties Limited

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the subdivision of an unregistered lot (known as Lot 483) to create four super lots and the construction of a road at 103 Lodges Road, Elderslie.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 643/2017 for the subdivision of an unregistered lot (Lot 483) to create four super lots and the construction of a road 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/2017/643/1 seeks approval for the subdivision of an unregistered lot (Lot 483) to create four super lots and the construction of a road.

Specifically the proposed development involves:

- Subdivision of unregistered Lot 483 to create four super lots with the following areas:
 - Proposed Lot 610 – 8918m²;
 - Proposed Lot 609 – 2035m²;
 - Proposed Lot 608 – 1880m²; and
 - Proposed Lot 607 - 1785m².
- The construction of a laneway 10m wide (carriage and verge) for future dedication to Council.

Estimated cost of works is \$650,000.

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'.

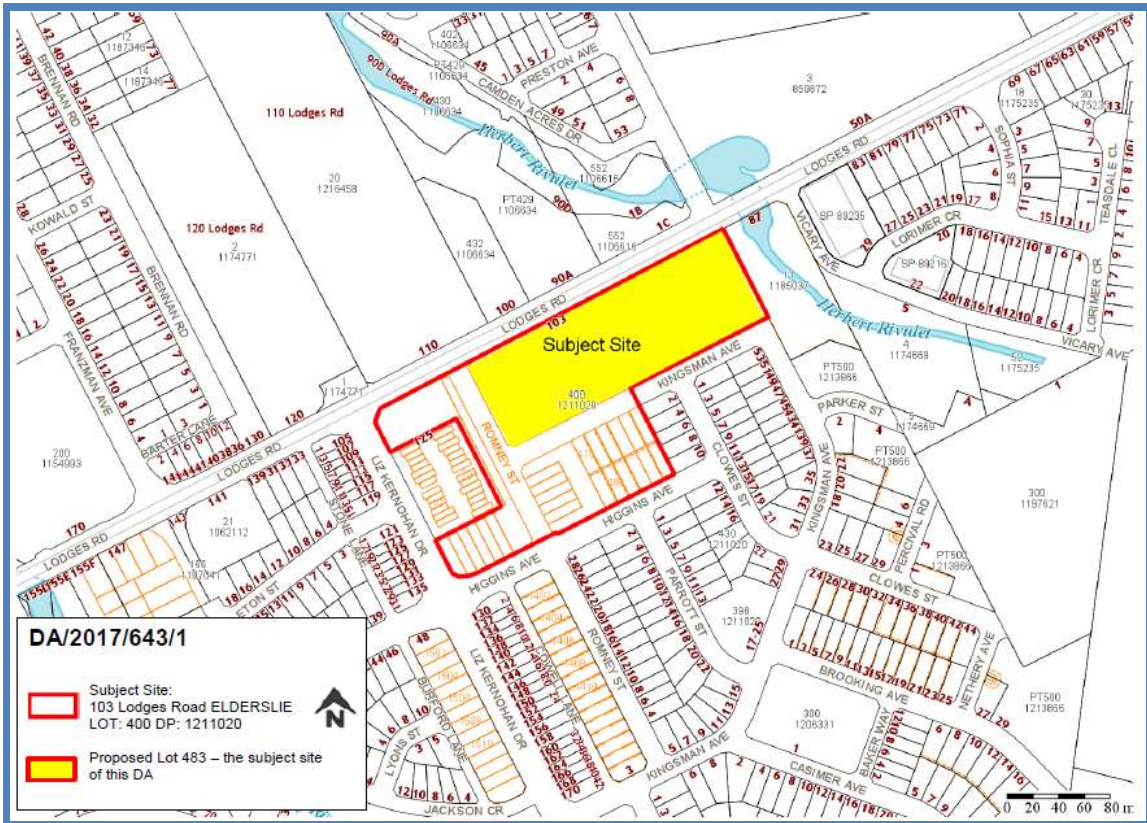
THE SITE

The entire site is known as 103 Lodges Road, Elderslie and is legally described as Lot 400 DP 1211020. The site has a total area of 33,440m² and is located on the southern side of Lodges Road.

The land the subject of this DA is unregistered Lot 483 which has an area of 17,380m² and is currently vacant. Surrounding development consists of a drainage reserve to the north and east, vacant residue lots to accommodate future residential development to the south, and large residential parcels of land on the opposite side of Lodges Road.



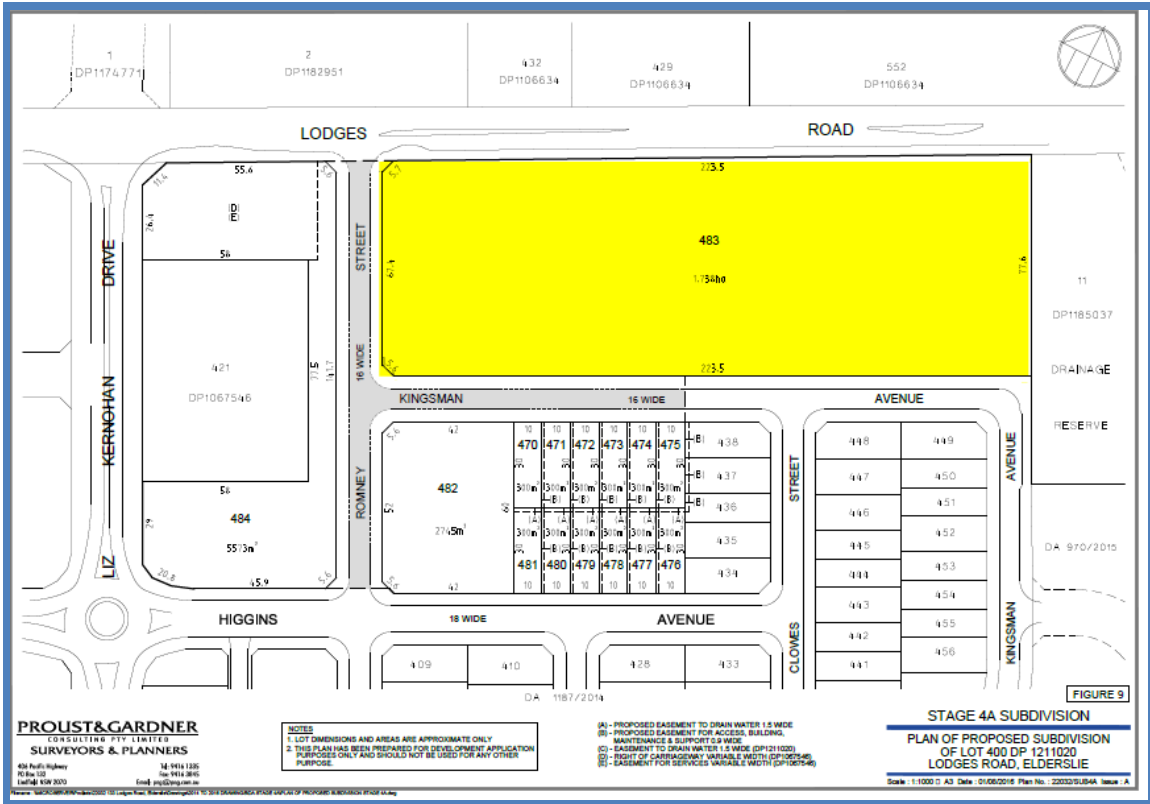
Subject site highlighted in yellow



Subject Site highlighted in yellow

SITE HISTORY

DA 963/2016 was approved on 17 November 2016 for subdivision to create 12 residential lots and three residue lots, construction of roads, earthworks, installation of services and associated site works. The subject DA involves the further subdivision of approved Lot 483 as referenced below. The subdivision works approved under DA 963/2016 have commenced.



Subject Site highlighted in yellow

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
4.1 Minimum Lot Size.	Minimum lot size is 300m ²	The smallest proposed lot is 1785m ² .	Yes.
5.9 Preservation of Trees or Vegetation.	Development consent required for vegetation removal.	No tree removal is proposed.	Yes.
6.1 Arrangements for Designated State Public Infrastructure.	Satisfactory arrangements for State infrastructure.	The site is located within the Western Sydney Growth Areas special contributions area. A condition is recommended which requires the payment of State Infrastructure Contributions (SIC) prior to the issue of a Subdivision Certificate.	Yes.
6.2 Public Utility Infrastructure.	Appropriate public utility infrastructure to service the development is	The existing utility networks surrounding the site can be extended to	Yes.



Camden Local Environmental Plan 2010 (LEP)			
Clause	Requirement	Provided	Compliance
	required.	provide water, sewer, gas and electricity.	
7.4 Earthworks.	To ensure that earthworks will not have a detrimental impact on environment or the surrounding land.	Contamination and salinity reports were submitted with previous DAs for the site and were deemed satisfactory.	Yes.

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
B1.12 Contaminated and Potentially Contaminated Land.	Contamination assessment and remediation (if required) to be prepared in accordance with Council's Management of Contaminated Lands Policy.	Contamination has been addressed under DA/2014/1187/1, DA/2015/675/1 and DA/2016/963/1 which approved the initial subdivision and bulk earthworks. The site is suitable for its intended use.	Yes.
C5.1 Subdivision in Urban Release Areas.	High level of pedestrian connectivity.	The site is in close proximity to future open space corridors (including the Herbert and Oxley Rivulets), public transport corridors and a local school. Pedestrian footpaths will be constructed providing connectivity to surrounding facilities.	Yes.
	Legible and permeable street hierarchy.	The DA is proposing a laneway to service future development. This laneway assists in the movement of vehicles within this precinct and will service future development.	Yes.
	Street blocks a maximum of 250m long and 70m wide, avoid cul-de-sacs, provision of infrastructure (roads, drainage etc.).	The largest of the street blocks measures 223.5m in length by 67.4m width.	Yes.
	Lot orientations of generally north/south, east/west.	Lots are generally north/south or east/west.	Yes.



	<p>Lots generally rectangular and battle-axe lots limited.</p> <p>Easements for services to be incorporated into road reserves.</p>	<p>All lots are generally rectangular. No battle-axe lots are proposed.</p> <p>All utility services will generally be located within the proposed road reserves. The location of the substation required to service this locality has been included within this proposal.</p>	<p>Yes.</p> <p>Yes.</p>
C5.2 Street Network and Design.	<p>Street layout to be consistent with the Elderslie Master Plan.</p> <p>Streets to comply with the minimum required cross sections.</p> <p>All streets and roundabouts to comply with Council's Engineering Specifications.</p> <p>Street trees to be provided on all streets.</p>	<p>The proposed laneway connection intersects with the road layout as included in the Elderslie Master Plan. The proposed lane supports the medium density development envisaged by the ILP and has been proposed to assist in the servicing of future development on the residue lots.</p> <p>The proposed laneway exceeds the minimum cross-sectional width.</p> <p>A condition is recommended to ensure the entire development is in accordance with Council's engineering specifications.</p> <p>The DCP does not require street tree planting within a lane.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
C5.7 Provision of Adequate Infrastructure and Facilities.	<p>Demonstrate local public infrastructure and facilities will be provided.</p>	<p>Conditions are recommended which require the payment of Section 94 Contributions in accordance with Camden Contributions Plan 2011.</p>	<p>Yes.</p>
C6.1 Introduction to Elderslie release Area.	<p>Elderslie Master Plan requirements. The residential dwelling target for Elderslie is 1978 dwellings.</p> <p>The subject site is to</p>	<p>The proposed subdivision, with future residential development, will contribute to the overall density target of 1978 dwelling envisaged for this locality.</p>	<p>Yes.</p>



	provided 102 dwellings See Elderslie Masterplan provided as an attachment.	See detailed discussion in the key issues section of this report.	
C6.2 Neighbourhood and Subdivision Design.	Compliance with minimum lot sizes under the LEP 2010.	The DA is proposing super lots only. Further subdivision and built form will be the subject of future DAs.	Yes.
C6.3 Street Network and Design.	Comply with street network in the Elderslie Master Plan and comply with the DCP's cross section for a laneway.	The DA is seeking to include a laneway to serve the future development. The proposed laneway is 10m wide (6.0m carriageway) and meets the minimum lane dimensions in the DCP.	Yes.
C6.4 Pedestrian and Cycle Network.	Comply with Elderslie pedestrian and cycle network map (Figure C15).	Public transport links (bus routes and bus stops) are available on Lodges Road. Future bus stops are proposed on Liz Kernohan Drive.	Yes.

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	Subdivision, roads and earthworks are proposed within land zoned R1 General Residential and are permissible with consent.

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 55 – Remediation of Land</u> - Compliant with conditions recommended. <u>Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)</u> - Compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i).	<u>Camden LEP 2010</u> - Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii).	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii).	<u>Camden Development Control Plan 2011 –</u> Compliant with conditions recommended.



The applicant has demonstrated that the proposed super lots are capable of accommodating the development form and overall density envisaged for the site in the Elderslie Master Plan. However the final detail and assessment will be subject to future DAs.

Submissions

The DA was publicly exhibited for 30 days in accordance with the DCP. The exhibition period was from 31 May 2017 to 3 July 2017. Three submissions (from one property address) were received.

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

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

- 1. There is a lack of information regarding the intent of the above development. We would like to formally request additional information that shows the larger vicinity.*

Officer Comment

The applicant has advised that future development of the super lots will involve:

- Lot 607 - attached and semi-detached dwellings.
- Lot 608 - attached and semi-detached dwellings.
- Lot 609 - attached and semi-detached dwellings.
- Lot 610 - medium density development.

The applicant has demonstrated the proposed super lots are capable of accommodating the development form and overall density envisaged under the Elderslie Master Plan.

The current DA proposes subdivision into four super lots and a laneway. The information provided with the DA is adequate to assess the subdivision proposal. Development on each of the proposed lots will be the subject of future DAs that will be the subject of community consultation.

- 2. If the intention of creating/developing such lots is to further develop each lot into a multi storey residential flat building, a question should be raised in regard of whether it is appropriate to develop such a project in R1 zoning.*

Officer Comment

This DA is for subdivision only, however the R1 General Residential zoning permits residential flat buildings and multi dwelling housing with consent.

The Elderslie Master Plan envisages attached and semi-detached dwellings and medium density development on the site. Under the Camden LEP 2010, a 9.5 m height limit applies whilst the Camden DCP nominates a 2 storey height limit.

The applicant has demonstrated the super lots are capable of accommodating the development form and density envisaged under the Elderslie Master Plan.

- 3. If the intention of this development is as the above, an issue has to be raised regarding land density and the possibility of this development becoming a Traffic*

Generating Development in the near future and the size of the future road of 10 meters is non-compliant (it needs to be at least 16 meters) as a public road.

Officer Comment

The subject DA is for subdivision and construction of a laneway. The laneway has been designed to be 10m in width (including the verge) with a 6m carriageway. The proposed lane width complies with Camden DCP.

This DA is not seeking to increase or amend the density in this precinct. The road network has been designed to accommodate the overall density for the area, including the 102 dwellings envisaged for this site. The proposed laneway will assist in the movement of the vehicles within the precinct.

Council's Traffic Engineer has reviewed the proposal having regard to the likely future development type. The proposed laneway complies with the requirements of the DCP for laneways, in relation to width and design.

Further subdivision and/or construction works on the lots will be subject to future DAs.

4. Whether the current proposal is in compliance with ILP.

Officer Comment

The DA is seeking subdivision into four super lots and the construction of a laneway. Whilst the proposed laneway is not identified in the Indicative Layout Plan (ILP), it will support the movement of vehicles within the precinct and does not undermine or amend the local road network envisaged by the ILP.

This area was planned for a density of 102 dwellings and the proposed subdivision does not amend the density yield envisaged by the Master Plan.

Development of the super lots will be subject to future DAs where the density requirements of the DCP will be considered.

The proposal is considered to be consistent with the ILP for Elderslie.

5. Propose development lack sufficient information regarding compliance to Mine Subsidence Compensation Act 1961.

Officer Comment

As of 1 July 2017, the Camden LGA is no longer within a Mine Subsidence Area. However, the plans were approved by the Mine Subsidence Board (MSB) prior to 1 July 2017. The MSB General Terms of Approval remain relevant and will be included as part of any approval issued.

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 643/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 643/2017 for subdivision of unregistered Lot 483 to create four super lots and the construction of a road at 103 Lodges Road, Elderslie.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD05

SUBJECT: DEMOLITION, ALTERATIONS AND ADDITIONS TO THE EXISTING CAMDEN VALE MILK BUILDINGS FOR FIVE NEW FOOD PREMISES AND A FUNCTION CENTRE, PROVISION OF CAR PARKING, ASSOCIATED TREE REMOVAL, LANDSCAPING, SIGNAGE, SITE WORKS AND SITE REMEDIATION

FROM: Director Planning & Environment

TRIM #: 17/301186

APPLICATION NO: 169/2016

PROPERTY ADDRESS: 11 Argyle Street Camden

APPLICANT: Costa Meitanis

OWNER: Costa Meitanis

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for demolition, alterations and additions to the existing Camden Vale Milk buildings for five new food premises and a function centre, car parking, tree removal, landscaping, signage, site works and site remediation at 11 Argyle Street, Camden.

The DA is referred to Council for determination as there remain unresolved issues raised in 32 submissions from 21 property owners and the DA proposes a Clause 4.6 variation to allow a building which exceeds the height limit specified in the Camden LEP 2010.

SUMMARY OF RECOMMENDATION

That Council determine DA169/2016 for demolition, alterations and additions to the existing Camden Vale Milk buildings for five new food premises and a function centre, car parking, tree removal, landscaping, signage, site works and site remediation 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

DA169/2016 seeks approval for demolition, alterations and additions to the existing Camden Vale Milk buildings for five new food premises and a function centre, car parking, tree removal, landscaping, signage, site works and site remediation.

Specifically the proposed development involves:

- Demolition of the existing single storey shed building to the east of the heritage building and the concrete ramp and awning attached the west of the heritage building;
- Restoration of the existing heritage building, including repair of the existing roof cladding, replacement and repair of all roof vents, replacement of awnings and fenestration;



-
- Alterations to raise the existing roof of part of the existing building by 1.6m (eastern side of the heritage building);
 - Minor internal changes to the existing heritage building;
 - Use of the existing heritage building for four separate café/restaurants;
 - Construction a new two storey building up to 12.8m in height;
 - Use of the new building for a café/restaurant on the lower floor and a function centre on the upper floor which can accommodate up to 130 persons;
 - Hours of operation 8.00 am to 10.30 pm;
 - Construction of a pedestrian bridge link connecting the upper floors of the existing building to the new building;
 - Construction of a carpark to provide 79 car spaces and a garbage enclosure;
 - Vehicular access to the site will be left in and left out only via Argyle Street and exit only via Edward Street;
 - Pedestrian access will be from Argyle and Edward Streets;
 - New footpath and associated infrastructure;
 - Removal of five exotic trees and vegetation;
 - Construction of a 6m high pylon sign to the eastern side of the Argyle vehicle access;
 - Remediation of contaminated land; and
 - Associated earth and site works including drainage infrastructure and landscaping.

The value of the works associated with the development is \$7.7 million.

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

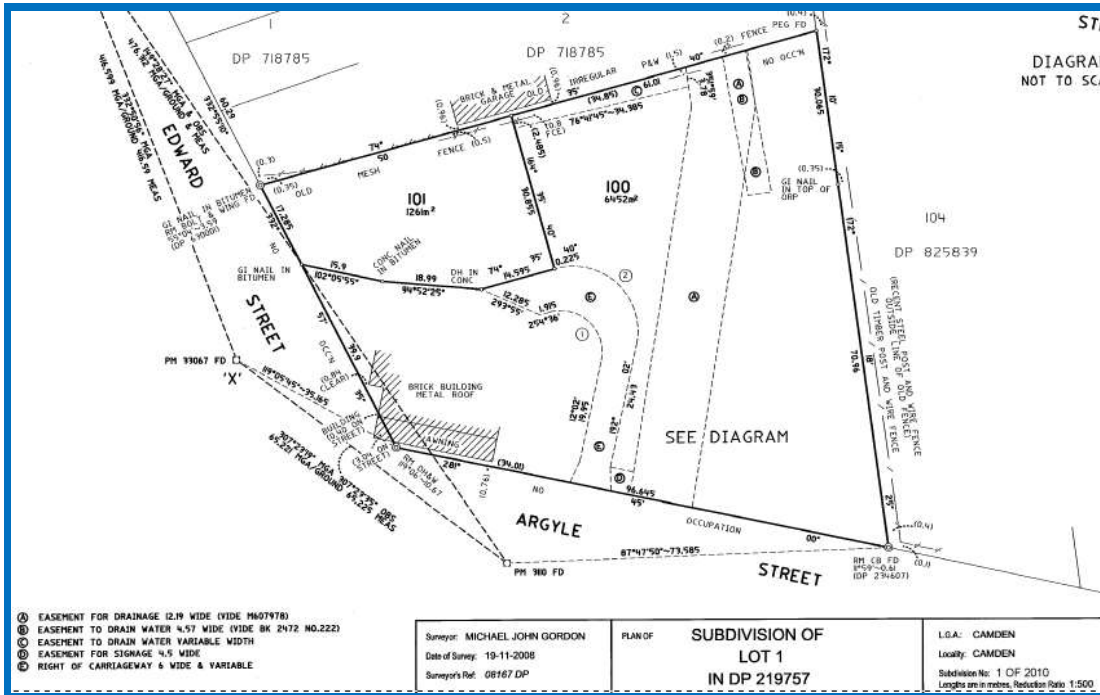
The site is known as 11 Argyle Street and is legally described as Lot 100 DP 1147682.

The site is located on the corner of Argyle Street and Edward Streets in Camden. The site has an area of 6452m² and is generally irregular in shape, with a frontage of approximately 96.645m to Argyle Street and 39.9m to Edward Street. The site is a 'gateway' property being at the entrance to the Camden town centre.

The site contains a locally listed heritage item known as the Camden Vale Milk Company building and is within the Camden Town Centre conservation area. The

existing buildings include the original two storey building and an adjoining single storey storage shed. The buildings are currently vacant. The last use operating from the site was 'Camden Bike and Power', retailers of motor bikes and lawn mowers.

The property slopes from west to east, with a difference of up to 4.0m from the Edward Street frontage to the north east corner of the site. Stormwater and drainage easements extend north south within the eastern portion of the site.



Extract of Deposited Plan.

The site contains a number of exotic trees and vegetation.

The Nepean River is located approximately 380m to the east and the site is affected by flooding by both the 1 in 20 year (5% AEP) and 1 in 100 year (1% AEP) flood line.

There is a roundabout at the intersection of Argyle and Edward Streets. Vehicular access to the property is currently available from both Edward and Argyle Streets. Argyle Street is a classified road and is known as Camden Valley Way on the eastern side of Cowpasture Bridge.

The site adjoins existing semi-industrial and commercial land to the north, south and west. Immediately adjoining to the north is a carwash, which has a right of carriageway over the subject property. Further north and adjoining the site to the east is a locally listed heritage item known as the stockyards.

A mix of commercial and retail uses front the southern side of Argyle Street, including a vacant site directly opposite which previously contained a petrol station. To the west of the site is a McDonalds restaurant.

The land immediately east is zoned RU1 Primary Production.



APPLICATION HISTORY

The proposal has been amended since lodgment in March 2016, to address Council's requirements and concerns raised in submissions. The main amendments include:

- The front façade of the new building being setback 3.12m behind the existing building;
- Removal of the skillion roof form from the eastern side of the new building;
- Introduction of additional materials and finishes including face brickwork, stonework and a significant reduction in the extent of glazing of the new building;
- Removal of the proposed upper level balcony to the heritage building;
- Amendments to the window and door openings, including the proportions of the fenestration of the new building to be consistent with heritage building forms;
- The pedestrian bridge link between the heritage building and the new building has been reduced in height;
- Removal of the decked car park; and
- Provision of a one way traffic design through the site.

Figure 1 depicts the original proposed elevation to Argyle Street. Figure 2 represents the current proposed elevation to Argyle Street.



Figure 1



Figure 2

KEY STATISTICS

The DA has been assessed against the relevant planning controls and is compliant with the exception of the variation noted below.

Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
2.7 Demolition	Consent is required to demolish buildings.	Consent has been sought for demolition as part of this DA.	Yes.
4.3 Height of Buildings	Maximum 7m	12.815m.	No – See LEP Variation 1.
4.6 Exceptions to Development Standards	Allows for variations to development standards if demonstrated the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify contravening the development standard.	A clause 4.6 variation has been lodged to support the application and is discussed in detail below.	Yes.
5.10 Heritage Conservation	Consent is required for demolition or for development to a heritage item or within a conservation area.	Consent is sought for demolition and development on the site which is listed as heritage item (I3) Old Dairy Farmers Co-op Depot and is within the Camden Town Centre Conservation Area.	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	A heritage assessment document must be submitted to support the application.	<p>Council's Heritage Advisor is satisfied with the heritage assessment provided with the DA, as the proposed development meets the objectives of the heritage conversation clause and can be supported.</p> <p>A detailed discussion on heritage is provided in the key issues section of this report.</p>	Yes.
7.1 Flood Planning	Development consent must not be granted to development on land where development is incompatible with the flood hazard and will adversely impact upon localised flooding behaviour resulting in damage to property and loss of life.	<p>The proposed uses, the additions to the heritage building and the addition of a new building and car park have been assessed against Council's Flood Policy.</p> <p>Council's Flood Engineers are satisfied the DA complies with the controls of Council's LEP, DCP and Council's Flood Policy.</p> <p>Flooding impacts are discussed in more detail in the key issues section of this report.</p>	Yes.
7.4 Earthworks	Consider several matters relating to earthworks including soil stability, the quality of fill and impacts on watercourses.	<p>Council's Development and Flood Engineers are satisfied the earthworks proposed will not have any adverse or environmental impacts on adjoining land.</p> <p>Conditions are recommended be included in the consent.</p>	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
B1.2 Earthworks	Building work must be designed to ensure minimal cut and fill is required.	The remediation strategy requires 1630m ³ of cut (up to 1.7m in depth) and 950m ³ of fill (up to 1.5m of fill). Council's Development and Flood Engineers are satisfied the earthworks are appropriate and will not adversely impact the flood plain.	Yes.
B1.5 Trees and Vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	The DA proposes the removal of 5 trees. The majority of the vegetation is weed species which does not warrant retention. Council's Landscape Officer is satisfied the landscaping proposed as part of the development of the site will offset any loss.	Yes.
B1.11 Flood Hazard Management	Development on flood prone land must comply with Council's Engineering Specifications and Flood Risk Management Policy.	Council's Flood Engineers have confirmed the proposed development is compliant with the Flood Risk Management Policy and engineering standards. A detailed discussion of flooding is provided in the key issues section of the report.	Yes.
B1.12 Contaminated and Potentially Contaminated Land Management	A contamination assessment and remediation (if required). Identified remediation works must be in accordance with the protocols of Council's Policy – <i>Management of Contaminated Lands</i> and DECCW's <i>Guidelines for Consultants Reporting on Contaminated Sites</i> .	The applicant has submitted a contamination assessment for the site. A remediation action plan (RAP) has been submitted and has been prepared in accordance with all relevant policies and guidelines. The RAP is recommended to be approved subject to conditions.	Yes. Yes.
B3 Environmental	A Heritage Impact Statement to be	A Heritage Impact Statement (HIS) was	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
Heritage	<p>provided with a development application a Heritage Item Heritage Conservation Area.</p> <p>A Conservation Management Plan is generally required for items listed in the State Heritage Register. It may also be required for any major development or subdivision proposals to local heritage items.</p>	<p>lodged with the DA.</p> <p>Council's Heritage Advisor has requested as a recommended condition of consent that a detailed schedule of conservation works be submitted to Council prior to the issue of a construction certificate.</p>	Yes.
B3.1.1 General Heritage Provisions	<p><u>Design:</u> New buildings shall be of a simple, contemporary design that avoids "heritage style" replication of architectural or decorative detail.</p> <p>New work must complement the existing building, but it should be possible to tell the new from the old.</p> <p>When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.</p> <p>New development must be designed reflecting the general form, bulk, scale, height, architectural elements and other</p>	<p>The new building is a contemporary design which incorporates suitable materials including sandstone, face brick work, rendered finishes, glass and steel.</p> <p>Elements such as the balcony, awning, balustrades, aluminium louvres etc. ensure the new building can be identified as an addition and do not replicate the heritage style of the existing building.</p> <p>The existing shed and concrete ramp are proposed to be removed. These were later additions and have no heritage significance.</p> <p>Council's Heritage Advisor considers the design of the proposal is appropriate to the context of the street and is sympathetic with the</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	<p>significant elements of the surrounding heritage items and heritage conservation areas.</p> <p>The significant internal and external fabric and building elements of the principal building are to be retained and conserved.</p> <p><u>Siting:</u> Alterations and additions to existing development will be sited and designed to retain the intactness and consistency of the streetscape and retain elements that contribute to the significance of the conservation area; and the relationship of that building to the other buildings of the group.</p> <p>Additions are to be predominantly to the rear of the existing building.</p>	<p>character of the heritage item and the Heritage Conservation Area (HCA). The height and form of the proposal is similar and complementary to surrounding buildings and is appropriate for its location in the HCA.</p> <p>All significant internal and external fabric and building elements of the milk depot building will be retained, conserved and reused where possible.</p> <p>The existing building will be restored to its original form, with the unsympathetic additions removed and the existing signage identifying the building replaced. The window and door openings of the existing building will be retained and the fenestration proposed will match the original style in form and design.</p> <p>When viewed from Edward Street, the new building is predominantly located to the rear of the existing building. From Argyle Street, the addition is located to the side, however it is clear what is the heritage building and what is the new development, thereby satisfying this clause.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
	<p>Additions to the side</p>	<p>The new building is setback 6m to the east of</p>	<p>Yes.</p>



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	of existing buildings will be considered where it is substantially set back from the front building alignment and the style and character of the building will not be compromised.	the heritage building. The front façade of the new building is setback 3.125m behind the building line of the heritage building. The design and siting of the new addition will not compromise the style and character of the heritage item.	
	Where there is a uniform building front setback, new development must recognise this.	There are no uniform setbacks in this locality.	Yes.
	<p><u>Roofs and Roofscape:</u> The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area shall be retained.</p>	<p>The roof of the heritage building will be restored and retained. The proposed metal pitched roof form for the new building is consistent with the existing building.</p>	Yes.
	<p><u>Verandahs and Balconies:</u> Verandahs and balconies on new buildings should generally be of a contemporary design and materials that respond to the relevant aspects of the historic context</p>	<p>The verandah and balcony on the front façade of the new building is contemporary in design combining steel beams, metal and glass balustrades.</p>	Yes.
	<p><u>Materials and Finishes:</u> Surviving original materials, finishes, textures and details shall be retained and conserved where appropriate.</p>	<p>The existing building will be retained and restored using similar materials and finishes.</p>	Yes.
	Materials, finishes, and textures must be	The materials and finishes proposed for the	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	<p>appropriate to the historic context of the original significant buildings within the streetscape.</p> <p>Contemporary materials are permitted where their proportions, detailing and quantities are in keeping with the character of the area. Large expanses of glass and reflective wall and roof cladding are not appropriate.</p> <p><u>Colours:</u> Colours on heritage items must be appropriate and complement the building type and style</p> <p>New buildings need not employ traditional colour schemes, but should use colours sympathetic to surrounding development and contribute to the cohesiveness of the Heritage Place.</p> <p><u>Demolition:</u> Where consent is issued for demolition, or part demolition, of a heritage place a comprehensive diagrammatic and photographic archival record is to be made of the structure to be demolished.</p>	<p>new building are contemporary and differ to the heritage building. They have been selected to ensure the heritage building is easily identifiable.</p> <p>Some materials proposed, including steel and metal are industrial in nature in keeping with the original use of the milk depot. There is an acceptable combination of brickwork, stonework, metal and glass which does not undermine the heritage building.</p> <p>The existing building will be repainted and will be the same colour.</p> <p>The brown and grey tones proposed for the new building are sympathetic to the industrial style of the heritage building.</p> <p>Recommended conditions require a photographic archival record to be provided for Council's records prior to demolition commencing.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>
B3.1.2 Camden	The rural-urban interface shall be	The proposal retains a landscaped edge along	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
Heritage Conservation Area	sensitively addressed in new development proposals.	the northern and eastern boundaries and along the Argyle Street frontage.	Yes.
	Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive re-use opportunities should be explored to facilitate the conservation of these buildings.	The original industrial use of the site as a milk depot is unlikely. The proposed commercial uses are appropriate and facilitate the repair, use and conservation of the existing vacant building.	
	A two storey height limit shall prevail except for significant architectural features incorporated in the design of buildings in significant locations.	The development as proposed is two storeys in height and includes an architectural roof feature having a pitch roof to match the roof style of the heritage building.	
	Corner buildings should make a statement through their stature and signature qualities, whilst at the same time integrating with adjoining development and development located opposite.	The proposed development will make an entry statement to Camden whilst being of a design which is sympathetic to surrounding development.	Yes.
B4.2 Signs on Heritage Items or in Heritage Conservation Areas	Consent is required for signage.	A condition is recommended that only the building signage to Edward Street being 'Camden Vale Milk Company Ltd' and the 6.0m high pylon sign to the east of the Argyle Street driveway be approved, any other signage will require a separate DA.	Yes.
B5.1 Off-street Car Parking Rates	Restaurants and Cafés require 1 car parking space per	The proposed development provides for 79 spaces.	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
and Requirements	30m ² of Gross Floor Area (GFA).	Based on a total GFA of 1088m ² for five restaurants, 36.6 spaces are required.	
	Function Centre – Single Room requires 15 car parking spaces per 100m ² GFA of the room or one car parking space per three seats (whichever is greater).	Based on a GFA of 347m ² for the function centre with 130 seats, 52 spaces are required. The previous approved retail use (505m ²) required 23 spaces. 13 spaces were provided which was a shortfall of 10 spaces. The DCP prescribes that the redevelopment of a site may rely on existing shortfalls or deficiencies in car parking. Noting this, the provision of 79 spaces is considered to be appropriate and consistent with the DCP.	
	Bicycle parking and motorcycle parking be provided at the rate of one space per 25 car parking spaces	Seven motorcycle spaces and six bicycle spaces are proposed which exceed the requirements.	Yes.
	Preparation of a car parking/traffic impact statement required as the DA must be referred to Roads and Maritime Services (RMS) as it is a traffic generating development under the SEPP Infrastructure	A traffic report was submitted in support of the DA and was referred to the RMS and Council's Traffic Engineers. The RMS did not raise any issues regarding the proposed development as amended.	Yes.
	Carparking and access must comply with Australian Standards	The proposed carpark layout including car parking dimensions, aisle widths and access points are in accordance with the DCP and	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
		Australian Standards. Council's Traffic Engineers are satisfied the development will not have any unacceptable impact on traffic flows in the area. This is discussed in the likely impacts section of this report.	
	Garbage storage and collection areas should be conveniently located and designed so as not to cause unacceptable on - street conflicts	The garbage storage and collection area are located on site and the site can be serviced by Council's waste vehicle.	Yes.
	The design of parking areas should take into account the likely visual impact of these areas in the context of the surrounding development and streetscape.	The carpark is mainly located to the eastern portion of the site and will not be visually intrusive from a streetscape perspective.	Yes.
	Loading Zone requirements for Restaurants = one space per 400m ² Council will assess the extent and size of the service vehicle parking area to be provided having regard to the nature of a particular development and its likely servicing requirements.	One exclusive loading zone and a shared zone which can be utilised for loading and garbage collection are required on site. There is sufficient space available for loading and servicing the development within the site. The loading area is proposed at the rear of the new building.	Yes.
D3 Commercial and Retail Development D3.2.1 Function and Use	Development within business zones must incorporate a range of local retail, commercial, entertainment, childcare, residential and community uses	The DA proposes additional commercial floor space which will serve the needs of the community.	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	to serve the needs of the local community.		
D3.2.2 Layout/Design	Location and layout must consider potential future noise and amenity conflicts for both the subject development and adjoining development.	Noise, amenity and traffic conflicts have been considered and subject to the recommended conditions relating to compliance with the submitted acoustic report, car parking and access provisions is acceptable. No significant adverse conflict between the subject and adjoining developments is envisaged.	Yes.
	Where development fronts a street, it must be designed so that it addresses the street.	The development proposes active street frontages to both Argyle and Edward Streets.	Yes.
	New development must not detract from significant existing views and vistas.	The new development is not considered to detract from existing views and vistas.	Yes.
D3.2.3 Built Form and Appearance	Buildings should have similar mass and scale to create a sense of consistency and should feature high quality architectural design and built form. Development must be compatible with surrounding businesses.	The new building is appropriate in scale for a corner site and is of a high quality architectural design with compatible materials, finishes and colours. It is considered the design, bulk and scale are compatible with nearby commercial buildings and are sympathetic to the heritage and conservation aspects of the locality.	Yes. Yes.
	Building wall planes must contain variations and provide visual interest.	The new building proposes a co-ordinated mix of colours, materials, finishes and height variations to provide visual interest.	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	Where multiple tenancies are located in one building, each tenancy must be defined by appropriate architecture design features.	The new building will contain two tenancies which are defined by appropriate design features. One on the upper floor and the other on the lower floor.	Yes.
	Consideration is to be given to the interface where buildings and awning abuts an adjoining development.	The proposed new building does abut any buildings or adjoining sites. The bridge link joining the new building to the heritage building is modest, well designed and recessive.	Yes.
	Roof forms should be appropriately designed to respond to the built form of other nearby business developments.	The proposed pitched roof form is compatible with the design of the heritage building.	Yes.
	New developments must not cause significant overshadowing or overlooking of public places.	The proposed development does not cause any significant overshadowing of public places.	Yes.
	Where a building addresses a corner, the entrance should be on or near the corner and should have a positive frontage to both streets, and the corner should be emphasised through a built form element.	The restoration of the heritage building will enhance the frontages along Argyle Street and Edward Street.	Yes.
	Buildings on corner lots may have feature elements that exceed the building height limitation prescribed in LEP 2010.	The new building has a pitched roof to match the existing building which increases the height of the building and further exceeds the prescribed height limitation.	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
	Service infrastructure such as air conditioning must be screened from public view.	A condition is recommended that the design of the air conditioning and plant screening must have regard to the architectural design of the building and incorporate similar colours and materials as the buildings.	Yes.
	Site facilities such as loading, waste storage and servicing must be designed to minimise visual impact on the public domain and neighbours.	The loading dock is located behind the proposed building and will not be visible from the street and is Australian Standard compliant.	Yes.
	Security devices must be built into the design of the building.	The Camden Local Area Command (CLAC) require security devices including CCTV to be installed, this is a recommended condition of consent.	Yes.
D3.2.6 Parking and Access	The visibility of parking areas at street frontages must be minimised through parking layout, design and landscape treatments.	The car parking area is predominantly located behind the buildings and away from the street frontages. The car spaces located near the Argyle Street entrance will be partially obscured by landscaping to reduce their dominance.	Yes.
	Car parking areas must be designed to enable safe, comfortable and easy access for pedestrians.	The car park is appropriately located given the constraints of the site. There is an easy transition from the carpark to the building.	Yes.
	Car parking must be provided in accordance with Part B5 of the DCP.	The DA provides compliant carparking in accordance with Part B5 of the Camden DCP.	Yes.
D3.7 Camden – B4	Development in the	The proposed	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
Mixed Use D3.7.1 Layout/Design	B4 zone should be complementary to the existing land uses in the B2 Local Centre zone.	commercial development will complement the B2 Local Centre uses by providing new cafés/restaurants and a function centre.	
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.	A varied palette of colours, materials and finishes is proposed that are sympathetic to the heritage item and the local precinct.	Yes.
	Buildings in full corporate colours will not be permitted.	No corporate colours are proposed.	Yes.
D3.7.4 Heritage and Character	Reference must be made to chapter B3 of this plan the Camden Heritage Conservation Area.	A detailed assessment of Chapter B3 has been undertaken as detailed above. The development has been designed to satisfy the requirements for a building adjoining a heritage item within a Conservation Area.	Yes.
	Development within the B4 Mixed Use zone in Camden must be consistent with the Camden Town Centre Strategy dated 2008.	The proposal is consistent with the Camden Town Centre Strategy as a redevelopment of a prominent site at the entry to the Camden Township.	Yes.

ASSESSMENT

Zoning and Permissibility

Zoning:	B4 Mixed Use.
Permissibility:	The proposed development is defined as a 'commercial premises', 'food and drink premises' and 'function centre' by the LEP which are all permissible land uses in this zone.



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

<p>State Environmental Planning Policy(s) - S79C(1)(a)(i)</p>	<p><u>Deemed SEPP No. 20 – Hawkesbury-Nepean River</u> Compliant with the conditions recommended.</p> <p><u>SEPP 55 – Remediation of land</u> The applicant has submitted a Remediation Action Plan (RAP) for the site which demonstrates the site can be made suitable for its intended commercial use. The methods proposed to remediate the site include the partial removal of contaminated material to an appropriately licenced off-site landfill in conjunction with some capping and containment of residual material. Council's Environmental Health Officer is satisfied with the method of remediation proposed being an appropriate remedial strategy and can be supported. A number of specific conditions are recommended.</p> <p><u>SEPP (Infrastructure) 2007</u> Clause 104 requires a referral to the Road and Maritime Services (RMS) regarding schedule 3 of the SEPP. The DA was referred to the RMS. The RMS is satisfied with the proposed development and acknowledged Council's Traffic Engineers will recommend conditions to address the development within the roadway.</p>
<p>Local Environmental Plan - S79C(1)(a)(i)</p>	<p><u>Camden LEP 2010</u> Compliant with one variation proposed as discussed in detail below.</p>
<p>Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)</p>	<p>None applicable.</p>
<p>Development Control Plan(s) - S79C(1)(a)(iii)</p>	<p><u>Camden DCP 2011</u> Compliant with conditions.</p>
<p>Planning Agreement(s) - S79C(1)(a)(iiia)</p>	<p>None.</p>
<p>The Regulations - S79C(1)(a)(iv)</p>	<p>Impose prescribed conditions.</p>
<p>Likely Impacts - S79C(1)(b)</p>	<p>The likely impacts are discussed in the key issues section of this report.</p>
<p>Site Suitability - S79C(1)(c)</p>	<p>The site is suitable for development and the site attributes are conducive to development.</p>
<p>Submissions - S79C(1)(d)</p>	<p>Thirty two submissions were received from 21 property owners. These are discussed within the Submissions section of this report.</p>
<p>Public Interest - S79C(1)(e)</p>	<p>The development is in the public interest.</p>



LEP Variation 1 – Maximum Height of Buildings

LEP Development Standard

Clause 4.3 of the Camden LEP requires the height of a building on the site not exceed 7m.

The height of the new building at the highest point is 12.815m and exceeds the height control by 5.815m.

Variation Request

The applicant has requested a height variation be supported based on the following:

- Compliance with the height control of the Camden LEP 2010 is both unreasonable and unnecessary in the circumstances of this case.
- Development of this site is highly constrained by the location and form of the existing heritage building on site and the flood impacts affecting the site.
- Clause 5.10(10) permits the Council to grant consent to a development that would not be permitted if conservation of a heritage item is proposed. The adaptive reuse of the site will ensure that the heritage item, being the former Camden Vale Milk Depot will be conserved and restored so as to be preserved for future generations to enjoy.
- Clause 5.6 of the Camden LEP refers to architectural roof features and only applies where a building exceeds the height requirement of clause 4.3. The roof form of the new building matches that of the existing heritage building and proposed in an 'industrial form' consisting of pitched roofs. The architectural roof form is required to be compatible and sympathetic to the existing heritage building on the site; resulting in this part of the development further exceeding the building height limit.

Council Staff Assessment

Clause 4.6 allows Council to approve development that does not comply with certain development standards contained within an LEP.

The submitted Clause 4.6 request to vary Clause 4.3 (Height of buildings) is supported by Council officers as there are sufficient environmental planning grounds to vary the standard as outlined below:

- The proposed variation to height is consistent with the objectives of the exception clause. The objectives of clause 4.6(1) are as follows:
 - a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
 - b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- The height of the heritage building varies between 8m to 10.9m which exceeds the 7m height limit. It is proposed to increase a section of the roof associated with the heritage building from 8m to 9.6m. This increase in roof height of the heritage building will enable the existing second floor of the heritage building to comply with the Building Code of Australia. Currently this part of the existing building is not useable as the floor to ceiling height does not comply with the relevant standards.

- The proposed height of the pedestrian bridge link between the heritage building and the new building measures 7m in height which complies with the height control.
- The eastern portion of the site is within the floodway. As a result it is not possible to construct a larger portion of the new building at ground level as Council's Flood Policy does not permit structures within the floodway. The upper floor level of the new building has been designed at this height in order to provide an acceptable level change to satisfy the 1-in-100 year flood level.
- The proposed siting, setbacks, height and design of the new building does not unreasonably impact on the visual plane of Argyle Street or interfere with existing view corridors. Due to the ground level differences of the land (sloping from west to east), the new building at 12.81m in height does not dominate or detract from the existing heritage building to be protected.
- The non-compliance with the height standard will not unreasonably impact, overshadow or visually intrude on any adjoining development or the heritage significance of the heritage item on the site.
- The proposed development, other than the height breach is compliant with the applicable planning controls contained in the Camden LEP and DCP and also Council's Flood Policy.

Based on the above considerations, the proposed variation to the development standard is acceptable based on the particular circumstances of the proposed development. It is considered that approval of the application will not compromise the interests of the public, given the relevant objectives of the zone and the standard are met by the proposal despite its numerical non-compliance with the development standard. The variation is not considered to raise any matter of regional and State significance, and concurrence of the Minister in approving the variation can be assumed by Council.

Key Issues

Flooding

A flood risk assessment and flood evacuation plan has been provided to support the proposed development. Council's Flood Engineers have worked with the applicant to ensure the development is acceptable from a flooding perspective.

Council officers are satisfied the development is consistent with the Camden LEP, DCP and Council's Flood Risk Management Policy, subject to the recommend conditions.

The development has been assessed on its merit in accordance with the NSW Floodplain Development Manual (April 2005) and Council's Flood Risk Management Policy, and has considered the objectives of not sterilising existing commercial land whilst appropriately considering the flood risk and ensuring the development is sympathetic with the character of the surrounding land uses.

The primary objective of the New South Wales Flood Prone Land Policy recognises the following:

- Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development, and



- If all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally, quite inappropriate proposals may be approved.

The proposed development has been assessed on its merits having regard to relevant criteria, such as but not limited to, the hydraulic and hazard categories of the site, design and construction of the buildings, emergency response management, evacuation, environmental, streetscape and heritage factors.

Council's Flood Risk Management Policy states that all areas in the floodplain in the Camden LGA is categorised as high hazard. Figure 3 below maps the extent of the Nepean Probable Maximum Flood (PMF). A larger version of this plan is included as an attachment to this report. This shows that the majority of the Camden Town Centre including the subject site at 11 Argyle Street is high hazard.

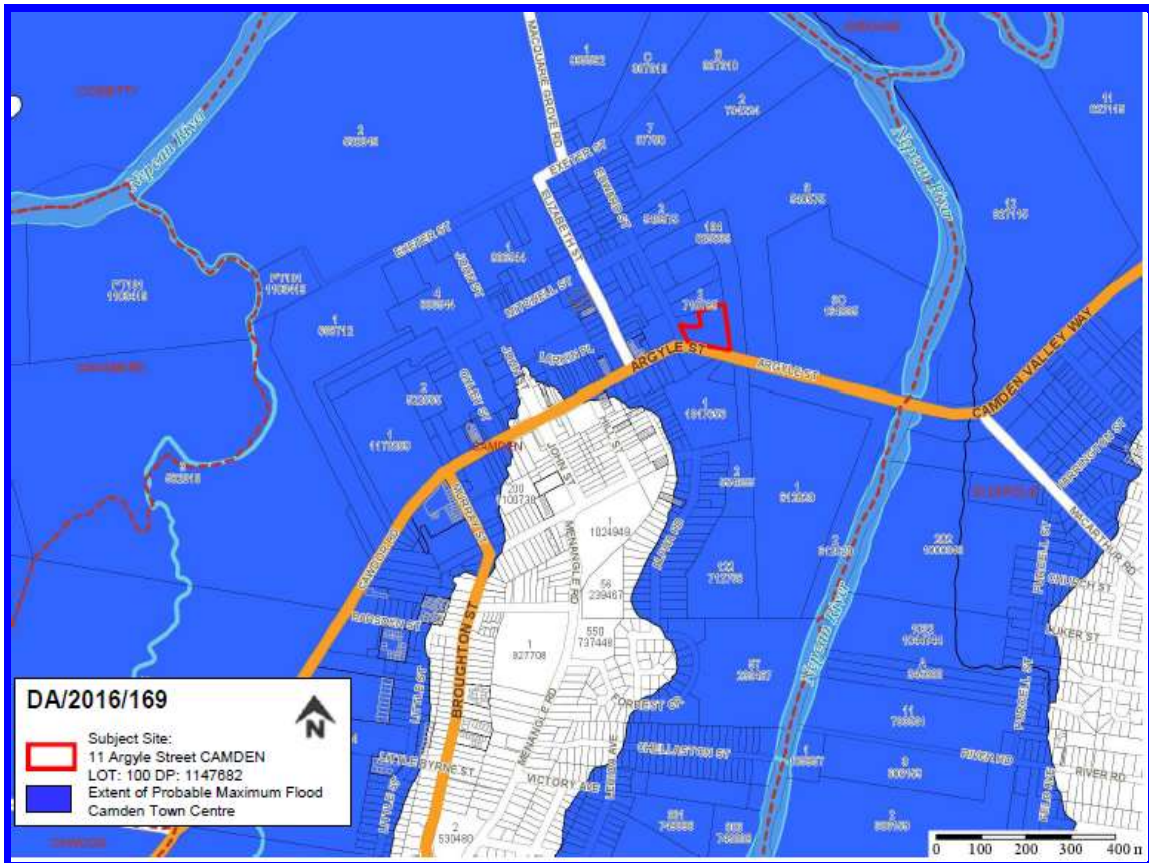


Figure 3 – Extent of Probable Maximum Flood (PMF) Camden Town Centre

The Flood Policy states that the high hazard rating is not intended to sterilise land for any use. Rather, it is a signal that any development that occurs in the floodplain should be planned with due attention to the flood related issues and implementation of appropriate measures to reduce flood damage.

The property is affected by flooding from both the 1-in-20 year (5% Annual Exceedance Probability AEP) and 1-in-100 year (1% AEP) flood line. The site is within both floodway and flood storage zones. All of the existing and proposed structures are located within the flood storage area. A portion of the on grade carpark is located within

the floodway. Figure 4 below illustrates this. A larger version of this plan is included as an attachment to this report

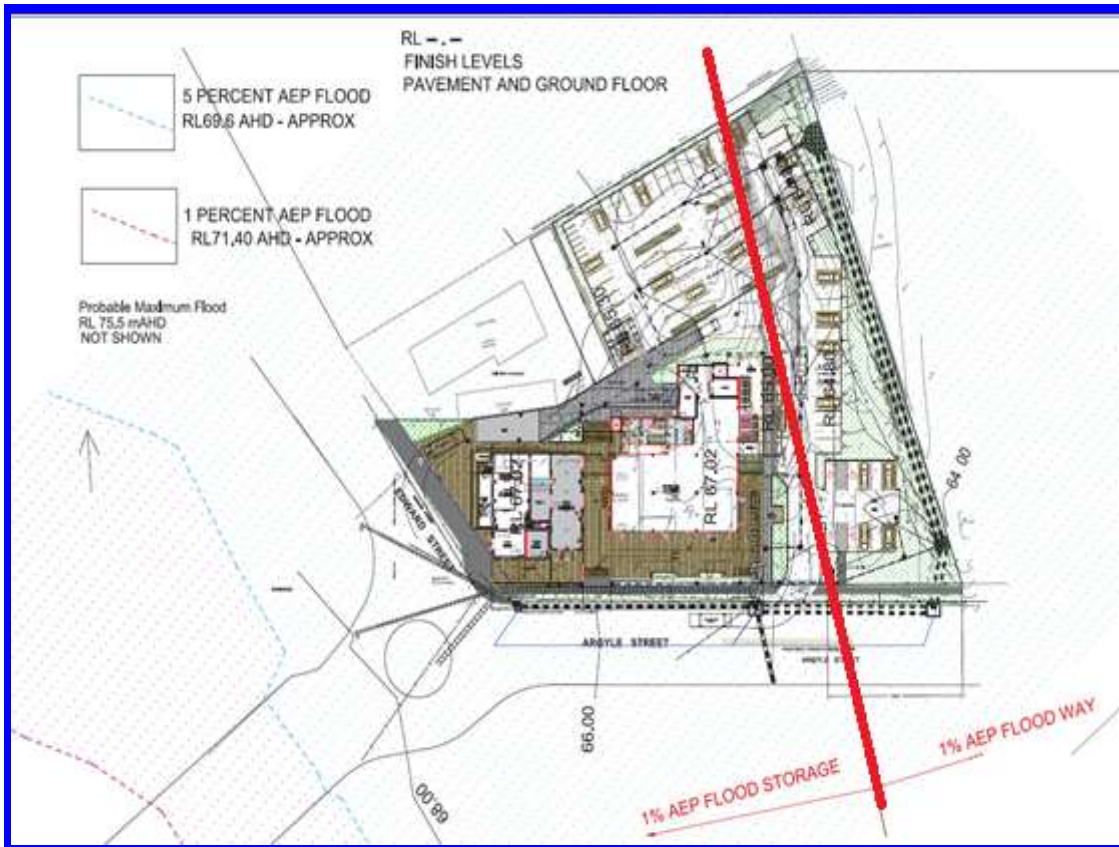


Figure 4 – Location of proposed development in relation to flood lines

The existing heritage building has a floor level at RL 67.02 which is 5.01m below the 1% AEP (1-in-100 year) flood level and is approximately 0.4m above the 20% AEP (1 in 5 year) flood level. The proposed new building also contains a proposed floor level of RL 67.02 to match the existing building. The first floor of the new building is at RL 70.66 which is 0.74m below the 1% AEP however is above the 5% AEP (1 in 20 year) flood level.

The proposed building footprint has been assessed within the Nepean River Flood Study model. Results demonstrate that flow redistributions and flood level increases outside the property boundary are considered negligible.

Water resistant building materials are proposed below the FPL (flood planning level). Further, the building will be designed and constructed to structurally withstand the pressure of floodwaters. Recommended conditions of consent will require structural certification at the construction certificate stage to ensure the proposed building and carpark can withstand the forces of floodwaters.

Minor damage would be incurred in an extreme flood event which would be unavoidable. The ground floor level of both buildings will have flood-tolerant electrical fixtures. The upper levels will similarly have flood-tolerant electrical fixtures, but the electrical circuits within the roof space will be above the 1% AEP flood level. The power outlets for the ground floor level will be suspended from the ceiling above the first floor level and placed within water proofed conduits to minimise damage if inundated.



An evacuation procedure for the site has been prepared with consideration for the SES Camden Local Flood Plan. The evacuation route for the site will be via Edward Street onto Argyle Street then onto John Street which is above the PMF level. As per the Local Flood Plan, it is expected that approximately six hours notice should be able to be provided to Camden residents to enable evacuation.

Conditions are recommended requiring flood evacuation procedures for the site to be in place and known by the property tenants. Recommended conditions will require prominent and permanent signage to be erected to clearly indicate the flood affectation and evacuation procedures. All future tenants of the buildings are to be made aware that the development is located within land susceptible to flooding.

The proposed development complies with Clause 7.1 of Camden LEP as the development:

- is compatible with the flood hazard of the land,
- is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- incorporates appropriate measures to manage risk to life from flood,
- is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In regards to flooding, the applicant has proven through its Flood Risk Management and Evacuation Plan that the development is acceptable.

Heritage

The site is strategically important being on the fringe of the Camden Town Centre on what is considered a 'gateway' site in terms of its heritage conservation, being the Old Dairy Farmers Co-op Depot.

The site and the main building being restored and maintained are significant in terms of its landmark and historic value for the role it played in the development of agriculture in the Camden area and its historic association with the Macarthur-Onslow family.

The site is heritage listed in the Camden LEP 2010. A statement of heritage impact was submitted in support of the DA. The report concludes the proposed development will not negatively impact the heritage significance of the heritage item or undermine the value of the heritage conservation area.

Council's heritage advisor is satisfied the development and the height variation satisfy the heritage provisions of the Camden LEP, Camden DCP and NSW Heritage Office Guidelines as the development will not have adverse impacts on the heritage item or the surrounding heritage conservation area, and is recommended to be supported subject to conditions.

Clause 5(10) of the Camden LEP 2010 refers to heritage conservation, with any DA to have regard to this clause when designing development incorporating a heritage item. Council officers are satisfied that:

- the development as proposed will facilitate the conservation of the heritage item;

- the development will not adversely affect the heritage significance of the heritage item; and
- the development will not have any significant adverse effect on the amenity of the surrounding area.

The site currently contains a vacant heritage building. The building has been vacant for a number of years and is falling into disrepair. It is unlikely the former milk depot building will house an industrial use given the form and layout of the building and the site constraints.

The development will allow the existing heritage building to be restored. The restoration and additions will facilitate the long term preservation of the building, making a positive contribution to the broader heritage conservation area and enhancing the site's 'gateway' significance.

Traffic and Parking

The development complies with the parking and access requirements of the DCP for commercial premises and function centres. The previous land use provided a retail floor space of 505m² which required 23 spaces. 13 car parking spaces are provided on site which results in a car parking credit of 10 spaces. The DCP prescribes that the redevelopment of a site may rely on existing shortfalls in car parking. Noting this, the provision of 79 spaces is considered to be appropriate and consistent with the DCP.

A traffic and parking assessment was submitted with the DA. The DA was referred to the Roads and Maritime Service (RMS) as the proposed development is classed as a traffic generating development.

The RMS required Council's Traffic Engineers to be satisfied that the proposed 900mm wide median strip to be provided in Argyle Street preventing vehicles turning right into the subject site is designed and located to achieve this outcome.

Council Traffic Engineers have reviewed the location of this median and advise the location is appropriate to achieve the design outcome required by the RMS whilst not adversely impacting vehicle movements in this location. This has been reinforced by appropriate conditions recommended as part of this report to satisfy the RMS requirements as specified.

Council's Traffic Engineers have reviewed the DA with respect to traffic impacts and are satisfied the existing road network operates at a good level of service during peak periods, and that the additional traffic generated by the development will not adversely impact the road network.

The proposed access and egress driveways and the internal circulation and manoeuvring arrangements will provide safe and efficient vehicular movements during peak times, subject to a number of recommended conditions, one being left in and left out of the site.

Submissions

The DA was originally notified for 14 days in accordance with the DCP. The exhibition period was from 18 March 2016 to 31 March 2016. Seventeen submissions were received, 16 of which objected to the proposed development.



The DA was renotified between 22 March 2017 and 20 April 2017. Fifteen submissions were received, 14 objecting to the proposed development.

In total, Council received 32 objections from 21 property owners and two submissions in support of the development.

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

1. *The proposal undermines the Camden Heritage Conservation Area and the additional building would detract from the significance of the heritage building.*

Officer Comment:

Council's heritage advisor has reviewed the DA and is satisfied the amended design is appropriate in the context of the site and sympathetic with the character of the heritage item and the Heritage Conservation Area (HCA). The proposed new building is a contemporary design and complementary to the heritage building without being a replica of the heritage building. The development is considered appropriate and respectful development in the HCA.

2. *Inadequate Heritage Impact Statement submitted to support the application.*

Officer Comment:

A detailed statement of heritage impact was submitted in support of the DA and is considered satisfactory by Council's heritage advisor.

3. *The application does not provide a Conservation Management Plan for the site.*

Officer Comment:

A scope of heritage works has been submitted with the DA which sufficiently demonstrates the conservation management works proposed. The scope of heritage works is considered acceptable. Conditions are recommended to protect the heritage significance of the building including requiring a suitably qualified heritage consultant to be commissioned for restoration and renovation works and requiring a detailed schedule of conservation work to be submitted to Council's Heritage Advisor for approval prior to works commencing.

4. *Highly glazed, modernistic design of the proposed development would be in sharp and inappropriate contrast to the streetscape.*

Officer Comment:

The original design as shown in Figure 1, incorporated significantly more glazing on the front façade fronting Argyle Street, which was considered inappropriate.

The amended design provides an acceptable balance of brickwork, masonry, steel and glazing. The materials and colours proposed for the new building are in keeping with the industrial style of the heritage building.

5. *Negative visual effect of the new building at the entrance to the town.*

Officer Comment:

The existing long range views of the site from the east when entering the town are obscured by the existing trees planted on the street verge along Argyle Street. Due to its design, including siting, setbacks and height, the new building will not impact any existing significant views of the heritage building. It is considered the proposal will not have an unacceptable visual impact on the streetscape.

6. Insufficient setback of the new building from the street frontage

Officer Comment:

The amended design increased the setback of the new building from the Argyle Street frontage to be 9.64m, which is setback 3.1m behind the building line of the heritage building.

The proposed upper floor balcony of the new building is in line with the setback of the existing building. The setback from the street is considered acceptable from a streetscape perspective and provides a good line of site to the heritage building when viewed from the east and south.

7. Not compliant with the Camden LEP 2010 height control of 7m.

Officer Comment:

The applicant has applied for a Clause 4.6 variation to the 7m height control as part of the DA. This variation has been assessed in the 'LEP Variation' section of this report.

8. Inadequate Flood Risk Management Report submitted to support the application.

Officer Comment:

Council's Flooding Engineers consider the flood risk management plan and flood evacuation plan are satisfactory.

Flooding impacts are discussed in detail in the flooding section of this report.

9. Development not in accordance with Council's Flood Risk Management Policy - building in a floodway.

Officer Comment:

There are no structures proposed within the floodway. This has been reviewed by Council's Flooding Engineers and is considered acceptable.

Flooding impacts are discussed in detail in the flooding section of this report.

10. The site is subject to high flood hazard and the development would divert water to other properties.

Officer Comment:

Council's Flooding Engineers are satisfied there will be no loss of flood storage below the 1% AEP flood level and there will be no adverse flooding impacts (flow rates, flood levels, velocities) outside the property boundaries.

Flooding impacts are discussed in detail in the flooding section of this report.



11. Liability for future tenants to eventual flood damage.

Officer Comment:

Permanent signage will be erected within the buildings to indicate the procedures to make the building flood compatible and contain appropriate evacuation procedures. A condition is recommended that tenants be made aware of the flood affectation of the site.

The measures discussed in the Flooding section of this report will minimise the damage that will occur to the property in the event of a flood, including flood compatible structural design, building design, fitout and fixtures, proposed evacuation and emergency management plans.

12. The roundabout at Edward Street is not designed to cope with the additional traffic that would be generated from the development.

Officer Comment:

Council's Traffic Engineers and the RMS have assessed the DA and are satisfied the adjoining road network is capable of accommodating the additional traffic generated by the proposed development, subject to the incorporation of a median to ensure vehicle movements are left in and left out only.

13. Access and egress to the site not appropriate.

Officer Comment:

The access and egress to the site has been amended from what was originally proposed. Vehicular access to the site will be left in only/left out via Argyle Street and exit only via Edward Street. A recommended condition will require a median to be constructed on Argyle Street to prevent right hand turns into the site from Argyle Street. Council's Traffic Engineers and the RMS are satisfied with the access and egress arrangements subject to recommended conditions.

14. Inadequate landscape plans submitted.

Officer Comment

Detailed landscape plans have been submitted to support the DA. Council's Landscape Officer is satisfied with the species selected to be planted and the depth of planting available.

15. Tree removal is inappropriate and will detract from streetscape.

Officer Comment:

An Arboricultural Assessment and Impact Report was lodged with the DA which identified five exotic trees for removal. Council's Landscape Officer is satisfied the tree removal is acceptable and will be appropriately offset by the landscaping nominated in the landscape plans. Two existing street trees to the south-eastern area of the site will be retained. Protection of these trees is a recommended condition.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA169/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council:

- i. **support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of CLEP 2010 – Height of Building standard for the proposed development at 11 Argyle Street Camden for the following reasons:**
 - a. **The height of the new building is required in order to provide an acceptable floor level to satisfy the flood policy requirements.**
 - b. **The existing building has a maximum height of 10.9m therefore the proposed height is not inconsistent with the existing character of development across the site.**
 - c. **The proposed siting, setbacks and the general high quality design of the new building ensures the building height does not unreasonably impact on the visual plane of Argyle Street or interfere with existing view corridors.**
 - d. **The technical non-compliance with the height control will not unreasonably impact, overshadow or visually intrude on adjoining commercial development or the heritage significance of the heritage item on site**
 - e. **The objectives of the control and zone are considered to have been met despite the numerical non-compliance.**

approve DA 169/2016 for demolition, alterations and additions to the existing Camden Vale Milk buildings for five new food premises and a function centre, provision of car parking, associated tree removal, landscaping, signage, site works and the remediation of contaminated land at 11 Argyle Street, Camden.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Probable Maximum Flood Plan Camden
4. Plan of Development and Floodlines
5. Public Exhibition & Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD06

SUBJECT: POST EXHIBITION REPORT - AMENDMENT TO CAMDEN LEP 2010 TO REFLECT LGA BOUNDARY REALIGNMENT NEAR EAST LEPPINGTON (WILLOWDALE) AND EMERALD HILLS

FROM: Director Planning & Environment

TRIM #: 17/329517

PREVIOUS ITEMS: ORD04 - Amendment to Camden LEP 2010 to reflect LGA boundary re-alignment near East Leppington (Willowdale) and Emerald Hills - Ordinary Council - 22 Sep 2015 6.00pm

PURPOSE OF REPORT

The purpose of this report is to consider the outcome of the public exhibition of the draft amendment to the Camden Local Environmental Plan (LEP) 2010 and Camden Growth Centre Development Control Plan (Camden Growth Centre DCP), in response to the Local Government Area (LGA) boundary adjustment between Campbelltown City Council and Camden Council.

The report recommends Council adopt the draft Planning Proposal (as amended) and the draft Camden Growth Centre DCP.

The draft Planning Proposal and the draft Camden Growth Centre DCP are included as **attachments to this report**.

BACKGROUND

On 9 December 2014, Council considered a report on the adjustment of the LGA boundary between Camden and Campbelltown Councils. At that time, East Leppington (Willowdale estate) and Emerald Hills estate were dissected by the LGA boundary.

At its meeting on 22 September 2015, Council considered a report on a draft amendment to the Camden LEP 2010 to reflect the boundary adjustment near East Leppington (Willowdale) and Emerald Hills. It was resolved:

THAT Council:

- i. Endorse the draft planning proposal regarding the gazettal of the re-aligned LGA boundary between Camden and Campbelltown;*
- ii. Upon gazettal of the LGA boundary adjustment, forwards the planning proposal to the Department of Planning and Environment to seek a Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979; and*
- iii. Consider future reports regarding the amendments to the Camden DCP 2011, the Camden Growth Areas DCP and the East Leppington VPA.*

A copy of the report from 22 September 2015 is included as an attachment to the Planning Proposal.

The gazettal of the Camden and Campbelltown LGA boundary adjustment occurred on 27 November 2015. A copy of the NSW Government Gazette of 27 November 2015 is included as an attachment to the Planning Proposal.

Summary of Planning Proposal

The draft Planning Proposal sought to amend the Camden LEP 2010 to reflect the boundary adjustment. Figure 1 shows the location of the previous boundary in yellow and the new boundary in orange.

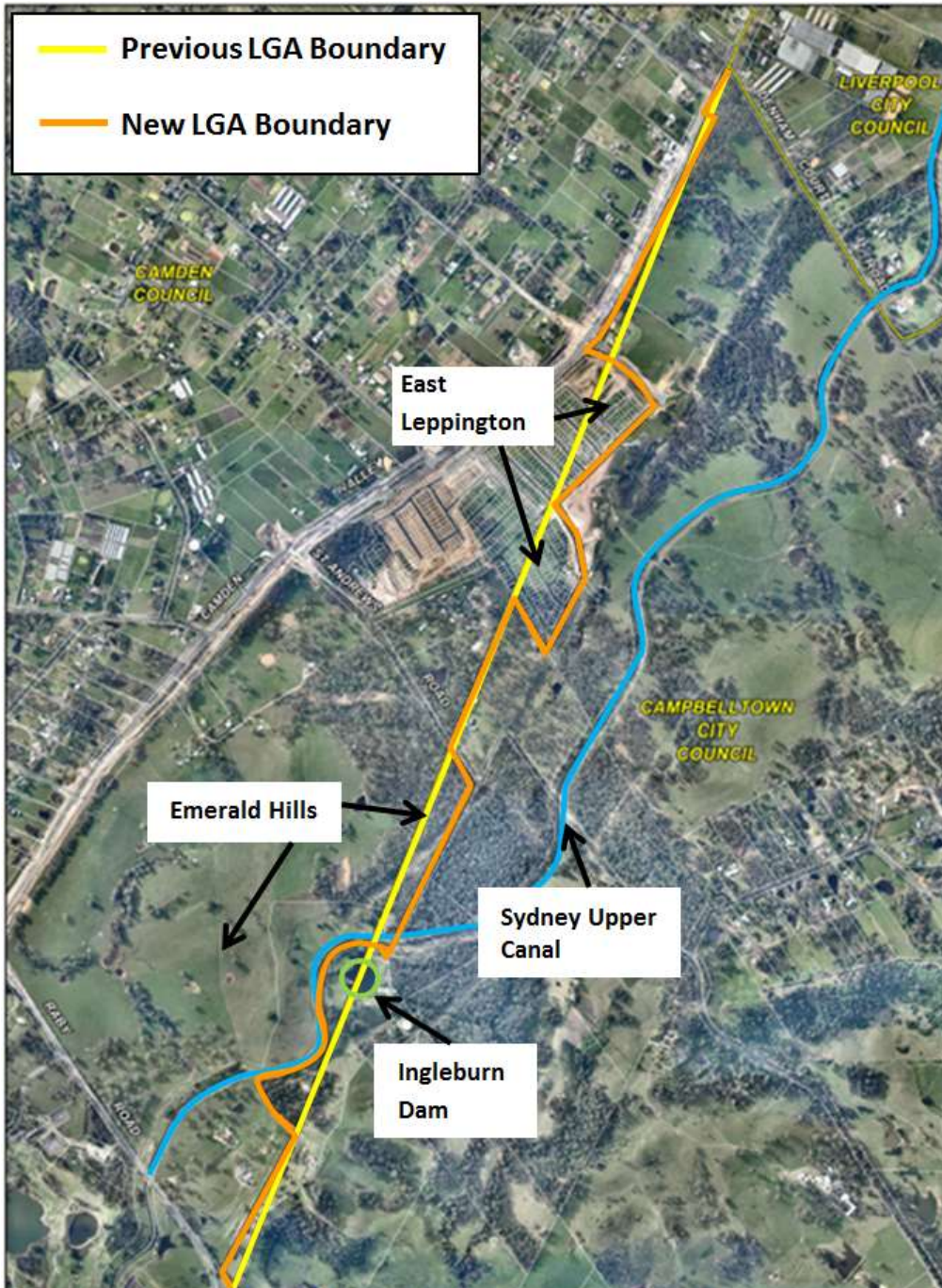


Figure 1 – Previous LGA Boundary (yellow) and new LGA boundary (orange)

East Leppington (Willowdale Estate) Amendments

The boundary adjustment required an amendment to various LEP maps. This is an administrative change and no planning controls are proposed to be amended. The



planning controls are under the State Environmental Planning Policy (SEPP) and there are no changes proposed to the SEPP.

The following LEP maps at East Leppington (Willowdale Estate) are proposed to be amended:

- Land Application Map;
- Land Zoning Map;
- Height of Building Map;
- Lot Size Map;
- Land Reservation Acquisition Map;
- Heritage Map; and
- Additional Permitted Uses Map.

Emerald Hills Amendments

The following land within and adjacent to Emerald Hills is now located within the Camden LGA:

- The Emerald Hills biobanking/environmental conservation land;
- The land within the Ingleburn Dam catchment lot; and
- The land within the Sydney Upper Canal lot.

For the Emerald Hills biobanking/environmental conservation land, an E2 Environmental Conservation zone and a minimum lot size of 2 hectares is proposed. This is consistent with the zoning and minimum lot size which applies to the remainder of the Emerald Hills biobanking/environmental conservation land.

The Sydney Upper Canal lot was proposed as a split zone between SP2 Infrastructure Water Supply and RU2 Rural Landscape, which was consistent with the zoning under the Camden LEP 2010.

The following maps are proposed to be amended:

- Land Application Map;
- Land Zoning Map;
- Height of Buildings Map;
- Lot Size Map;
- Land Reservation Acquisition Map;
- Heritage Map;
- Additional Permitted Uses Map; and
- Urban Release Areas Map.

Amendments to the Camden Growth Centre DCP

The boundary adjustment required an amendment to various figures within Schedule 3 East Leppington, including the land application map.

Currently, the land subject to the boundary adjustment is under the Campbelltown Growth Centre Precincts DCP. The mapping amendments to the Camden Growth Centre DCP will allow for the land now within the Camden LGA to be included under Schedule 3 East Leppington Precinct of the Camden Growth Centre DCP.

Amendments to Voluntary Planning Agreements and Camden DCP 2011



The Council report on 22 September 2015 discussed a potential amendment to the East Leppington Voluntary Planning Agreement (VPA) and Camden DCP 2011. It was subsequently determined that no amendment to the East Leppington VPA was required.

The Land Application Map of the Camden DCP 2011 will require updating however this is an administrative change that can be included in the review of the Camden DCP 2011, which is currently underway. Therefore no amendments to the East Leppington or Emerald Hills VPA's or Camden DCP 2011 were exhibited as part of this proposal.

MAIN REPORT

Gateway Determination (Planning Proposal)

In accordance with Council's resolution, after the gazettal of the boundary adjustment the draft Planning Proposal was forwarded to the Department of Planning and Environment (DPE) and a Gateway Determination was issued on 5 February 2016.

Public Exhibition

The draft Planning Proposal and draft Camden Growth Centre DCP were exhibited from 29 August 2017 to 26 September 2017 and four submissions were received. A copy of the submissions is included as an **attachment to this report**.

In accordance with the Gateway Determination, Council consulted with the following public agencies during the exhibition period:

- NSW Office of Environment and Heritage;
- NSW Office of Environment and Heritage (Heritage Branch);
- Sydney Metropolitan Catchment Management Authority; and
- Campbelltown City Council.

The DPE was also consulted in accordance with the delegations for the Growth Centre DCP.

Submissions of support for the Planning Proposal and draft DCP were received from:

- The Department of Planning and Environment;
- Office of Environment and Heritage – Heritage Branch; and
- Office of Environment and Heritage – Environment Branch.

The submission from WaterNSW objects in part to the Planning Proposal.

WaterNSW Submission

The Sydney Upper Canal is owned by WaterNSW (shown in blue below). Figure 2 shows the current zoning under Camden LEP 2010 and Campbelltown LEP 2015.

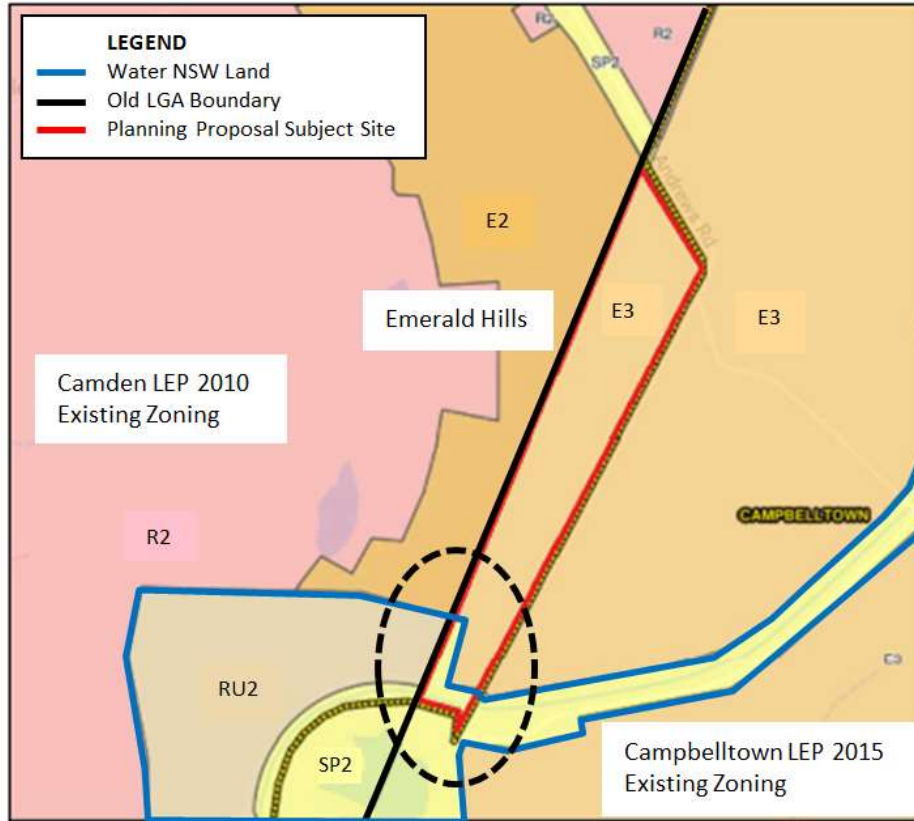


Figure 2: Current Planning Controls under LEPs (Camden and Campbelltown)

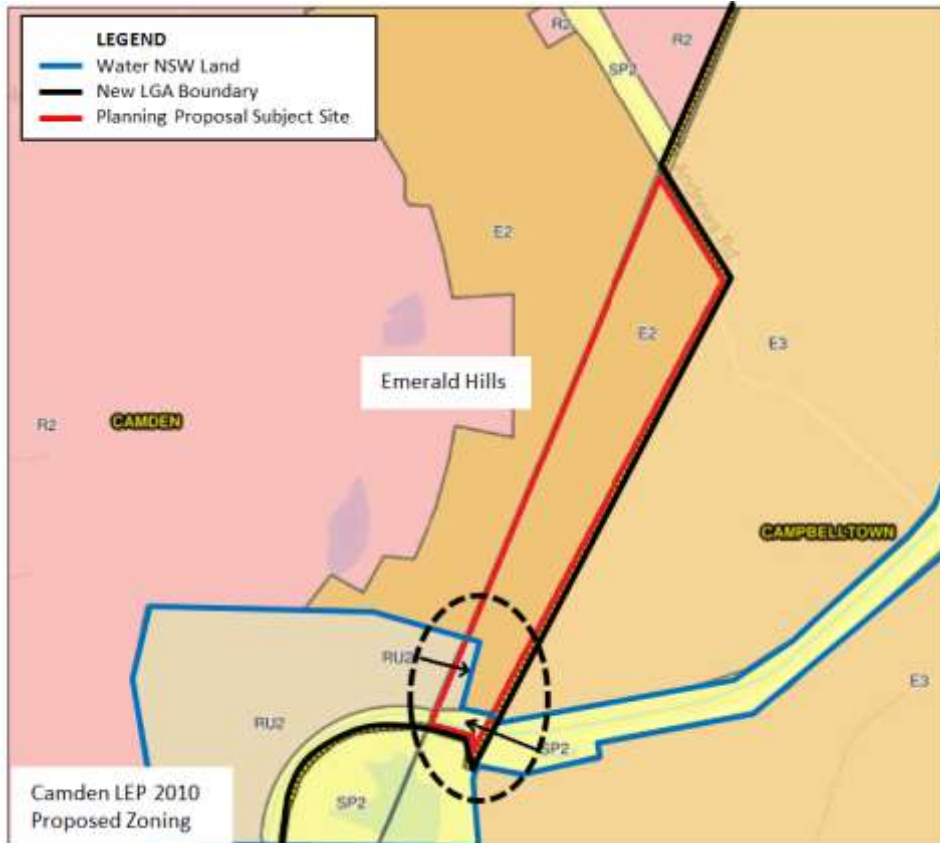


Figure 3: Exhibited Proposed Planning Controls for the Site



The Planning Proposal includes the rezoning of part of Lot 2 DP 1086624 from SP2 Infrastructure under the Campbelltown LEP 2015 to RU2 Rural Landscape under Camden LEP 2010, as demonstrated in Figure 3 above. This is consistent with the zoning of the remainder of the lot under the existing Camden LEP 2010.

Objection to SP2 zone change

The submission from WaterNSW objects to the proposed rezoning to RU2 Rural Landscape and requests the remainder of the lot be rezoned SP2 Infrastructure.

“WaterNSW objects to the proposal to amend portion of Lot 2 DP1086624 within Parcel C from SP2 to RU2. This portion should retain the SP2 zoning consistent with its function and ownership by WaterNSW”.

Officer Comment

Council officers have considered the objection from WaterNSW and recommend the original zone of SP2 Infrastructure (which is the current zone under the Campbelltown LEP 2015) be retained. The proposed change to the exhibited Planning Proposal is shown in Figure 2.

Rezoning request for land existing under Camden LEP 2010

WaterNSW also requested the zoning of the remainder of Lot 2 DP 1086625 (within the Camden LGA) be amended from RU2 Rural Landscape to SP2 Infrastructure to be consistent with its function and ownership by WaterNSW.

Officer Comment

The objective of this Planning Proposal is to amend the Camden LEP 2010 in response to the boundary adjustment between Camden and Campbelltown LGAs.

The land that is currently zoned RU2 Rural Landscape (*ie* the remainder of Lot 2 DP 1086625) under the Camden LEP 2010 is not part of this Planning Proposal and is therefore not recommended to be rezoned.

Post Exhibition Planning Proposal Amendments

It is recommended that the draft Planning Proposal be amended to facilitate the objection from WaterNSW for part Lot 2 DP 1086624. The relevant maps have been amended to retain the existing zone of SP2 Infrastructure. The amended draft Planning Proposal is included as **an attachment to this report**.

Post Exhibition DCP Amendments

No post exhibition amendments are proposed to the Camden Growth Centre DCP. The draft DCP is included as an **attachment to this report**.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft Planning Proposal and draft Camden Growth Centre DCP amendment were exhibited for a period of 28 days and four submissions were received.



Officers recommend an amendment to the exhibited draft Planning Proposal in response to the objection from WaterNSW. The proposed amendment is minor and does not require re-exhibition.

It is recommended that the amended draft Planning Proposal and draft Camden Growth Centre DCP be adopted by Council.

Council has authorisation to exercise its delegated plan making functions. Therefore, should Council endorse the recommendations, the Planning Proposal will be forwarded to Parliamentary Counsel for making of the plan.

RECOMMENDED

That Council:

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

ATTACHMENTS

1. Draft Planning Proposal - Boundary Adjustment East Leppington
2. Camden Draft Growth Centre DCP Schedule 3
3. submissions State Agencies -East Leppington Boundary Adjustment



ORDINARY COUNCIL

ORD07

SUBJECT: DRAFT SUBMISSION - DRAFT PLANNING AGREEMENT FOR PART MARYLAND PRECINCT ('PONDICHERRY')

FROM: Director Planning & Environment

TRIM #: 17/311506

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exhibition of a draft State Planning Agreement of the Part Maryland Precinct known as 'Pondicherry'. The report seeks Council's endorsement to lodge a submission to the Department of Planning and Environment (DPE).

The draft Planning Agreement, explanatory note and draft submission are **provided as attachments to this report**.

BACKGROUND

Accelerated release of 'Pondicherry' under the Precinct Acceleration Protocol

In May 2016, Greenfields Development Corporation No.2 Pty Ltd sought support from the DPE to start the rezoning process for the Pondicherry Precinct.

The rezoning is proposed under the State Government's Precinct Acceleration Protocol (PAP), which allows precincts to be released earlier than the State Government's precinct release program, where the developer agrees to pay the upfront costs associated with the rezoning.

In 2015, a State Planning Agreement under the PAP was entered into to allow for the accelerated release of the Lowes Creek Maryland (Part) Precinct.

To facilitate the accelerated release of Pondicherry under the PAP, Greenfields Development Corporation No.2 Pty Ltd (the Developer) and Leppington Pastoral Co Pty Ltd (the Landowner) have requested to enter into a State Planning Agreement with DPE.

The draft State Planning Agreement was publicly exhibited between 11 October and 8 November 2017. Council has been granted an extension to lodge a late submission pending endorsement of this report. In summary, the draft State Planning Agreement includes:

- Provision for costs associated with rezoning to be paid by the Developer i.e. technical studies and development of planning controls including the indicative layout plan (ILP);
- Preparation of a strategy and plan to implement the key infrastructure required for the Precinct and to cover the costs of delivering this infrastructure; and
- Proposed governance arrangements for the project between the DPE, Council and the developer.

The draft State Planning Agreement is the first of two State Planning Agreements required under the PAP. A second State Planning Agreement between the Developer



and DPE will be entered into to coordinate regional infrastructure required for the Precinct. The second State Planning Agreement will be prepared once the infrastructure requirements of the Precinct are determined as a result of the rezoning process.

A local contributions framework (S94 Contributions or local VPA) will also be developed to determine the local infrastructure needs of the Precinct. This will be undertaken as part of the rezoning package for the (part) Precinct.

Site description

Pondicherry is a 210 hectare site located in the South West Priority Growth Area (SWPGA). It is located in the part of the Maryland Precinct that sits immediately north of the existing Oran Park Precinct. It is bound to the west by the Northern Road, and to the east by South Creek. A map of the Precinct is **shown as Figure 1 below**.

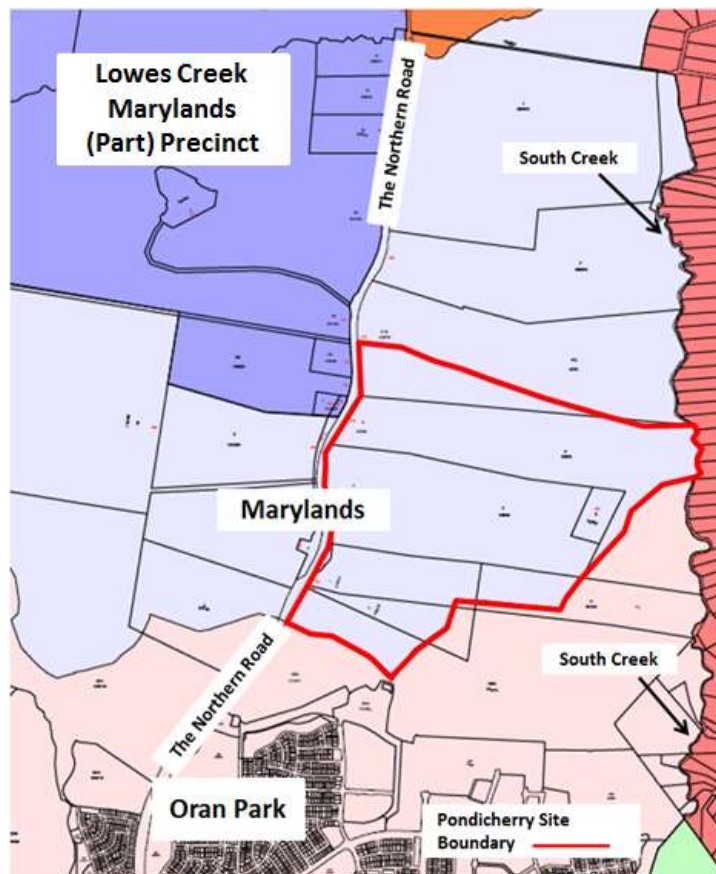


Figure 1 – Pondicherry Precinct (Part Maryland)

If rezoned for urban development, Pondicherry is estimated to deliver a dwelling yield of approximately 2,500 dwellings.

MAIN REPORT

A draft submission has been prepared in response to the public exhibition of the draft State Planning Agreement. Council officers raise no objection in principle to the draft State Planning Agreement, subject to the following matters:

- Project Governance
 - Confirmation of the appointment of a Precinct Project Manager

-
- Consultation with Council officers on matters of local significance
 - Remuneration of Council resources
 - General matters for consideration

Project Governance

Confirmation of the appointment of a Precinct Project Manager

The draft Planning Agreement indicates that the DPE may appoint a Precinct Project Manager to carry out the day to day responsibilities relating to the Project.

The draft submission raises concern that without certainty regarding the appointment of a project manager Council may be relied upon to manage significant components of the project. If this occurs, it will impact Council's resources and our ability to resource other projects.

Recommendation:

- That the draft State Planning Agreement provide certainty that sufficient resourcing is available for the Project by confirming the appointment of a Precinct Project Manager.

Consultation with Council officers on matters of local significance

The draft Planning Agreement allows the Developer and the DPE to nominate a point of contact for all matters concerning planning studies. The nominated contact will offer the primary source of input in the review of planning studies.

It is recommended the draft Planning Agreement recognise Council as the primary contact for all matters of local significance i.e. open space planning and provision, and local infrastructure.

Council officers are responsible for providing advice and input into these matters during the rezoning process.

Recommendation:

- That the draft State Planning Agreement identify Camden Council as the primary contact for all matters of local significance in the rezoning process, and that these matters should be endorsed by the Project Control Group (PCG).

Cost Recovery

The draft submission supports the draft Planning Agreement where it allows for Council to recover costs incurred associated with resourcing this project. Council officers request clarification on how costs will be calculated.

Recommendation:

- Clarification is requested regarding how Council's costs will be calculated, allowing recuperation of costs for the project.



General matters for consideration

The draft submission notes the title 'Council's Precinct Project Coordinator' is referred to in the draft State Planning Agreement. This title refers to the Council officer responsible for coordinating the project within Council.

It is suggested that in place of this title, the draft State Planning Agreement refers more generally to 'Council's appointed officer' instead.

This is to acknowledge that more than one Council officer will be involved in the Project (for example Council technical staff) and will provide input at different stages of the rezoning process for the Precinct.

Recommendation:

- That the draft Planning Agreement removes reference to 'Council's Precinct Project Coordinator' and replaces with 'Council's appointed officer'.

FINANCIAL IMPLICATIONS

There are no financial implications for Council as a result of this report. However, future costs may be incurred as a result of the rezoning process for the Pondicherry Precinct.

CONCLUSION

Council officers have prepared a draft submission in response to the exhibition of the draft State Planning Agreement for the Part Maryland Precinct known as 'Pondicherry'.

The exhibition was undertaken between 11 October and 8 November 2017. Council officers have received permission from the DPE to lodge a late submission.

The draft submission prepared by Council officers makes recommendations relating to project governance and remuneration of costs to Council.

RECOMMENDED

That Council endorse the attached draft submission to be forwarded to the Department of Planning and Environment.

ATTACHMENTS

1. Pondicherry Planning Agreement
2. Explanatory Note -Draft State Planning Agreement Pondicherry
3. Council Draft Submission to DPE - Part Maryland Precinct



ORDINARY COUNCIL

ORD08

SUBJECT: TENDER T002/2018 - INTERSECTION UPGRADE AT CAMDEN VALLEY WAY AND MACARTHUR ROAD, ELDERSLIE

FROM: Director Community Assets

TRIM #: 17/318289

PURPOSE OF REPORT

To provide details of the tenders received for Contract T002/2018, being the intersection upgrade at Camden Valley Way and Macarthur Road, and to recommend that Council accept the tender submitted by Burton Contractors Pty Ltd.

BACKGROUND

The intersection of Camden Valley Way and Macarthur Road at Elderslie is experiencing increased traffic associated with urban growth and at this intersection numerous car accidents have been recorded resulting in injuries.

Council, through consultation with Roads and Maritime Services (RMS), has completed designs for a new signalised intersection which will improve road safety and provide better traffic management at the intersection. The extent of works is shown as an **attachment** to of this report.

The project is being funded through a combination of Council's Section 94 Developer Contributions of \$1,272,162 and Federal Government funding of \$3,684,763 which provides a total project budget of \$4,956,925. Council resolved to accept the Federal Government funding on 22 March 2016.

With designs and all necessary approvals obtained, tenders have been received for the construction of the intersection upgrade and Council is now in a position to award the contract for construction of the intersection.

MAIN REPORT

Invitation to Tender

An open invitation to submit a tender was advertised in the Sydney Morning Herald on 8 and 15 August, 2017 and on the NSW e-tendering website. The tender closed on 20 September, 2017 and eight submissions were received.

Tender Submissions

Tenders were received from the following companies listed in alphabetical order:

<i>Company</i>	<i>Location</i>
Antoun Civil Engineering (Aust) Pty Ltd	Guildford NSW
Burton Contractors Pty Ltd	Homebush NSW
Celtic Civil Pty Ltd	Concord NSW
Cleary Bros. (Bombo) Pty Ltd	Port Kembla NSW



Downer EDI Works Pty Ltd
JK Williams Contracting Pty Ltd
Nace Civil Engineering Pty Ltd
North Shore Paving Co. Pty Ltd

Silverwater NSW
Penrith NSW
Prestons NSW
Lindfield West NSW

A summary of the tender assessment is provided in the **supporting document**. Please note this information is Commercial-in-Confidence.

Tender Evaluation

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

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given a weighting of 50% and non-price factors a weighting of 50%.

Non-Price Factors considered for this project included:

- Company, project team and processes;
- Experience in similar projects and capacity;
- Program and methodology; and
- Work Health and Safety

Burton Contractors provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation.

Burton Contractors has a proven track record in delivering projects of a similar scale and nature. They recently completed the Richmond Road Upgrade Stage 1, 2 & 3 Works for RMS at Marsden Park, involving construction of road pavement, traffic signals, stormwater drainage, relocation of utilities and landscaping. This project was significantly more complex and larger in scale than the works under this tender.

The panel members all agreed that the tender by Burton Contractors represented the best value to Council.

Relevant Legislation

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005* and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

Burton Contractors has submitted a program to complete the works in a timeframe that meets the requirements of Council. Subject to Council's acceptance of this tender, the works are expected to be completed by December 2018.

FINANCIAL IMPLICATIONS

There are sufficient funds available in the project budget to accept this tender.



CONCLUSION

Burton Contractors has provided a conforming tender.

The tender assessment concludes that the offer by Burton Contractors represents the best value to Council and the company has a proven track record of performance on projects of a similar nature.

RECOMMENDED

That Council accept the tender provided by Burton Contractors Pty Ltd for the lump sum of \$4,027,119 (GST exclusive).

ATTACHMENTS

1. Proposed Camden Valley Way and Macarthur Road Intersection Upgrade
2. Land Aquired - Camden Valley Way and Macarthur Road Intersection Upgrade
3. Tender T002/2018 - Intersection Upgrade at Camden Valley Way and Macarthur Road Elderslie - *Supporting Document*



ORDINARY COUNCIL

ORD09

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - 'SLOW DOWN MOVE OVER' LEGISLATION
FROM: Cr Campbell
TRIM #: 17/342872

"I, Councillor Eva Campbell, hereby give notice of my intention to move the following at the Council Meeting of 14 November 2017:

That Camden Council endorse and call upon the NSW State Government to introduce legislation in NSW, which is aimed at protecting and improving the safety of Emergency Services workers, that requires motorists to slow to at least 40 kmh, when safe to do so, when they are approaching emergency vehicles that are either stopped on the road or at the roadside, attending an emergency with their warning lights activated. And, where possible, if safe to do so, motorists must move across to adjacent lanes to provide a safety buffer during this emergency situation. This protection should also be afforded to recovery vehicles, tow trucks and roadside assistance vehicles such as the NRMA, if these vehicles are fitted with warning lights."

RECOMMENDED

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