

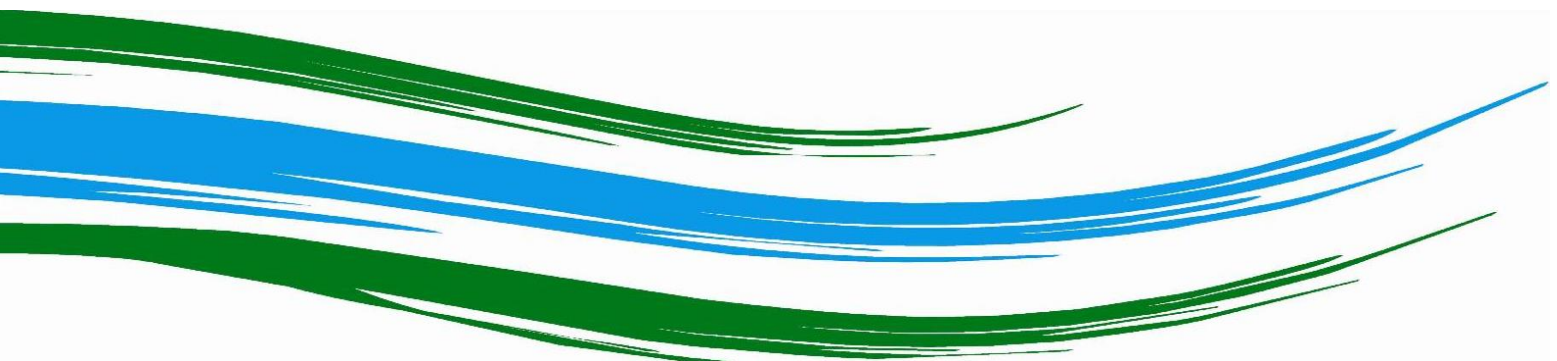


Camden Council

Business Paper

Ordinary Council Meeting
22 November 2016

Camden Council
Administration Centre
70 Central Avenue
Oran Park



COMMON ABBREVIATIONS

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

General Manager
Ron Moore Mayor
Lara Symkowiak

Director Customer and Corporate Services
David Reynolds

Manager Governance and Corporate
Services
Charles Weber

Director Planning and Environmental Services
Nicole Magurren

Director Community Infrastructure
Vince Capaldi

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Theresa Fedeli

Councillor
Peter Sidgreaves

Councillor
Michael Morrison

Councillor
Ashleigh Cagney

Councillor
Eva Campbell

Councillor
Paul Farrow

Councillor
Cindy Cagney

Public Address

Public Seating

Media



ORDINARY COUNCIL

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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 November, 2016.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 8 November, 2016, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - COMMENDATION AT NSW PLANNING EXCELLENCE AWARDS 2016 - BEST PLANNING IDEAS – SMALL PROJECTS CATEGORY FOR THE CAMDEN TOWN CENTRE VISION

FROM: The Mayor

TRIM #: 16/331059

It is with great pleasure I advise that Camden Council in conjunction with JBA Consultants and AEC Group has received a Commendation at the NSW Planning Excellence Awards 2016 in the Best Planning Ideas – Small Projects category for the Camden Town Centre Vision.

The award considered the Camden Town Centre Vision that guides the evolution of the Camden area whilst protecting the key elements such as character, heritage, economic and social impacts that can arise.

The Camden Town Centre is highly valued by our community and visitors for its unique character and charm. Council's vision is to protect and strengthen the town centre's valued character whilst ensuring its public spaces meet the needs of our rapidly growing area. Positive feedback was received regarding the supporting implementation plan, our gradual and measured approach, and our longer term strategic actions.

In the award citation the Judging panel made the following comment:

“The ability of Council and the project team to work with the community, and identify, a realistic, potentially achievable vision was considered by the Judges to be worthy of this award”.

This award is further reinforcement of the Camden Council Town Centre Vision and that we are taking the right steps to ensure the Camden Town Centre will be a distinct, prosperous, vibrant, accessible and connected town centre for all.

RECOMMENDED

That Council note the information.



ORDINARY COUNCIL

ORD01

SUBJECT: ADDENDUM REPORT - DEMOLITION OF AN EXISTING DWELLING AND CONSTRUCTION OF A SINGLE STOREY MEDICAL CENTRE, CAR PARK, SIGNAGE, DRAINAGE, LANDSCAPING AND ASSOCIATED SITE WORKS - 7 PARK STREET, CAMDEN

FROM: Director Planning & Environmental Services
TRIM #: 16/320784

APPLICATION NO: DA 105/2016
PROPERTY ADDRESS: 7 Park Street, Camden
APPLICANT: Mr Sean Johnson
OWNER: Mr Ramana Venkatesan

UPDATE

The DA is referred to Council for determination following the deferral of this item at the 25 October 2016 meeting for a site meeting and subsequent briefing from Council officers.

The 25 October 2016 Council report is provided below. No changes have been made to this report since it was reported on 25 October 2016.

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the demolition of an existing dwelling and construction of a single storey medical centre, car park, signage, drainage, landscaping and associated site works at 7 Park Street, Camden.

The DA is referred to Council for determination following the deferral of this item at the 24 May 2016 meeting for further investigation to determine whether the application meets medical licencing requirements in accordance with the *Private Health Regulation 2010* (Regulation), *Private Health Facilities Act 2007* (Act), and the Australasian Health Facility Guidelines (Guidelines) which is discussed further below.

SUMMARY OF RECOMMENDATION

That Council determine DA 105/2016 for demolition of an existing dwelling and construction of a single storey medical centre, car park, signage, drainage, landscaping and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

HISTORY

DA105/2016 was reported to Council on 24 May 2016.

The original DA proposed:

- Demolition of an existing dwelling and associated outbuildings;

-
- Construction of a purpose built medical centre containing 2 theatres, recovery area, administration areas, amenities, and service rooms;
 - Construction of a carpark at the rear of the building to accommodate 10 vehicles (including 1 disabled space);
 - Removal of seven trees;
 - Erection of signage;
 - Drainage, landscaping and associated site works;
 - Operating hours of 8:00am to 5:00pm, Monday to Friday;
 - Maximum of six staff; and
 - 12 procedures to be conducted a day.

The DA was deferred at the 24 May 2016 meeting for further investigation to determine whether the application meets medical licencing requirements in accordance with the *Private Health Regulation 2010* (Regulation), *Private Health Facilities Act 2007* (Act), and the Australasian Health Facility Guidelines (Guidelines).

BACKGROUND

Environmental Planning and Assessment Act 1979

A DA is to be assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act 1979*. Which does not require the referral of an application to NSW Health and does not require an assessment against the Regulation, the Act, and the Guidelines.

The Private Health Care Unit of NSW Health are responsible for assessing an application for a private health facility against the Regulation, the Act, and the Guidelines. NSW Health assesses an application on its merits and as such does not necessarily require strict compliance. The assessment by NSW Health is to occur following DA approval.

The proposed medical centre is permissible in the B4 Mixed Use zone in which the site is located and is considered acceptable having regard to Section 79C of the *Environmental Planning and Assessment Act 1979* (The Act).

Consultation with NSW Health

Subsequent to the 24 May 2016 Council meeting, Council staff contacted the Private Health Care Unit of NSW Health to discuss medical licencing requirements pursuant to the Regulation. NSW Health confirmed the following:

- an approved development consent and evidence the building will comply with the requirements of a Class 9a building as required by the Building Code of Australia is required to be submitted as part of the medical licence application;
- after DA approval, NSW Health issues an "Approval In Principle" licence followed by Plan Approval with conditions. The building is then constructed and fitted out with an inspection then carried out by NSW Health, after which the full licence is issued;
- NSW Health do not offer a peer review service for DAs prior to determination; licencing assessment is not carried out by NSW Health until after DA approval is granted;



- the Private Health Care Unit of NSW Health assesses medical licence applications made under the Regulation. Schedule 1 of the Regulation requires applications to comply with the Guidelines. Compliance with the Guidelines can be considered on merit and NSW Health may request additional information from the applicant should they seek an alternate solution to the Guideline; and
- it was established a dedicated ambulance bay is not required to service the development.

Although medical licencing is assessed by NSW Health after DA approval, a NSW Health Report was submitted by the applicant, which provides an assessment against the Guidelines and demonstrates that compliance via a merit based assessment can be achieved.

To provide Council certainty a condition is recommended in this instance requiring an "Approval In Principle" for a Licence for a Private Health Facility prior to the issue of a Construction Certificate or demolition of the dwelling.

The proposed DA complies with the requirements of the Camden LEP and DCP and the applicant has demonstrated the application is capable of achieving medical licencing as assessed by NSW Health post DA approval.

Amended Proposal

Subsequent to the 24 May 2016 Council meeting, amended plans and information were submitted to Council. The amendments to the DA include:

- Reconfiguration to the internal layout and modification to some windows; and
- The relocation of the building 0.4m to the west to accommodate a 1m wide accessible path along the eastern property boundary.

The proposal, as amended, now involves:

- Demolition of an existing dwelling and associated outbuildings;
- Construction of a purpose built medical centre containing one theatre, recovery area, administration areas, amenities and service rooms;
- Construction of a carpark at the rear of the building to accommodate 10 vehicles (including one disabled space);
- Removal of seven trees;
- Erection of signage;
- Drainage, landscaping and associated site works;
- Operating hours of 8:00am to 5:00pm, Monday to Friday;
- Maximum of six staff; and
- 12 procedures to be conducted a day.

The services offered by the medical centre relate to:

- Gastroscopy;
- Colonoscopy;
- Minor ear/nose/throat procedures;
- Excision of skin lesions;
- Minor urological procedures e.g. vasectomy; and
- Minor gynaecological procedures and the like.

The amended proposal complies with the requirements of the Camden LEP and DCP.

The amended plans and additional information were renotified to all property owners originally notified and to original submitters. The amended plans are provided below and as an Attachment to this report.

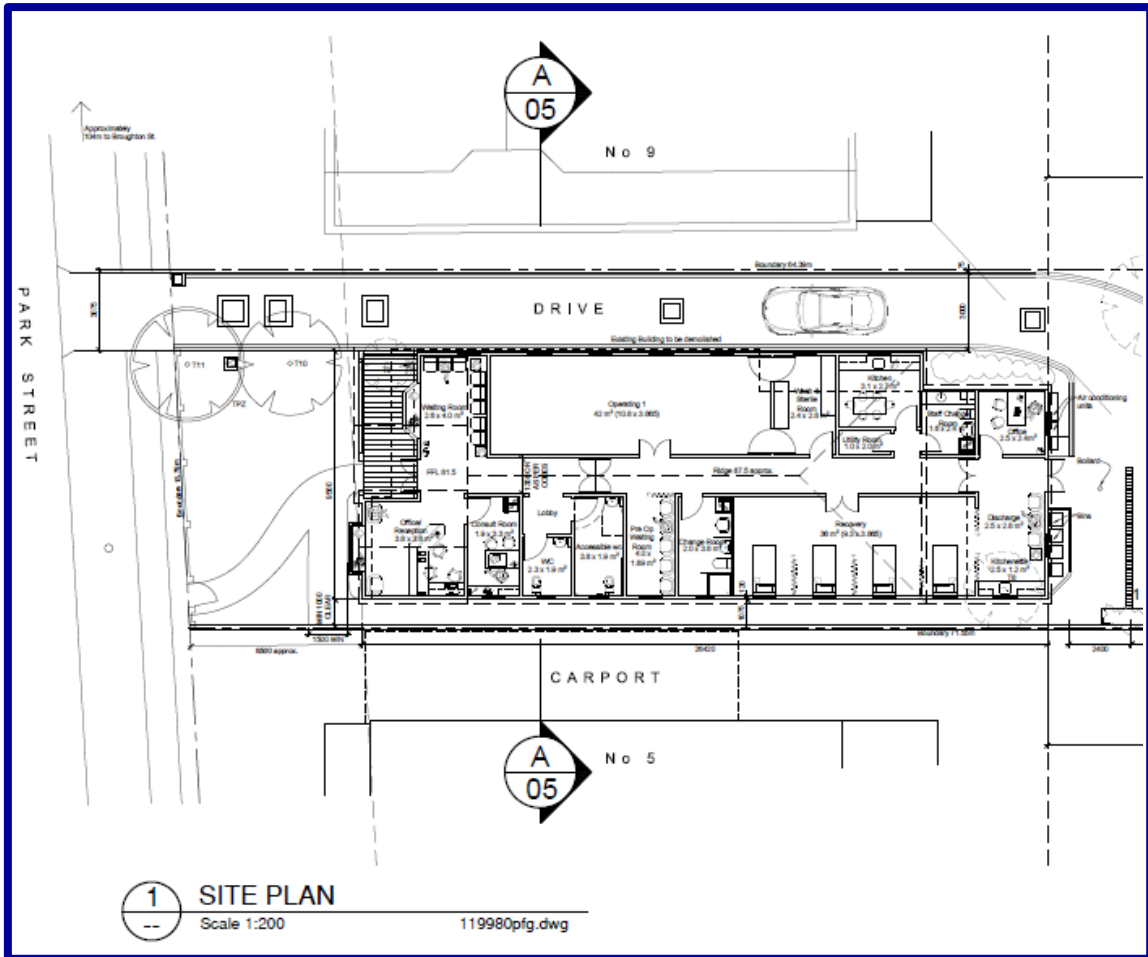


Figure 1 – Revised site plan

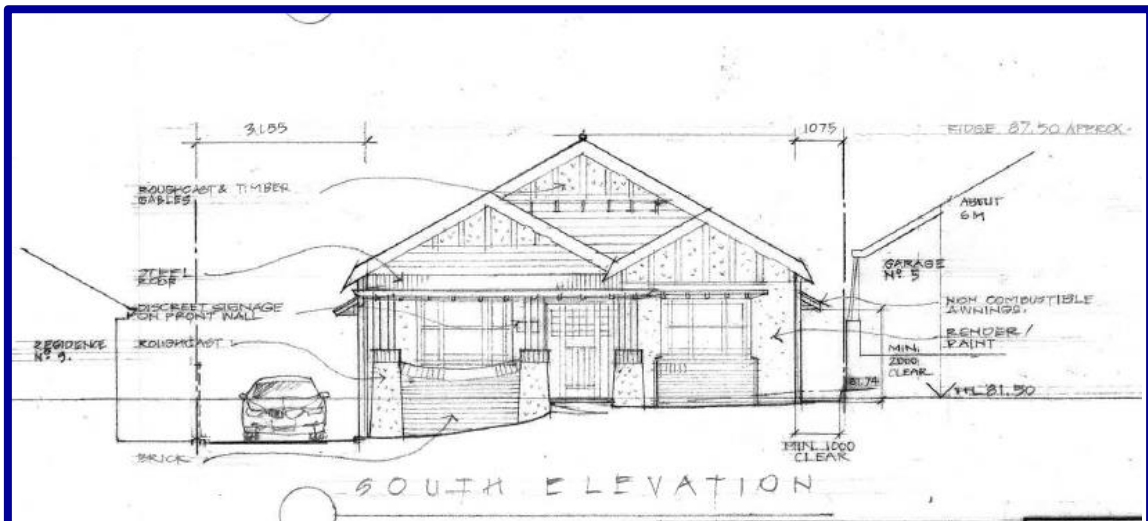


Figure 2 – Front elevation
HEALTH REPORT

Subsequent to the 24 May 2016 Council meeting, the applicant submitted a NSW Health Report prepared by the Director of Nursing for Healthwoods Day Surgery, which provided an assessment of the proposal against the Regulation, the Act and the Guidelines. The applicant's Health Report indicates the proposal is capable of complying with medical licencing requirements, based on a merit assessment.

In summary:

- the applicant intends to submit an application to NSW Health for Anaesthesia, Gastrointestinal Endoscopy and Surgery (Minor Urology and Ophthalmic procedures) health services;
- DA approval must be granted before applying to the NSW Private Health Care Unit for medical licencing pursuant to the Regulation;
- in assessing applications for licences, the NSW Private Health Care Unit applies a merit-based assessment after the DA is approved. The submitted NSW Health Report provides an assessment of the proposal against the requirements of the Guidelines, demonstrating compliance can be achieved;
- a dedicated ambulance bay is not required to service the development. There is no specific clause in the Regulation or Act stipulating that a private health facility is required to have designated onsite ambulance parking. The Regulation requires the facility to have a procedure in place should an ambulance be required. A sufficient procedure has been detailed within the submitted NSW Health Report;
- the maximum number of medical procedures performed on any one day will be 12; and
- the Guidelines do not specify staffing levels. However, the Australian Academy of Medicine and Surgery recommend nurse/patient ratio for unconscious patients be one-to-one. For conscious, stable patients, one nurse for every three to five patients is recommended depending on patient numbers.

As confirmed by the owner/licensee, there will be 6 staff in total on the premises at any one time:

Type of Qualification	Role	Requirement under the Regulation
Registered Nurse	Director of Nursing	Part 3 Conduct of private health facilities (13)
Registered Nurse	Theatre	Schedule 1, Division 2 Clinical Care (12)
Registered Nurse	Recovery	Schedule 1, Division 2 Clinical Care (12)

Medical Practitioner	Sedationist	Schedule 1, Division 2 Clinical Care (12)
Medical Practitioner	Proceduralist	Schedule 1, Division 2 Clinical Care (12)
Administrative	Reception	N/A

- under Schedule 1(9) of the Regulation, the proposed development must have a back-up power supply in place that is capable of maintaining essential services. Details of the backup power supply to be installed are as follows:

6 kVA Tower: Width 225mm x Depth 700mm x Height 600mm (Similar to a computer tower). The power supply unit is small, will be stored internally and does not generate significant noise given energy is provided via a battery.

The NSW Health Report is attached to this report, along with a copy of the NSW licence application form for a Private Health Care Facility and a fact sheet relating to assessment and licence lodgement information.

HERITAGE IMPACTS

The subject site is located within the Camden Heritage Conservation Area. The DA was accompanied by a statement of heritage impact, which is provided as an Attachment to this report.

Council’s Heritage Officer has advised that the existing building is dilapidated and does not significantly contribute to the conservation area. Therefore, its demolition is supported.

The proposed single storey building has been designed to present to the public domain as a dwelling, which is sympathetic to its surroundings and the existing dwellings in Park Street. The heritage significance of the area will therefore not be undermined and will be enhanced by the replacement of a dilapidated building.

The relocation of the building 0.4m to the west to accommodate an accessible path will not adversely impact the streetscape character.

PUBLIC NOTIFICATION

Submissions received prior to the 24 May Council Meeting

Prior to the 24 May 2016 meeting the following submissions were received (inclusive of late submissions):

- Eleven submissions (from eight property addresses) objecting to the proposal.
- Six individual submissions supporting the proposal.
- Two submissions with 34 signatories in support of the proposal.

These submissions were addressed in the original Council report. **A copy of the original report, which details the issues raised in the submissions, is provided as Attachment 1.**



Submissions received after the 24 May Council Meeting

In response to NSW Health medical licencing requirements, revised documents were provided and the application was re-notified from 16 June, 2016 to 29 June, 2016 and 5 September, 2016 to 18 September, 2016.

Since the 24 May Council Meeting the following submissions were received:

- Thirteen submissions objecting to the proposal (from nine property addresses).
- Six submissions supporting the proposal.
- Two submissions comprising of 217 signatories in support of the proposal.

Some of the matters raised in the submissions received in response to the amended plans re-iterated the concerns of a previous submission which were addressed in the original council. **A copy of the original report, which details the issues raised in the submissions, is provided as Attachment 1.**

The below discusses the submission issues that have not previously been addressed.

1. Size of recovery room

NSW Health requires 9m² per bed within the designated recovery room. Six beds are shown on the plans, however only two would be accommodated based on 9m² per bed.

Officer Comment

The revised plans provide a 36m² recovery room comprising 4 beds (9m² per bed). The NSW Health Report notes four beds are appropriate for one theatre room.

2. Definition of use

The proposal is in accordance with a Medical Centre definition; however it is described as a Day Surgery on the plans.

Officer Comment

The proposed development is defined as a Medical Centre pursuant to the Camden Local Environmental Plan 2010. A Medical Centre fits within the blanket definition of a Health Services Facility:

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

There is no definition for a Day Surgery as part of the Health Services Facility definition within the Camden LEP. In accordance with the definition for a Medical Centre, surgical treatment is permitted:

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

For the purposes of obtaining a medical license after DA approval is granted, the NSW Private Health Care Unit (who assesses applications for medical licencing) use different definitions/terminology that may not relate to Camden LEP definitions used for DA approval.

3. Building Code of Australia

The Building Code of Australia BCA96_Vol1A13 defines a Health Care building as a Clinic, Day Surgery or Procedure Unit. Concerns are raised with the proposal's compliance with the BCA.

Officer Comment

The Building Code of Australia BCA96_Vol1A13 lapsed on July 2013. The current version (National Construction Code – Building Code of Australia – 2016) provides various definitions to assist interpretation of BCA requirements. The proposed building is defined as a Class 9a building requiring Type C construction. Council's Building Surveyors have reviewed the proposed design and confirm the building is capable of complying with the "deemed to satisfy" provisions of the BCA.

A standard condition is recommended requiring compliance with the BCA.

4. Car Parking

The inclusion of a Give Way sign will not assist when the car park is full, given vehicles will be unable to manoeuvre and will be required to reverse out, which is dangerous.

Officer Comment

The car park has been designed in accordance with Australian Standards. The Australian Standards are based on minimum dimensions to allow vehicles to safely manoeuvre. The proposal demonstrated that vehicles will be able to enter and exit the site in a forward direction should the car park be full.

Although a dedicated ambulance bay is not required for the proposed development in accordance with the the *Private Health Regulation 2010* (Regulation), in certain circumstances an ambulance may be required to reverse out of the site. The Regulation requires a procedure to be in place should an ambulance be required.

The submitted NSW Health Report details the procedure for an ambulance to safely manoeuvre in and out of the site:



- should the accessible parking space be unoccupied the ambulance can manoeuvre within the site and drive out in a forward direction; or
- should the accessible parking space be occupied, the ambulance can be directed to reverse out of the site by staff in accordance with the procedure.

In any event, an emergency vehicle is not required to enter the site and may remain on the public road.

5. Design standards for the operating theatre

The operating theatres will not meet the minimum design and configuration standards. The site is too small to accommodate the proposed use.

Officer Comment

Room dimensions and layout has been assessed against the requirements of the Australasian Health Facility Guidelines (Guidelines) within the submitted NSW Health Report. Compliance with the Guidelines can be merits-based and is assessed by the NSW Private Health Care Unit following the granting of DA consent i.e. room dimensions and layouts can differ to the Guidelines so long as sufficient justification is provided.

Council is not the authority to assess medical licencing requirements, which must be carried out by the NSW Private Health Care Unit following DA consent being granted. A condition of consent is recommended requiring an 'Approval In Principle' medical licence prior to the demolition of the dwelling or the issue of a Construction Certificate.

The proposed development complies with the requirements of the Camden LEP and DCP and is not considered to result in an overdevelopment of the site.

6. Change in law concerning cosmetic surgery

Due to a change in legislation for cosmetic surgery by the NSW Government (legislated in June), applications for cosmetic surgery must comply with NSW Health guidelines.

Officer Comment

The proposed development does not seek a licence for cosmetic surgery. The premises will submit an application for Anaesthesia, Gastrointestinal Endoscopy and Surgery (Minor Urology and Ophthalmic procedures) health services.

The medical licencing requirements for the three prescribed classes will be assessed by the NSW Private Health Care Unit, following DA approval (if granted).

7. Steepness of exit ramp

The exit ramp at the rear of the building is short and steep and does not comply. A landing is also required.

Officer Comment

Access to the carpark from the rear of the building will be at a no steeper grade than 1:20, which is in accordance with the Building Code of Australia (BCA). A standard condition is recommended ensuring the entire development complies with the BCA.

8. Hydrology Information

No information is provided concerning provision of stormwater detention.

Officer Comment

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

9. Rezoning of properties in Park Street to previous 3(f) zoning.

Some of the residential properties in Park Street should be rezoned back to 3(f), which is more appropriate for the current residential character of the street.

Officer Comment

The current B4 Mixed Use zoning was a like-for-like conversion from the former Local Environmental Plan No. 45 to the Standard Instrument Camden Local Environmental Plan 2010.

The current B4 Mixed Use zone was previously zoned 3(f) Town Centre Support, whereby a "Hospital" was permitted with consent ("Medical Centre" was not a defined land use at the time). Dwelling houses were only permitted in the 3(f) zone if they were used in conjunction with another permitted use.

Zone 3(f) is similar to the B4 Mixed Use zone in that its intention was to support primary office and retail functions of the "Town Centre Zone" (now identified as the B2 Local Centre zone) while providing services to the surrounding community.

It is acknowledged dwellings currently exist within the B4 zone however "Residential Accommodation" is prohibited in the zone.

10. The Camden Town Centre Strategy (2008)

The Camden Town Centre Strategy (2008) is inconsistent with the zoning regime with respect to the extent of B4 Mixed Use encroachment into Park Street and Menangle Road. The Camden LEP fails to recognise the residential character and function of Park Street and Menangle Road.

Officer Comment

The Camden LEP takes precedence over The Camden Town Centre Strategy (2008). The site is zoned B4 Mixed Use where a Medical Centre is permitted with consent.

The Camden Town Centre Strategy (2008) encourages adaptive reuse of buildings within the Camden Heritage Conservation Area and a mixture of residential and commercial uses to promote social and cultural interaction and accessibility. The proposed development maintains the values of the conservation area while providing a commercial use that will support the town centre and surrounding residential development.



11. The Camden Town Centre Vision (2014)

The Camden Town Centre Vision (2014) does not address the B4 Mixed Use encroachment into fringing residential areas.

Officer Comment

The proposed use is considered to be consistent with the Camden Town Centre Vision.

12. Objectives of the Camden LEP

The proposed development is in conflict with the objectives of the B4 zone pursuant to the Camden LEP.

Officer Comment

Objectives of the B4 Zone

- Objective 1: *To provide a mixture of compatible land uses.*

Comment: The majority of buildings in Park Street are utilised as dwellings. The B4 zone does not list Residential Accommodation as a permitted land use. The proposed Medical Centre is permitted with consent in the B4 Mixed Use zone and contributes to a mixture of land uses envisaged by this zoning.

The proposal is considered to be compatible with future land uses permitted with consent in the B4 zone together with the existing residential dwellings. The building is single storey and does not adversely impact on privacy or solar access. The proposed hours of operation, being 8:00am until 5:00pm, Monday to Friday, are outside of sensitive hours. The inclusion of a 1.8m high acoustic fence around the car park and vehicle access will assist in the attenuation of noise, which has been recommended as a condition of consent.

It is also noted that a Medical Centre is permitted with consent in the residential zones of Camden.

The proposed use is considered to be compatible with residential development by providing supporting services to surrounding residents.

- Objective 2: *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

Comment: The proposed Medical Centre will be accessible via public transport, walking and cycling from the adjacent Camden Town Centre and from surrounding residential development located in the R3 Medium Residential and R2 Low Density Residential zones.

- Objective 3: *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

Comment: The proposed Medical Centre is adjacent to single dwellings, which are prohibited in the B4 zone; however they existed prior to the commencement of the Camden LEP 2010. The Medical Centre is not considered to conflict with existing residential uses, or future uses that are permitted with consent.

The site is adjacent to land zoned B4 Mixed Use and RE1 Public Recreation and is within proximity to land zoned B2 Local Centre, R3 Medium Density Residential and R2 Low Density Residential. The medical centre will support existing and permitted uses within these zones and is not considered to conflict with these zones.

- Objective 4: *To encourage development that supports or complements the primary office and retail functions of the local centre zone.*

Comment: The proposed Medical Centre will support and compliment the office and retail functions of the adjacent B2 Local Centre zone by providing a medical service for the community.

13. Incompatible setbacks with existing streetscape

The revised side boundary setback compromises the streetscape character by presenting a greater than expected distance between buildings.

Officer Comment

The proposed side boundary setbacks (1m eastern side boundary and 3m western side boundary) are similar to the existing building to be demolished (0.7m eastern side boundary and 3.1m western side boundary). The side boundary setbacks are therefore not inconsistent with the existing building to be demolished.

Impacts to the streetscape character should be understood from a holistic perspective, which includes side boundary setbacks, the front boundary setback and the design/appearance of the building.

The relocation of the building 0.4m to the west to accommodate an accessible path does not adversely impact the streetscape character.

The proposed front boundary setback is 6.5m, consistent with adjacent dwellings (6.5m and 7m). The single storey building has been designed to read as a dwelling, which is sympathetic to existing dwellings in Park Street. The proposed building is considered compatible with existing buildings in Park Street and the revised side boundary setbacks will not compromise the streetscape character.

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. The proposed development fully complies with the requirements of the Camden LEP 2010 and the Camden DCP 2011. Accordingly, DA 105/2016 is recommended for approval subject to the attached conditions.

RECOMMENDED

That Council approve DA 105/2016 for the demolition of an existing dwelling and construction of a single storey medical centre, car park, signage, drainage, landscaping and associated site works at 7 Park Street, Camden, subject to the conditions attached.



ATTACHMENTS

1. Previous Council Report
2. Recommended Conditions
3. Proposed Plans
4. NSW Health Report
5. Medical Licencing Process and Application Form
6. Statement of Heritage Impact
7. Public Exhibition and Submissions Map - *Supporting Document*
8. Previous Submissions - *Supporting Document*
9. Submissions - *Supporting Document*

ORDINARY COUNCIL

ORD02

SUBJECT: PARTIAL DEMOLITION, ALTERATIONS AND A TWO STOREY REAR ADDITION TO AN EXISTING COMMERCIAL BUILDING AND ASSOCIATED SITE WORKS - 14 HILL STREET, CAMDEN.

FROM: Director Planning & Environmental Services

TRIM #: 16/241553

APPLICATION NO: 296/2016

PROPERTY ADDRESS: 14 Hill Street, Camden

APPLICANT: Hawes and Swan Planning Pty Ltd

OWNER: Ms Sharon Sawyer

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the partial demolition, alterations and a two storey rear addition to an existing commercial building and associated site works at 14 Hill Street, Camden.

The DA is referred to Council for determination as there remain unresolved issues received in eight submissions (from one property address including five strata units), and a proposed variation to the Camden Local Environmental Plan 2010 (LEP).

SUMMARY OF RECOMMENDATION

That Council determine DA 296/2016 for the partial demolition, alterations and a two storey rear addition to an existing commercial building 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 296/2016 seeks approval for the partial demolition, alterations and a two storey rear addition to an existing commercial building and associated site works.

Specifically the proposed development involves:

- Demolition works to the recent façade addition, rear extension and carport;
- Alterations to the façade;
- Construction of a commercial office space at the rear of the site consisting of four offices ranging in size from 30.55sqm to 32.19sqm;
- Total office area of 230.91sqm;
- Seven car parking spaces located under the first floor rear addition; and
- Proposed hours of operation will be 7:00am to 6:00pm Monday to Friday.

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

THE SITE

The site is commonly known as 14 Hill Street, Camden and is legally described as Lot 4 Sec 3 DP 193308. The site is generally rectangular in shape and has an overall area of approximately 508.7sqm.

The site is located within the commercial centre of Camden and is located approximately 70m from Argyle Street, Camden. It is bounded by Hill Street to the southwest, View Street to the northeast, a brick cottage at No. 12 Hill Street to the northwest and a two storey brick commercial building at No. 16 Hill Street on its southeastern side.

The surrounding area is characterised by a combination of single and two storey commercial buildings as well as multi dwelling developments fronting View Street located to the rear of the site. The subject site is located within a heritage conservation area and the existing single storey building on the site is listed as a local heritage item under the Camden Local Environmental Plan 2010.

Figure 1: Location Plan



The existing single storey building was built in 1920. The building has been considerably altered. The main walls consist of red-brown bricks with a mottled brown brick addition at the front. A rear fibro extension to the cottage contains a laundry and amenities. The additions to the front and rear of the existing cottage are estimated to have been constructed in the 1960s. Approximately a decade later, the skillion roof was altered to accommodate a further modern brick structure extending from the rear of the original cottage.

Figure 2: Existing dwelling facing northeast

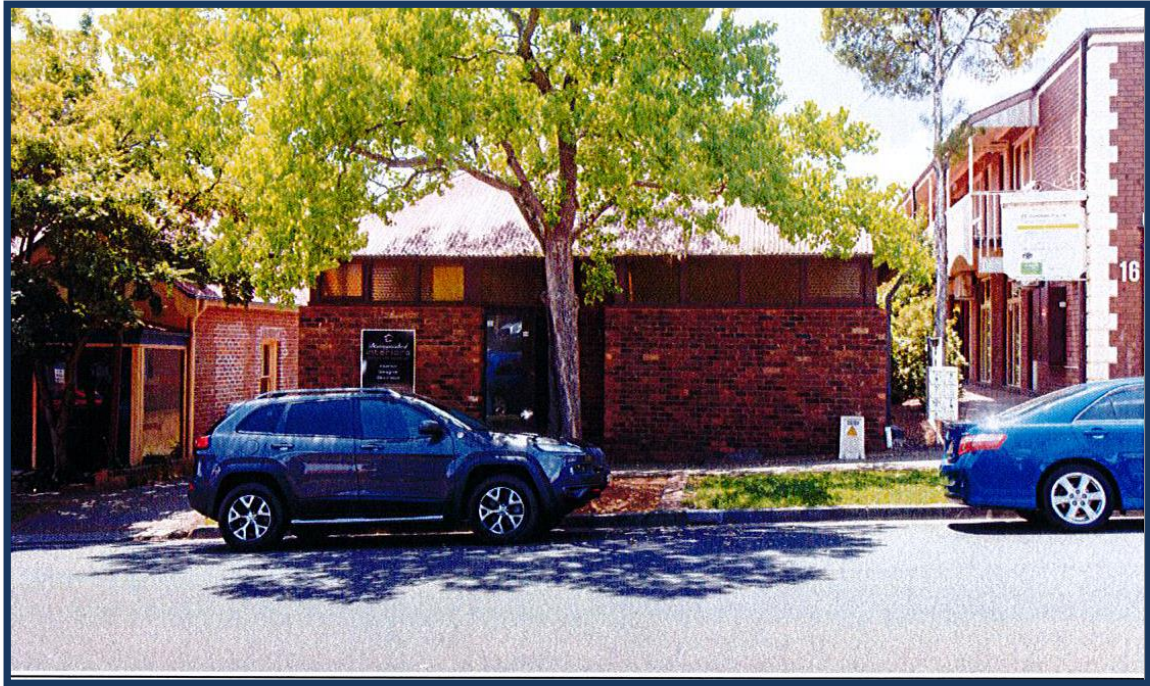


Figure 3: Rear brick and fibro additions facing southwest



KEY DEVELOPMENT STATISTICS

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

Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
2.7 Demolition	Demolition of a building or work may be carried out only with development consent.	Consent for demolition is included as part of this proposal. The existing façade is to be modified and parts removed. The unsympathetic rear brick addition, fibro extension and carport are also proposed to be removed.	Yes
4.3 Height of Buildings	Maximum height 7m.	7.75m from the existing ground level to the highest point of the building being the ridgeline.	No – LEP variation 1
5.10 Heritage Conservation	Conserve the environmental heritage of Camden, and the heritage significance of heritage items.	See Heritage Impacts discussion in the Key Issues section of this report.	Yes
7.4 Earthworks	Ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	The site has a slope of approximately 1m from front to rear. Minor earthworks are proposed to provide drainage towards the street without the necessity of an inter-allotment drainage line which would require an easement to be created through the property located to the rear of the site.	Yes

		<p>The proposed earthworks are not considered to have a detrimental impact on the environment and surrounding land.</p> <p>Council's engineer has reviewed the proposal and raises no objection subject to conditions.</p>	
Camden Development Control Plan 2011			
Clause	Requirement	Provided	Compliance
B1.2 – Earthworks	Earthworks should be minimised.	A maximum 1.090m fill is proposed at the rear of the property to convey stormwater to the street. The proposed earthworks are satisfactory.	Yes
B3.1 – European Heritage and B3.1.2 – Camden Heritage Conservation Area	<p>Retention and conservation of heritage items.</p> <p>New development is to be sympathetic to the heritage significance of the heritage item.</p> <p>Retain the unique heritage significance of Camden town.</p>	See Heritage Impacts discussion in the Key Issues section of this report.	Yes
B5.1 – Off-Street Car Parking Rates and Requirements	Office Premises and Business Premises - 1 car parking space per 40sqm of gross floor area (GFA).	<p>230.91m² GFA /40m² = 5.7 (6 spaces)</p> <p>Total spaces provided = seven inclusive of one accessible space.</p>	Yes
D3.2.1 – Function and Uses	Development within business zones shall incorporate a range of local retail, commercial, entertainment,	The proposed development includes the provision of commercial office space which	Yes



	childcare, residential and community uses to serve the needs of the local community.	provides employment opportunities to the local community.	
D3.2.2 – Layout/Design	<p>The layout and location of uses must consider potential future noise and amenity conflicts for both the subject development and adjoining/nearby development.</p> <p>The development must be designed so that it addresses the street.</p> <p>New development must not detract from significant existing views and vistas.</p>	<p>The proposed layout and location of the office uses are consistent with other development within the street and area.</p> <p>The amenity impacts are discussed in the Key Issues section below.</p> <p>The development will address the public street through the provision of new windows to the front façade.</p> <p>The significant heritage view to St Johns Anglican Church from the Camden town centre, lower Hill Street, John Street and View Street will not be impacted by the proposed development.</p>	
D3.2.3 – Built Form and Appearances	Development to be compatible with surrounding business development in terms of appearance, type, bulk and scale, design and character.	<p>The proposal maintains a single storey building at the front of the site. The double storey building proposed at the rear has been set back approximately 20m from the street.</p> <p>The restoration of the original cottage will positively contribute to the streetscape. The</p>	Yes

	<p>Buildings are to create visual interest.</p> <p>Roof forms should respond to the built form of other nearby business development. The design of roofs may adopt traditional forms found in the immediate locality.</p> <p>New development must not cause significant overshadowing or overlooking of public places.</p>	<p>proposed form is considered to be compatible within the existing streetscape.</p> <p>The proposed development improves the presentation to the street by removing recent additions to the cottage and re-instating the original heritage forms of the façade.</p> <p>The roof structure of the two storey addition has been designed to be sympathetic to the existing cottage and adopts a traditional form found in the immediate locality.</p> <p>The orientation of the block facing west will not impact on overshadowing of a public domain.</p> <p>There will be no overlooking of public places.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
D3.2.6 – Parking and Access	The visibility of parking areas at street frontages shall be minimised through parking layout and design, building location and design, and landscaping treatments.	The proposed car parking area is located to the rear of the property and is generally concealed from the street.	Yes
D3.7.2 – Built Form and Appearance	Buildings shall contribute to the local distinctiveness of the Camden township by using a	The proposed colour scheme consists of predominantly whites and creams	Yes



	<p>varied palette of colours, materials and finishes.</p> <p>Buildings in full corporate colours will not be permitted.</p>	<p>at the front. The proposed new rear structure will consist of a dark brick being a recessive colour.</p> <p>While the colours are not a traditional heritage colour scheme, they are generally not intrusive in the streetscape and are acceptable.</p>	
D3.7.4 – Heritage and Character	<p>Development within the B4 Mixed Use zone at Camden must be consistent with the Camden Town Centre Strategy dated 2008 prepared by Camden Council.</p>	<p>The Town Centre Strategy identifies the Hill Street precinct as having some limited development potential through the adaptive reuse of buildings and/or non-intrusive development at the rear of properties. The principles encourage development at the rear of properties while retaining streetscape character and significant views, including those from outside town.</p> <p>The development is consistent with the Camden Town Centre Strategy.</p>	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	B4 Mixed Use
Permissibility:	The proposed development is defined as an ‘office premises’ by the LEP which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	Deemed State Environmental Planning Policy No. 20 – Compliant with conditions recommended where necessary. State Environmental Planning Policy No. 55 – Remediation of Land – Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 – Generally compliant. The proposal is non-compliant with the height control. This variation is discussed below.
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 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)	Eight 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.

Compliance with Plans or Policies

LEP Variation 1 – Building Height

LEP Development Standard

Pursuant to Clause 4.3 of the LEP, the maximum building height permitted on this site is 7m.

The proposed building is 7.75m high (at its highest point) at the ridge level when measured from the existing ground level.

Variation Request

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the LEP, the applicant has submitted a written request seeking a variation to the building height development standard (Clause 4.3) on the basis that:

- the proposed development is compatible with the height, bulk and scale of the existing and desired future character of the locality. The proposed development protects the streetscape by locating the two storey addition at the rear of the site;



-
- the adjacent property at No. 16 Hill Street presents a large two storey building with a ridge RL of 87.7, which is 2.25m above the height of the rear two storey addition proposed as part of this DA;
 - the visual impact of the proposed two storey addition is minimised in that the breach is located at the rear of the site adjacent to a blank two storey wall. In addition, the breach of the height limit is only through the ridge line of the roof; and
 - the applicant engaged a heritage consultant to provide detailed input into the design at an early stage and a Heritage Impact Statement has been prepared in support of the proposal. The proposed development creates a building that adds value to the heritage significance of the streetscape.

Council Staff Assessment

Pursuant to Clause 4.6 of the LEP, it is considered the applicant's justification adequately demonstrates that the non-compliance with the building height development standard is reasonable. The non-compliance with the height limit will not have unreasonable impacts on the surrounding locality, the heritage conservation area and the local heritage item.

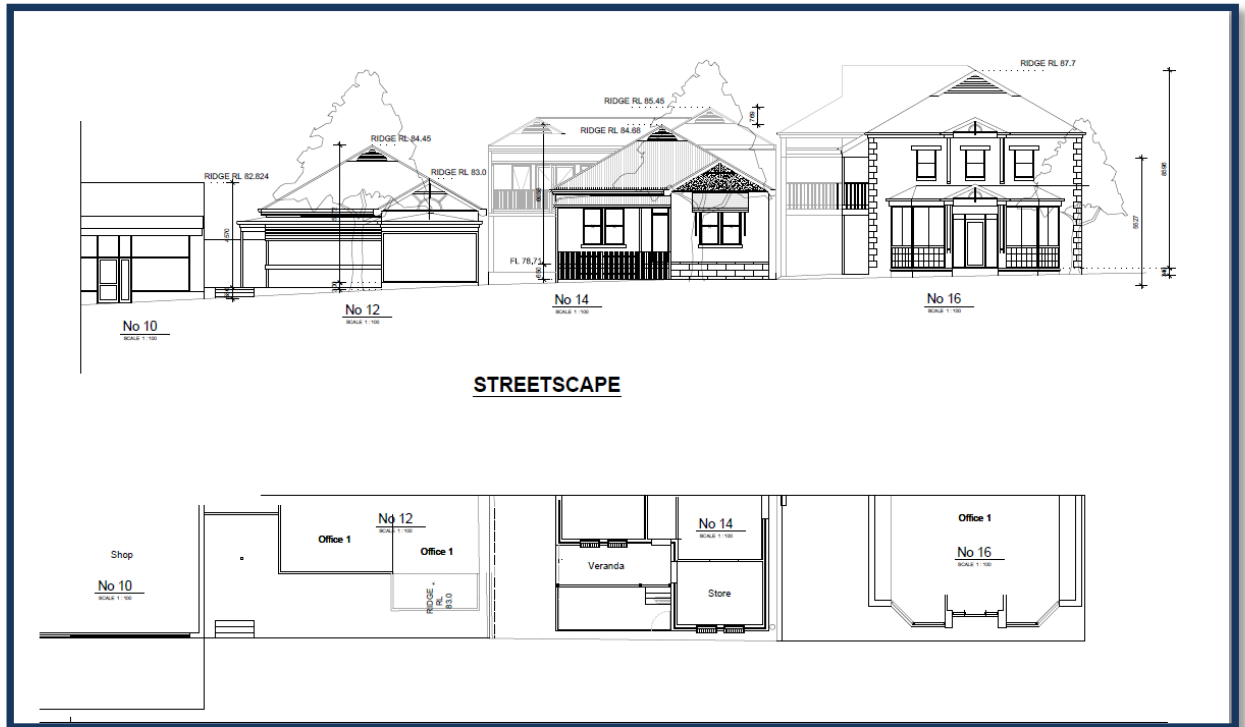
In support of the LEP variation it is noted that:

- Consideration has been given to the amenity of the adjoining commercial building at 16 Hill Street, Camden. Due to the orientation of the site and its two storey form, a shadow analysis was submitted with the DA to assess the impact of overshadowing on the adjoining commercial property at 16 Hill Street. Council does not have specific solar access controls for commercial development. The majority of the shadow cast by the proposed addition results from the 7m height control permitted by the LEP. The additional 750mm does not result in an adverse impact on the allotment adjoining.
- The proposed building will be articulated to create visual interest and break up large expanses of blank wall areas which removes the intrusiveness of the new building. The applicant reduced the extent of the variation following discussions with Council staff.
- The breach of the height occurs at the ridgeline of the roof, which is 7.75m above existing ground level, which is only for a proportion of the building. The exceedance in the height limit allows for a roof that respects both the heritage item and heritage conservation area. A flat roof design could have been proposed that would comply with the height limit; however, this would ultimately be inconsistent with the character of the area.
- There is an existing two storey building adjacent which is 2.25m above the finished height of the rear two storey addition proposed as part of this DA. It is considered a 7.75m high building in this location will not appear visually dominant or prominent in the streetscape. There is transition in the height of the buildings within the streetscape, from the single storey form adjacent to the public domain of 12 and 14 Hill Street, the new two storey building to the rear of the subject site and the two storey building at 16 Hill Street.
- In addition to the adjoining two storey building, there are other examples within Camden where Clause 4.6 variations have been permitted to the maximum

building height of 7m. These include the proposed attached dwellings and restoration of an existing cottage at 9 View Street, Camden approved under DA 676/2013 and the commercial development at 78-80 John Street, Camden approved under DA 491/2011. The maximum height approved for 9 View Street was 7.42m and the maximum height approved for 78-80 John Street was 8.35m above the existing ground level.

Consequently, it is recommended that Council support this proposed variation of the LEP building height development standard.

Figure 4: Streetscape Plan



Key Issues

Heritage Impacts

The subject site is identified as a local heritage item in Schedule 5 of the Camden Local Environmental Plan.

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

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

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

A heritage impact statement (HIS) has been prepared as part of the DA, that supports the proposed development, which proposes to conserve the heritage significance of the heritage item.

The HIS assesses the impact of the proposed works on the heritage item. The heritage item retains little significant original building fabric with the exception of the building shell itself. The existing façade of the building, which was added to the house in the 1970s, is to be modified and removed. The rear brick addition, fibro extension and carport are also to be removed which are all recent unsympathetic structures.

The works involve the removal of the intrusive 1970s front addition with the facade of the original cottage restored and reconstructed. The proposal is consistent with a historic photo of a similar dwelling located at 12 Hill Street (shown below). The restoration/reconstruction of the original cottage is considered to positively contribute to the Camden Conservation Area.

Figure 5: Historical photo of adjoining property at 12 Hill Street from 1920-30s which represents the historical character of the subject property.



The existing front storage room is being retained and modified providing new window openings and roof details, which is more in keeping with the original facade.

The front, rear, and southern sides of the cottage, are to be rendered, noting these elevations have been previously painted and/or are not original materials. However it is recommended that the upper half of the northern wall be patched, repaired and retained as exposed face brick. This brickwork, above window sill level, is mostly intact and undamaged. It is original decorative face brickwork that has heritage significance and should be retained. It is noted that the brickwork below the window sills on the northern elevation is in very poor condition and render is acceptable in this area.

The colour scheme of the cottage is to include 'merino' rendered walls, beige/cream awning and timber work, charcoal windows and doors and a grey sandstone cladding at base. While the colours are not a traditional heritage colour scheme, they are generally not intrusive in the streetscape and are acceptable. The rear unit walls will generally be dark, making them a recessive feature. **A schedule of colour and finishes is attached to this report.**

The proposed two storey addition is located at the rear of the site and is set back approximately 20m from the street. The rear addition has been sited behind the heritage cottage such that it will appear as a recessive feature when viewed from the street. The rear addition has been separated from the original cottage so as to distinguish the old from the new clearly.

The proposal incorporates the provision of a picket fence. A condition is recommended that the picket fence be built based on the historic photographic evidence.

A condition is also recommended that an area behind the front paling fence include a cottage garden as per historical images of the cottage.

Vehicle access is via an existing driveway located on the northern side of the site and the hardstand areas are concealed behind the existing cottage.

A condition is recommended requiring a photographic archive of the site be made prior, during and after the works.

It is considered the proposed works will restore and conserve the heritage item and maintain its significance. The new rear addition is sympathetic to the heritage significance of the item.

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

Amenity Impacts

The proposed use is not considered to unreasonably impact on the amenity of the adjoining properties.

Solar Access

The subject site is located within a B4 mixed use zone and adjoins commercial development on its southern boundary.

There are no controls that require the preservation of solar access for commercial premises. Notwithstanding this, shadow diagrams have been prepared showing the existing solar access to the southern neighbouring property and the additional overshadowing resulting from the proposed development. The additional overshadowing is not considered to be unreasonable and is acceptable having regard to the provisions of the LEP and DCP.

During mid winter at 9am, additional overshadowing is cast over the bottom half of windows on the first floor and at the front of the adjoining commercial building.

At 12pm, all upper floor windows receive solar access with some additional shadow cast on the top half of the windows on the ground floor.

At 3pm, the windows located on the first floor at the rear of the adjoining commercial building receive additional overshadowing.

A copy of the overshadowing plans are provided as attachments to this report.

Visual Bulk



There are no side setback requirements for commercial developments. In this respect, commercial developments are not required to provide breathing space between buildings. Nevertheless, the bulk of the building has been broken by a three metre separation between the old cottage and the new addition. Further, much of the bulk of the rear addition is located behind the zero lot line wall of the neighbouring property at 16 Hill Street.

The proposed development will result in a two storey wall located on the boundary presenting to the neighbouring property at 16 Hill Street. It is acknowledged that a two storey wall exists on the adjoining development to the south. In this regard, the proposed development is considered to be consistent with the built form expected within the B4 zone. It is considered that the development in its commercial context is reasonable and acceptable.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 2 May 2016 to 15 May 2016. Eight submissions (from one property address including five strata units) were received, all objecting to the proposed development.

Following the notification period, Council officers met with the applicant to discuss the proposal and requested the height of the building be reduced and the building addition be detached and recessed from the existing cottage.

Amended plans were submitted, which reduced the floor to ceiling height from 2.750m to 2.7m on the first floor and from 2.540m to 2.4m on the ground floor. This reduced the overall maximum height from 7.94m to 7.75m at the highest point being the ridge line. The proposal was also amended to detach the addition and provide a 3m setback from the existing cottage. Shadow diagrams were also submitted to determine the impact of the proposal on the adjoining commercial property at 16 Hill Street.

The amended DA was re-notified for 14 days. The re-exhibition period was from 28 June 2016 to 11 July 2016. Three submissions were received, being from persons who had previously objected, reinforcing their concerns with the proposed development.

The applicant, responding to Council officer's request for additional information, submitted further solar access analysis to justify the proposed development and further evaluate the impact of the proposal on the adjoining southern property. The additional information received was forwarded to the submitters. The information received and dialogue with Council officers did not resolve the concerns raised by the submitters.

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

1. *Concerns that the proposal will impact on solar access to the adjoining commercial property, increase dampness and loss of the existing garden.*

Officer comment:

Consideration has been given to the adjoining commercial building at 16 Hill Street, Camden. Due to the orientation of the site and two storey development, a shadow analysis was submitted with the DA to assess the impact of overshadowing on the adjoining commercial property at 16 Hill Street, Camden.

The analysis demonstrates the overshadowing caused by the existing buildings (on both the subject site and at 16 Hill Street). The plans also show the additional shadows cast by the building extension up to 7m and identify the additional shadows cast by the portion of the building that is proposed to be over the 7m height limit.

The plans demonstrate where the shadow extends onto the façade of portions of the adjoining building in the elevation plan for mid winter being, 21 June. The plans show a large proportion of the additional overshadowing is cast by the building addition that is compliant with the 7m height control.

At 9am, additional overshadowing is cast over the bottom half of windows on the first floor located at the front of the adjoining commercial building. At 12pm, all upper floor windows receive solar access with some additional shadow cast on the top half of the windows on the ground floor. At 3pm, the windows located on the first floor located at the rear of the adjoining commercial building receive additional overshadowing. The sections of the building that are overshadowed by the building that are over 7m are minor. The plans show a small amount of shadow cast by the building over the height limit at 9am and 3pm to the first floor.

There are no specific controls relating to overshadowing for commercial development. In the absence of specific solar access controls, the proposed alterations/additions are considered reasonable.

- 2. Concerns the proposed development is not compatible in bulk and scale of the surrounding properties within the business zone.*

Officer comment:

The works result in the removal of the intrusive 1970s facade addition, with the cottage to be restored. The proposed development improves the presentation to the street by removing recent additions to the cottage and reinstating the original heritage features of the façade.

The proposal maintains a single storey building at the front of the site. The two storey building proposed at the rear of the site is setback 3m from the existing cottage to provide visual relief when viewed from the street.

The proposal entails the transition in height of buildings within the streetscape which presents a balance in built form. This is demonstrated with the single storey form at 12 and 14 Hill Street, the new two storey building to the rear of the site, and the two storey building at 16 Hill Street. The adjoining commercial building located at 16 Hill Street is 2.25m higher than the proposed building. The proposal is considered to be compatible with the existing streetscape.

- 3. Concerns the proposed development will detract from existing views and vistas visible from 16 Hill Street.*

Officer comment:

The proposal is not considered to be unreasonable for commercial development.

There are no setback requirements for commercial developments. In this respect, commercial developments do not require breathing space between buildings. Nevertheless, the bulk of the building has been broken by a 3m separation between the old cottage and the new addition. This allows for the retention of some views over 14



Hill Street. Further, much of the bulk of the rear addition is located behind the zero lot line wall of the neighbouring property at 16 Hill Street.

The proposed development is considered to be consistent with the built form expected within the B4 zone.

4. *Reduced property value*

Officer comment:

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

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 296/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council:

- i. **supports 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 14 Hill Street, Camden for the following reasons:**
 - a) **the exceedance will have minimal impact on the amenity of neighbouring properties;**
 - b) **the development is not out of character with the streetscape with respect to height, bulk and scale; and**
 - c) **the objectives of the control are considered to have been met despite the numerical non-compliance.**
- ii. **approve DA 296/2016 for a partial demolition, alterations and first floor additions to an existing commercial building and associated site works, subject to the conditions attached.**

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Streetscape Plan
4. Schedule of Colours and Materials
5. Heritage Impact Statement
6. Floor Plans
7. Public Exhibition and Submissions Map - *Supporting Document*
8. Submissions - *Supporting Document*

ORDINARY COUNCIL

ORD03

SUBJECT: CONSTRUCTION OF A 112 PLACE SINGLE STOREY CHILD CARE CENTRE AND ASSOCIATED SITE WORKS - 42 WATERWORTH DRIVE, NARELLAN VALE

FROM: Director Planning & Environmental Services

TRIM #: 16/254263

APPLICATION NO: 474/2016

PROPERTY ADDRESS: 42 Waterworth Drive, Narellan Vale

APPLICANT: Trinity Early Learning Centre Pty Ltd

OWNER: Trinity Early Learning Centre 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 child care centre and associated site works at 42 Waterworth Drive, Narellan Vale.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 474/2016 for the construction of a child care centre and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the attached conditions.

THE PROPOSAL

DA 477/2016 seeks approval for the construction of a child care centre and associated site works.

Specifically the proposed development involves:

- Construction of a single storey child care centre building. The building will be constructed of a mix of rendered masonry, glazing and steel roofing. The building's maximum height will be 8.69m above existing ground level. The building will have a gross floor area of approximately 521m².
- the centre will cater for 112 children in the following age groups:
 - 0-2 years = 35 children;
 - 2-3 years = 26 children;
 - 3-4 years = 23 children;
 - 4-5 years = 28 children.
- Construction an ancillary car park at the front of the building containing 29 off-street car parking spaces.



-
- Provision of an external play area at the rear of the building containing play equipment and landscaping.
 - Construction of 1.8m high open style metal boundary fencing around the site boundaries forward of the building line. Behind the building line a 1.8m high lapped and capped timber acoustic fence is proposed around the site boundaries to mitigate noise impacts.
 - Associated site works including construction of minor earthworks, drainage and landscaping.
 - Operating hours of 7am to 6.30pm Monday to Friday excluding public holidays.
 - The employment of 19 staff.

The estimated cost of the proposed development is approximately \$1.7 million.

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

THE SITE

The site is commonly known as 42 Waterworth Drive, Narellan Vale and is legally described as Lot 1312 DP 864613.

The site is located adjacent to an existing roundabout at the intersection of Waterworth and Holdsworth Drives in Narellan Vale. The site has a frontage of approximately 55m to Waterworth Drive, a maximum depth of approximately 58m and an overall area of 2,616m². The site slopes downwards from rear to front towards Waterworth Drive with a fall of approximately 2m over approximately 58m from south to north.

The surrounding area is characterised by low density residential development, public recreation areas and community uses as part of the existing Narellan Vale residential suburb. Immediately to the rear of the site is a vacant battle axe lot owned by Council.

Narellan Vale Public School borders the site to the east with the existing Mount Annan residential suburb lying further to the east. To the south lie existing residential parts of Narellan Vale, William Howe Regional Park and Council's Gundungarra public reserve. Council's Elizabeth Park public reserve borders the site to the west with Elizabeth Macarthur High School and the Camden Bypass lying further to the west. To the north lie other existing residential parts of Narellan Vale.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant with the exceptions 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
4.3 Height of buildings.	Maximum 9.5m building height above existing ground level.	The proposed development's maximum building height will be 8.69m above existing ground level.	Yes
7.1 Flood Planning.	Consider a range of matters relating to flood planning including the proposed development's compatibility with the flood hazard, adverse impacts on flood behavior and environmental impacts.	The flood planning matters listed by this clause have been considered and the proposed development is considered acceptable. Further detail on this matter is provided in the "Key Issues" section of this report.	Yes
7.5 Child Care Centres.	Consider if the site has an area of at least 1,200m ² and a boundary that adjoins an	The site has an area of 2,616m ² and does not adjoin an existing or proposed classified road.	Yes



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	existing or proposed classified road.		

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
B1.11 Flood Hazard Management.	Compliance with Council's Engineering Specifications and Flood Risk Management Policy.	A standard condition is recommended to address compliance with Council's engineering specifications. The proposed development is generally consistent with Council's Flood Risk Management Policy.	Yes
B1.16 Acoustic Amenity.	Compliance with Council's Environmental Noise Policy (ENP).	The applicant has submitted an acoustic report in support of the DA. The report demonstrates there will be no adverse noise impacts upon surrounding properties and recommends a number of acoustic treatments including building construction, fencing and glazing. Council staff have reviewed the report and agree with its findings. The above achieves compliance with the ENP.	Yes
B5.1 Off Street Car Parking Rates/ Requirements.	Child care centres require one space per four children.	The proposed 112 place centre generates the need for 28 spaces. A total of 29 spaces are provided.	Yes
	One of the spaces must be designed for people with a disability.	One of the proposed spaces has been designed for people with a disability.	Yes
	Service vehicle provision at Council's discretion.	A condition is recommended that requires all deliveries and waste collection for the proposed development to occur within the proposed car park and outside of the morning and afternoon peak operating hours. This is deemed acceptable as the car park will not be in full use at those times and will provide sufficient space for those activities to occur.	Yes

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
D5.1 Child Care Centres.	Child care centres within residential zoned land must be located on sites with a minimum area of 1,200m ² and a minimum frontage of 20m measured at the building line.	The site has an area of 2,616m ² and has a frontage of 55m at the building line.	Yes
	Child care centres must not be located on land subject to a number of constraints.	The proposed development will not be located on land subject to any of the constraints listed by the DCP.	Yes
	DAs for child care centres must be accompanied by a phase 1 contamination assessment.	A phase 2 detailed contamination assessment has been submitted in support of the DA.	Yes
	Maximum site coverage of 50%.	Proposed site coverage of 26.3%.	Yes
	Maximum height of two storeys with the second storey having a gross floor area of only 30% of the total GFA.	The proposed development is single storey.	Yes
	5.5m front setback.	Minimum 17.4m front setback.	Yes
	2m side setback	Minimum 3m setback.	Yes
	4m rear setback.	Minimum 4m setback.	Yes
	An acoustic report is required which demonstrates compliance with the ENP.	The applicant has submitted an acoustic report in support of the DA. The report demonstrates there will be no adverse noise impacts upon surrounding properties and recommends a number of acoustic treatments including building construction, fencing and glazing. Council staff have reviewed the report and agree with its findings. The above achieves compliance with the ENP.	Yes
	A landscape	The applicant has submitted a	Yes

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
	concept plan is required.	landscaping plan in support of the DA which provides for suitable landscaping.	
	A 2m wide landscape buffer must be provided between any street frontage and car parking areas.	A 2m wide landscape buffer has been provided along the site's Waterworth Drive frontage. This buffer narrows due to the property's curve around the adjacent roundabout but then increases up to 5m wide to compensate. This minor variation is supported.	No, however minor variation supported
	A traffic report must be submitted with the DA.	A traffic report has been submitted with the DA.	Yes
	The proposed number of children must be submitted with the DA.	The proposed number of children has been submitted with the DA.	Yes
	All parking spaces must be fully contained within the site and clearly shown on plans.	All parking spaces will be fully contained within the site and have been shown on plans.	Yes
	A drop off area must be provided and be fully contained within the site.	The proposed development's car park complies with the DCP requirements and will provide an adequate facility to pick up and drop off children.	Yes
	Within residential zoned land operating hours are restricted to between 7.00am and 7.00pm Monday to Friday (excluding public holidays).	The proposed development will operate between 7.00am to 6.30pm Monday to Friday (excluding public holidays).	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density 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).	State Environmental Planning Policy No. 55 – Remediation of Land – Compliant with conditions recommended where necessary. Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i).	Camden LEP 2010 – Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii).	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii).	Camden Development Control Plan 2011 – Generally compliant with minor variations proposed.
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).	2 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

Traffic and Road/Pedestrian Safety Impacts

The applicant has submitted a traffic report in support of this DA. This report notes that the proposed development will add approximately 90 vehicle movements per hour during the peak morning commuter period and approximately 79 vehicle movements per hour during the peak afternoon commuter period. The performance of the surrounding road network has also been assessed and it has been determined that the adjacent roundabout will continue to function at level of service 'A' with an increase in vehicle delays of less than one second per vehicle.

Council's traffic engineers have reviewed this report and agree with its findings. It is not considered that the proposed development will have an unacceptable traffic or road/pedestrian safety impact on the surrounding environment.

The proposed driveway will conflict with an existing bus stop and bay on Waterworth Drive. A condition is recommended that requires this bus stop and bay to be relocated further along Waterworth Drive, at the applicant's expense, with details to be approved by the local traffic committee prior to works commencing.

Flooding Impacts

This site is identified as flood affected. However it is anticipated that the area most likely to experience any flooding would be parts of the front car park and landscaped areas.



The proposed building's floor levels will provide 600mm freeboard above the 1-in-100 year flood level, which is consistent with Council's Flood Risk Management Policy and suitably addresses this issue.

Site Security

The applicant proposes to construct 1.8m high open style metal boundary fencing around the site boundaries forward of the building line. A condition is recommended that requires this fencing to be set back 1m within the front landscaping buffer adjacent to Waterworth Drive. A further condition is recommended that requires 1.8m high inward swinging/sliding entry gates to be provided at the site's entrance.

Behind the building line a 1.8m high lapped and capped timber acoustic fence is proposed around the site boundaries to mitigate noise impacts.

The above boundary fencing and gates will ensure an appropriate level of security and site boundary definition for the proposed development.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 24 May to 6 June 2016. Two submissions were received (both objecting to the proposed development).

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. *Sufficient car parking needs to be available for the proposed development. Many people park on surrounding streets as the area has a very busy school pick up period. The centre will really need at least 50 car parking spaces.*

Officer comment:

The DCP requires one off street car parking space to be provided for every four children. As the centre will have a maximum capacity of 112 children, 28 spaces are required. 29 spaces are proposed which is in excess of the DCP's requirements. Therefore it is considered that sufficient off-street car parking spaces have been provided.

2. *There are a number of child care centres in the surrounding area so it is not understood why another is required in this location.*

Officer comment:

The applicant has proposed a child care centre that is a permissible land use in this zone and is generally compliant with the DCP.

The applicant has advised that they have identified a need for additional child care placements within the area, taking into account the proximity of a number of urban release areas including Spring Farm, Elderslie and Gregory Hills.

-
3. *Waterworth Drive is a very busy street, particularly in the morning and afternoon peak periods and considering the various activities undertaken in Elizabeth Park. The congestion that will be added by the centre will likely cause an accident, the site being so close to a busy roundabout and bus stops. Children leaving the nearby schools will have another driveway to cross and manoeuvring out of nearby properties is already difficult and additional traffic will compound this issue.*

Officer comment:

The applicant has submitted a traffic report in support of this DA. This report demonstrates that the proposed development will add some additional traffic to the surrounding road network however the adjacent roundabout will still operate well. Whilst another driveway onto Waterworth Drive will add vehicular traffic, the amount of traffic and the proposed location of the driveway, taking into account the recommended bus stop relocation, will not present any significant traffic or pedestrian safety issues that prevent the DA from being supported.

4. *The proposed development will create more parking issues for residents.*

Officer comment:

The proposed development complies with Council's DCP in terms of off-street car parking and therefore caters for its parking demand without significantly impacting upon the surrounding area.

5. *It's a struggle to enter and exit residential driveways near the site with the existing bus stops and the proposed development will present an additional constraint to manage.*

Officer comment:

The existing traffic conditions in the area and the applicant's traffic report have been assessed. It is not considered that the additional traffic generated by the proposed development, and the location of the proposed driveway, will have an unacceptable impact upon manoeuvrability into or out of any other driveways near the site.

6. *It will be virtually impossible to enter and exit the proposed development, and clearly see around waiting buses, in the peak afternoon period.*

Officer comment:

As aforementioned, the proposed driveway will conflict with an existing bus stop and bay on Waterworth Drive. A condition is recommended that requires the bus stop and bay to be relocated further along Waterworth Drive, at the applicant's expense, with details to be approved by the Local Traffic Committee prior to works commencing.

Subject to the above occurring, adequate sight distance will be afforded to vehicles entering and exiting the site and it is not anticipated that any significant traffic or pedestrian safety issues will result.

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 474/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 474/2016 for the construction of a child care centre and associated site works at 42 Waterworth Drive, Narellan Vale subject to the attached conditions.

ATTACHMENTS

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

ORDINARY COUNCIL

ORD04

SUBJECT: TORRENS TITLE SUBDIVISION TO CREATE 2 LOTS - 37 SKAIFE STREET, ORAN PARK

FROM: Director Planning & Environmental Services

TRIM #: 16/310722

APPLICATION NO: 850/2016
PROPERTY ADDRESS: 37 Skaife Street Oran Park
APPLICANT: Mr Brijrajsinh Jhala
OWNER: Mr Mahavirsinh Uttamsinh Zala
Mrs Vandanaben Mahavirsinh Zala

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a two lot Torrens title subdivision at 37 Skaife Street Oran Park.

The DA is referred to Council for determination as one submission has been received objecting to the proposal. The objection remains unresolved.

SUMMARY OF RECOMMENDATION

That Council determine DA 850/2016 for a two lot Torrens title subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 850/2016 seeks approval for a two lot Torrens title subdivision.

Specifically, the proposal seeks consent for the creation of two Torrens title lots having areas of 351.75m² and 348.25m².

There are no costs of works for the development.

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

THE SITE

The site is commonly known as 37 Skaife Street Oran Park and is legally described as Lot 5525 DP 1198455.

The site is located at the corner of Skaife and Rose Streets in Oran Park and is currently vacant. The site is regular in shape having a site area of 700m², width of 20.13 metres and depth of 35 metres.

The locality contains a mixture of single and two storey dwelling houses and dual occupancies. Adjoining the allotment to the south and east are single storey dwellings.



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.

SEPP (Sydney Region Growth Centres) 2006			
Clause	Requirement	Provided	Compliance
2.6 Subdivision – Consent Requirements.	Land to which this Precinct Plan applies may be subdivided, but only with consent.	Consent is sought pursuant to this development application.	Yes
4.1 Minimum Lot Size.	Minimum lot size no less than 125m ² .	Proposed Lot.51 – 351.75m ² . Proposed Lot.52 – 348.25m ² .	Yes

Oran Park DCP 2007			
Clause	Requirement	Provided	Compliance
2.1 Indicative Layout Plan.	Generally in accordance with the Indicative Layout Plan.	The proposal maintains the general layout of the Oran Park ILP.	Yes
2.3 Residential Density Targets.	Residential dwelling target for the Oran Park Precinct is 7,540.	This proposal contributes to ensuring the Oran Park Precinct achieves the	Yes

Oran Park DCP 2007			
Clause	Requirement	Provided	Compliance
		residential target.	

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as subdivision which is permissible with consent.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i).	SEPP (Sydney Region Growth Centres) 2006 – Compliant with conditions recommended where necessary. SEPP55 – Remediation of Land – Compliant with conditions recommended where necessary. Deemed SEPP No. 20 – Hawkesbury-Nepean River (No2 – 1997) – Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i).	None applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii).	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii).	Oran Park DCP 2007 – Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia).	None.
The Regulations - S79C(1)(a)(iv).	None applicable.
Likely Impacts - S79C(1)(b).	No significant impacts.
Site Suitability - S79C(1)(c).	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d).	One submission was received which is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e).	The development is in the public interest.

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 29 July 2016 to 11 August 2016. One submission was received objecting to the proposed development.

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

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

1. *Insufficient on street parking due to proximity with intersection.*

Officer comment:

The indicative location of the driveways for future development has been provided. The driveways will access Rose Street and have been located to maximise the amount of on-street parking. The proposed development will enable two on-street parking spaces on Rose Street and one space on Skaife Street.

Further, future development on each of the sites will require garages to be setback 5.5 m from the front boundary. This requirement facilitates additional off-street parking in front of the garage, reducing the demand for on-street parking.

2. *Lot sizes out of character with the area.*

Officer comment:

The proposal is consistent with the minimum lot size contained in the SEPP as well as Part 7 of the Oran Park DCP 2007. The average size of lots in the locality range is between 375m² and 900m². In this regard, the proposed lot sizes and dimensions are considered consistent with the size and shape of allotments in the locality.

Further, it is noted that the existing lot size would allow a dual occupancy development on the site.

3. *Loss of property value resulting from the development.*

Officer comment:

Loss of property values is not a planning consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

4. *Increased noise – smaller sized properties will cause more street noise from cars and over population of the already small street.*

Officer comment:

The development controls for this locality enable lots sizes as proposed. The lots are of a size and configuration that can accommodate dwellings that can meet the DCP controls with respect to setbacks, height, landscaped area and principle private open space. Subdivision of this lot will not result in vehicle movements that are inconsistent with what is expected of this locality.

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5. *Stormwater Easement – proposed Lot 52 building envelope impacts storm water easement.*

Officer comment:

This DA does not include the construction of a building, however the applicant has provided a building envelope plan for the lots to demonstrate a compliant dwelling can be constructed without impacting upon the easement.

Future dwelling applications will need to consider any construction proposed adjacent to the easement.

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 850/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 850/2016 subject to the imposition of draft conditions attached to this report.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD05

SUBJECT: REMEDIATION OF CONTAMINATED LAND, EARTHWORKS, TREE REMOVAL AND ASSOCIATED SITE WORKS - 3 ELYARD STREET, NARELLAN

FROM: Director Planning & Environmental Services

TRIM #: 16/159890

APPLICATION NO: DA 19/2016

PROPERTY ADDRESS: 3 Elyard Street, Narellan

APPLICANT: Dart West Developments Pty Ltd

OWNER: D Vitocco Constructions Pty Ltd, Jimbalia Pty Ltd & Dibblar Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the remediation of contaminated land, earthworks, tree removal and associated site works at 3 Elyard Street, Narellan.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 19/2016 for the remediation of contaminated land, earthworks, tree removal and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the attached conditions.

THE PROPOSAL

DA 19/2016 seeks approval for the remediation of contaminated land, earthworks, tree removal and associated site works.

The contamination suspected to be present in the landfill within the site includes heavy metals, total petroleum hydrocarbons, benzene, organochlorine pesticides, landfill gas, leachate and asbestos.

The proposed development will involve the removal of contaminated material from the site. The intent is to render the site suitable for future residential and commercial land uses which will be subject to separate DAs.

Specifically the proposed development involves:

- Staged remediation of contaminated land over an approximate 58 week period, including the following processes and activities:
 - Excavation and sorting of contaminated material on the site;
 - Bio-remediation of material impacted with low volatile organic compounds;

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- Removal of unsuitable material to a NSW Environment Protection Authority (EPA) licensed waste facility;
 - Reuse of suitable excavated material to backfill the excavation;
 - Contaminated groundwater recovery and treatment before disposal to Sydney Water sewer;
 - Ancillary works and processes including geotechnical testing, temporary stockpiling of material pending removal from the site, establishment of environmental controls to mitigate noise, odour, dust and water impacts and validation sampling to confirm all contamination has been removed from the site;
-
- Earthworks to remove existing soil stockpiles to ensure that the site is graded to its pre-stockpile levels;
 - Removal of 29 trees; and
 - Associated site works including temporary drainage works.

The value of the works associated with the development is \$10 million.

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

THE SITE

The site is commonly known as 3 Elyard Street and is legally described as Lot 6 DP 812672.

The site has a frontage of approximately 145m to Elyard Street, a depth of approximately 224m and an overall area of approximately 3.4ha. The site is generally vacant except for some existing trees near its northeast and southwest boundaries, existing soil stockpiles and an existing concrete slab. Parts of the site, adjacent to its south east boundary and part of its southwest boundary, are mapped as bush fire prone land.

The surrounding area is characterised by a range of residential and commercial land uses associated with the Narellan Town Centre area.

The Narellan Town Centre shopping centre lies to the northwest on the opposite side of Elyard Street with Camden Valley Way further to the northwest. Council's former Narellan administration building, library and the Narellan Urban Forest lie to the southwest. To the south and northeast are established low density residential properties.



HISTORY

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

Date	Development
Pre-1946	The site was used for farming.
1947-1956	The site was used for storage.
1957-1980	The site was used for quarrying.
1980s	The site was used for the disposal of non-putrescible and demolition solid waste.
16 November 2005	Approval of DA 839/2005 for the stockpiling of fill material and removal of seven trees.
29 November 2006	Approval of DA 478/2006 for the remediation of contaminated land. Construction of 341 dwellings and associated site works – development not commenced.
21 December 2011	Approval of DA 1093/2011 for the temporary stockpiling of fill material.
16 April 2012	Withdrawal of DA 1334/2011 which proposed the staged residential redevelopment of the site.
17 April 2012	Withdrawal of DA 794/2011 which proposed the remediation of contaminated land.

KEY DEVELOPMENT STATISTICS

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

ASSESSMENT

Zoning and Permissibility

Zoning:	B2 Local Centre and R3 Medium Density Residential.
Permissibility:	The proposed development is partly defined as ‘earthworks’ by Camden Local Environmental Plan 2010 (LEP) which is permitted with consent in the B2 and R3 zones. “Remediation works” are permitted with consent pursuant to Clause 8 of State Environmental Planning Policy No 55 – Remediation of Land.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i).	Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary. State Environmental Planning Policy No 55 – Remediation of Land - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i).	Camden LEP 2010 – Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii).	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii).	Camden Development Control Plan 2011 (DCP) – 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).	Five submissions from two property owners 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:

Environmental Impacts From Remediation Works Including Odour, Noise and Dust

The applicant has lodged a remediation action plan (RAP) in support of this DA. The RAP includes an assessment of the potential risks and hazards associated with the remediation works, which outlines a number of mitigation strategies to manage them. Council’s Environmental Health Officers have reviewed the RAP and, whilst agreeing with its contents, recommend a number of conditions to further control the potential impacts of the remediation works.

The environmental controls in the RAP and attached conditions that will be implemented to mitigate the potential impacts of the remediation works include:

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- Prohibiting the use of open leachate ponds to help minimise odour impacts upon surrounding residents and workers. All leachate must be stored and treated in enclosed containers that will not allow the release of odour.
 - All leachate is to be disposed of to Sydney Water sewer and not Council's stormwater drainage system. The applicant has obtained in principle agreement from Sydney Water that this can occur, subject to the leachate being treated to achieve an appropriate water quality standard.
 - The use of a combustible gas detector to monitor for the presence of explosive gases, and the removal of all ignition sources from the work areas.
 - Dust suppression, sediment and erosion controls and the decontamination of all vehicles leaving the site.
 - A requirement that a qualified environmental consultant be on site full time to monitor the first stage of the remediation works, and attend the site a minimum of once a week for all subsequent stages.
 - A requirement that works stop during windy conditions (being wind speeds in the vicinity of all excavation, processing and stockpiling works of 36km/hr or more) and that appropriate windbreaks are provided to help manage material stockpiles.
 - Limiting truck movements to/from the site via Camden Valley Way, Somerset Avenue and Elyard Street and vice versa.
 - Prohibiting work during the 2016 Christmas/New Year school holiday period.
 - The provision of a 24 hours a day, seven days a week telephone complaint line by the applicant to record all complaints from the public.
 - A letter box drop to property occupiers in the surrounding area notifying them of the aforementioned telephone complaint line, and the installation of a sign at the front of the site (being Elyard Street) advising of the same.
 - Monthly environmental reporting regarding the environmental impacts of the development including odour and noise generation, any asbestos findings, compliance with the development consent and how all complaints have been addressed. These are to be forwarded to Council each month.
 - Preparation of a number of detailed management plans to support the remediation works including plans to address demolition waste management, odour and wastewater control, health and safety and emergency response.
 - Preparation of a site audit statement by an EPA accredited site auditor confirming the site is suitable for its intended future uses. The auditor's role is to independently review the remediation and validation works to ensure they have been carried out in accordance with the *Managing Land Contamination Planning Guidelines*.

Subject to the above, it is considered that the potential environmental impacts of the proposed development can be adequately managed and that no unreasonable adverse impacts will occur.

The DA was not required to be referred to the EPA. Nevertheless, Council officers contacted the EPA to advise of the proposal. The EPA has confirmed there is no need for the EPA to comment on this DA.

The EPA has also advised that the proposal does not appear to require an EPA licence. However, in the event that an EPA licence is required, the applicant is legally required to apply to the EPA. Conditions are recommended to reinforce this requirement.

Traffic Impacts

The applicant has provided details of the proposed truck movements to and from the site. It is proposed that contaminated material will be removed from the site in up to 5,000m³ lots, which will require five truck movements per hour (up to 25 per day) over a period of eight work days. It is anticipated each contaminated material stockpile will be created over a period of six weeks and removed every six weeks.

The truck movements will be via Camden Valley Way, Somerset Avenue and Elyard Street. Trucks leaving the site will reach Camden Valley Way, via Elyard Street and Somerset Avenue.

Council officers have assessed the above truck movements and consider them to be acceptable. It is a recommended condition that a work zone be established along part of the site's Elyard Street frontage to reserve this area for the parking of trucks. The details of this work zone will be subject to the approval of the Local Traffic Committee.

Tree Removal

The trees proposed to be removed have been assessed. It is considered that the proposed works may detrimentally impact upon the health and stability of the trees, and, as a result, their successful retention is unlikely. When the site is redeveloped in the future (subject to separate DAs) it will be appropriately landscaped.

Future Development of the Site

The site is zoned B2 Local Centre and R3 Medium Density Residential. The objectives of these zones seek to achieve a range of retail, business, entertainment and residential land uses.

The proposed development seeks to remediate the site so that it is suitable for future development consistent with its zoning. The remediation of the site is necessary to enable the redevelopment of the site to occur.

Should the site remain in its current state, there is a contamination risk due to the potential for off-site contaminated groundwater migration over time. The risk of this impact has previously been acknowledged by the EPA.

Submissions

The DA was publicly exhibited for three 30 day periods in accordance with the DCP. This occurred due to additional information being lodged during the assessment of the DA. The exhibition periods were from 26 January to 26 February, 11 May to 9 June and 7 September to 7 October 2016. Five submissions were received from two property owners (all objecting to the proposed development).



Council staff discussed the concerns raised in the submissions with the authors however were unsuccessful in resolving them.

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

1. *The site should be fully decontaminated with no lasting effects and no long term liabilities.*

Officer comment:

The proposed remediation works will involve the removal of contaminated material from the site to a level that is suitable for future redevelopment.

A condition is recommended requiring the preparation of a site audit statement by an EPA (Environmental Protection Authority) accredited site auditor confirming the site is suitable for its intended future uses. At that time, consideration will be given as to whether or not any form of long term management plan is required for the site which will be further discussed with Council.

2. *The work should be undertaken as efficiently as possible.*

Officer comment:

The applicant has advised that they intend to undertake the works over a 58 week period.

3. *There should be no negative impacts upon property values.*

Officer comment:

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

4. *There should be no risks to nearby residents.*

Officer comment:

Subject to the environmental controls proposed in the RAP and the attached conditions, it is not considered surrounding residents will be exposed to any unreasonable adverse environmental impacts or risks.

5. *Air monitoring must be undertaken and masking agents should not be used to mitigate odours as the agents can be odorous.*

Officer comment:

It is a recommended condition that air monitoring be undertaken to ensure no unreasonable adverse odour impacts occur to surrounding properties. Masking agents are often used to mitigate the impact of odour and may need to be used as part of the remediation works.

6. *The entire site should be enclosed with a solid fence.*

Officer comment:

The site is currently enclosed by a secure chain wire fence and other shared boundary fencing which are considered appropriate to manage safety and security.

A condition has also been recommended that shade cloth be fixed to the chain wire fence to assist with the containment of particles.

7. *The works should be continuously monitored.*

Officer comment:

It is a recommended condition that a qualified environmental consultant supervises the site on a regular basis to ensure compliance with the proposed RAP and the recommended conditions.

8. *The trees proposed to be removed should be retained to provide some screening and protection to surrounding properties.*

Officer comment:

The trees proposed to be removed have been assessed. Council officers consider the proposed works are likely to have a detrimental impact upon the trees, such that their successful retention is unlikely. It is noted the trees are unlikely to afford any practical protection to surrounding properties during the remediation works.

9. *Bio-remediation should not be allowed as this will add to pollution and odour. Although it may have been carried out on other sites those sites would not have been as contaminated as the subject site and therefore this doesn't mean that it will be acceptable on the subject site.*

Officer comment:

The proposed development includes bio-remediation of material impacted with low volatile organic compounds. This process involves spreading out excavated material and allowing it to remediate naturally over time. This process will likely add some additional odour impacts to the receiving environment, however odour monitoring and management controls are recommended in the attached conditions to address this issue.

10. *The remediation works should not be undertaken as it is not safe to have contaminated stockpiles or uncovered contaminated water ponds on the site.*

Officer comment:

The proposed remediation processes involve sorting excavated material into contaminated and non-contaminated stockpiles. Contaminated material stockpiles will be appropriately managed and will be further detailed in the environmental management plan, which is required to be completed for the proposed development prior to works commencing. It is anticipated the stockpiles could be managed by restricting works in windy conditions (when wind speeds reach 36km/hr), covering the stockpiles or wetting them down, which has been recommended within the RAP. These requirements have been reinforced as a condition of consent for the works to be undertaken in accordance with the RAP.



Council staff are satisfied the stockpiles can be appropriately managed such that no unreasonable impacts will occur to surrounding properties.

A condition is recommended that prohibits the use of open leachate ponds to help minimise odour impacts upon surrounding residents and workers. All leachate must be stored and treated in enclosed containers that will not allow the release of odour.

11. *Where will the contaminated material be transported to?*

Officer comment:

All contaminated material removed from the site will be disposed of to an Environmental Protection Authority (EPA) licensed waste facility.

12. *Will future residents of future buildings on the site be advised that the site has been remediated on their relevant documentation? The long term health and associated impacts are unknown.*

Officer comment:

Relevant information regarding the site's contamination and remediation status will be included on future planning certificates for the site.

The proposed remediation works will involve the removal of contaminated material from the site to remediate it to a level that is suitable for future redevelopment.

13. *A previous proposal to remediate the site was stated to cost \$13.1 million however the proposed development is stated to cost only \$10 million. How is this possible?*

Officer comment:

The applicant has provided a cost of works estimate prepared by an environmental consultant. This estimate advises the cost of the works will be approximately \$10 million. If approved the proposed development must be carried out in accordance with the RAP and the attached conditions.

14. *Not enough properties were notified of the proposed development. The proposed development will affect the entire Narellan township and all residents of Narellan should be advised. The public in all areas should have been aware of the proposed development via the "Lets Connect" magazine. There is no reason why development notices cannot be included in rates notices.*

Officer comment:

The DA was publicly exhibited for three 30 day periods. Notification letters were sent to 86 surrounding properties including:

- Both sides of Elyard Street between the intersections of Somerset Avenue and Queen Street;
- Most of both sides of Queen Street from the intersection of Camden Valley Way to Leicester Street;
- Most of the north western side of Leicester Street; and
- Both sides of Somerset Avenue from the intersection of Camden Valley Way to Frances Street.

Three separate advertisements exhibiting the proposed development were also placed in the local press during the DAs exhibition process.

The notification process undertaken exceeded the requirements of the DCP.

15. *The Department of Planning and Environment recently advertised the simplified housing code and amendments to the South West priority Growth Area. Will any part of these be affected in any way by the proposed development?*

Officer comment:

The DA seeks development consent for the remediation of contaminated land and is not within the identified South West Priority Growth Area. This area will not be impacted by the proposed development.

16. *390 residential apartments is an overdevelopment of the site. There is insufficient car parking available in the area. Will the adjacent Narellan Urban Forest and library sites be used for car parking?*

Officer comment:

This DA proposes the remediation of contaminated land, earthworks, tree removal and associated site works. This DA does not propose to develop any residential apartments or any other development.

The appropriate residential density for the site and its required car parking will be assessed as part of a separate future DA for redevelopment of the site.

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 19/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 19/2016 for the remediation of contaminated land, earthworks, tree removal and associated site works at 3 Elyard Street, Narellan, subject to the attached conditions.

ATTACHMENTS

1. Recommended Conditions
2. Revised Remediation Action Plan
3. Public Exhibition and Submissions Map - *Supporting Document*
4. Submissions - *Supporting Document*

ORDINARY COUNCIL

ORD06

SUBJECT: DRAFT CAMDEN GROWTH AREAS SECTION 94 CONTRIBUTIONS PLAN

FROM: Director Planning & Environmental Services

TRIM #: 16/304019

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to publicly exhibit the draft Camden Growth Areas Section 94 Contributions Plan (draft Growth Areas CP), which applies to the Leppington and Leppington North precincts in the South West Priority Growth Area (SWPGA).

A copy of the draft Growth Areas CP is provided as **Attachment 1** to this report.

BACKGROUND

The draft Growth Areas CP applies to the Leppington and Leppington North precincts in the SWPGA as shown coloured blue and red respectively in Figure 1 in this report.

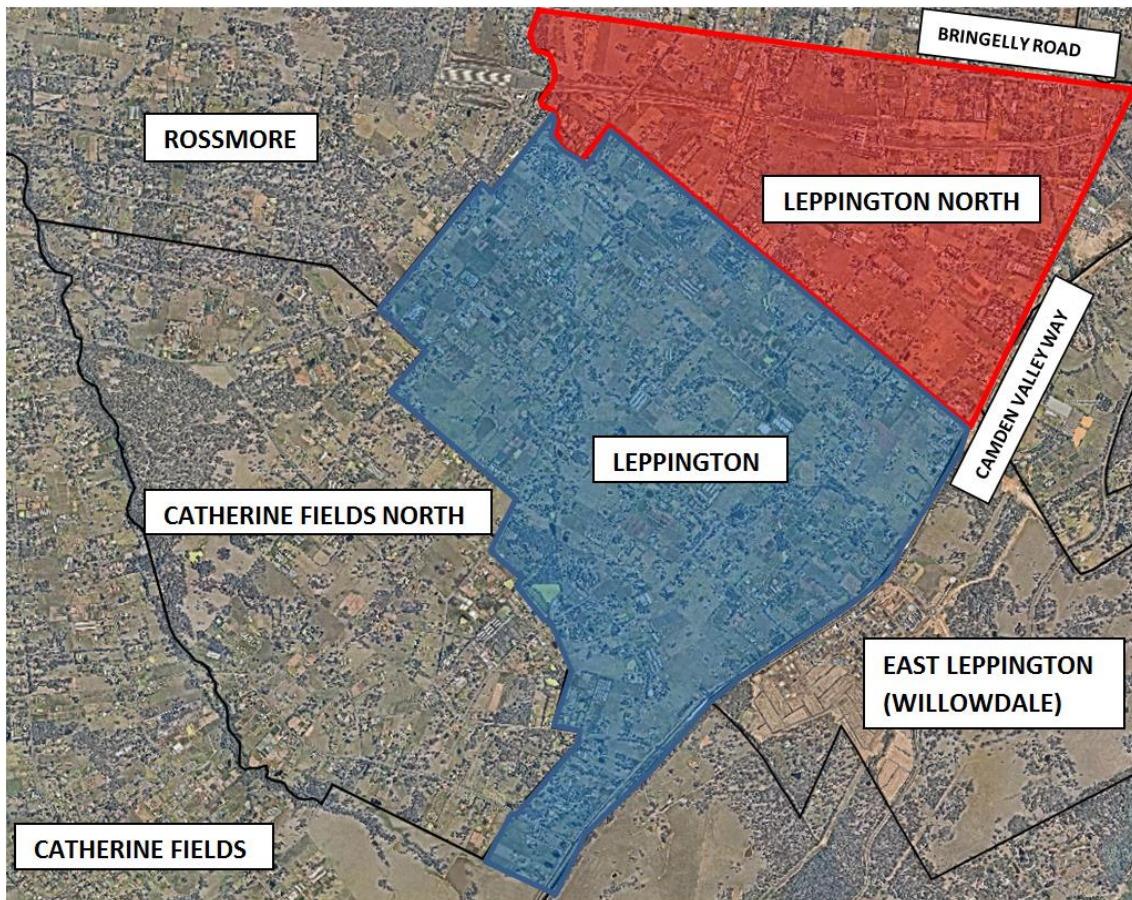


Figure 1 – Location of Leppington and Leppington North precincts

The indicative layout plan (ILP) for the Leppington and Leppington North precincts is shown in Figure 2 in this report. The Leppington precinct is shown with a red outline,

and Stage 1 of the Leppington precinct is shown with a blue outline. The Leppington North precinct is shown with a yellow outline.

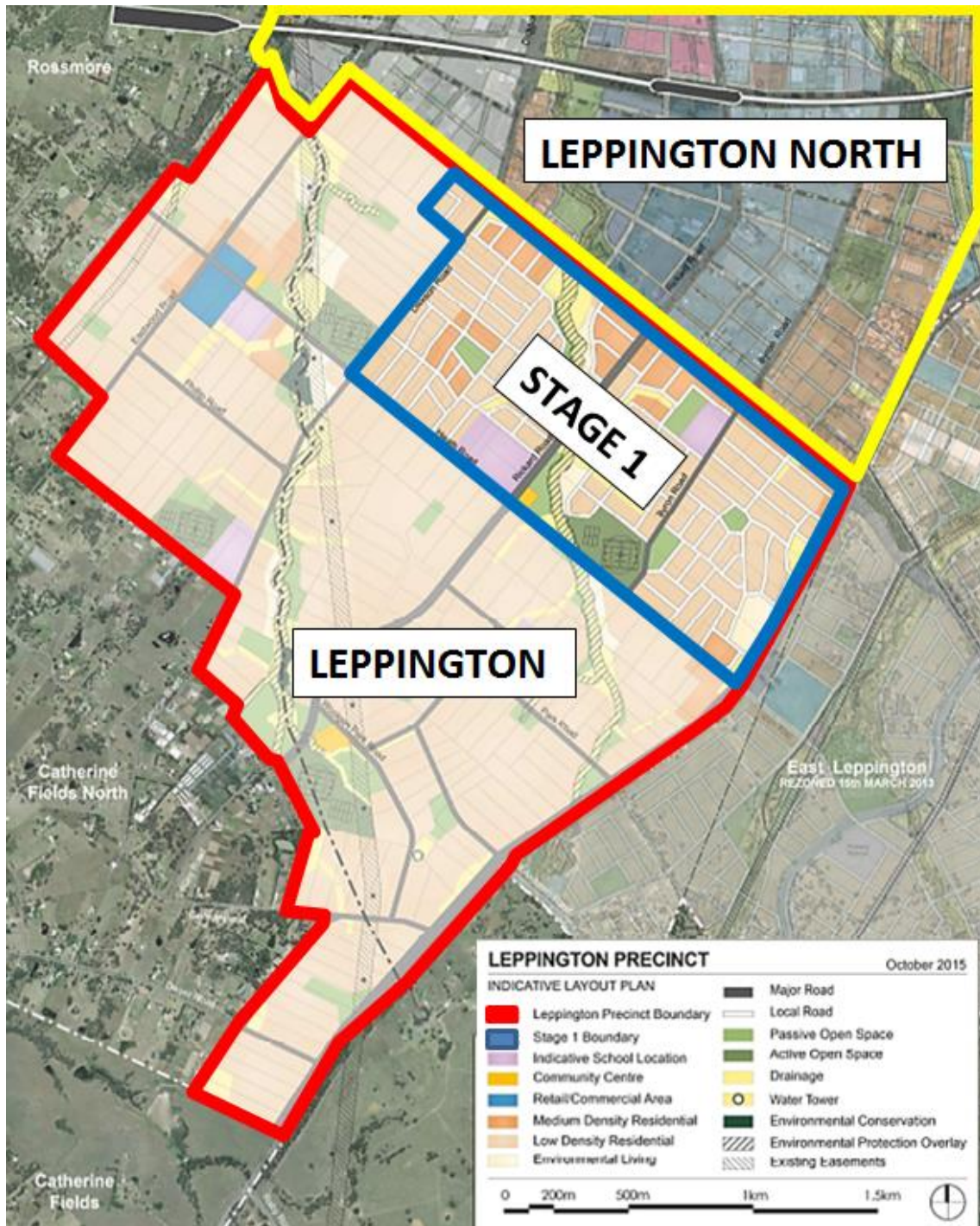


Figure 2 – Indicative Layout Plan for Leppington Precinct

Leppington North precinct

The Leppington North precinct (which adjoins the northern boundary of the Leppington precinct) was rezoned by the Department of Planning and Environment (DPE) in March 2013 to facilitate business, commercial, industrial and residential development on the land surrounding the Leppington rail station (which is now complete and operational).



The Camden Section 94 Contributions Plan (Leppington North Precinct), which applies to this precinct, was adopted by Council on October 2014.

Leppington precinct

The precinct planning process for the Leppington precinct was initiated by the DPE in November 2011 and included the preparation of detailed specialist studies, which identified the local and district infrastructure required to support the development of the land, and to meet the needs of future residents.

Stage 1 of the Leppington Precinct was rezoned by the Department of Planning and Environment (DPE) in November 2015 under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the SEPP). Stages 2 to 5 are expected to be progressively rezoned by the DPE once essential infrastructure upgrades (including water, sewer, gas and electricity) have been undertaken to service the expected development in this precinct.

Stage 1 of the Leppington precinct is expected to yield 2,500 new dwellings, with an ultimate dwelling yield for the entire precinct of approximately 9,000 dwellings.

A contributions plan for the Leppington precinct was not finalised by the DPE at the time of rezoning.

MAIN REPORT

The draft Growth Areas CP has been prepared using information from the specialist studies undertaken during the rezoning of the Leppington and Leppington North Precincts, including Water Cycle Management Reports, Traffic Reports and Social Infrastructure Reports.

Once adopted, the Growth Areas CP will enable Council to levy contributions on development within the Leppington and Leppington North precincts. Funding sourced from these contributions will enable the delivery of essential infrastructure including:

- Major local road infrastructure such as sub arterial roads, collector roads, creek crossings and the necessary land to build them;
- Drainage infrastructure including detention basins, parts of riparian corridors used to convey stormwater, and new drainage channels and the necessary land to build them;
- Open space and recreation facilities such as sports fields, sports courts, playgrounds, walking trails and bike paths; and
- The land for community facilities such as cultural centres and multi-purpose community centres.

Draft Growth Areas CP - Leppington North precinct

The contributions provisions in the existing Camden Section 94 Contributions Plan (Leppington North Precinct) have been indexed according to the latest Consumer Price Index (CPI) and Land Value Index (LVI) updates and have been inserted as Part A of the draft Growth Areas CP. Apart from the indexation as noted above, the only proposed change to the existing Leppington North Precinct CP provisions is an amendment that clarifies the amount of land to be acquired in Leppington North for future community facilities within the Leppington centre. The amendment does not alter

the intent of the existing Leppington North Precinct CP provisions, and results in no increase in s94 contributions nor any increase in the amount of land to be acquired.

The total indexed value of the contribution towards works, land and plan administration for Leppington North is \$164.5 million, which excludes \$8 million of 'non-essential' infrastructure that cannot be funded via the draft Growth Areas CP as it exceeds the \$30,000 per lot/dwelling cap. The \$30,000 cap and 'essential/non-essential infrastructure' is discussed in detail later in this report.

Draft Growth Areas CP - Leppington precinct

The contributions provisions for the Leppington precinct are located in Part B of the draft Growth Areas CP. The infrastructure which will be provided for the Leppington precinct is outlined below.

Open Space and Recreation

The draft Growth Areas CP includes:

- Four double playing fields with courts, amenities buildings, car parking and flood lighting;
- 21 local parks including playgrounds;
- 15 'channel parks' along riparian corridors;
- A 3.7ha district park; and
- Monetary contributions of \$2.7 million towards district open space in the future Rossmore precinct.

The draft Growth Areas CP will collect \$66.7 million to fund these works and \$132.4 million to acquire the land on which these items will be located.

Drainage

The draft Growth Areas CP includes the construction of the water quality and detention basins, and drainage channels needed to service the future development in the precinct.

The draft Growth Areas CP will collect \$82 million to fund these works and \$96 million to acquire the land on which these items will be located.

Traffic and transport

The draft Growth Areas CP includes:

- 28 road upgrades;
- 28 creek crossings;
- 12 roundabouts;
- 27 bus shelters; and
- 5km of shared pedestrian and cycle paths within the creek corridors.

The draft Growth Areas CP will collect \$101.5 million to fund these works and \$10.9 million to acquire the land on which these works will be located. The amount of land to be acquired for the proposed traffic and transport works is comparatively small compared to the other infrastructure to be provided under the draft Growth Areas CP. This is due to many of the existing rural road corridors having sufficient road reservation width to accommodate the future collector and local roads within the precinct, which reduces the amount of additional land that Council needs to acquire.



Community facilities

The draft Growth Areas CP will collect \$4.5 million for the acquisition of land for three local community facilities within the Leppington precinct and contribute towards the acquisition of land for the regional community facility in the Leppington North precinct. It is noted that the draft CP is unable to collect for the construction of these community facilities, as they are deemed to be non-essential infrastructure. The issue of 'essential/non-essential infrastructure' is discussed in detail later in this report.

A summary of the total infrastructure costs under the draft Growth Areas CP is provided in **Table 1 below**:

Table 1 Total Infrastructure Costs for Leppington precinct

Item	Item Total Cost
Open Space	\$199.1 million
Drainage	\$178 million
Roads	\$112.4 million
Community Facilities (land only)	\$4.5 million
Plan Administration	\$3.7 million
TOTAL CONTRIBUTION	\$497.7 million

A summary of the average 'per lot' or 'per dwelling' contribution for different types of development is provided in **Table 2 below**:

Table 2 Average Section 94 Rates Summary Table

Development Type	Contribution Per Lot or Dwelling
Low Density - Detached Dwelling	\$64,129
Medium Density - Villa, townhouse, attached dwelling	\$47,366
Medium/high density - Apartment/Unit	\$39,962
Seniors Living	\$37,481

It should be noted that these are indicative rates provided for information purposes. The exact contribution rates for specific developments can only be obtained on a case-by-case basis when the lot sizes within a subdivision, or the floor space within a development, is known. Typically, an increase in density will result in a reduction in the per-lot or per-dwelling development contribution.

Key issues for Council

The key issues that relate to the draft Growth Areas CP and the ongoing funding and provision of infrastructure are expanded upon below.

\$30,000 cap, IPART review of CP and application for gap funding

On 16 September 2010, a Ministerial Direction was issued under Section 94E of the *Environmental Planning and Assessment Act 1979* (the Act) which capped the maximum development contributions that a Council can collect for residential development in Greenfield areas at \$30,000 per dwelling or lot. Notwithstanding the Ministerial Direction, the draft Growth Areas CP identifies the actual cost of providing all of the infrastructure required to service the development, and the effective per dwelling contribution.

Given the draft Growth Areas CP exceeds the \$30,000 per dwelling contribution, Council must request that the Independent Pricing and Regulatory Tribunal (IPART) review and approve the CP. IPART's review will consider whether:

- The Section 94 Plan complies with the requirements of the Environmental Planning and Assessment Regulation 2000 and the DPE's Development Contributions Practice Notes;
- Each plan includes appropriate Essential Infrastructure as required for the proposed development; and
- The costs (including both land value and capital costs for construction/works) assigned to this infrastructure are reasonable.

The outcome of the IPART review will be reported to Council if changes are required to the CP.

If the IPART review concludes that Council cannot fund all of the essential infrastructure required by the precinct under the \$30,000 cap, Council can seek 'gap funding' for the difference between maximum contribution that Council can charge developers (\$30,000 per lot) and what it will actually cost Council to deliver the infrastructure under the draft Growth Areas CP. The 'gap funding' is approved and delivered by the State government under the Local Infrastructure Growth Scheme (LIGS).

The draft Growth Areas CP contains the maximum expected contribution rates, above the \$30,000 cap, for the following reasons:

- To allow IPART to review the extent to which the (capped) development contributions are likely to fund the total cost of public amenities and services required by the development of the Precinct;
- To assist IPART and the Minister for Planning in identifying the gap between the capped contribution rate that will be met by developers and the full contribution rate for essential infrastructure, and to allow Council to access funding under the LIGS for the gap; and
- To provide information for the Council and the local community to determine a funding strategy to meet the cost of public amenities and public services that will not be met (due to the cap) by section 94 contributions or LIGS funding.



State government approach to 'essential infrastructure' and 'non-essential infrastructure'

The Ministerial Direction under Clause 94E of the Act also stipulates that if a CP exceeds the \$30,000 per dwelling cap, the CP can only collect for the provision of 'essential infrastructure'.

The Ministerial Direction states that the acquisition of land to accommodate future community infrastructure is 'essential infrastructure', but the construction of community facilities upon this land is 'non-essential infrastructure'. As a result, the draft Growth Areas CP identifies four local community facilities, a skate park, a BMX track and a dog-off-leash area as being 'non-essential infrastructure', along with the regional community facility proposed within the Leppington North precinct. The draft Growth Areas CP cannot collect the \$38 million needed to undertake these works.

Council will need to consider alternative funding strategies to meet the \$38 million funding shortfall for the construction of community facilities over the medium-to-long term as development proceeds within both the Leppington and Leppington North precincts.

Infrastructure costings

The infrastructure costings contained in the draft Growth Areas CP have been prepared using the following methods:

- Extracts from specialist studies and reports undertaken at rezoning stage;
- Assessment by quantity surveyors; and
- Indexation of comparable costings from existing Camden S94 contributions plans.

The costings have been reviewed extensively by Council officers and DPE and are considered to be robust. The costings will be subject to detailed scrutiny during IPART's review of the draft CP. If IPART recommends any substantive changes to the costings that impact upon the contributions rates under the CP, this will be outlined in a future report prepared for Council.

Public Exhibition

It is proposed that the draft Growth Areas CP be placed on public exhibition for an extended period of eight weeks over the Christmas period, commencing on 6 December and concluding on 24 January 2017. The exhibition will include displays at the Council Administration Centre at Oran Park, and the Camden and Narellan libraries. Electronic copies of the exhibition material will be available via Council's website.

All landowners within the Leppington precinct will be notified of the exhibition of the draft Growth Areas CP by mail. It is not proposed that the Leppington North landowners be notified by mail, as there are no substantive changes proposed to the development contributions which apply to this land.

Next Steps

Should Council endorse the recommendation, the following steps will occur:

1. The draft Growth Areas CP will be publicly exhibited;

2. If no submissions are received or no significant changes are made to the draft CP, it is recommended that:
 - a. Council adopt the draft CP under delegated authority;
 - b. the adopted CP be forwarded directly to IPART for review;
 - c. a further report be provided to Council if changes are required to the CP arising from IPART's review, and
 - d. Council prepare an application to the Department of Planning and Environment (DPE) for gap funding under the Local Infrastructure Growth Scheme.
3. If submissions are received or significant changes are made to the draft CP, it is recommended that:
 - a. the draft CP be reported to Council for consideration of the matters raised in the submissions;
 - b. if adopted, the CP will be forwarded to IPART for review;
 - c. a further report be provided to Council if changes are required to the CP arising from IPART's review; and
 - d. Council prepare an application to the Department of Planning and Environment (DPE) for gap funding under the Local Infrastructure Growth Scheme.

FINANCIAL IMPLICATIONS

The draft Growth Areas CP provides a mechanism for Council to levy development contributions to fund the provision of essential infrastructure for the Leppington and Leppington North precincts.

If the draft Growth Areas CP is adopted by Council, development contributions can be levied in Leppington and Leppington North precincts up to the \$30,000 cap. Council will need to formally request that IPART review and approve the plan, so that Council can seek LIGS funding for the difference between the actual cost of providing the essential infrastructure outlined in the CP and the \$30,000 cap.

It is noted that the State government has agreed to provide retrospective LIGS funding for other Councils that have adopted a CP, imposed conditions of consent requiring the payment of contributions up to the \$30,000 cap, and subsequently obtained IPART approval and LIGS funding. If the draft CP is adopted by Council in future, Council officers will notify the DPE of Council's intention to seek an IPART review and LIGS funding. Council officers will also keep records of all relevant conditions of consent and s94 contributions paid to Council to facilitate the retrospective payment of LIGS funding.

If the draft Growth Areas CP is not adopted by Council, development contributions for the Leppington precinct will continue to be levied under the existing Camden Contribution Plan 2011 which levies at a lower rate than contained in the draft Growth Areas CP. This would result in a significant funding shortfall for the essential infrastructure proposed for the Leppington precinct.

Council will need to investigate options for funding the \$38 million shortfall for the construction of community facilities in Leppington and Leppington North. A future report will be prepared for Council which outlines the potential funding options.

CONCLUSION



The Draft Growth Areas CP identifies the scope of works and land dedication required to provide essential infrastructure for the future residents of the Leppington and Leppington North Growth Area precincts. The Draft Growth Areas CP includes \$497.7 million of infrastructure for the Leppington precinct and \$164.5 million of infrastructure for the Leppington North precinct.

If adopted by Council, the Growth Areas CP will enable Council to collect development contributions up to the \$30,000 cap to fund the provision of essential infrastructure to support the development of the Leppington and Leppington North precincts.

Council may then seek approval of the Growth Areas CP by IPART so that LIGS funding can be obtained from the State government, ensuring that the full cost of essential infrastructure can be met.

Council will need to investigate funding strategies for the \$38 million of unfunded 'non-essential' infrastructure identified in the Growth Areas CP.

RECOMMENDED

That Council:

- i. endorse the draft Camden Growth Areas Contributions Plan for the purpose of public exhibition;**
- ii. publicly exhibit the draft Camden Growth Areas Contributions Plan for a period of eight weeks;**
- iii. endorse the following steps if no submissions are received and/or no significant changes are made to the exhibited Plan:**
 - a) the draft Camden Growth Areas Contributions Plan be adopted;**
 - b) the Plan be forwarded to IPART for review;**
 - c) a further report be provided to Council if changes are required to the CP arising from IPART's review, and**
 - d) Council write to the Department of Planning and Environment seeking LIGS funding;**
- iv. endorse the following steps if any unresolved submissions are received and/or significant changes are made to the exhibited Plan:**
 - a) a report be prepared which outlines the outcomes of the exhibition period and/or the details the changes made to the draft Camden Growth Areas Contributions Plan;**
 - b) if the draft Camden Growth Areas Contributions is adopted:**
 - i) the Plan be forwarded to IPART for review;**
 - ii) a further report be provided to Council if changes are required to the CP arising from IPART's review; and**
 - iii) Council write to the Department of Planning and Environment seeking LIGS funding; and**
- v. require a future report to Council outlining funding options for the 'non-essential infrastructure' identified in the Plan.**

ATTACHMENTS

- 1. Attachment Camden Growth Centres Plan**

ORDINARY COUNCIL

ORD07

SUBJECT: BECOMING A 'NO KILL' FACILITY – CAMDEN COUNCIL ANIMAL HOLDING SERVICE

FROM: Director Planning & Environmental Services

TRIM #: 16/289518

PURPOSE OF REPORT

The purpose of this report is to provide information to Council outlining how Camden can become a 'no kill' animal holding facility.

BACKGROUND

On 9 August 2016, Council considered a report on the provision of an animal holding facility. At that meeting, Council resolved in part to bring back a report outlining how Camden can become a 'no kill' facility.

A 'no kill' shelter is defined as an animal shelter that does not kill healthy or treatable animals and where euthanasia is reserved for terminally ill animals or those considered dangerous to public safety.

A number of community change movements exist promoting a move to a 'no kill' philosophy. An example includes 'Getting to Zero'. The philosophy of 'Getting to Zero' is that 90% of impounded or surrendered animals are able to be rehomed. 'Getting to Zero' acknowledges that a percentage of animals (up to 10%) are not suitable for rehoming due to illness, behavioural problems and a poor prognosis of rehabilitation.

A number of organisations have resolved to become 'no kill' facilities. This commitment is to make every attempt to adopt all re-homable animals. Examples of organisations making this commitment include Liverpool Council and the Animal Welfare League NSW. Other councils working towards this goal include City of Greater Geelong, Darebin City Council, Gold Coast City Council, Moorabool Shire Council, Fraser Coast Shire and Greater Shepparton City Council.

MAIN REPORT

To fulfil its functions under the *Companion Animals Act 1998* and the *Impounding Act 1993*, Council's Rangers investigate complaints regarding roaming dogs, cats, livestock and dog attacks. In exercising their powers, Council's Rangers are required to impound animals. Council's animal holding facility also allows residents to surrender animals they can no longer care for.

Through Renbury Farm, Council's Rangers currently work with animal rescue organisations in an attempt to re-home all suitable animals that cannot be sold. This work will continue when our animal holding service relocates to Campbelltown and through the recent appointment of a dedicated Companion Animal Ranger.

Unfortunately, some animals that are surrendered or impounded are unsuitable for rehoming due to being aggressive, significantly ill/injured or feral. The *Companion Animals Act 1998* prohibits the sale of an animal declared or proposed to be declared a



restricted breed or dangerous dog or menacing dog. This prohibition extends to the sale, adoption, rescue or rehoming of these animals.

Council's work in promoting and supporting responsible pet ownership is overseen by our Companion Animal Advisory Committee comprised of councillors, residents, vets, and staff.

Council's current responsible pet ownership program initiatives include:

- Responsible Pet Ownership program aimed at educating children and residents on the importance of microchipping and name tags on animals;
- Independent breed and temperament assessment of impounded animals believed to be dangerous/ aggressive/ restricted;
- Council officers attempt to return stray dogs and cats home if microchipped and registered rather than impounding;
- Offer of free name tags for all animals released;
- Working with approximately 30 rescue organisations to rehome animals that haven't been adopted;
- Subsidised de-sexing program to reduce the number of unwanted animals;
- Free microchipping days for dogs and cats;
- Bus advertising and regular educational days at schools and local events;
- PAWS in the PARK – an annual event raising awareness of responsible pet ownership;
- Development and distribution of information books on responsible pet ownership.

ANIMAL STATISTICS

As shown in the table below, Council is already close to achieving the good of rehoming all suitable animals. However with our population growth, the number of animals impounded is likely to increase.

Financial Year	Total incoming dogs	Unable to re-home (suitable dogs)	Total incoming cats	Unable to re-home (suitable cats)
13/14	420	1	290	13
14/15	430	1	227	3
15/16	325	0	199	0

In addition to Council's current responsible pet ownership program, additional initiatives being considered or implemented to minimize the number of animals entering the animal holding facility and further increase the re-homing of impounded animals include:

- The recent appointment of a dedicated Camden Council Companion Animal Ranger who will work at the Campbelltown Council Animal Care Facility to oversee the re-homing and care of Camden animals and provide enrichment;
- Flexible pricing options for impounded animals to encourage adoption, particularly for those animals that have been in the facility for extended periods of time;

-
- Obtaining detailed information from owners wishing to surrender their animal to ensure the animal is adopted out to a suitable family;
 - Provision of exercise yards that are friendly and stimulating for the animal;
 - Media releases for animals held longer than the mandatory holding period;
 - Creating information packages on adoption of an animal;
 - Ensuring the provision of sufficient kennels and cattery enclosures to allow suitable animals to be kept an extended period of time until they are rehomed;
 - Holding impounded animals for extended periods of time until sale or re-homing is achieved (this excludes animals deemed to be unsuitable for re-homing – eg. dangerous, restricted, aggressive, significantly sick or injured)

It is also proposed that Council develop a policy to establish clear guidelines on whether an animal is suitable for rehoming and to assist in decision making and transparency. The policy would be developed in consultation with Council's Companion Animal Advisory Committee and would require an independent assessment by a suitably qualified assessor to determine the suitability for re-homing of an animal considered aggressive or restricted.

IMPLEMENTATION

If Council resolves to commit to becoming a 'no kill' facility, implementation could commence immediately. This will mean animals deemed suitable for re-homing will be cared for at our animal holding facility until sold or re-homed.

Council's Companion Animal Ranger will work closely with community and rescue groups, along with the public and will make all attempts to promote impounded animals via website, social media and other promotional channels.

Council's Companion Animal Ranger will also provide impounded animals with enrichment programs and other value adding services to keep animals stimulated and provide the best possible chance of re-homing, and will work with Council's Companion Animal Advisory Committee to implement additional initiatives including those contained within this report.

FINANCIAL IMPLICATIONS

As Council currently has a very low euthanasia rate for animals considered suitable for re-homing, the financial implications of becoming a 'no kill' facility are considered minimal.

Council is currently in negotiations with Campbelltown Council to define a shared service agreement. This agreement is likely to involve an annual management fee for services such as cleaning of kennels, feeding and exercising of animals.

The costs associated with obtaining independent assessments to determine whether an animal is suitable for re-homing is estimated to be \$3,000-\$5,000 per annum. These costs would be funded from Council's existing animal holding contract budget.

CONCLUSION

Council currently has a very low euthanasia rate of impounded companion animals for those animals considered suitable for re-homing. The low euthanasia rate can be attributed to the various proactive initiatives Council has implemented in recent years on responsible pet ownership.



Whilst the actual number of animals impounded is expected to increase along with our population increase, it is considered feasible that Council could become a 'no kill' facility as it relates to re-homable companion animals, with minimal impact on Council's resources and budget.

It is recommended that Council commit to operating a 'no kill' animal holding facility whereby every attempt is made to re-home or rescue suitable animals.

RECOMMENDED

That Council:

- i. commit to immediately commence operating a 'no kill' animal holding facility whereby all attempts are made to rehome or rescue animals considered suitable for rehoming, and**
- ii. prepare a policy to include guidelines on the adoption of impounded animals.**

ORDINARY COUNCIL

ORD08

SUBJECT: DELEGATIONS AND OTHER ADMINISTRATIVE MATTERS

FROM: Director Customer & Corporate Services

TRIM #: 16/323631

PURPOSE OF REPORT

This report deals with several administrative matters, in particular:

1. Informs Council about recent changes to the South West Regional Planning Panel (JRPP) and recommends Council transfer its existing delegates to the newly formed Sydney South West Planning Panel;
2. Recommends Council delegate approval of certain matters to the Mayor (and the Deputy Mayor in the absence of the Mayor) during the Christmas/New Year period;
3. Recommends Council third panel member for the General Manager's Performance Review Panel.

BACKGROUND

1. Sydney South West Planning Panel – Appointment of delegates

The Sydney South West Joint Regional Planning Panel (JRPP) ceases operation on 20 November 2016 and will be replaced by the Sydney South West Planning Panel. We have now been advised that Council's nominated members to the Sydney West JRPP do not automatically roll over to the new Panel.

It is recommended that the current Council representatives on the Sydney West JRPP be transferred to Sydney South West Planning Panel.

2. Delegation – Christmas/New Year Period

Council will be in recess from 14 December 2016 until Tuesday 14 February 2017 (the recess period).

During the recess period, it may be necessary to approve development applications or other urgent matters requiring a decision that may not fall within the sub-delegations granted to staff, for example, development applications of a contentious nature or where objections have been received.

In line with past practice, it is proposed to grant a delegation to the Mayor (or the Deputy Mayor in the absence of the Mayor) to make decisions in these matters if necessary.

3. General Manager Performance Review Panel

Council has previously determined to delegate authority to a review panel for the conduct of future General Manager's performance reviews. In line with appropriate guidelines issued by the Office of Local Government (OLG), the panel consists of the Mayor and Deputy Mayor and an additional Councillor.



There is now a need to select a third panel member.

MAIN REPORT

1. Sydney South West Planning Panel – Appointment of delegates

The Sydney West Joint Regional Planning Panel (JRPP) ceases operation on 20 November 2016 and will be replaced by the Sydney South West Planning Panel. Council's nominated members to the Sydney West JRPP do not automatically roll-over to the new Panel.

The Minister for Planning has appointed Sheridan Dudley, South West District Commissioner of the Greater Sydney Commission, as Chair and Professor Nicole Gurr and Bruce McDonald as members. A table outlining all State members and alternates of the Planning Panel is **attached** to this report.

The Sydney South West Planning Panel will determine regionally significant development applications (generally development with a capital investment value of more than \$20 million) and consider pre-Gateway (rezoning) reviews. These are the same functions as the current JRPP.

At its meeting on 27 September 2016, Council nominated Councillors Sidgreaves and Symkowiak as the primary representatives on the South West JRPP. Councillors Morrison, Fedeli, Farrow and C Cagney were appointed as the Alternate representatives.

It is recommended that the current Council representatives on the South West JRPP be transferred to Sydney South West Planning Panel.

2. Delegations – Christmas/New Year Period

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

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

A report outlining any exercise of this delegation will be provided to the Ordinary Council Meeting of 14 February 2017.

3. General Manager Performance Review Panel

In accordance with the OLG Guidelines, at its meeting of 14 July 2015, Council established a review panel with authority to conduct future General Manager's performance reviews. The role of the panel is to conduct the review process, report the findings and recommendations to Council and to develop the next performance agreement.

In line with appropriate guidelines issued by the OLG, the panel consists of the Mayor and Deputy Mayor and an additional Councillor.

There is now a need to select a third panel member to be nominated and resolved by Council.

FINANCIAL IMPLICATIONS

There are no direct financial implications arising out of the recommendations set out in this report.

CONCLUSION

Council is requested to transfer its Primary and Alternate representatives on the Sydney West Joint Regional Planning Panel to the Sydney South West Planning Panel.

Council is requested to delegate authority to the Mayor and Deputy Mayor (in the absence of the Mayor) for approval of development applications and cases of necessity during the period 14 December 2016 to 14 February 2017 as provided under sections 226 and 377 of the Act.

Council is requested to select a third member on the General Manager's performance review panel.

RECOMMENDED

That Council:

- i. transfer its Primary and Alternate representatives on the Sydney West Joint Regional Planning Panel to the Sydney South West Planning Panel; and**
- ii. delegate authority to the Mayor and Deputy Mayor (in the absence of the Mayor) for approval of development applications and cases of necessity, during the period 14 December 2016 to 14 February 2017 as provided under sections 226 and 377 of the *Local Government Act 1993*; and**
- iii. be informed as to the use of the Mayor and Deputy Mayor's delegated authority during the period 14 December 2016 to 14 February 2017 by report to the Ordinary Council Meeting of 14 February 2017; and**
- iv. select a third member on the General Manager's performance review panel.**

ATTACHMENTS

1. Sydney Planning Panel Membership



ORDINARY COUNCIL

ORD09

SUBJECT: ELECTION OF DEPUTY PRESIDENT OF MACROC
FROM: Director Customer & Corporate Services
TRIM #: 16/325742

PURPOSE OF REPORT

This report requests that Council elect the next Deputy President of the Macarthur Regional Organisation of Councils (MACROC).

BACKGROUND

The President and Deputy President of MACROC are appointed by rotation among its three member councils being Camden, Campbelltown and Wollondilly. The rotation for the next Deputy Presidential term is with Camden.

MAIN REPORT

Under the MACROC Charter, the Deputy President:

- Must be a delegate of Council;
- Is elected by Council as Deputy President and endorsed by the MACROC Board at the Annual General Meeting;
- Holds office for two years (with an option not to serve a second year).

At its Ordinary meeting of 27 September, 2016, Council appointed Cr Symkowiak, Cr Sidgreaves, Cr Campbell and Cr Morrison as its primary representatives, and Cr A Cagney as its alternate representative, to MACROC.

The next MACROC Annual General Meeting will be held on 30 November, 2016, at which time the election of Deputy President is to be endorsed by the MACROC Board. It is therefore requested that Council elect the Deputy President from its four primary representatives.

FINANCIAL IMPLICATIONS

There are no financial implications.

CONCLUSION

It is the turn of Camden to appoint the Deputy President of MACROC. It is proposed that Council elect the Deputy President from its appointed primary representatives and advise MACROC accordingly.

RECOMMENDED

That Council:

- i. elect the Deputy President of MACROC from its appointed primary representatives;**
- ii. advise MACROC of Council's decision and seek endorsement by the MACROC board at the next MACROC Annual General Meeting.**



ORDINARY COUNCIL

ORD10

SUBJECT: SEPTEMBER REVIEW OF THE 2016/17 OPERATIONAL PLAN (BUDGET)

FROM: Director Customer & Corporate Services

TRIM #: 16/311258

PURPOSE OF REPORT

This report presents the September Quarterly Operational Plan (budget) Review for the 2016/17 financial year in accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005.

Its purpose is to inform Council of the necessary changes to the 2016/17 Operational Plan since the adoption of the 2013/14 - 2016/17 Revised Delivery Program and Operational Plan, and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the 2016/17 Operational Plan, Council approved a balanced budget position. Budget adjustments identified at the September Review represent a projected budget surplus for the 2016/17 financial year of \$1,517,060.

The projected surplus is above Council's minimum working funds level of \$1,000,000.

The improvement in the projected surplus is predominately a result of higher than expected development activity, additional rates and charges income and savings associated with the construction of the new central administration building at Oran Park.

ALLOCATION OF THE 2016/17 BUDGET SURPLUS

It is recommended that the projected surplus of \$1,517,060 be allocated as follows.

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,517,060
Capital Works Reserve - Transfer to Reserve	\$1,017,060	
Asset Renewal Reserve – Transfer to Reserve	\$500,000	
Total - Allocation of Budget Surplus		\$1,517,060
Budget Surplus Balance After Allocation		\$0

CURRENT RESERVE BALANCES

Capital Works Reserve

The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement. The balance of the Capital Works Reserve is as follows:

Capital Works Reserve	
Reserve Balance as at 30 June 2016	\$4,020,713
Add: Funds Transferred – Oran Park Admin Building Savings	\$2,600,000
Add: Year End Budget Surplus Transfer	\$830,743
Add: Proposed September Quarterly Review Transfer	\$1,017,060
Proposed Balance of Reserve	\$8,468,516
Committed Funds Held in Reserve	
Less: 2016/17 Revoted projects	(\$1,283,037)
Less: Projects approved in 2015/16 for the 2016/17 Budget	(\$2,931,300)
Less: Macaria Building Works (Art Gallery) Council Resolution - 164/16 - 26/7/16	(\$500,000)
Less: Installation of demountable kennel and cattery buildings and exercise yard at Campbelltown Council's Animal Care Facility. Council Resolution - 188/16 - 9/9/16	(\$250,000)
Total Allocated	(\$4,964,337)
Uncommitted Balance – Capital Works Reserve	\$3,504,179

Council has the discretion to allocate these funds to future capital projects including those projects unable to be funded as part of the 2013/14 – 2016/17 Revised Delivery Program.

Asset Renewal Reserve

Council approved the creation of the Asset Renewal Reserve as part of adopting the 2013/14 – 2016/17 Delivery Program. The balance of the Asset Renewal Reserve is as follows:

Asset Renewal Reserve	
Reserve Balance as at 30 June 2016	\$2,514,301
Add: Year End Budget Surplus Transfer	\$453,956
Add: Proposed September Quarterly Review Transfer	\$500,000
Proposed Reserve Balance	\$3,468,257
Committed Funds Held in Reserve	
Less: 2016/17 Revoted projects	(\$549,757)
Less: 2016/2017 Budget allocations (I.e. Funding towards Priority Community Projects) Council Resolution - 138/16 - 28/06/16	(\$1,918,500)
Total Allocated	(\$2,468,257)
Projected Reserve Balance	\$1,000,000

Funds from this reserve are primarily used for the replacement and/or maintenance of existing assets. A further report to Council is being prepared for the allocation of these funds.

Internal Borrowings

The use of internal reserves allows a Council to build up funds over time for the future or to protect Council against budget deficits as a result of large budget movements in any one year. Council has the ability to borrow from internal reserves to fund more immediate priorities, paying the amount back the following year or in future budget

periods. Council also has the option of not paying back the reserve/s if it deems appropriate. Using internal reserves as a funding mechanism assists with cash flow and as the funds are not borrowed externally from a financial institution Council does not have to pay interest on the funds it borrows from itself.

Internal borrowings were used to part fund the construction of the new central administration building. To date \$1.7 million has been repaid leaving a balance of \$1.3 million to be repaid from future quarterly reviews. There is no immediate need for Council to repay this balance.

Reserve	Internally Borrowed	Already Repaid	Balance	Notes
Capital Works Reserve	\$800,000	(\$800,000)	\$0	Fully Repaid. Council Resolution - 135/15 - 26/05/2015
Asset Renewal Reserve	\$900,000	(\$900,000)	\$0	Fully Repaid. Council Resolution - 135/15 - 26/05/2015 and 279/15 27/10/15
Plant Replacement Reserve	\$600,000	\$0	\$600,000	To be repaid at a future Quarterly Review
Commercial Waste Reserve	\$700,000	\$0	\$700,000	To be repaid at a future Quarterly Review
Total	\$3,000,000	(\$1,700,000)	\$1,300,000	

MAIN REPORT- SEPTEMBER REVIEW OF THE 2016/17 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2016/17 is detailed below:

PROPOSED VARIATIONS TO BUDGET

Proposed variations between the adoption of the 2016/17 Budget and the September Review for 2016/17 have led to a projected budget surplus of \$1,517,060. A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

SEPTEMBER REVIEW OF THE 2016/17 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase to the budget	
Shortfall in income is a decrease to the budget	
1. Rates & Charges Income Increase	\$480,000
2. Development Fees & Charges Income Increase	\$475,000
3. Financial Assistance Grant Income Increase	\$191,394
4. RMS Compensation for Compulsory Land Acquisition	\$184,766
5. Section 149 Certificate Income Increase	\$50,000
Variations under \$15,000 - Various Income Increases	\$14,500
Sub Total - Income Adjustments	\$1,395,660
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease to the budget	
Savings in expenditure is an increase to the budget	

SEPTEMBER REVIEW OF THE 2016/17 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
6. Oran Park Administration Building Expense Decrease	\$500,000
7. Corporate Salaries Expense Increase	(\$249,400)
8. Nott Oval Expense Increase	(67,000)
Variations under \$15,000 - Various Expense Increases	(\$62,200)
Sub Total - Expenditure Adjustments	\$121,400
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$1,517,060

- 1. Corporate Management Rates Income – Increase in Income of \$480,000**
 Supplementary rate income is received upon the re-zoning or subdivision of land. It is additional rate income to the amount levied at the beginning of the financial year. The increase in rate income realised during the first quarter of 2016/17 is primarily due to new lots created through subdivisions in the Spring Farm, Oran Park and Gregory Hills land release areas.
- 2. Development Fees & Charges Income – Increase in Income of \$475,000**
 Development income has exceeded budget expectations for the first quarter of 2016/17. Council has received a number of Development Applications of high value this quarter predominately a result of development activity in the Leppington release area. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.
- 3. Financial Assistance Grant – Increase in Income of \$191,394**
 Although the Federal Government stopped indexation on this grant for 3 years Council's grant has increased by \$191,394. One of the indicators for calculating this grant is population growth compared to other councils. As a result of rapid growth in the LGA Council now receives a larger proportion of the total funding allocated to Local Government. Additional information on the Financial Assistance Grant is provided later in this report.
- 4. RMS Compensation for Compulsory Land Acquisition – Increase in Income of \$184,766**
 RMS Compensation for Compulsory Purchase of 2 parcels of Land for the upgrade of Bringelly Road.
- 5. Section 149 Certificate Income – Increase in Income of \$50,000**
 Additional income has been realised for Section 149 Certificates in 2016/17. This is primarily a result of growth through development.
- 6. Oran Park Administration Building – Decrease in Expense of \$500,000**
 A further review of the Oran Park Administration Centre budget has identified further savings that could be allocated to reserve or other projects. This now brings the savings realised from this project to \$3.1 million. Council resolved to transfer any savings from the Administration Centre project to the Capital Works Reserve at its Ordinary Meeting on 9 August 2016. A reconciliation of the Administration Centre budget is provided below:

CENTRAL ADMINISTRATION CENTRE PROJECT - BUDGET	
Total Budget	\$35,588,800
Less: Expenditure to Date	(\$30,202,127)
Less: Programed Expenditure (Commitments)	(\$1,700,657)
Less: Contingency	(\$586,016)
TOTAL FUNDING ALLOCATED	(\$32,488,800)
Less: Savings already allocated to Capital Works Reserve (Council Resolution 180/16 9/8/2016)	\$2,600,000
Less: Additional Savings to be allocated to the Capital Works Reserve	\$500,000
Available for Allocation	\$0

In keeping with Council's resolution 9 August 2016 it is recommended that the additional savings of \$500,000 be transferred to the Capital Works Reserve. It is important to note that a contingency of \$586,016 is still in place to provide for any unforeseen variations associated with finalising the building. This could result in additional savings being realised in the future.

7. Corporate Staffing Requirements – Increase in Expense of \$249,400

Due to continued growth and the need to meet an ever increasing service demand funding is required for the employment of 3 additional staff. The staff will be deployed in the Strategic Planning area in response to our expanding need to process s149 certificates whilst maintaining both speed of service and accuracy of information, Employee Services to respond to the staffing needs of our expanding organisation and Parks to maintain the level of service to our community.

8. Nott Oval Amenity Building Replacement– Increase in Expense of \$67,000

During the excavation phase of the project an amount of contaminated waste material was found. The site was made safe with essential remediation works being completed, resulting in the project costs exceeding the funding allocation.

FINANCIAL ASSISTANCE GRANT INCOME

Financial Assistance Grants are an allocation of Federal tax revenue (e.g. income taxes and GST) distributed to the various States and Territories of Australia. The Local Government Grants Commission is the State body that calculates the financial assistance payable to each Local Government Council.

Council recently received notice from the Local Government Grants Commission advising the financial assistance grant allocation for 2016/17. The entitlement to Council consists of two components:

- 1) General Purpose Component - \$2,334,783
- 2) Local Roads Component - \$1,151,111

A comparison of the Financial Assistance Grants paid to Council over the past four (4) years (including the 2016/17 grant) is outlined in the following table:

	General Purpose	Local Roads	Total Grant	Increase / (Decrease)
2013/14	\$1,988,867	\$985,753	\$2,974,620	-

2014/15	\$2,081,939	\$1,023,499	\$3,105,438	\$130,818
2015/16	\$2,121,789	\$1,048,117	\$3,169,906	\$64,468
2016/17	\$2,334,783	\$1,151,111	\$3,485,894	\$315,988

The total allocation for 2016/17 is a 10% increase when compared to the entitlement received in 2015/16.

In framing the 2016/17 Budget, Council estimated that it would receive \$3,294,500 in total Financial Assistance Grants (3.0% increase on the 2015/16 allocation). As a result of the higher than expected increase, the 2016/17 estimate needs to be revised upwards to \$3,485,894, representing a budget increase of \$191,394.

The increase in the grant from previous years relates to Council's share of that total increasing due to a growing population and increasing road lengths.

COUNCIL AUTHORISED VARIATIONS

Council has authorised three (3) budget variations since the adoption of the 2016/17 Budget. A list of these approved variations is provided in the following table:

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Macaria Art Gallery Council Resolution - 165/16 – 26/07/2016	\$500,000	\$500,000	\$0
Additional Funding for the construction of a Water Quality Treatment Works at Lake Annan Council Resolution - 166/16 – 26/07/2016	\$229,200	\$229,200	\$0
Provision of Animal Holding Facility Service - Camden LGA Council Resolution - 186/16 – 9/08/2016	\$250,000	\$250,000	\$0
TOTAL - COUNCIL APPROVED VARIATIONS	\$979,200	\$979,200	\$0

CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's projected budget result as both movements of income and expenditure are of equal value.

During the period 1 July 2016 to 30 September 2016, a number of contra adjustments have taken place amounting to a total of \$864,600. A detailed list of the adjustments is an **attachment to this report**.



COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

CONSOLIDATED WARD FUNDS	
2016/17 Budget Allocation	\$30,000
2015/16 Ward Funds Revote	\$57,100
TOTAL FUNDS AVAILABLE	\$87,100
PROJECTS FUNDED IN 2016/17	
Less: Concrete works surrounding the amenities building at Jack Nash Reserve Currans Hill (ORD 12/7/16)	(\$40,000)
Less: Construction of a permanent BBQ structure on site for Harrington park United Football Club (ORD 12/7/16)	(\$15,000)
TOTAL PROJECTS FUNDED IN 2016/17	(\$55,000)
BALANCE OF CONSOLIDATED WARD FUNDS	\$32,100

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$1,517,060 as advised in this report.

SUMMARY OF SEPTEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 30 September 2016.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2015/16 Carry-Forward Working Funds (cash)			\$1,000,000
2016/17 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2016			\$0
2016/17 September Review Adjustments			
NOTE 1: Proposed Variations	(\$121,400)	\$1,395,660	\$1,517,060
NOTE 2: Authorised Variations	\$979,200	\$979,200	\$0
NOTE 3: Contra Adjustments	\$864,600	\$864,600	\$0
Total - September Review Adjustments	\$1,722,400	\$3,239,460	\$1,517,060
TOTAL AVAILABLE WORKING FUNDS (Uncommitted Cash)			\$1,517,060

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulations 2005*:

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 30 September 2016 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

ON-TIME PAYMENT POLICY REPORTING

At the end of each quarter Council is required to report on compliance with its adopted on-time payment policy. This policy requires Council to pay interest where an invoice received from small business (turnover less than \$2 million p.a.) has been held by Council for more than 30 days and the interest payable is more than \$20.

Council processes approximately 11,000 invoices each year. As at the 30 September 2016 the average number of days to pay small business (registered) invoices was 27 days. Interest of \$21.42 was payable on 1 overdue invoice.

CONCLUSION

The September Budget Review surplus of \$1,517,060 is a pleasing result. Council has continued to benefit from increased income through development, additional rates and charges income and savings associated with the construction of the new central administration building at Oran Park.

If endorsed by Council the surplus will allow further funds to be transferred to reserve providing Council with additional scope to fund services or projects that could not be considered as part of the 2016/17 Operational Plan (Budget) process.

RECOMMENDED

That Council:

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', and 'Contra Variations' of this report.**
- ii. approve the transfer of the projected surplus for 2016/17 of \$1,517,060 as follows;**

BUDGET SURPLUS ALLOCATION		
Budget Surplus Available for Allocation		\$1,517,060
Capital Works Reserve - Transfer to Reserve	\$1,017,060	
Asset Renewal Reserve - Transfer to Reserve	\$500,000	
Total - Allocation of Budget Surplus		\$1,517,060
Budget Surplus Balance After Allocation		\$0



ATTACHMENTS

1. 2016-17 - September Review - QBRs Statement
2. 2016-17 - September Review - Budget Appendix

ORDINARY COUNCIL

ORD11

SUBJECT: INVESTMENT MONIES - OCTOBER 2016
FROM: Director Customer & Corporate Services
TRIM #: 16/323918

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 31 October 2016 is provided.

MAIN REPORT

The weighted average return on all investments was 3.31% p.a. for the month of October 2016. 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 Manager Finance & Corporate Planning.

Council's Investment Report is an **attachment to this 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 October 2016; and**
- iii. note the weighted average interest rate return of 3.31% p.a. for the month of October.**

ATTACHMENTS

1. Investment Report - October 2016



ORDINARY COUNCIL

ORD12

SUBJECT: MISS LLEWELLA DAVIES PIONEERS WALKWAY - ACCEPTANCE OF GRANT FUNDING

FROM: Director Community Infrastructure

TRIM #: 16/248939

PURPOSE OF REPORT

To advise Council of a successful application for funding of \$351,000 (GST exclusive) under the Metropolitan Greenspace Program, administered by the NSW Department of Planning and Environment, and to seek Councils endorsement to accept the funding and commit matching funds.

BACKGROUND

The Metropolitan Greenspace Program is open to Councils in the Sydney Metropolitan Area to fund capital projects for regionally significant parks and trails. The objectives of the Program include enhancing regionally significant open space by providing links between bushland, parks, major centres, and waterways and enabling more effective public use of regionally significant open space. Projects that demonstrate a commitment to the design and future management of open space, including improved outcomes for health, sustainability and community have also been identified as a priority.

In November 2015, Council made a submission for \$351,000 (GST exclusive) to the NSW Government's Metropolitan Greenspace Program for funding towards the Miss Llewella Davies Pioneers Walkway.

MAIN REPORT

The Camden Town Farm provides the Camden Local Government Area with a rural precinct that links the agricultural heritage of the Macarthur region. The Miss Llewella Davies Pioneers Walkway (Trail), as provided in **Attachment 1**, will allow visitors to access points of historic cultural and natural interest within the Town Farm.

The project, which is identified in the Camden Town Farm Master and Management Plan 2016, includes a new entry feature to the Camden Town Farm (at the existing gates east of the cottage) and a decomposed granite path, approximately 2.8km around the perimeter of the Camden Town Farm across the riparian zone, pastoral, grazing and cropping paddocks of the Farm and then on to new viewing platforms to take in the heritage vistas, finally connecting through to the Community Gardens. Interpretative signage, educational worksheets and augmented reality smart phone technology will educate visitors on the history of the site.

The Camden Town Farm is already a regional facility with numerous events and programs that attract visitors from the wider region. The trail will further enhance the status by creating a new linkage pathway that will significantly enhance the integration of the Town Farm with other pathways around Camden.

The Camden Town Farm Committee endorses the Trail and its contribution of \$36,000 towards the project.

The Department of Planning and Environment has advised Council that The Hon. Rob Stokes, MP, Minister for Planning, has approved grant funding of \$351,000 (GST exclusive), on a dollar-for-dollar basis.

It is anticipated that the Miss Llewella Davies Pioneers Walkway and associated works will be completed by June 2018.

FINANCIAL IMPLICATIONS

Council has been successful in its application for funding of \$351,000 (GST exclusive), for the Miss Llewella Davies Pioneers Walkway under the Metropolitan Greenspace Program.

Matching funds are available to the value of \$351,000 and are made up as follows:

Camden Town Farm Section 355 Committee contribution	\$36,000
In-kind contribution (staff hours and volunteers)	\$123,700
Capital Works Reserve	\$191,300
Total:	\$351,000

CONCLUSION

The NSW Department of Planning and Environment has awarded a grant of \$351,000 (GST exclusive) to Council through the Metropolitan Greenspace Program. Sufficient funds are available within Council's Capital Works Reserve to allow matching funds to be provided by Council. It is recommended that Council accepts the grant and commits matching funds as outlined in the Financial Implications.

RECOMMENDED

That Council:

- i. accept the grant of \$351,000 (excl. GST) from the Metropolitan Greenspace Program;**
- ii. allocate matching funds of \$191,300 (excl. GST) from the Capital Works Reserve;**
- iii. authorise the contribution of \$36,000 from the Section 355 Camden Town Farm Committee;**
- iv. write to the Minister for Planning, The Hon. Rob Stokes MP and State Member for Camden, Mr Chris Patterson MP, thanking them for their support; and**
- v. write to the President of the Camden Town Farm Committee, Mr David Buckley, thanking the committee for its support.**

ATTACHMENTS

1. Town Farm Tourist Walk



ORDINARY COUNCIL

ORD13

SUBJECT: TENDER T002/2017 - CONSTRUCTION OF OXLEY STREET CAR PARK EXTENSION, CAMDEN

FROM: Director Community Infrastructure

TRIM #: 16/325383

PURPOSE OF REPORT

To provide details of the tenders received for contract T002/2017, being for the construction of Oxley Street Car Park Extension at Camden and to recommend that Council accept the tender submitted by Zauner Constructions Pty Ltd.

BACKGROUND

Council resolved at its Meeting of 25 November, 2014 to endorse the key initiatives of the Camden Town Centre Infrastructure Improvements – Community Consultation Update, which included the further investigation and design of the decked car park in Oxley Street (Site 2a).

The determination of the Development Application (DA) 2016/048 for this project was endorsed by Council at its meeting of 10 May, 2016.

At the same Council meeting it was resolved not to proceed with the process as outlined in the tender for the construction of the Oxley Street Car Park extension and to call again for tenders in October 2016.

Proposed construction of the Oxley Street Car Park Extension will include:

- Demolition of the existing car parks;
- Construction of a single deck car park with a capacity of 150 car spaces (including accessible car spaces); and
- Pedestrian access is provided through the car park, connecting John Street with Oxley Street (including a lift to access the upper level) and via paths around the car park perimeter.

MAIN REPORT

Invitation to Tender

The tender for the construction of Oxley Street Car Park Extension was advertised in the local newspaper, Sydney Morning Herald and NSW e-tendering website. Tenders opened on Tuesday 11 October, 2016 and closed on Monday 7 November, 2016. Tenderers were asked to provide a lump sum for the proposed works as outlined in the tender documentation.

Tender Submissions

Tenders were received from six companies, listed below in alphabetical order:

Companies	Location
• ATB Morton Pty Ltd	Tomago NSW
• Axis Constructions Pty Ltd	Arndell Park NSW
• Bermagui Constructions Pty Ltd	Artarmon NSW
• Brefni Pty Ltd	Picton NSW
• Mono Constructions Pty Ltd	Rydalmere NSW
• Zauner Constructions Pty Ltd	Ulladulla NSW

Tenderers' submission values have been provided in the confidential **Supporting Document**.

Tender Evaluation

The aim of the tender evaluation process is to assess the capability of 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 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 were:

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

Zauner Constructions Pty Ltd provided the most competitive tender in terms of price/non-price factors and meeting all requirements of Council's tender documentation.

The Panel members all agreed that the tender by Zauner Constructions Pty Ltd represented the best value to Council.

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.

Critical Dates / Time Frames

Zauner Constructions Pty Ltd will be given possession of the site immediately after the Australia Day long weekend in January 2017 for their preliminary site preparatory works. It is expected that construction will be completed by the end of September 2017.



FINANCIAL IMPLICATIONS

There are sufficient funds within the project budget to accept the recommended tender.

CONCLUSION

Zauner Constructions Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer by Zauner Constructions Pty Ltd represents 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 construction tender provided by Zauner Constructions Pty Ltd for the lump sum value of \$2,947,100 (GST exclusive) for Tender T002/2017, being the construction of Oxley Street Car Park Extension at Camden.

ATTACHMENTS

1. Tender Assessment - T002/2017 - Oxley Street Car Park Extension - *Supporting Document*

ORDINARY COUNCIL

ORD14

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - CAMDEN AND DISTRICT HOSPITAL
FROM: Cr Campbell
TRIM #: 16/327867

“That Council support Camden and District Hospital (CDH) by:

- i. writing to the Member for Camden, Mr Chris Patterson, to seek his unconditional support for CDH remaining a public hospital;
- ii. requesting the Member for Camden advocate for a full report on the status of CDH and what measures can be undertaken to upgrade the hospital to the standard required to provide for our community as it grows to 200,000 residents;
- iii. Council opposing any proposed privatisation of CDH; and
- iv. Council writing to CDH to thank and congratulate the staff on the work they do for the community.”

Note: The above notice of motion was deferred for consideration at this meeting by resolution of Council on 8 November 2016.

RECOMMENDED

That Council support Camden and District Hospital (CDH) by:

- i. writing to the Member for Camden, Mr Chris Patterson, to seek his unconditional support for CDH remaining a public hospital;**
- ii. requesting the Member for Camden advocate for a full report on the status of CDH and what measures can be undertaken to upgrade the hospital to the standard required to provide for our community as it grows to 200,000 residents;**
- iii. Council opposing any proposed privatisation of CDH; and**
- iv. Council writing to CDH to thank and congratulate the staff on the work they do for the community.**



ORDINARY COUNCIL

ORD15

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - CAMDEN CRICKET CLUB
FROM: Cr Symkowiak
TRIM #: 16/330175

"I, Councillor Lara Symkowiak, hereby give notice of my intention to move the following at the Council Meeting of 22 November 2016:

That Council:

- i. note that as part of the Recreation Demand and Camden Sportsground Strategy 2014, Ferguson's land was quarantined for use by Camden Cricket Club for a period of five (5) years as a specialised facility at the Council meeting of 25 March 2014, and that Section 94 funding has been adopted as follows by Council as part of the 2016/2017 Operational Plan and Long Term Financial Plan on 28 June 2016:
 - 2016/17 Budget \$200,000 – Design;
 - 2017/18 Budget \$1,492,500 – Sportsground;
 - 2018/19 Budget \$1,660,900 - Amenities; and
- ii. prepare a report on entering into a memorandum of understanding with Cricket New South Wales for a high quality Centre of Cricket Excellence, to be developed at Ferguson's Land, Camden with any necessary further funding sources to be identified; and
- iii. note that Camden Cricket Club will remain a key user group of the facility as identified in the earlier Strategy; and
- iv. liaise with Camden Cricket Club with a view to honouring founding and life members of the Club at this location."

RECOMMENDED

That Council:

- i. **note that as part of the Recreation Demand and Camden Sportsground Strategy 2014, Ferguson's land was quarantined for use by Camden Cricket Club for a period of five (5) years as a specialised facility at the Council meeting of 25 March 2014, and that Section 94 funding has been adopted as follows by Council as part of the 2016/2017 Operational Plan and Long Term Financial Plan on 28 June 2016:**
 - **2016/17 Budget \$200,000 - Design**
 - **2017/18 Budget \$1,492,500 - Sportsground**
 - **2018/19 Budget \$1,660,900 - Amenities; and**

-
- ii. **prepare a report on entering into a memorandum of understanding with Cricket New South Wales for a high quality Centre of Cricket Excellence, to be developed at Ferguson's Land, Camden with any necessary further funding sources to be identified: and**
 - iii. **note that Camden Cricket Club will remain a key user group of the facility as identified in the earlier Strategy; and**
 - iv. **liaise with Camden Cricket Club with a view to honouring founding and life members of the Club at this location.**