



Camden Council

Business Paper

Ordinary Council Meeting
22 August 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

Acting Director Sport Community
and Recreation

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 Ordinary Council Meeting held 8 August 2017.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 8 August 2017, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL

ORD01

SUBJECT: CONSTRUCTION OF A FOOD AND DRINK PREMISES WITH A DRIVE THRU FACILITY, SIGNAGE AND ASSOCIATED SITE WORKS - 230 RICHARDSON ROAD, SPRING FARM

FROM: Director Planning & Environment

TRIM #: 17/257888

APPLICATION NO: 1473/2016
PROPERTY ADDRESS: 230 Richardson Road, Spring Farm
APPLICANT: KFC Pty Ltd
OWNER: Fabcot 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 food and drink premises with a drive thru facility, signage and associated site works at 230 Richardson Road, Spring Farm.

The DA is referred to Council for determination as there remain unresolved issues raised in 12 submissions.

SUMMARY OF RECOMMENDATION

That Council determine DA 1473/2016 for the construction of a food and drink premises with a drive thru facility, 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 1473/2016 seeks approval for the construction of a food and drink premises with a drive thru facility, signage and associated site works.

Specifically the proposed development involves:

- Construction of a single storey food and drink premises for a KFC restaurant with an area of 272sqm;
- Drive thru facility;
- Seating capacity for 38 patrons;
- Car park including 19 car spaces;
- Signage including one pylon sign, façade signs and menu signs within the drive thru;
- Proposed 24 hour operation, seven days a week;
- Eight staff proposed to be on site at any given time; and
- Associated site works.

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

THE SITE

The site is known as 230 Richardson Road, Spring Farm and is legally described as Lot 2 DP 1222197. The site has a frontage of 31.6m to Richardson Road, a depth of 71m and an overall area of 1968sqm. The site forms part of the Spring Farm neighbourhood centre and is currently vacant.

To the north lies Narellan, to the east lies Mount Annan, to the south lies the Wollondilly Local Government Area (LGA) and to the west lies Elderslie.

Access to the site is available from an internal access road that connects to Richardson Road as well as the existing Woolworths car park. The internal access driveway forms part of the lot containing the neighbourhood centre (Lot 1 DP 1222197) which provides a right carriageway from the neighbourhood centre into the subject site.





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.

Clause	Standard	Proposed	Compliance
Camden Local Environmental Plan 2010			
4.3 Height of Buildings	Max 9.5m.	6m to top of parapet.	Yes
Camden Development Control Plan 2006			
B1.9 Waste Minimisation and Management	A waste management plan is required to be submitted with the DA.	A waste management plan has been provided, which addresses waste management during construction and for the ongoing operation and is deemed to be satisfactory. Council's waste officer has reviewed the plan and has recommended conditions of consent to ensure compliance with the plan.	Yes
B1.10 Bushfire Risk Management	A bush protection and attack assessment report must form part of all Development Applications.	The subject site is bushfire affected. A bushfire report was submitted with the DA which was referred to the NSW Rural Fire Service (RFS). The RFS recommended conditions related to asset protection zones, water and utilities, evacuation and emergency management, design and construction, and landscaping.	Yes
B1.16 Acoustic Amenity	Noise from industrial and commercial development must be assessed in accordance with Council's Environmental policy.	An acoustic report was submitted with the DA to assess the impacts of noise sources such as mechanical plant, loading/unloading activities, garbage collection and patron vehicles on the nearest residential receivers. Council officers have reviewed the acoustic report and are satisfied that the proposal will not impact on residential	Yes

		amenity subject to conditions requiring the recommendations of the acoustic report be complied with.	
B2 Landscape Design	A landscape plan is required.	A landscape plan was submitted with the DA. Council's landscape officer has reviewed the plan and has recommended conditions that require 6 additional trees with a mature height of 6m to be provided. The landscaping must also comply with the bushfire assessment submitted with the DA.	Yes
B4.1 General Requirements for Signs	Signs to not detract from amenity/character.	The signs do not detract from the amenity/character of the locality.	Yes
	Signs must be in scale with development.	The signs are in scale with the development.	Yes
	Signs must be located within property boundaries.	Signs are contained within the property boundaries.	Yes
	The total combined displayed area of all signage on the land shall not exceed 20% of visible wall area.	The signs do not exceed more than 20% of the visible wall area per façade.	Yes
B4.4 Commercial and Mixed Use Zones	The number of advertising signs permitted shall not exceed two per elevation that is visible from a public place.	One KFC sign is proposed on each elevation, which complies.	Yes
	Illumination to comply with AS 1158 and AS 4282.	A standard condition is recommended to ensure that illumination of signs comply with the Australian Standards.	Yes
	A maximum of one pole or pylon sign per street frontage,	One pylon sign is proposed which has a maximum height of 6m.	Yes



	not exceeding 6m above natural ground level is permitted.		
B5 Access and Parking	The greater of: one space per two seats (internal). Queuing area for 5 to 12 cars.	Thirty-eight seats/two = 19 spaces required. A total of 19 car spaces are proposed and complies. Queuing for nine cars has been provided within the drive thru facility which complies.	Yes Yes
D3.2.1 Function and Uses	Development within business zones must incorporate a range of local retail, commercial, entertainment, child care, residential and community uses to serve the local needs of the community.	A food and drink premises is identified as a retail premises, which are compatible with the neighbourhood centre and provide an additional service to the local area.	Yes
D3.2.2 Layout/design	Layout and design must consider future noise and amenity conflicts for both the subject development and neighbouring developments. Where development fronts the street, it must be designed so that it addresses the street or public place. New development must not detract from significant views or vistas.	The proposed layout and design will not have noise or amenity impacts on the neighbouring developments. The development adequately addresses the street. The development will not detract from views or vistas.	Yes Yes Yes
D3.2.3 Built form and appearance	Buildings should have similar mass and scale to create a sense of consistency.	The height of the development is compatible with surrounding development.	Yes

	<p>Business development must feature high quality architectural design and a built form that promotes a sense of place and contemporary character for all business zones.</p>	<p>A contemporary design is proposed with a flat roof, modern external finishes and articulated elements.</p>	<p>Yes</p>
	<p>Development in business zones must be compatible with surrounding business development in terms of appearance, type, bulk and scale, design and character.</p>	<p>A contemporary design is proposed that is satisfactory with respect to compatibility with proposed neighbourhood centre in regards to bulk and scale, design and character.</p>	<p>Yes</p>
	<p>Building wall planes must contain variations and architectural design features in their front facades in order to provide visual interest.</p>	<p>The building contains various architectural features and materials including projecting wall and roof elements, wall sheeting, timber cladding and some brick finished with various colours.</p>	<p>Yes</p>
	<p>Roof forms should be appropriately designed to respond to the built form of other nearby development.</p>	<p>A flat roof design is proposed with parapet projections that are consistent with the roof design proposed for neighbourhood centre.</p>	<p>Yes</p>
	<p>Service infrastructure such as air conditioning and other plant must be screened from public view and must be incorporated into the design of the building.</p>	<p>The plant area is integrated into the overall building design. This area includes air conditioning, refrigeration, electrical box and gas, and a rainwater tank.</p>	<p>Yes</p>
	<p>Site facilities such as loading, waste</p>	<p>The loading bay is sited on the eastern side of the</p>	<p>Yes</p>

	<p>storage, servicing and other infrastructure shall be designed to minimise the visual impact on the public domain and impacts on neighbours.</p> <p>Security devices shall be integrated with the design of the building and shall enable design features to be interpreted outside centre trading hours.</p>	<p>building toward the rear access road away from the main road. It is screened with a 2.4m screen. A waste storage area is confined internally within the building.</p> <p>The DA specifies numerous security devices within the development such as CCTV cameras, duress buttons located in the office and drive thru window, and perimeter lighting. As the KFC will operate 24 hours per day, no design features are required outside of trading hours.</p>	Yes
D3.2.4 Pedestrian Amenity	<p>Business development must be designed to facilitate high levels of pedestrian amenity and permeability and include weather sheltered access.</p> <p>Buildings should be designed to minimise overshadowing of pedestrian thoroughfares and footpaths where possible.</p>	<p>The development facilitates pedestrian amenity and permeability. Pedestrian walkways are proposed in suitable locations to facilitate safety for patrons.</p> <p>The building does not overshadow pedestrian thoroughfares or footpaths.</p>	<p>Yes</p> <p>Yes</p>
D3.2.5 Public Domain	<p>Development must include a high quality landscape design.</p> <p>The building and landscape design is to be complementary to ensure legible, safe and conformable access for pedestrians.</p> <p>All signage and</p>	<p>A landscape plan has been provided that demonstrates high quality landscape design.</p> <p>The building and landscape design is legible, safe and conformable for pedestrians.</p> <p>The proposed signage is</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	advertising is to be designed in a coordinated manner.	coordinated and complementary to the surrounding development.	
D3.2.6 Parking and Access	<p>The visibility of parking areas at street frontages shall be minimised through parking layout and design, building location and design and landscaping treatments.</p> <p>Bitumen and cars are not to be the dominant features of the landscape.</p> <p>Parking shall be designed to enable legible, safe, comfortable and ease access for pedestrians from the street frontages.</p>	<p>The proposed parking area does not dominate the streetscape.</p> <p>Landscaping is proposed to soften the car park.</p> <p>Parking is legible and safe and provides an access to the access road as well as the adjoining shopping centre.</p>	<p>Yes</p> <p>Yes</p>
D3.3 Spring Farm – B1 Neighbourhood Centre	<p>Neighbourhood centre will have a combined GFA of 7000sqm for retail and 1000sqm for commercial uses.</p>	<p>The GFA is 272sqm which is satisfactory in the context of the surrounding commercial uses.</p>	<p>Yes</p>
D3.3.2 Layout/design	<p>Layout and design must support the vitality of the neighbourhood centre and permit a level of activity to be maintained over long periods to create a vibrant atmosphere.</p>	<p>The layout and design support the vitality of the neighbourhood centre.</p>	<p>Yes</p>
B3.3.3 Built Form and Appearance	<p>The development shall be designed to provide good exposure to surrounding streets and the village green.</p> <p>Landscaping</p>	<p>The development provides satisfactory exposure to the surrounding streets.</p> <p>Landscaping reduces the</p>	<p>Yes</p> <p>Yes</p>



	<p>should be provided to reduce the visual impact of large expanses of parking areas.</p> <p>All parking configurations shall be in accordance with the relevant Australian Standards.</p> <p>All development in the neighbourhood centre should respect the human scale and limit the visual impact of building height and mass so as to create a sense of visual comfort to the public.</p> <p>Buildings are to be visible from and address the street frontages. Where buildings are not proposed to be built to the street frontage, setbacks are to be minimised.</p> <p>Blank walls visible from principal streets and the public domain are to be limited. Large format retail premises are to be sleeved, where appropriate, with active uses. In other circumstances, careful building design and landscaping shall be used to minimise the extent and visibility of</p>	<p>impact of the car parking on the surrounding streetscape.</p> <p>The car parking layout complies with the Australian Standards. A standard condition is recommended to ensure compliance.</p> <p>The development respects the human scale and the building will not have any visual impacts.</p> <p>The building is visible from Richardson Road and the internal access way.</p> <p>Each façade has been well articulated and there are no visible blank walls.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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	<p>blank walls.</p> <p>Dedicated service access to loading facilities for retail and commercial buildings shall be provided via back or side lanes that are screened from view on the main street. The potential for service traffic to conflict with other vehicle movements is to be minimised.</p>	<p>The loading facility is screened and accessible from the access way and not the main road. In order to mitigate any conflict with patron vehicles, a condition is recommended to ensure that waste vehicles collect waste outside of core/peak hours.</p>	<p>Yes</p>
	<p>Development within the Retail/Commercial precincts shall be built to the street alignment.</p>	<p>It is considered that the proposed restaurant and drive thru are appropriately sited on the subject site with a sufficient distance to the street.</p>	<p>Yes</p>
	<p>Development shall use design solutions to reduce opportunities for crime and reduce the perception of crime within the community.</p>	<p>The Camden Local Area Command has reviewed the proposal as a low crime risk.</p>	<p>Yes</p>
	<p>Development located on the edges of the neighbourhood centre must consider the surrounding environment in order to address the potential for land use conflict and to ensure that the neighbourhood centre relates sympathetically to the surrounding development.</p>	<p>It is considered that the proposed development is an appropriate land use and does not conflict with surrounding development.</p>	<p>Yes</p>



ASSESSMENT

Zoning and Permissibility

Zoning:	B1 Neighbourhood Centre.
Permissibility:	The proposed development is defined as a 'food and drink premises' by the LEP which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	State Environmental Planning Policy (Infrastructure) 2007 – Compliant with conditions recommended. State Environmental Planning Policy No. 64 – Advertising and Signage Compliant with conditions recommended. Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2006 – Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	None applicable.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Twelve submissions were received which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

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

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 27 January 2017 to 9 February 2017. Twelve submissions were received (all objecting to the proposed development).

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

1. *The fast food restaurant does not fit in with Spring Farm or the residential zone.*

Officer comment:

The site is zoned B2 Local Centre, which currently accommodates a neighbourhood centre and service station. The proposal is for food and drink premises which are permitted with consent in the zone. The development is consistent with the DCP controls and is considered an appropriate development for the neighbourhood centre site.

2. *The restaurant will bring rubbish to the area.*

Officer comment:

In order to address litter generated from the proposed development, various bins will be placed within the car park. In addition to the bins, staff will make daily litter patrols of the development to ensure that litter does not accumulate. Conditions are recommended to require the control of litter.

3. *The restaurant will generate a bad smell.*

Officer comment:

The restaurant is located within the neighbourhood centre site. Odours associated with the cooking of food are not considered to permeate to any residential zone that would cause any significant odour impacts.

4. *Concerns with youths loitering and engaging in criminal activity.*

Officer comment:

Concern has been raised that the restaurant will encourage crime, anti-social behaviour and loitering in the area. A crime prevention through environmental design (CPTED) report was submitted with the DA that addresses the concerns raised.

A referral was sent to the Camden Local Area Command (NSW Police), which raised no objection to the development and identified the development as a low crime risk. Conditions are recommended to address surveillance, lighting, landscaping, access control, territorial reinforcement and space/activity management.

5. *Impact from the increase in traffic.*

Officer comment:

A traffic report was submitted in support of the DA. The report provides projected traffic generation from the proposed development and concludes there will be no significant impact on the performance of the Spring Farm road network.

The proposal initially provided a capacity for 70 patrons and a drive thru facility. The proposal was amended to provide a seating capacity for 38 patrons in order to achieve compliance with the car parking controls. The proposed development provides 19 car parking spaces which complies with the DCP. The drive thru also provides queuing for a total of nine cars which is satisfactory.



Council staff have reviewed the traffic report and layout of the development and are satisfied there will be no significant traffic impacts on the surrounding road network.

6. *A fast food restaurant will promote unhealthy eating habits.*

Officer comment:

The applicant has advised that the restaurant provides some healthy options on their menu such as salads and grilled options.

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 1473/2016 is recommended for approval subject to the conditions attached.

RECOMMENDED

That Council approve DA 1473/2016 for the construction of a food and drink premises with a drive thru facility, signage and associated site works at 230 Richardson Road, Spring Farm, subject to the conditions attached.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Safer by Design Evaluation NSW Police Force
4. Public Exhibition and Submissions Map - *Supporting Document*
5. Submissions - *Supporting Document*

ORDINARY COUNCIL

ORD02

SUBJECT: PROPOSED AMENDMENTS TO TURNER ROAD DCP - PART B ENTERTAINMENT PRECINCT AND GLEDSDOOD HILLS VPA

FROM: Director Planning & Environment

TRIM #: 17/195560

PROPERTY ADDRESS: B,D,E and 91 The Hermitage Way, Gledswood Hills
APPLICANT: Sekisui House
OWNER: SH Camden Valley P/L, Narellan Property Holding P/L

PURPOSE OF REPORT

The purpose of this report is to seek Council’s endorsement to publicly exhibit and adopt (subject to the exhibition) the proposed amendment to the Turner Road Development Control Plan (DCP) - Part B1 Entertainment Precinct **included as an Attachment to the report** and the Gledswood Hills Voluntary Planning Agreement (VPA) (**included as an Attachment 2 to the report**).

BACKGROUND

The site is located within ‘The Hermitage’ which forms part of the Turner Road Precinct of the South West Priority Growth Area (SWPGA). The site is bound by the El Caballo Blanco Golf Course Land to the north, the proposed Gledswood Hills Primary School to the east and surrounding residential development to the south and west, and is zoned B4 Mixed Use under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

The majority of the Entertainment Precinct is undeveloped land owned by Sekisui House Pty Ltd (the proponent) and is **shaded light blue in Figure 1 below**. The remainder of the Entertainment Precinct contains the Camden Valley Country Club, which is owned by Narellan Property Holdings Pty Ltd (NPH) and is **shaded red in Figure 1 below**.



Figure 1: Locality Map



Current DCP

The Turner Road Development Control Plan 2007 (the DCP) applies to land within the Entertainment Precinct. At the time of its adoption, the DCP included:

- Part A DCP controls, which applied to all development undertaken throughout the Turner Road precinct; and
- Part B DCP controls, which applied in identified 'precincts' where more detailed, site-specific controls were required.

The 'Entertainment Precinct' (the subject site) was identified as requiring a Part B DCP. A Part B DCP for the Entertainment Precinct came into force on 20 May 2009 and was based on the original Indicative Layout Plan (ILP) for the Turner Road precinct, which at the time included the development of a golf course.

In 2011, the Turner Road ILP was amended by deleting the proposed golf course and providing additional residential lots and open space land. At the time, development of a golf course was considered to be financially unviable.

In addition to the proposed golf course, the original Part B DCP for the entertainment precinct included the demolition of the Camden Valley Country Club. The club is now proposed to be retained.

The retention of the club and the removal of the golf course have triggered the need to review the Part B DCP and update the proposed vision for the precinct.

Current VPA

The Gledswood Hills Voluntary Planning Agreement (VPA) was executed in 2013 and is the mechanism for the proponent to provide development contributions to Council. The VPA includes:

- Water cycle management infrastructure including drainage works and basins;
- Transport infrastructure including collector roads, roundabouts, and pedestrian and cycle paths;
- Recreation and open space infrastructure including local parks and a larger central open space corridor;
- Embellished riparian corridor land along South Creek; and
- Monetary contributions towards off-site district open space and community infrastructure in Oran Park and the future Marylands precinct.

The current VPA does not provide contributions for any dwellings within the Entertainment Precinct. At the time the current VPA was drafted, a detailed design for the Entertainment Precinct had not been undertaken and the total dwelling yield that could be achieved under the applicable development controls had not been determined. It was understood a VPA amendment (or the payment of Section 94 contributions) would be required for any future residential development in the Entertainment Precinct.

Entertainment Precinct Vision

The original vision for the Entertainment Precinct was intended to complement the proposed golf course and included smaller boutique shops and visitor accommodation linked to the golf course.

Following the removal of the golf course, the vision has been revised by the proponent. The revised vision contained within the draft DCP for the Entertainment Precinct includes the following key elements:

- The creation of a 'high street' along The Hermitage Way which will provide a range of retail, commercial, residential and entertainment-based uses.
- An outdoor central plaza/village square to create opportunities for outdoor dining, play areas and performance spaces, which will be privately owned and maintained by the proponent.
- The provision of the majority of car parking as basement/undercroft car parking to reduce the visual dominance of parking at street level, and to respond to the natural topography of the area.
- A walkable neighbourhood centre with connectivity to the surrounding development and open space areas.

The revised vision was prepared following community consultation and resident feedback undertaken by the proponent in November 2016. The proponent has also undertaken market and feasibility analysis and detailed urban design work to inform the draft DCP.

Councillor briefing

The revised vision for the Entertainment Precinct, amended DCP and draft VPA were briefed to Council on 13 June 2017.

MAIN REPORT

Summary of proposed amendments

The proponent has submitted the following proposed amendments to Council:

- a **draft Part B DCP (Entertainment Precinct)** including amendments to:
 - The retail shop cap;
 - Preferred land use zones;
 - Building setbacks;
 - Precinct view corridors;
 - Car parking and access;
 - Minor changes to the boundary of the Entertainment Precinct; and
- a **draft VPA amendment** including:
 - Inclusion of offsite contributions for 400 dwellings within the entertainment precinct;
 - Amendment to staging boundaries; and
 - Dedication of land.

The review of the draft DCP has involved the other landowner in the precinct (NPH), which has indicated that the proposed changes are supported.

The proposed VPA amendment only applies to the Sekisui land.

Review of existing DCP and SEPP controls to inform draft DCP and VPA amendment

The proponent has undertaken a review of the existing DCP and SEPP controls that apply to the Entertainment Precinct to determine the number of apartment dwellings



that can be accommodated under the existing planning controls and to identify the DCP and VPA amendments required to facilitate the planned development.

The current Part A DCP indicates that a minimum of 90 dwellings need to be provided within the Entertainment Precinct to achieve the minimum residential density target. The Precinct Planning Report, which accompanied the rezoning of the Turner Road Precinct in 2007, identified the construction of approximately 200 apartments within the Entertainment Precinct. However, these dwelling estimates were not subject to a detailed design process and were therefore expressed as minimums or approximate numbers.

The detailed design work undertaken by the proponent has now identified that it is possible to construct up to 500 apartment dwellings across the Entertainment Precinct whilst complying with the existing controls in the DCP and SEPP, with 400 dwellings to be located within the Sekisui landholdings and 100 dwellings to be located within land owned by Narellan Property Holdings Pty Ltd.

The 500 apartments would increase the total number of dwellings within The Hermitage to 1,740. This equates to a residential density of 17.9 dwellings per hectare across the entire development, which is classified as low density residential development (between 12.5 to 20 dwellings per hectare) under Part A of the DCP.

The proposed apartment dwellings are permitted under the current DCP built form and dwelling density controls, and do not require an amendment to the Part A DCP or SEPP. An amendment to the Part B DCP is required to reflect the proponent's revised vision for the Entertainment Precinct.

An amendment to the existing VPA is required to include developer contributions for the dwellings within the Entertainment Precinct and is discussed in more detail later in this report.

Draft Part B DCP amendment

Amendment to retail shop cap

The current DCP limits the maximum floor space area of any individual retail shop to 500m² and limits the maximum Gross Lettable Area Retail (GLAR) within the entire Entertainment Precinct to 3,500m². There are no maximum floor space controls contained within the SEPP for the Entertainment Precinct.

The draft DCP proposes to increase the maximum floor space area of an individual retail shop from 500m² to 1800m², which will allow a larger 'anchor tenant' such as a small supermarket. It is also proposed to split the total retail cap amongst the landowners within the precinct, resulting in a retail cap of 350m² applying to the land owned by NPH and a cap of 3,150m² applying to the Sekisui land.

The draft DCP submission includes an economic analysis **provided as an Attachment to the report**. The analysis supports the amendment to the current cap on individual shops as it will allow for a small supermarket to be provided as an anchor tenant within the precinct. The provision of an anchor tenant is identified as being critical to the ongoing viability of the centre.

The proposal does not seek to amend the maximum GLAR of 3,500m² within the Entertainment Precinct.

Officer Comment

The existing retail caps were informed by economic studies that were commissioned more than 10 years ago to support the rezoning of the land and were prefaced on the Entertainment Precinct serving the golf course land. Since this time, there has been an increase in the number of dwellings expected to be constructed in the vicinity of the Entertainment Precinct, including:

- Additional dwellings due to the deletion of the proposed golf course in the Turner Road land in 2011 and the rezoning of lands at El Caballo Blanco and Gledswood; and
- A total of 500 proposed apartment dwellings within the Entertainment Precinct.

The increased population will generate additional demand for services, including local convenience retail facilities as proposed under the DCP amendment. The economic viability of other planned centres within the locality, which are expected to include supermarkets with a larger floor area, would not be compromised by the proposed increase to the individual retail shop cap and the provision of a small supermarket within the Entertainment Precinct is supported by the economic analysis provided by the proponent.

The proposed allocation of the retail shop space cap between the individual land owners is also supported as this will assist in the creation of 'high street' along The Hermitage Way via the provision of retail floor space on both sides of street.

Preferred land use zones

The current DCP separates the Entertainment Precinct into four 'quadrants' **as shown in Figure 2 below**. The proposed DCP amendment separates the precinct into four 'zones' **as shown in Figure 3 below** which reflects the current land ownership and intended land use arrangements.



Figure 2: Existing 'Quadrants' within precinct

Figure 3: Proposed 'Zones' within precinct

The draft DCP amendment seeks to amend the preferred land uses for each 'zone' as shown in **Table 1 below**.

Table 1: Preferred Land Uses within the Entertainment Precinct

Zone/Landowner	Preferred Uses (Existing DCP)	Preferred Uses (draft DCP)
1 (Sekisui)	Car park, club, community use building, mixed use development, office premises, retail premises, tourist accommodation, residential flat building	Residential
2 (Sekisui)	Car park, hotel, mixed use development, office premises, retail premises, tourist accommodation	Mixed use development – which includes entertainment, community, commercial, retail and residential
3 (NPH/Sekisui)	Multi-dwelling housing, residential flat building	Club, mixed use development – which includes retail (GLAR of 350m ² for shops on Lot 3 DP1215911), commercial (i.e. business premises) and residential (including seniors housing)
4 (Sekisui)	Multi-dwelling housing, residential flat building	Mixed use development – which includes retail, commercial and residential

Officer Comment

The amendment of the preferred land uses is considered reasonable given the current preferred land uses were originally intended to complement the proposed golf course under the original Turner Road ILP.

The list of preferred land uses guides the delivery of the proponent's vision for the precinct, but does not preclude any permissible land uses within the B4 Mixed Use zone of the SEPP from occurring within the precinct. The SEPP remains the higher-order planning instrument that determines the permissibility of various land uses. The use of broad land use categories in the DCP ensures there is no conflict between the land uses permissible under the SEPP and the land uses preferred within the DCP land use zones.

Building setbacks

The building setbacks in the existing DCP are shown in **Figure 4 below**.

The draft DCP proposes a zero setback for areas that have an active frontage, including buildings located along The Hermitage Way, perimeter roads and areas fronting the proposed central plaza/village square as shown in **Figure 5 below**. The amended DCP also incorporates a minimum setback of 2m along the southern boundary of the Entertainment Precinct to provide an interface with the adjoining residential development and allow maintenance of future buildings to be undertaken.

A minimum setback of 15m will be introduced for the proposed residential development that fronts the El Caballo Blanco golf course land to the north. This setback will ensure views and vistas to the north will be maintained.



Figure 4: Current Building Setbacks

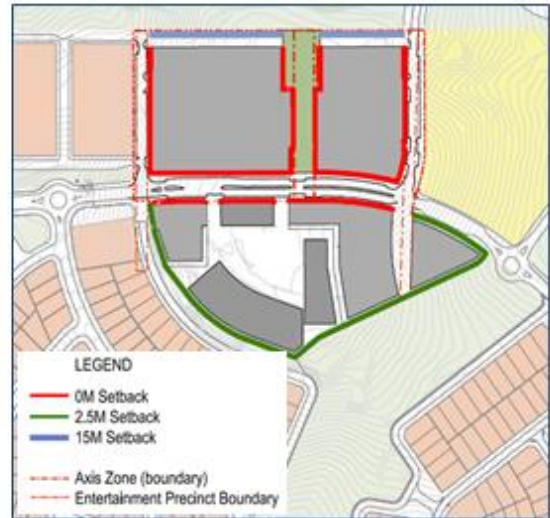


Figure 5: Proposed Building Setbacks

Officer Comment

The proposed zero boundary setbacks to active frontages are appropriate as they will allow the proposed development to have a contemporary ‘main street’ feel and will provide a transition between the public domain (footpaths, central plaza/village square) and the future buildings in the Entertainment Precinct.

The additional setbacks to the southern boundary of the precinct will provide an appropriate transition to the adjoining residential areas and will provide sufficient land for undertaking maintenance of future development within the Entertainment Precinct.

Precinct view corridors

The current DCP incorporates three north-south view corridors (shown in **Figure 6 below**) which make use of the elevated position of the Entertainment Precinct land and resulting views to the north and south. The existing central view corridor has a minimum width of 40m, and the smaller secondary view corridors each have a minimum width of 10m.

The draft DCP proposes to realign and reduce the main central view corridor from a minimum width of 40m to 20m (refer **Figure 7 below**). There are no changes proposed to the width of the secondary view corridors, retaining a minimum width of 10m.

The proposal also includes a splay to the northern portion of the revised central viewing corridor from 20m to 35m to ensure that views into the valley in the adjoining golf course land and beyond are retained.

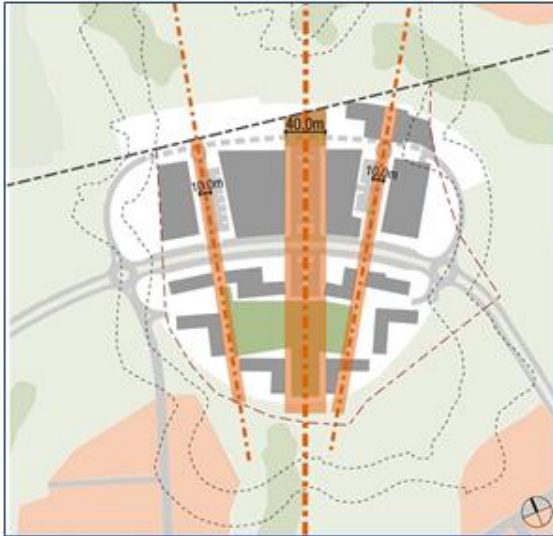


Figure 6: Existing View Corridors

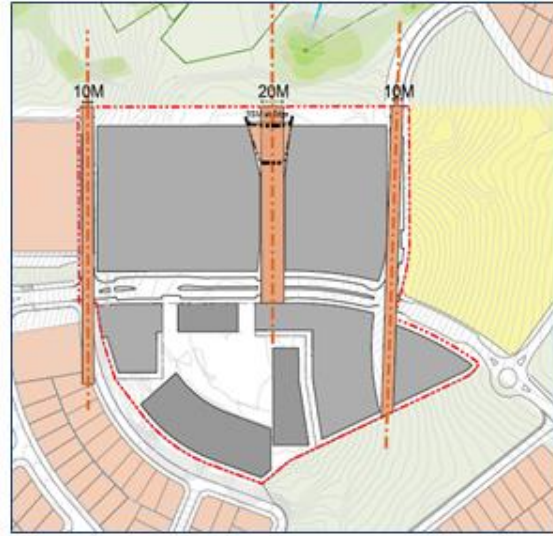


Figure 7: Proposed View Corridors

Officer Comment

The proposed changes to the view corridors are required due to the retention of the club site, which was previously intended to be demolished. The retention of the club blocks the south facing central view corridor, and impacts upon the secondary view corridors. The realigned secondary view corridors will provide opportunities for south-facing views from the perimeter roads. The central view corridor will continue to enjoy views to the north over the proposed golf course within the adjacent El Caballo Blanco land.

The proposed reduction in width to the main central view corridor from 40m to 20m is supported as the original 40m width was required to accommodate a north-south 'centre' street, which included a dedicated median with centre parking aisle and parallel on-street parking.

The central viewing corridor will now accommodate a central plaza/village, which will act as a pedestrian/walkable corridor and will promote street activation through the provision of outdoor dining opportunities, rather than operating as a trafficable road and parking corridor.

Car parking and access

Car Parking Controls

The current DCP controls provide for on-street parking within the central viewing corridor through the provision of north-south central street as mentioned above.

The draft DCP requires the provision of basement or undercroft parking predominantly to the north of The Hermitage Way. The draft DCP will also include controls for the provision of standalone multi-storey car parking structures that meet design requirements (i.e. appropriately screened and not visible from The Hermitage Way) in the event that basement/undercroft car parking is unable to be provided.

Minor changes to road layout

The road layout in the existing Part B DCP is no longer consistent with approved and constructed road network and subdivision pattern in The Hermitage Estate.

The draft DCP reflects the existing collector road network and subdivision pattern, and provides a revised local road network to service the Entertainment Precinct.

The amended road layout includes perimeter roads on either side of the eastern and western boundaries of the precinct, which also form the secondary view corridors resulting from the retention of Camden Valley Country Club.

A new east-west service road is introduced to facilitate service vehicle access to the proposed retail/commercial properties to the north of The Hermitage Way. This will ensure loading/unloading facilities are provided away from The Hermitage Way, and no direct service vehicle access from The Hermitage Way will be permitted.

Officer Comment

The proposed changes to car parking from central on-street to basement/undercroft parking are supported as they will result in a more pedestrian friendly, walkable neighbourhood centre that is not dominated by vehicles at street level.

The location of the proposed perimeter roads have already been approved as per the development consent for DA/1230/2015 for The Hermitage Way. In addition, the above changes (including proposed east-west service road) are consistent with road locations as specified in Part A of the DCP.

On this basis, the proposed changes to car parking and road layouts are considered appropriate.

Minor amendment to precinct boundary

The draft DCP includes minor changes to the boundary of the Entertainment Precinct to reflect the approved road corridors for the eastern and western boundaries of the precinct.

The eastern and south eastern ends of the precinct have been amended to align with the boundaries for the road corridor and the adjoining proposed Gledswood Hills primary school site and the north eastern boundary of the approved Gledswood Hills Reserve.

Draft VPA amendment

The proponent has submitted a draft VPA amendment to Council to amend the current VPA by including development contributions for the apartment dwellings that are planned to be developed within Sekisui's land holdings within the Entertainment Precinct. As noted earlier in this report, the current VPA did not include contributions for any dwellings within the Entertainment Precinct as a detailed design had not been undertaken at the time that the current VPA was drafted.

It is noted that the VPA amendment does not apply to the club land owned by NPH. Any future development on this land will be subject to separate s 94 contributions under the Oran Park and Turner Road Section 94 Contributions Plan (CP).

Expected population on Sekisui land

The detailed design work undertaken by the proponent identifies a total of 400 apartment dwellings (approximately 879 persons) can be accommodated within the



Sekisui land within the Entertainment Precinct under the current DCP and SEPP controls.

An assessment of the requirements for infrastructure and services for the additional population has been undertaken by the proponent to inform the VPA offer and is based upon the requirements of the CP prepared at the time of the original rezoning.

Impact on local facilities

Local Open Space and Recreation Facilities

An analysis of the existing and proposed open space provision within The Hermitage/Gledswood Hills site is provided in **Table 2 below** and is based on the map included as an **Attachment to the report**, which identifies all of the open space within the precinct.

The analysis identifies that the existing VPA includes open space that exceeds the rates of provision identified in the CP, inclusive of the additional population proposed within the Entertainment Precinct

The central open space corridor within Gledswood Hills is located within a five minute walk of the Entertainment Precinct, providing accessibility and amenity to future residents.

Table 2: Analysis of Open Space Provisions

Item	Total Population – CP rates (ha)	VPA Amount Required (ha)	Actual Amount Provided (ha)	Variance (ha)
Active Open Space	1.03	1.06	1.15	+0.09
Passive Open Space	9.15	9.23	9.29	+0.06
Total Open Space	10.18	10.29	10.44	+0.15

Transport Management Infrastructure

The traffic report concluded that the existing constructed collector road network and intersections have been designed to accommodate the additional population therefore the VPA does not include any additional transport management infrastructure.

Water Cycle Management Facilities

The drainage needs for the proposed amendment can be accommodated via the existing water cycle management network. There is no requirement for additional drainage infrastructure as a result of the draft VPA.

Community Facilities and District Open Space and Recreation Facilities

There are no on-site community facilities, district open space or district recreation facilities proposed under the current VPA. Instead, the current VPA makes monetary contributions towards the facilities located in Gregory Hills and Oran Park. The draft VPA amendment proposes that the planned dwellings in the Entertainment Precinct will provide additional monetary contributions towards these off-site facilities in accordance with the CP as per **Table 3 below**:

Table 3: Community Facilities

Facility	Approx. Contribution Amount (Indexed to Mar 17) – For 400 Dwellings
Leisure Centre in Maryland Precinct	\$ 592,560
Recreation and Youth Centre in Oran Park Precinct	\$ 400,848
Sports Park in Marylands Precinct	\$ 540,298
Branch Library/ Community Resource Centre in Oran Park Precinct	\$ 335,595
Multi-Purpose Community Centre within Turner Road Precinct/Crest Development	\$ 178,588

This represents a total value of **\$2,047,889** or **\$5,119.72** per lot (subject to indexation to CPI), based upon the forecast 400 dwellings for the Sekisui land holdings within the Entertainment Precinct. The additional monetary contribution per dwelling is included as a new line item (27A) in Schedule 2 of the VPA offer, which is included as **Attachment 2 to this report**.

Changes to VPA Staging Boundaries

The Entertainment Precinct is currently located within Stage D of the current VPA. The draft VPA amendment includes the creation of a new Stage E, which applies to the Entertainment Precinct only, and defines the land which is subject to the monetary contributions outlined above. The inclusion of a new Stage E ensures there will be no impact on the works and land dedication timing triggers within Stage D under the current VPA.

Dedication of Additional Land to Council

The VPA offer proposes to dedicate additional land with an area of approximately 1.7 ha, which forms part of the entry statement at the intersection of The Hermitage Way and Camden Valley Way.

It is noted that this land has not been included in any open space calculations for the precinct and the land will be dedicated to Council at no cost. The VPA offer also requires the proponent to maintain the embellished land for five years at no cost to Council.

Merits of draft VPA amendment offer

The existing Gledswood Hills VPA includes a drainage and transport infrastructure network which is able to accommodate the proposed development in the Entertainment Precinct, including the planned residential population. The VPA also provides local open space in accordance with the rates of provision included in the CP. As a result, there is no nexus to require the provision of additional on-site infrastructure.

The provision of a per dwelling monetary contribution towards off-site facilities can be used to augment existing or planned off-site facilities to meet the needs of the future community.



Net Community Benefit

The draft DCP reflects the vision of the proponents and will guide the delivery of a masterplanned village centre including a unique mix of retail, commercial, employment, community and residential land uses that support the local community. The proposed village square and central plaza will provide amenity for residents and visitors to the Entertainment Precinct. The revised street network will enhance the south-facing secondary view corridors, which would have been obscured under the current Part B DCP due to the retention of the club.

The draft DCP and VPA quantify the number of dwellings to be provided in the Entertainment Precinct and ensure sufficient infrastructure and services are provided. The proposed monetary contributions under the draft VPA can be allocated to a variety of future community infrastructure projects.

It is estimated that the development of the Entertainment Precinct will generate approximately 250 jobs within future retail and commercial developments on the site. There will also be approximately 800 jobs generated during construction.

Next Steps

Should Council resolve to support the draft amendments the following steps will occur:

- The draft DCP and draft VPA will be placed on public exhibition for a period of 28 days.
- A copy of the draft DCP will be forwarded to the Department of Planning and Environment and relevant public authorities at the same time as it is placed on public exhibition.
- If no unresolved submissions are received, the General Manager may adopt the draft DCP under Delegated Authority, in accordance with the delegations and the draft VPA could be executed using Council's Power of Attorney, or
- If there are unresolved submissions, a further report to Council will be prepared which outlines the result of the public exhibition.

FINANCIAL IMPLICATIONS

The 400 dwellings within the Sekisui landholdings will make further monetary contributions of approximately \$5,119.72 per dwelling (a total of \$2,047,889) towards off-site community and open space facilities via the draft VPA amendment. Council can decide the purpose for which these contributions are to be allocated.

CONCLUSION

The proposed amendment to the Part B DCP controls which apply to the Entertainment Precinct under the Turner Road DCP 2007 will align the DCP with the precinct vision of the proponent and will ensure the development is consistent with the approved road network, approved subdivision pattern and the proposed retention of the club.

The proposed changes will deliver a neighbourhood centre that functions as a vibrant 'high street', with accessibility and central community meeting points such as the proposed central plaza area.

The proposed VPA amendment will provide additional monetary contributions to enable additional off-site community and open space infrastructure to be provided to support

the population proposed within the Entertainment Precinct. The on-site infrastructure to be provided under the VPA has been demonstrated to comply with the rates of provision identified in the Oran Park and Turner Road S 94 Contributions Plan.

RECOMMENDED

That Council:

- i. endorse the draft Part B DCP and draft VPA to proceed to exhibition for a period of 28 days in accordance with the provisions of the *Environmental Planning Assessment Act 1979 and Regulations*;**
- ii. forward the draft Part B DCP to the Department of Planning and Environment in accordance with the amended delegations issued to Council on 19 January, 2015 from the Secretary of the Department of Planning and Environment;**
- iii. if no unresolved submissions are received:**
 - a. grant delegation to the General Manager to adopt the proposed changes to the Turner Road DCP 2007 in accordance with Delegations dated 19 January, 2015 from the Secretary of the Department of Planning and Environment;**
 - b. authorise the relevant VPA documentation to be completed under Council's Power of Attorney; and**
 - c. publicly notify the adoption of the DCP and VPA in accordance with the provisions of the Act and Regulations; or**
- iv. if unresolved submissions are received, receive a further report outlining the outcomes of the public exhibition for Council's consideration.**

ATTACHMENTS

1. Draft Turner Road DCP - Part B1 - Entertainment Precinct August 2017
2. Deed of Variation - Draft Gledswood Hills VPA Aug 2017
3. Economic Impact Entertainment Precinct - Draft Part B DCP Amendment
4. Open Space Areas Plan - The Hermitage(2)

ORDINARY COUNCIL

ORD03

SUBJECT: PLANNING PROPOSAL - 2 RICHARDSON ROAD, NARELLAN
FROM: Director Planning & Environment
TRIM #: 17/258389

PROPERTY ADDRESS: 2 Richardson Road, Narellan
APPLICANT: Michael Brown Planning Strategies
OWNER: ACV Concord Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to inform Council of a proposed amendment to the Camden LEP 2010 (CLEP 2010) and Camden Development Control Plan 2011(CDCP 2011) to permit a car wash as an additional permitted use at 2 Richardson Road, Narellan.

The report recommends Council refuse the Planning Proposal and DCP amendment for the reasons discussed within the report. The Planning Proposal and DCP amendment are **provided as an Attachment to the report.**

BACKGROUND

The subject site is known as Part Lot 1 DP 1121907, 2 Richardson Road, Narellan and is located on the southwestern corner of Camden Valley Way and Richardson Road, Narellan. The site is located approximately 330m west of the Narellan Town Centre, opposite the Narellan Hotel and east of the Narellan Police Station.



Figure 1: Locality Map (Source: Nearmap)

The site is located in the vicinity of a number of locally listed heritage items including Narellan Public School, St Thomas Church and Church School Building and the Narellan Hotel. The site is currently vacant and is a level grassed surface.

The Planning Proposal was lodged by Michael Brown Planning Strategies in February 2017 and a Councillor Briefing was held on 23 May 2017. The proposal was initially notified to the community for a period of 14 days from 13 to 27 June 2017.

During the notification period five submissions were received. Copies of all submissions are provided as **Supporting Documents**. A summary of submissions is provided as an **Attachment to the report**.

MAIN REPORT

The Planning Proposal seeks to permit a carwash by amending *Schedule 1 – Additional Permitted Uses* of the CLEP 2010.

A concept plan of the proposed development is included at **Figure 2** below.

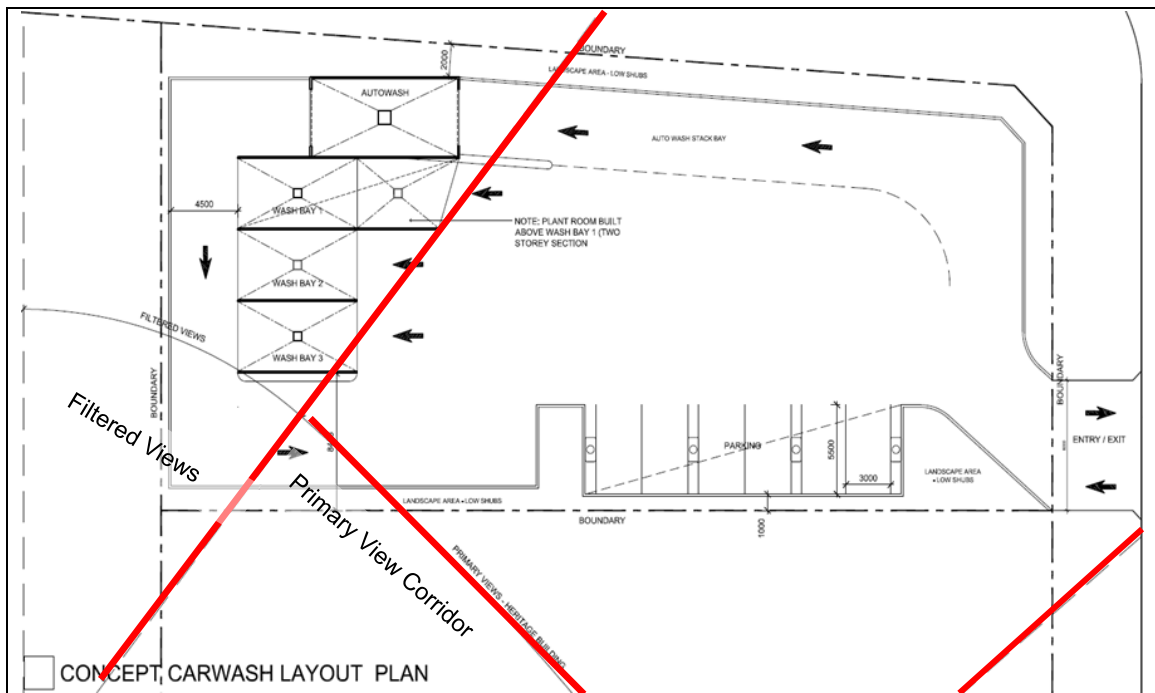


Figure 2 – Concept Carwash Layout Plan (Source: Carwash Builders Australia)

The subject site is zoned R2 – Low Density Residential under the CLEP 2010 (as shown in **Figure 3**). Under this zoning the proposed use as a ‘car wash’ (defined as a commercial premise) is prohibited.

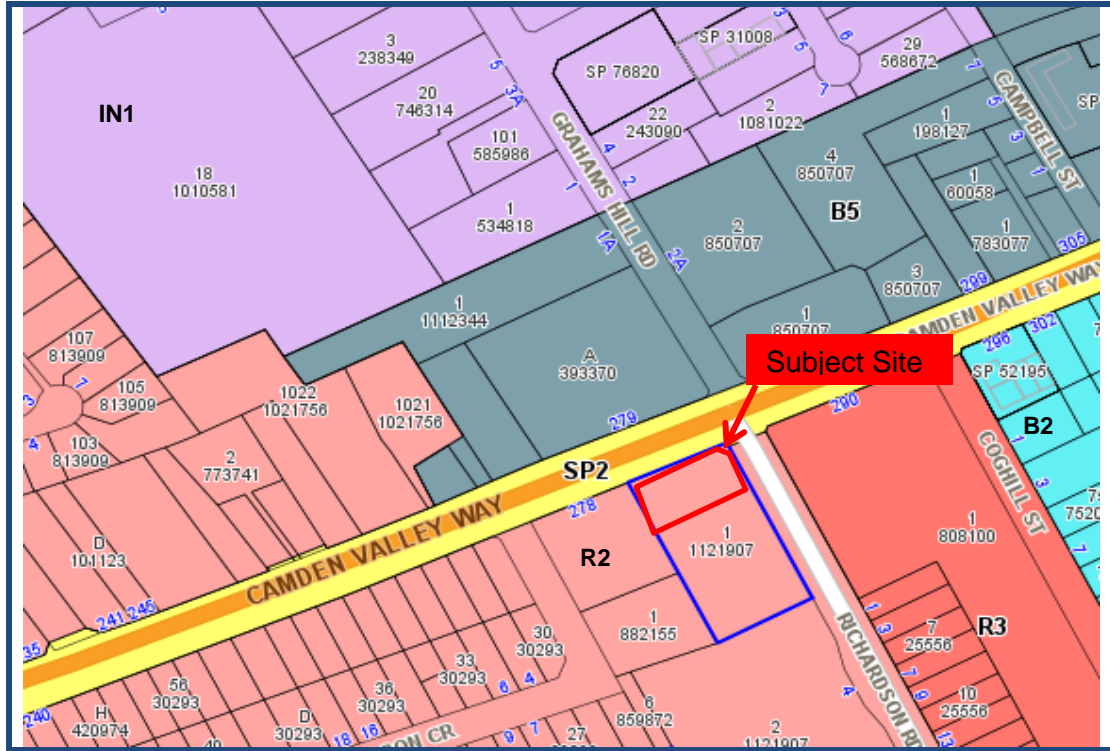


Figure 3: Zoning Map (Source: CLEP 2010)

In addition to amending *Schedule 1 – Additional Permitted Uses* of the CLEP 2010, an amendment to the Additional Permitted Uses map is proposed. The proposed map amendment is outlined in red as shown in **Figure 4**.

The proposal does not otherwise seek to change or amend the existing R2 – Low Density Residential zone, which applies to the site.

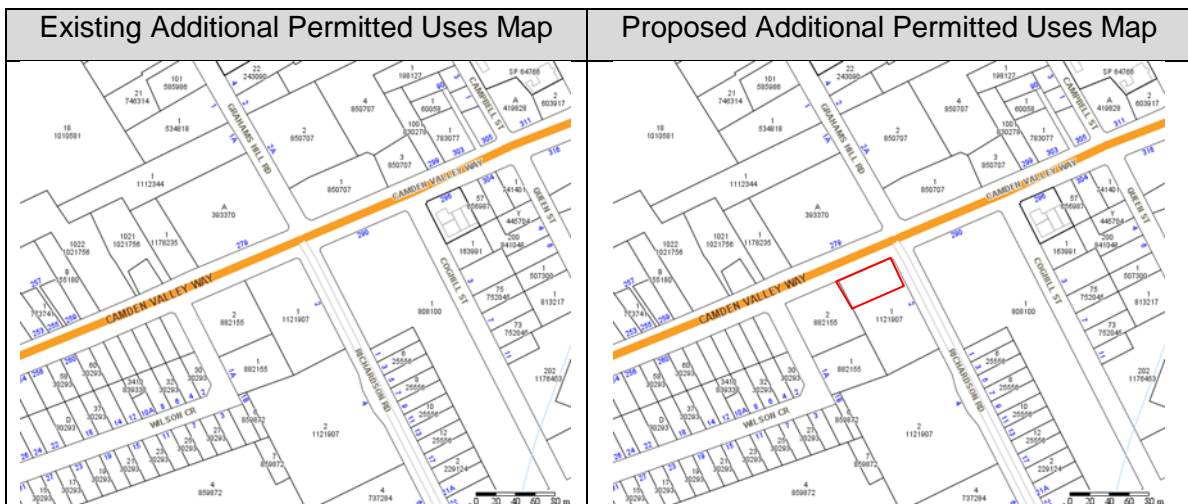


Figure 4: Existing and Proposed Additional Permitted Uses Map (Source: CLEP 2010)

Key Issues

Heritage Impact

The site is located within the vicinity of a number of local heritage items. Whilst the site is not heritage listed it plays an integral role in connecting the surrounding items.

The site and surrounds has high historical significance to the original settlement of the Narellan Township. Originally the site was part of one parcel of land and included the St Thomas Cemetery on Richardson Road (I134 in **Figure 5**) the St Thomas Church and School Church (I136 in **Figure 5**).

Development of the Macarthur Anglican School in the late 1970s and the Narellan Police Station in 2011 have seen subdivisions of the original parcel of land.

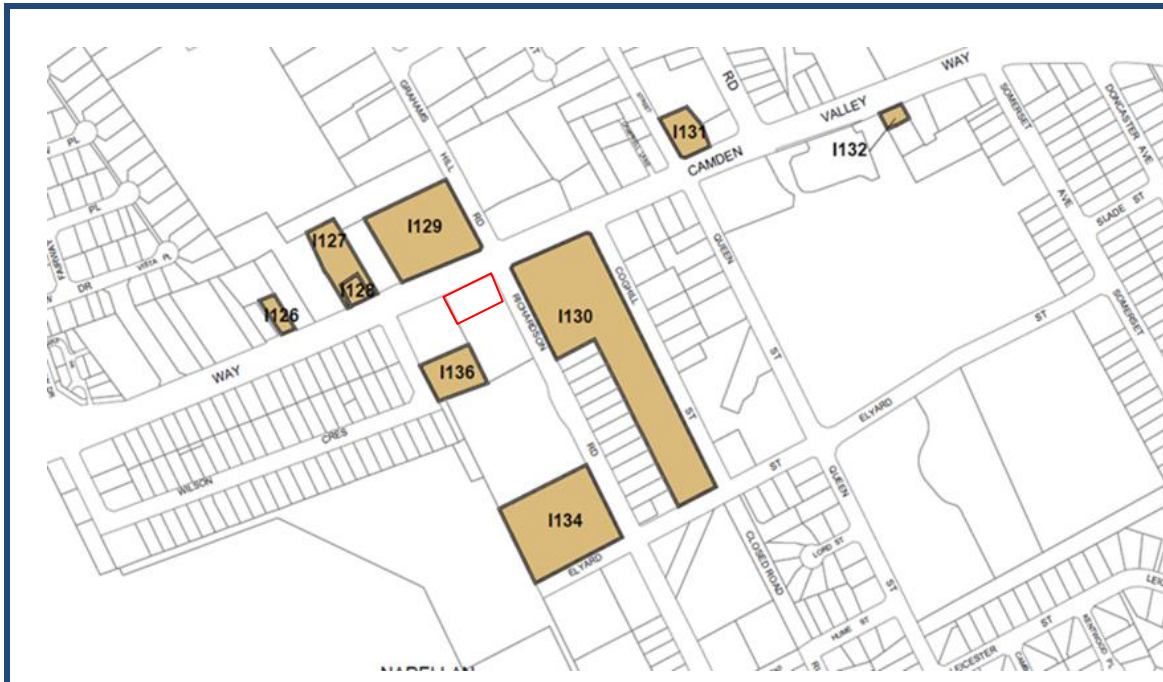


Figure 5: Heritage Listings (Source: CLEP 2010)

In 2000, a heritage consultant (Paul Davies Pty Ltd) prepared a conservation plan for the St Thomas Anglican Church & School Church.

The conservation plan identified the St Thomas Church (1884) and Church School (1839) buildings, as having heritage significance. These two buildings are amongst the few remaining elements of the original Narellan Township. The conservation plan also identified the high aesthetic value associated with the prominent position of the site and the relationship to the former Cowpasture Road (now Camden Valley Way) and surrounding district.

As a result of the significance of the surrounding landscape and connections to other items of heritage significance such as the Narellan Hotel and Cowpasture Road, the conservation plan recommended significant view corridors should be protected from future development.

The conservation plan identified views that should be protected to and from the St Thomas group of heritage items being:

- Primary View Corridors – St Thomas Church and Church School towards the corner of Camden Valley Way and Richardson Road, and from St Thomas Chapel towards Wilson Crescent.
- Filtered views from the School Church to Camden Valley Way and to Richardson Road.

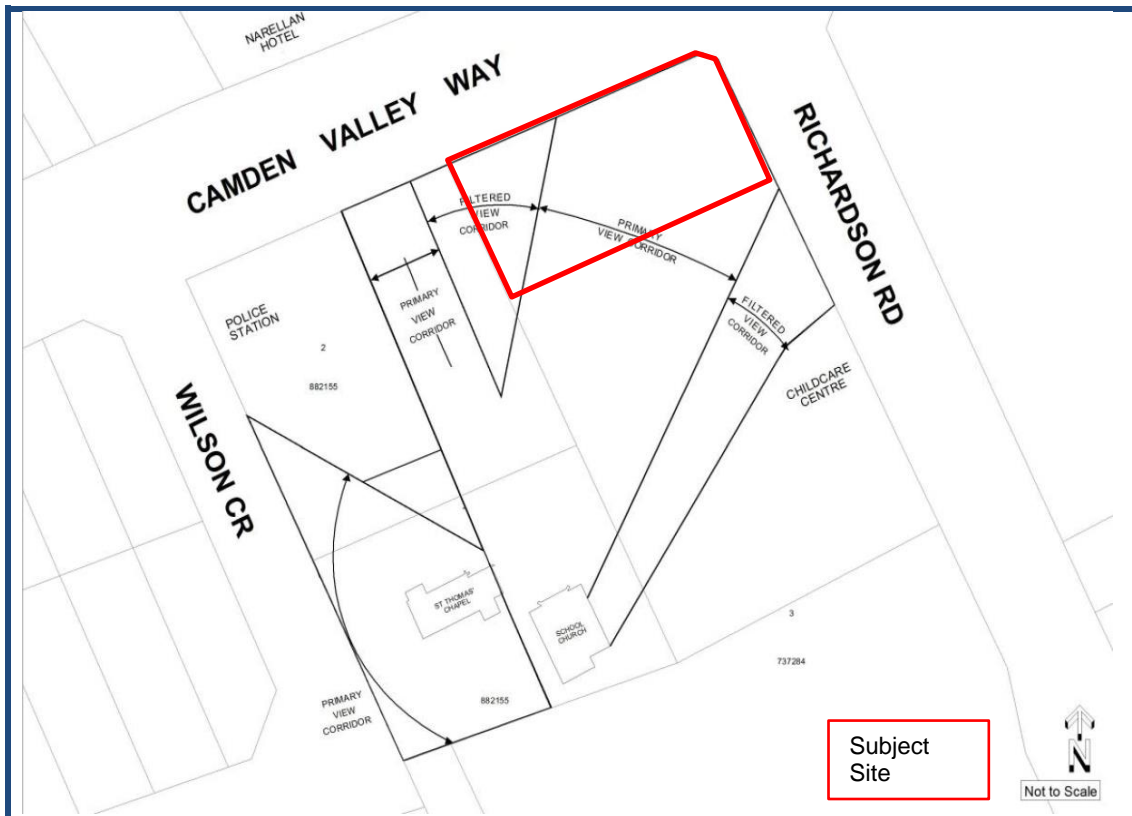


Figure 6: Conservation Plan - View Corridors (Source: CDCP 2011)

Officer Comment

The proposed development as identified by the concept plan included in the Planning Proposal is located partially within the Primary View Corridor. The larger fixed structures (car wash areas) are proposed on the periphery of the primary view corridor, within the filtered corridor, however it is proposed to have extensive hardstand area, fencing and ancillary structures within the primary view corridor.

The conservation plan requires the primary view corridor to be protected and clear of all structures, trees or shrubs. In 2003, heritage consultants (Design 5) undertook additional analysis of the site. This report recommended no development be undertaken at the corner of Camden Valley Way and Richardson Road, and that this land be retained and used as open space, visually linking the church buildings to the town of Narellan and its historic significance.

The primary view corridor allows the Church to be seen in its semi-rural setting, as the church on the hill. Development of the nature proposed is not considered to be in accordance with the conservation plan and subsequent work by Design 5, and will not protect the views to and from the Church from the corner of Camden Valley Way and Richardson Road.

Council's DCP 2011 applying to the site (Part B3.1.4) specifically protects the significant view corridors between St Thomas Chapel, the School Church, Narellan Hotel, the Cemetery and Camden Valley Way. The DCP requires that *"no building, structures, signage, trees or shrubs are permitted within the primary view corridors"* and that *"no development of the ovals/open space fronting Camden Valley Way, within*

the Macarthur Anglican School (now Hope School), and Narellan School is permitted. These areas should be retained as open space and a view corridor”.

Council officers have considered the proposal against the DCP and consider the proposal to be inconsistent with the site specific controls.

Traffic and Access

The Planning Proposal was not lodged with any detailed analysis with regards to traffic and access. The concept plan lodged with the Planning Proposal indicates that the proposed carwash facility will be accessed via Richardson Road near the intersection with Camden Valley Way.

Officer Comment

A preliminary assessment has identified concerns with the proposed access and egress arrangements for the site. The Planning Proposal has not demonstrated the ability of the site to support the proposed use with regard to traffic and access.

Strategic Planning Merit

The Planning Proposal has not addressed the draft District Plan as is required by the *Environmental Planning and Assessment Act 1979*. The proposal does consider other state and local strategic planning documents including the draft Metropolitan Strategy, a Plan for Growing Sydney and Camden 2040.

The proposal broadly meets the strategic directions of these documents, with the exception of Camden 2040. It is noted that the proposal was lodged with Council prior to the adoption of the new Community Strategic Plan (CSP) in April 2017.

Within Camden 2040 and Council's new CSP heritage protection is identified as a key priority. Camden 2040 identifies as a key direction '*Actively Managing Camden's Growth – Heritage Protection - The built, environmental, cultural and Indigenous heritage of the Camden Local Government Area are protected, enhanced and enjoyed.*'

The new CSP identifies under Key Direction 1 '*Actively Managing Camden Local Government Area's Growth – Retain Camden LGA's heritage sites, scenic vistas and cultural landscapes.*'

Officer Comment

The Planning Proposal has not demonstrated planning merit against Council's CSPs. The impact on the adjacent heritage items and on the visual significance and scenic landscape of the subject site is not in accordance with Council's current or previous CSP.

Summary of Initial Notification

The Planning Proposal was notified for 14 days from 13 to 27 June 2017. Adjoining and nearby properties were directly notified by letter. Notices were also placed in the local newspaper. During the notification period, five submissions were received, all objecting to the proposal.

The key issues identified within the submissions include:



1. The proposed development being inconsistent with the Conservation Plan and Council's DCP 2011;
2. Concerns raised regarding the proposed access arrangements for the site and potential safety concerns;
3. Concerns about the standard of documentation provided as part of the Planning Proposal;
4. Concerns about potential health and noise impacts on adjacent sensitive uses; and
5. Concerns regarding potential impacts on the viability of businesses operating out of the St Thomas Church and School Church Buildings.

A summary of all submissions received and Council officer responses to the concerns raised are **provided as an attachment to the report**.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Council is in receipt of a Planning Proposal for land at 2 Richardson Road, Narellan seeking to amend the Camden LEP 2010 to permit a 'carwash facility' as an additional permitted use.

The proposal was notified for 14 days and five submissions objecting to the proposal were received.

Council officers have assessed the merit of the Planning Proposal and consider the proposal has not demonstrated planning merit to proceed to Gateway for the following reasons:

- The heritage impacts on the adjacent items of St Thomas School Church and St Thomas Church are significant and would impact on the heritage value of these items.
- The proposed development is not in accordance with the Conservation Plan for the St Thomas Group of heritage items.
- The Planning Proposal has not considered the ability of the existing road network to support access to the proposed development; and
- The Planning Proposal is inconsistent with Council's Community Strategic Plan with regards to the protection of heritage, scenic vistas and cultural landscapes.

It is therefore recommended that Council refuse the proposed amendment to the Camden LEP 2010 and Camden DCP 2011.

RECOMMENDED

That Council:

- i. refuse the Planning Proposal for 2 Richardson Road, Narellan, as the Proposal has not demonstrated planning merit; and**
- ii. refuse the request to amend the Camden DCP 2011 (Part B3.1.4)**

ATTACHMENTS

1. Planning Proposal 2 Richardson Road Narellan
2. Summary of Submissions Table - 2 Richardson Road, Narellan (2)
3. Submissions - 2 Richardson Road narellan - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY

FROM: Director Customer & Corporate Strategy

TRIM #: 17/258617

PURPOSE OF REPORT

To recommend Council approve the public exhibition of the draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors policy (the policy), as required by the *Local Government Act 1993*.

BACKGROUND

Under section 252 of the *Local Government Act 1993* (the Act), Council must adopt a policy, within the first 12 months of each term of Council, concerning the payment of expenses and provision of facilities to the Mayor and Councillors in relation to discharging the functions of civic office.

Council may also from time to time amend the policy under section 252 of the Act.

Under section 253 of the Act, a Council must give notice of its intention to adopt or amend the policy allowing at least 28 days for the making of public submissions. Following the public exhibition, Council must consider any submissions made before either amending the policy or adopting it and making it publicly available on Council's website. If no submissions are received, the policy will be deemed to be in force at that time and Councillors will be notified.

A Councillor briefing was held on 8 August 2017 regarding the revised draft policy.

MAIN REPORT

Better Practice Template

On 27 June 2017, the Office of Local Government (OLG) issued Council Circular 17-17 – Councillor Expenses and Facilities Policy – Better Practice Template, which attached a policy template as a suggested, but not mandatory, format for councils to use when preparing their policies.

Council's policy has undergone an extensive review in order to be consistent with the layout of the OLG policy template however none of Council's current processes and approval authorisations have been amended. The review has also provided the opportunity to remove duplicate or unnecessary wording.

Amendments to the policy

The key amendments to the policy include:

- Content rearrangement under the appropriate headings of the OLG policy template;
- Update of position titles arising from the recent restructure of Council;

- Update of all relevant legislation and related policies references;
- As per the OLG policy template, the increase in the period during which Councillors can claim for reimbursement to three months as opposed to one month;
- Update on the provision and payment of information and communications technology (ICT) expenses;
- Further details regarding the provision of stationery, home office expenses and administrative support;
- Auditing requirements; and
- Inclusion of a definitions table.

A copy of the revised draft policy including both a track changes version and a clean version are **attached** to this report.

To assist in comparing the changes, the track changes version of the revised draft policy shows track changes with deletions in red text, additions in green text and additional content from the OLG policy template in blue text.

FINANCIAL IMPLICATIONS

There are no financial implications as this policy is funded within Council's budget.

CONCLUSION

The revised draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors policy is attached for Council's approval for public exhibition.

Following Council's approval, the revised draft policy will be publicly exhibited for a period of 28 days. A report will be presented back to Council at the conclusion of the exhibition period if any submissions are received. If no submissions are received, the policy will come into force with Councillors appropriately advised and a copy placed on Council's website.

RECOMMENDED

That Council:

- approve the draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors policy for public exhibition for a period of 28 days as required by the *Local Government Act 1993*;**
- if there are any public submissions received, receive a further report to Council; or**
- if there are no public submissions, deem the draft Payment of Expenses and Provision of Facilities to the Mayor and Councillors policy to be approved from the day after the close of the public exhibition period with appropriate advice given to Councillors of this outcome.**

ATTACHMENTS

1. Payment of Expenses and Provision of Facilities to the Mayor and Councillors track changes
2. Payment of Expenses and Provision of Facilities to the Mayor and Councillors clean



ORDINARY COUNCIL

ORD05

SUBJECT: INVESTMENT MONIES - JULY 2017
FROM: Director Customer & Corporate Strategy
TRIM #: 17/249660

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 31 July 2017 is provided.

MAIN REPORT

The weighted average return on all investments was 3.19% p.a. for the month of July 2017. The industry benchmark for this period was 1.73% (Ausbond Bank Bill Index).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Responsible Accounting Officer is the Chief Financial Officer.

Council's Investment Report is an **attachment to the report**.

RECOMMENDED

That Council:

- i. **note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **note the list of investments for July 2017; and**
- iii. **note the weighted average interest rate return of 3.19% p.a. for the month of July 2017.**

ATTACHMENTS

1. Investment Report - July 2017

ORDINARY COUNCIL

ORD06

**SUBJECT: TENDERS - T006/2017 BRIDGE JOINT REPLACEMENTS -
BURRAGORANG ROAD BRIDGE AND T007/2017 MACQUARIE
GROVE ROAD BRIDGE**

FROM: Director Community Assets

TRIM #: 17/246451

PURPOSE OF REPORT

To provide details of the tenders received for contracts T006/2017 and T007/2017, Burragorang Road Bridge and Macquarie Grove Road Bridge - Replacement of Bridge Deck Joints, and to recommend that Council not accept any of the tenders submitted.

BACKGROUND

Council called tenders for two separate but related tenders for the replacement of the expansion joints on Burragorang Road Bridge (located on Burragorang Road, spanning Matahil Creek) and Macquarie Grove Road Bridge (located on Macquarie Grove Road, spanning the Nepean River).

Bridge inspection reports by Council and an external consultant have highlighted the need to renew all the bridge joints at these locations.

MAIN REPORT

Invitation to Tender

The tender for replacement of bridge deck joints for both structures was advertised in the local newspaper and Sydney Morning Herald and on the NSW e-Tendering website, with only one conforming tender being received. Tenderers were asked to provide a lump sum price for the works.

Tender Submissions

Tenders were received from the following companies for both sites:

<i>Company</i>	<i>Location</i>
Castlereagh Group Industries Pty Ltd	Sydney, NSW 2000
Evolution Civil Maintenance Pty Ltd	Moorebank, NSW 2710

Tender Evaluation

The aim of the tender evaluation process is to assess the capability of the tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

A tender evaluation panel was established and the submissions for each tender were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 40% and non-price factors a weighting of 60%.



Non-price factors considered for this project were:

- Demonstrated capacity and technical ability to carry out the work under the Contract, including Work Health and Safety.
- Demonstrated managerial capability, qualifications, experience and number of personnel.
- Conformity with the request for the tender.
- Financial stability and financial position of the tenderer.
- Capacity to achieve the required project program.
- The proposed construction methodology.

An assessment of the tenders was undertaken in line with the tender evaluation plan.

The submission from one of the tenderers was late and therefore could not be considered.

The other tender prices received from the remaining tenderer identified a price significantly greater than the pre-tender estimates by both Council and an independent quantity surveyor.

It is considered that the tendered prices received do not represent a competitive market value for the projects and risk profile, and do not provide the best value to Council for the services required.

Given this, it is recommended that Council decline to accept any of the tenders received. It is the view of the tender evaluation panel to invite fresh tenders to seek a better financial outcome which is in line with the pre-tender estimates.

Relevant Legislation

Council's Purchasing and Procurement Coordinator has reviewed the tender process and confirms that 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.

Under Regulation 178 of the *Local Government (General) Regulation 2005 – Acceptance of Tenders*, Council is required to either decide to accept a tender or to decline to accept any tenders. Council may also resolve to invite fresh tenders.

CONCLUSION

The tenders received for each bridge were either non-conforming or were considered to be excessive in price.

With only one valid tender received for each bridge, and a wide difference between the estimated price and the price for both the tenders, the tendered prices do not represent a competitive market price for the projects and risk profile and do not provide the best value for the services required.

It is recommended that Council decline to accept any of the tenders received and call fresh tenders.

RECOMMENDED

That Council:

- i. in accordance with Section 178 of the *Local Government (General) Regulation 2005 – Acceptance of Tenders*, decline to accept any tender submitted in response to Tenders T006/2017 and T007/2017, being Burragorang Road Bridge and Macquarie Grove Road Bridge Replacement of Bridge Deck Joints, as the tenders received were not considered best value to Council; and**
- ii. invite fresh tenders for the reinstatement of bridge deck joint replacements on Burragorang Road Bridge and Macquarie Grove Road Bridge.**

ATTACHMENTS

1. Tender T006/2017 - Bridge Joint Replacements - Burragorang Road Bridge - *Supporting Document*
2. Tender T007/2017 - Bridge Joint Replacements - Macquarie Grove Road Bridge - *Supporting Document*



ORDINARY COUNCIL

ORD07

SUBJECT: SUPPORT FOR HOCKEY NSW REGIONAL CHALLENGE
FROM: Acting Director Sport Community and Recreation
TRIM #: 17/248912

PURPOSE OF REPORT

This report recommends a proposed partnership with Hockey NSW to host a regional challenge event at Narellan Sports Hub.

BACKGROUND

The Regional Challenge is Hockey NSW's marquee event and the culmination of one of Hockey NSW's key programs, the Centre of Development (COD). The COD is a program that is designed to implement an off season training program for hockey players of varying skills. The event brings together hockey teams from across the state to participate in the event.

This event was originally launched by Basil Sellers AM via a philanthropic donation. The event has grown from strength to strength since its launch in 2015 and now attracts greater numbers than any other event delivered by Hockey NSW annually.

The Hockey NSW Regional Challenge alternates between a metropolitan and regional venue each year with the 2018 event due to be held on 9, 10 and 11 March at Narellan Park, which now forms part of the Narellan Sports Hub.

MAIN REPORT

Camden 2040 states that a prosperous local economy will be achieved through a focus on developing and increasing tourism and visitors to the Camden area, through regional partnerships and promotion, strengthening the capacity of the local tourism industry and supporting the ongoing improvement of local items of interest.

A key sector of Council's Economic Development Strategy is to also grow the tourism sector in the Camden LGA.

Hockey NSW has offered Council the opportunity to partner with it to host the 2018 Regional Challenge. As part of the partnership package, Camden Council would have naming rights for the event, the use of the Camden Council logo on advertising material, the uniforms of the 800 player entrants and 50 umpires. Council will also receive exposure, through the Hockey NSW database, to over 24,000 members.

The Hockey NSW Regional Challenge is expected to attract more than 2000 spectators over the course of the weekend bringing approximately \$1.5m in economic benefit to the local region for a one-off contribution of \$7,500.

The contribution will be attributed to the costs associated with running the event including volunteer support, trophies, venue hire, first aid and photographer fees. Macarthur Hockey has advised Council officers that it is very supportive of the event being hosted at it's home ground in 2018.

FINANCIAL IMPLICATIONS

The cost to Council to partner in this event is \$7,500. It is proposed to fund the allocation from within the existing budget.

CONCLUSION

Partnering with Hockey NSW to host the Regional Challenge provides an opportunity for the Camden Local Government Area to promote and market itself as a sports tourism destination across the state, via Hockey NSW's network of contacts, and will provide valuable direct and indirect economic benefits to the area. The event will attract more than 2,000 spectators over the course of the weekend bringing approximately \$1.5m in economic benefit.

This partnership builds on our partnership with Golf NSW. Partnering in such an event not only provides sport tourism opportunities, but enables the visitors attending these events to experience other aspects of Camden such as local venues, attractions, dining and accommodation.

It is recommended that Council endorse the partnership with Hockey NSW to deliver the 2018 Regional Challenge at Narellan Park, which now forms part of the Narellan Sports Hub, by way of a contribution of \$7,500 allocated from within the existing budget.

RECOMMENDED

That Council accept the partnership package outlined in this report to partner with Hockey NSW to deliver the Regional Challenge on the 9, 10 and 11 March 2018 at Narellan at a cost of \$7,500.