



Camden Council

Business Paper

Ordinary Council Meeting
11 April 2017

Camden Council
Administration Centre
70 Central Avenue
Oran Park



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
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 28 March 2017

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 28 March 2017, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL

ORD01

SUBJECT: DEMOLITION OF EXISTING STRUCTURES, REMEDIATION OF CONTAMINATED LAND, PROPOSED RESIDENTIAL SUBDIVISION, CONSTRUCTION OF A PERMANENT STORMWATER BASIN, AND ASSOCIATED SITE WORKS - 10 SPRINGS ROAD, SPRING FARM.

FROM: Director Planning & Environmental Services
TRIM #: 16/241564

APPLICATION NO: 423/2016
PROPERTY ADDRESS: 10 Springs Road, Spring Farm
APPLICANT: Umbrella Civil
OWNER: Olmoty Pty Ltd

UPDATE

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

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

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the demolition of existing structures, remediation of contaminated land, proposed residential subdivision, construction of a permanent stormwater basin and associated site works at 10 Springs Road, Spring Farm.

The DA is referred to Council for determination as there remain unresolved issues raised in five individual submissions from three property addresses and two submissions containing 54 signatories.

SUMMARY OF RECOMMENDATION

That Council determine DA 423/2016 for the demolition of existing structures, remediation of contaminated land, residential subdivision, construction of a permanent stormwater basin 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 423/2016 seeks approval for the demolition of existing structures, remediation of contamination land, residential subdivision, construction of a permanent stormwater basin and associated site works.

Specifically the proposed development involves:

- Demolition of existing structures including the existing dilapidated dwelling and outbuildings;



-
- Remediation of contaminated land;
 - Subdivision creating 17 residential lots, one residue lot and one lot for a permanent stormwater basin. The proposed lots range in area from 389.9m² to 3532m²;
 - Construction of a permanent stormwater basin to be dedicated to Council; and,
 - Associated site works including earthworks, roads, drainage, services and landscaping.

The estimated cost of the proposed development is approximately \$1,954,296.

Lot 14 has been identified in the applicant's statement of environmental effects as being a future child care centre site. No DA has been lodged for the child care centre at this time.

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

THE SITE

The site is commonly known as 10 Springs Road, Spring Farm and is legally described as Lot 1 DP 798823.

The site has a frontage of approximately 197m to Macarthur Road, a frontage of approximately 136m to Springs Road and an overall area of 1.62ha. The site is currently vacant and is located within the Spring Farm urban release area.

The surrounding area is characterised by the Camden Bypass and developing residential subdivisions to the north, the Spring Farm neighbourhood centre, primary school and other developing residential parts of Spring Farm to the east, the Spring Farm Quarry and Wollondilly Shire local government to the south and rural residential land, the quarry and Nepean River to the west.



KEY DEVELOPMENT STATISTICS

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

Camden Local Environmental Plan 2010 (LEP)			
Clause	Requirement	Provided	Compliance
2.7 Demolition requires development consent	The demolition of a building or work may be carried out only with development consent.	Consent is sought for the demolition of the existing dwelling and outbuildings.	Yes
4.1 Minimum Lot Size	Minimum 300m ² lot size.	Minimum lot size of 389.9m ² .	Yes
5.9 Trees or Vegetation	Preserve the amenity of the area though the preservation of trees and other vegetation.	The proposed development will not have any significant effect on any endangered ecological communities as discussed in the Key Issues section of this report.	Yes – see Key Issues for further discussion.
5.10 Heritage Conservation	Conserve the heritage significance of heritage items. A heritage management document is required to be	The subject site is not identified as an item of local heritage significance, listed the Camden Local Environmental Plan 2010.	Yes – see Key Issues for further discussion.



	<p>prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.</p> <p>The consent authority must consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment.</p>	<p>The site is not located within a Heritage Conservation Area of the Camden Local Environmental Plan 2010.</p> <p>The site is however located in the vicinity of two locally listed heritage items being two houses on the opposite side of Macarthur Road.</p> <p>The proposal is supported by a Heritage Impact Statement, which concludes the proposal will not impact the adjoining heritage items. An Aboriginal Cultural Heritage report was submitted to address the potential Aboriginal archaeological significance of the subject site and concludes there are no Aboriginal heritage items of significance on the subject site.</p>	
6.1 Arrangement for Designated State Public Infrastructure (SIC)	Satisfactory arrangements must be made before the subdivision of land in an urban release area to satisfy the needs that arise from the development on the land.	The site is subject to a State Infrastructure Contribution. As such, a SIC condition has been included as a recommended condition in accordance with the SIC Practice Note.	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development.	A condition is recommended which requires the installation of all necessary services prior to the issue of a Subdivision Certificate.	Yes
6.5 Matters to be specifically considered for residential development at Spring Farm	<p>Before granting consent for the subdivision of the urban release area known as 'Spring Farm', Council to consider whether:</p> <p>(a) remnant vegetation and bush corridors will be</p>	<p>The proposed subdivision will not impact any remnant vegetation or bush</p>	Yes



	protected, enhanced and managed;	corridors.	
	(b) adverse odour impacts from the Macarthur Resource Recovery Park will be mitigated; and	The proposed subdivision will not be impacted by the Macarthur Resource Recovery Park, due to its location being more than 2km to the east of the subject site.	Yes
	(c) adverse noise and dust impacts from the sand mining operations will be mitigated.	The applicant has undertaken air quality and acoustic assessments to evaluate the impact of the extractive industry on the future residential development. Based on the findings of these assessments, Council officers are satisfied that the potential impact from noise, dust and other particulate matter will be within acceptable limits having regard to the relevant NSW EPA criteria.	Yes

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
C7.1 Spring Farm Introduction.	Consistency with the Spring Farm Masterplan (C18).	The proposed development is generally consistent with the Spring Farm Masterplan.	Yes
C7.1 Residential Density Targets and Staging for Spring Farm	Demonstrate that density targets for Spring Farm and the dwelling targets in Figure C20 will be achieved (see attachment 2).	Figure C20 of the DCP identifies an overall density of 29 dwellings for this section of the western village. The proposal includes the creation of 17 residential lots and one residue lot that will be subject to a future subdivision.	Yes
	Demonstrate staging plan is achieved in accordance with Figure C21 (see attachment 2).	The proposed subdivision is located within Stage 8 as illustrated within Figure C21 of the DCP. The timing of the design and construction of this stage is consistent with the development approved within Spring Farm to date and is deemed	Yes



		acceptable.	
C7.2 Neighbourhood and Subdivision Design	View corridors protected and curtilage of heritage items to be protected.	The DCP identifies the consideration of views from within the Spring Farm Release area to the Blue Mountains and Razorback Range. Consideration of the potential view impacts of the proposal are discussed within the Key Issues section of the report.	Yes - see Key Issues for further discussion.

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as 'earthworks', 'roads' and the subdivision of land by the LEP which is permitted with consent in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy (Mining, Petroleum and Extractive Industries) 2007 - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy (Infrastructure) 2007 - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy No. 55 - Remediation of Land - A Phase 2 contamination assessment was submitted as part of the application, which identified that the northern portion of the site was found to have some rubbish fill mounds up to 1.5m high, which include bonded asbestos. The existing abandoned residential dwelling also appears to be constructed of asbestos sheets. The site will be suitable for its intended residential use, subject to the implementation of the Remediation Action Plan (RAP). Council staff have reviewed the RAP and are satisfied that the report addresses the remediation works, with adopted remediation strategies, further sampling and analysis prior to excavation and validation procedures.</p> <p>Deemed State Environmental Planning Policy No. 9 - Extractive Industry - Compliant with conditions recommended where necessary</p> <p>Deemed State Environmental Planning Policy No. 20 - Hawkesbury-Nepean River - Compliant with conditions recommended where necessary.</p>
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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 as discussed below.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Five submissions and two submissions containing 54 signatories 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 include heritage, regional views, air quality impacts, traffic and safety, vegetation and submission issues discussed in this report.

Heritage

The subject site is not identified as an item of local heritage significance or as being within a Heritage Conservation Area under the Camden Local Environmental Plan 2010.

The site is located in the vicinity of two locally listed heritage items described as:

- 'House and curtilage' at 176 Macarthur Road, Spring Farm (Item No.1141) and,
- 'Galvin Cottage and curtilage' at 196 Macarthur Road, Spring Farm (Item No.1142).

The DA proposal was accompanied by a Heritage Impact Statement (HIS), which concludes the proposal will not impact on the adjoining heritage items.

The two heritage items are directly opposite the subject site (on the western side of Macarthur Road) and are screened by vegetation from the street. In addition to the vegetation, each dwelling is set back substantially from Macarthur Road.

The proposed subdivision will allow for future residential development, consistent with the emerging urban landscape on the eastern side of Macarthur Road. The allotments are of a size and dimension that will accommodate detached style housing, which is considered to be of a scale, size and form that will not visually dominate the landscape or streetscape.

The HIS also considers that the existing dwelling is not of heritage value and the demolition of the dwelling is supported.

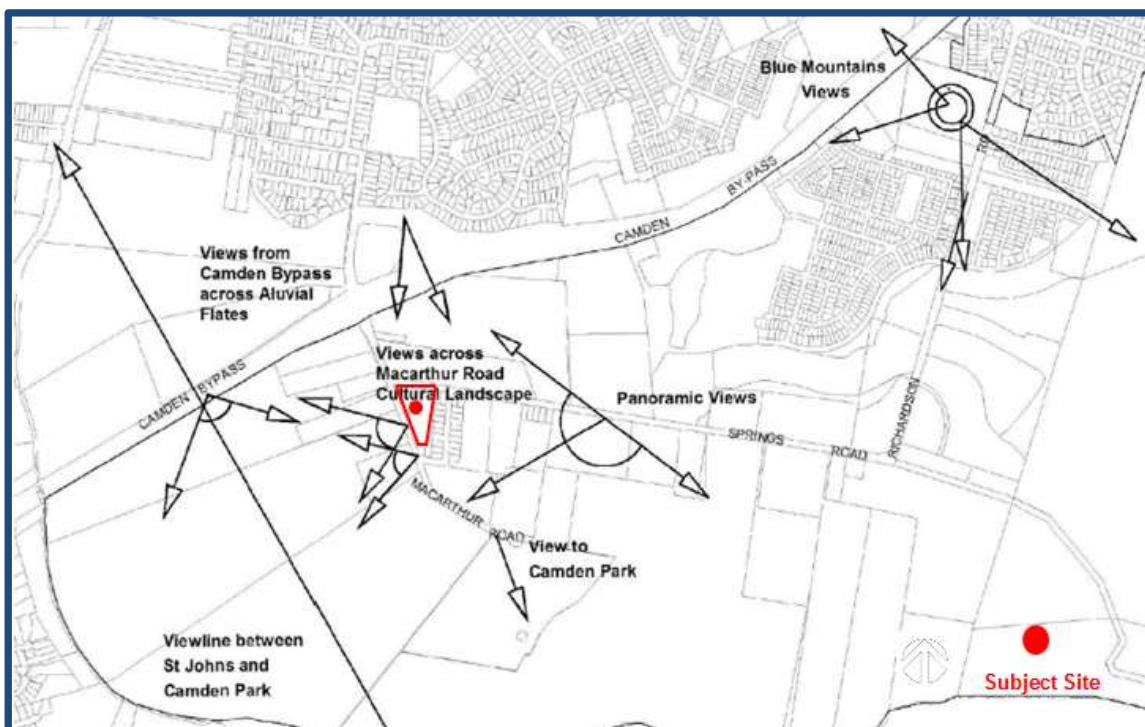
An Aboriginal Cultural Heritage report was submitted with the DA to address the potential Aboriginal archaeological significance of the subject site.

Council's heritage officer has reviewed the report and concludes there are no Aboriginal archaeological items of significance on the site. A condition is recommended that requires works to cease immediately if any potential archaeological items of significance are discovered during construction.

The report was referred to the NSW Office of Environment and Heritage, which reviewed the proposed development and raised no objections to the development. No conditions were recommended.

Regional Views

The Spring Farm Urban Release Area was rezoned in 2004 and the subject site was identified to be developed for residential purposes. As part of the rezoning process, various specialist studies were undertaken including the consideration of view corridors. These include the consideration of views from within the Spring Farm urban release area towards Razorback Range as shown below.



Extract from Figure B9 of Camden DCP - Spring Farm Cultural and Visual Landscapes

The proposed subdivision adjoins the rear yards of existing dwellings on Ettlesdale Road. The dwellings that back onto the proposed subdivision are single level and contain a 1.8m high fence along the rear boundary. The proposed development will not unreasonably impact on regional views from those dwellings.

However regional views from the existing pocket park on Ettlesdale Road may be impacted by future development within the proposed subdivision. Views from the porch of the dwelling directly opposite a pocket park may also be impacted.

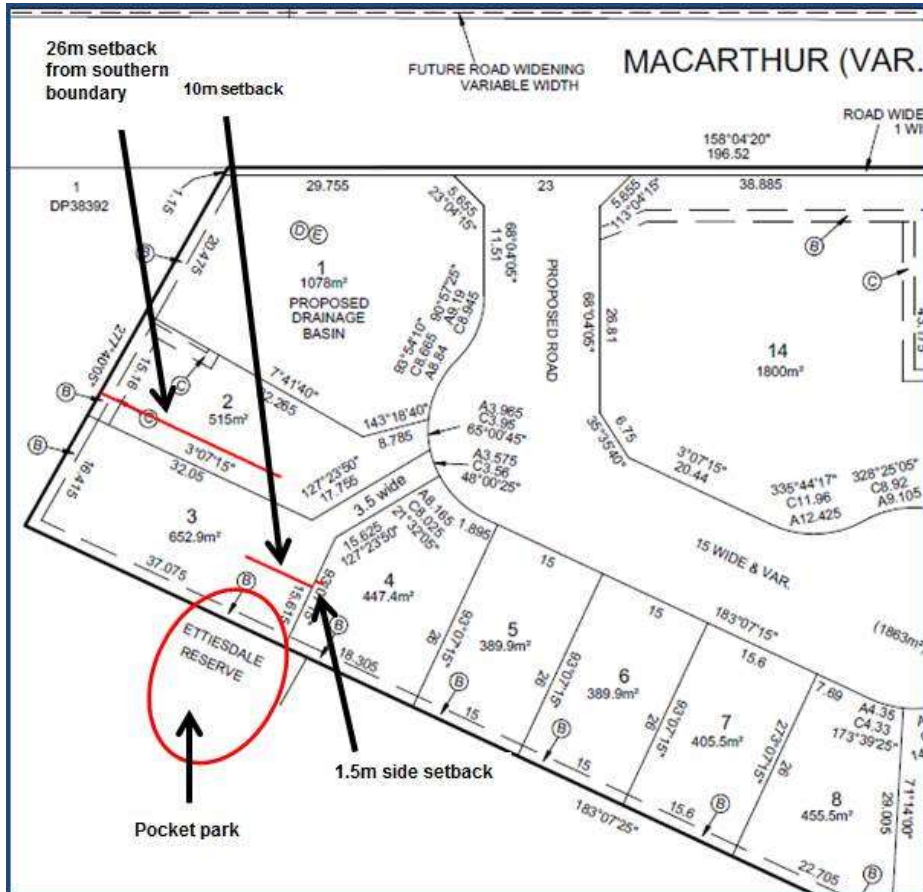
To mitigate the potential view impact the following Section 88B restrictions are recommended:

- Any future dwelling or ancillary building on Lot 3 shall be set back a minimum of 10m from the boundary shared with Lot 4.



- The front building line of a future dwelling or ancillary building on Lot 2 shall not be located further than 26m from the southern boundary so as not to extend any further forward than a future dwelling on Lot 3.
- Any future dwelling or ancillary building on Lot 4 shall be set back a minimum of 1.5m from the side southern boundary.

This is illustrated below.



Air Quality Impacts

An air quality assessment was submitted as part of the DA which assessed the potential particulate matter impacts associated with air emissions surrounding the development site. The air quality assessment report concludes that, due to the location of the quarry operations, the risk of long term exceedances of the air quality criteria is minimal.

Council staff have reviewed the air quality assessment and are satisfied the development will not be unduly impacted by the quarry operations. The existing conditions of consent for the operations of the quarry will further ensure its operations are effectively managed.

Traffic Safety Implications

A traffic assessment has been submitted as part of the DA to address the potential traffic implications on the surrounding area as a result of the proposed development. The report concludes there will be no significant impact on the Spring Farm road network. Intersection treatments such as a stop sign and centreline marking have been



proposed to regulate turning movements onto Macarthur Road. There are also plans in progress for the treatment of the intersection at Macarthur Road and Springs Road, which will further improve traffic flow and safety for the proposed development.

Council staff have reviewed the report and are satisfied there will be no significant conflict between traffic and pedestrians associated with the development and the heavy vehicles using Macarthur Road.

Vegetation

The site is flat and contains scattered trees, which are shown as Cumberland Plain Woodland. The DA proposes the removal of all existing trees within the site. A 7 part test was submitted with the DA and was reviewed by Council's Natural Resource Officer. The proposed development was found to have no significant impact on an Endangered Ecological Community (EEC) as no EECs were detected on the site. The site was found not to be a suitable habitat for threatened flora and fauna species. The proposed development will therefore not impact threatened flora and fauna species.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 24 May, 2016 to 6 June, 2016. Four individual submissions and one submission containing 29 signatories were received all objecting to the proposed development.

Following the receipt of a remediation action plan, the DA was renotified and advertised for 30 days from 5 October, 2016 to 3 November, 2016. One individual submission and one submission containing 25 signatories were received all objecting to the proposed development.

Council staff contacted the submission writers and the representatives of the submissions containing signatories to discuss their concerns however were unsuccessful in resolving the issues raised.

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

1. *The level of documentation accompanying the application is considered to be deficient.*

Officer comment:

Council staff have reviewed all plans and documentation submitted as part of the development proposal. Additional and revised information was requested and provided to address a number of matters.

2. *Concerns relating to the incompatibility of the quarry, agricultural related activities and residential amenity.*

Officer Comment

A detailed assessment has been undertaken with respect to the compatibility of the proposed development with the quarry and surrounding agricultural related activities. Consideration has been given to matters such as potential air quality implications and potential vehicle conflict and traffic safety. Each of the submitted specialist reports have been assessed with consideration of the impact of the



quarry related activities on the future residential development, as well as the potential impact the future residential dwellings may have on the quarry operations.

The proposed development will not impact on agricultural-related activities.

Council staff are satisfied there will be an acceptable relationship between the development and the adjoining land uses.

3. *The proposal is inconsistent with the staging objectives identified in the Camden DCP.*

Officer comment:

Figure C21 of the Camden Development Control Plan 2011 shows the indicative staging of the Spring Farm release area and was prepared to provide the orderly development of land and protection of future residents from the effects of mining, industry and waste disposal activities. This site is located within Stage 8 (residential subdivision) of the staging plan. The timing of the design and construction of this stage is consistent with the development approved within Spring Farm to date and is deemed acceptable.

4. *The Section 149 Planning Certification and specifically reference to the Contaminated Land Management Act was not accessible and reference to an Addendum in the subject context appears to not have been addressed.*

Officer comment:

A Phase 2 contamination assessment was submitted as part of the application, which identified that the northern portion of the subject site was found to contain some fill mounds up to 1.5m high, which include bonded asbestos. The existing abandoned residential dwelling also appears to be constructed containing asbestos sheets.

The report concludes the site will be suitable for its intended residential use, subject to the implementation of the Remediation Action Plan (RAP). Council staff have reviewed the RAP and are satisfied with the recommendations of the report.

5. *Potential noise and air quality/dust impacts are not considered to have been satisfactorily addressed and the prevailing meteorological conditions at the time of sound recording are not detailed.*

Officer comment:

An air quality assessment was submitted with the DA, which assesses any potential impacts of the quarry operations on the proposed residential development. The report reviews existing documentation relating to the quarry operations, including previous air modelling and the quarry's environmental protection licence. The report demonstrates that air quality impacts upon the proposed development will not exceed the applicable annual criteria.

An acoustic report was submitted with the DA, which assesses the impacts of the quarry and road traffic noise. The report recommends measures including: that the window and door glazing on certain facades for certain lots be acoustically attenuated and alternative ventilation be provided. Conditions are recommended that nominate the lots and facades to be acoustically attenuated.

The residue lot on the northern portion of the site will contain a 1.8m high acoustic fence along the southern boundary thereby providing further acoustic amenity to adjoining proposed lots from any noise impacts of Springs Road.

A Section 88B restriction has been included to ensure that the proposed development complies with the acoustic report.

It is also recommended that notations be added to the Section 149 planning certificates for the proposed lots to advise future purchasers of the quarry's operations.

Clarification was also sought on the meteorological conditions present during the acoustic modelling. It was confirmed by the acoustic consultant that there was no rainfall during the measurement period or prevailing wind condition in the area that could affect the noise data, and that the an ambient average temperature was 27 degrees Celsius.

Council staff have reviewed the submitted air quality and acoustic reports. It is considered that an acceptable level of residential amenity will be provided to future residents.

6. *Potential odours from nearby rural and blending activities on the Spring Farm holding have not been addressed.*

Officer comment:

The subject site is situated outside the odour buffer from the Macarthur Resource Recovery Park, shown hatched on the Spring Farm Master Plan (attached to this report). It is acknowledged the site is adjacent to agricultural activities on the adjacent western property. The agricultural use is not considered to generate any adverse odours that would preclude this subdivision from occurring.

7. *Potential heavy vehicles, pedestrian and cyclist safety and local traffic generation are not considered to be satisfactorily addressed.*

Officer comment:

The applicant has submitted a traffic report and subsequent addendum in support of the DA. The report provides projected traffic generation from the proposed subdivision and concludes there will be no significant impact on the performance of the Spring Farm road network. Intersection treatment, such as a stop sign and centreline marking, has been proposed to regulate turning movements onto Macarthur Road. There are also plans in progress for the treatment of the intersection at Macarthur Road and Springs Road, which will further improve traffic flow and safety for the proposed development.

Council staff have reviewed the report and are satisfied there will be no significant conflict between traffic and pedestrians associated with the proposed development and the heavy vehicles using Macarthur Road.

8. *The adequacy of the drainage system beyond the offsite drainage pit on Macarthur Road is not referenced.*



Officer comment:

The legal stormwater discharge point after detention and treatment is an existing gully pit. Council officers have reviewed the proposal and are satisfied the proposal complies with Council's Engineering Design Specifications and the proposal will have minimal impacts on downstream properties. A condition is recommended to ensure the existing stormwater discharge point on the western side of Macarthur Road is upgraded in accordance with the Engineering Specifications.

9. *The proposal has not considered the nearby local heritage items, potential heritage items and view loss.*

Officer comment:

As discussed above, the site is located in the vicinity of two locally listed heritage items. The proposal is supported by a Heritage Impact Statement (HIS), which considers the impact on the two heritage items, as well as giving consideration as to whether the subject site is a potential heritage item. Council officers have reviewed the HIS and are satisfied the proposal will have minimal impact on existing and potential heritage items.

Aboriginal heritage has also been identified in previous reports undertaken during the consideration of Spring Farm as an urban release area. An Aboriginal Cultural Heritage report has been submitted with the DA to address the potential Aboriginal archaeological significance of the subject site. Council's heritage officer has reviewed the report and concludes there is no Aboriginal archaeological significance on the subject site. A condition is recommended which requires works to cease immediately if any potential archaeological items of significance are discovered during construction.

The DCP identifies the consideration of views from within the Spring Farm Release area to the Blue Mountains and Razorback Range. Views to the Blue Mountains and regional views are from the north to west and views to Razorback are to the southwest of Ettlesdale Road. The proposed residential subdivision is located to the west of Ettlesdale Road.

The proposed development will not unreasonably impact on regional views from the pocket park and dwellings on Ettlesdale Road subject to the recommended Section 88B restrictions as discussed in the Key Issues section of this report.

10. *Impacts on the density and existing historic character of the local area.*

Officer comment:

The proposed subdivision of the site will allow for future residential development consistent with the emerging urban landscape of Spring Farm. The allotments are of a size and dimension that provide for low density housing, which is generally considered to be of a scale, size and form that would not visually dominate the landscape or streetscape.

11. *Concerns that potential two storey dwellings to be constructed in the future will impact on privacy.*



Officer comment:

The proposed development is for the subdivision of land for residential purposes. The proposed development is permissible with consent pursuant to the LEP. The proposed lots could accommodate a single or two storey dwelling. Any future DA or Complying Development Application would require notification of all adjoining properties should the dwelling be two storeys.

Any future dwelling is also required to comply with the residential dwelling house controls identified within the Camden Development Control Plan 2011 or relevant provisions of SEPP (Exempt and Complying Development Codes) 2008, which specifically address issues of visual and acoustic privacy.

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 423/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council: :

- i. approve DA 423/2016 for the demolition of existing structures, remediation of contaminated land, residential subdivision, construction of a permanent stormwater basin and associated site works at 10 Springs Road, Spring Farm, subject to the conditions attached.**
- ii. endorse that notation be added to the Section 149 planning certificates for the proposed lots to advise future purchasers of the quarry's operations.**

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plan
3. Engineering Plans
4. Landscape Plan
5. Master Plan
6. Flora and Fauna Assessment Report
7. Aboriginal Archaeological Assessment & Cultural Heritage Assessment
8. Heritage Impact Statement
9. Public Exhibition and Submissions Map - *Supporting Document*
10. Submissions with signatories - *Supporting Document*
11. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD02

**SUBJECT: TWO X TWO STOREY DWELLINGS & TORRENS TITLE SUBDIVISION
- 18 HENNINGS WAY, GLEDSDOOD HILLS**

FROM: Director Planning & Environmental Services

TRIM #: 17/73241

APPLICATION NO: 1525/2016
PROPERTY ADDRESS: 18 Hennings Way, Gledswood Hills
APPLICANT: Mr Russell Wyer
OWNER: Gordonina Promenade 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 two x two storey detached dwellings and Torrens title subdivision at 18 Hennings Way, Gledswood Hills.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 1525/2016 for the construction of two x two storey detached dwellings and Torrens title subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 1525/2016 seeks approval for the construction of two x two storey detached dwellings and Torrens title subdivision.

Specifically the proposed development involves:

- Construction of two x two storey dwellings consisting of four bedrooms each;
- Associated site works;
- Torrens title subdivision (Lot A= 366.69m² & Lot B= 293.41m²); and
- Stormwater connection to street gutter.

The cost of works for the development is \$512,000.

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

THE SITE

The site is commonly known as 18 Hennings Way, Gledswood Hills and is legally described as Lot 1257 DP 1200894.

The site is located on the corner of Hennings Way and Rymill Crescent within the residential subdivision of Gledswood Hills. To the west of the site are vacant residential

lots. To the north, south and east of the site are single storey and two storey dwellings currently occupied or under construction.

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



KEY DEVELOPMENT STATISTICS

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

	Standard	Proposed	Compliance
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
4.1A Minimum Lot Size for other development	Minimum lot size for a dwelling house is 300m ² . If a building envelope is provided, the lot size can be a minimum of 250m ² .	Lot A = 366.69m ² . Lot B = 293.41m ² (with a compliant dwelling design).	Yes Yes



4.3 Height of Building	Maximum 9.5m building height.	Maximum 8.2m building height.	Yes
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Turner Road Development Control Plan 2007 (DCP)			
7.1.2 Residential Density Target	Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure and corresponding characteristic by Density Band.	The dwelling density of the two lot subdivision is calculated at 19.37dw/Ha. The typical characteristic of the residential density band 15-20dw/ha is a suburban streetscape featuring a mix of detached dwelling houses, semi-detached dwellings and dual occupancies. The proposed development is consistent with this clause of the DCP.	Yes
7.2 Block and Lot Layout	Lot width is to be between 7m and 9m.	Lot A has a lot width of 14.8m. Lot B has a lot width 7.9m.	Yes
7.4.3 Front Setback	4.5m to building façade. 3.0m to articulation Zone. 5.5m to garage and 1m behind the building façade.	<u>Dwelling A</u> – 4.5m <u>Dwelling B</u> – 4.5m. <u>Dwelling A</u> – 3.3m <u>Dwelling B</u> – 3.3m. <u>Dwelling A</u> – 5.58m to garage and 1.2m behind facade <u>Dwelling B</u> – 5.58m to garage and 1.08m behind façade.	Yes
7.4.4 Rear Setback	Rear setbacks - 4m ground floor and 6m first floor.	<u>Dwelling A</u> – 5.762m to alfresco (ground) 9.48m to upper floor. <u>Dwelling B</u> – 6.79m to alfresco (ground) 10.3m to upper floor.	Yes



	<p>adjoining properties) is required to receive 3 hours of sunlight between 9am and 3pm on 21 June.</p>	<p>access between 9am and 3pm on 21 June to more than 50% of the PPOS.</p> <p><u>Dwelling B</u> – PPOS area receives more than 3hrs solar access between 9am and 3pm on 21 June to more than 50% of the PPOS.</p> <p>Adjoining properties will receive more than 3hrs solar access between 9am and 3pm on 21 June to more than 50% of their PPOS.</p>	
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ASSESSMENT

Zoning and Permissibility

<p>Zoning:</p>	<p>R1 General Residential.</p>
<p>Permissibility:</p>	<p>The proposed development is defined as a 'dwelling house' by the SEPP which is a permissible land use in this zone. The subdivision of land is permitted with consent in accordance with the provisions of clause 2.6 of the SEPP.</p>

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

<p>State Environmental Planning Policy(s) - S79C(1)(a)(i)</p>	<p><u>State Environmental Planning Policy 55 - Remediation of land</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> Compliant with conditions recommended where necessary.</p> <p><u>Deemed State Environmental Planning Policy No 20 - Hawkesbury-Nepean River</u> Compliant with conditions recommended where necessary.</p>
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Local Environmental Plan - S79C(1)(a)(i)	None Applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None Applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Turner Road Development Control Plan 2007 (DCP)</u> Generally compliant with conditions recommended where necessary. One variation is noted below. <u>Camden Development Control Plan 2011 (DCP)</u> Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Imposed prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which is discussed in the submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

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

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 13 January, 2017 to 27 January, 2017. One submission was received objecting to the proposed development.

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

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

1. *Solar access concerns including solar access to solar panels.*

Officer comment:

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

The development will cast a shadow over part of the adjoining property to the east during the afternoon however, due to the site's orientation the morning and daytime, shadow will be cast over the public road. The shadow diagrams submitted demonstrate that the adjoining property will receive a minimum three hours solar access between the hours of 9am and 3pm on 21 June, satisfying the DCP controls.



The DCP does not require the solar impacts to solar panels to be considered. Notwithstanding, the proposed development will not result in significant overshadowing of solar panels on the eastern neighbouring property.

A copy of the shadow diagrams are provided as an attachment to this report.

2. *Lot size too small and out of character with the area.*

Officer comment:

The objectives of the R1 – General Residential zone seek to provide for a variety of housing types and densities. The development is not considered to be out of character with the area as the proposal has demonstrated an appropriate building envelope has been provided to accommodate a future compliant dwelling. The proposed development is permissible with consent and complies with the relevant planning controls including minimum lot size.

3. *Acoustic privacy concerns as a result of Dwelling B's alfresco / outdoor living area privacy concerns as a result of the second storey windows of Dwelling B being able to view the whole of our backyard area.*

Officer comment:

Acoustic and privacy impacts have been considered as part of the assessment of the DA. The proposed development is residential in nature and scale and complies with the relevant controls in relation to building setbacks, height, design and overall built form. The upper levels of both dwellings contain bedrooms and bathrooms, with dwelling B also accommodating a study nook, which are not areas of congregation.

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

4. *Irregular lot size and configuration.*

Officer comment:

The existing site is a corner lot which is irregular in shape. The proposed lot boundaries are designed to accommodate an existing padmount substation. The proposed lot frontages and site areas comply with the requirements of the SEPP and the DCP.

The lot frontages created by the subdivision comply with the dwelling density table as specified within the DCP, with the dwelling density of the two lot subdivision calculated at 19.37 dwellings per hectare.

5. *Bulk and scale concerns under impression two storeys was not permitted.*

Officer comment:

Two storey dwellings are permitted throughout the area. As detailed in the table above, the proposal complies with the relevant SEPP and DCP requirements in relation to building height, site coverage and building setbacks.

6. *Insufficient side setbacks.*



Officer comment:

The development has been assessed against the setback requirements of the Turner Road DCP which requires a minimum 900mm side setback. Each dwelling meets the minimum 900mm requirement and complies with the DCP.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA/2016/1525 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 1525/2016 for the construction of two x two storey dwellings and Torrens title subdivision at 18 Hennings Way, Gledswood Hills, subject to conditions listed in Attachment 1.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD03

SUBJECT: TWO STOREY DETACHED DUAL OCCUPANCY AND STRATA SUBDIVISION - 1 SPITZER STREET, GREGORY HILLS

FROM: Director Planning & Environmental Services

TRIM #: 17/78718

APPLICATION NO: 1455/2016
PROPERTY ADDRESS: 1 Spitzer Street, Gregory Hills
APPLICANT: Andre Martino – GPM Architecture
OWNER: Angela Riccio

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey detached dual occupancy and strata subdivision at 1 Spitzer Street, Gregory Hills.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 1455/2016 for the construction of a two storey detached dual occupancy and strata subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

THE PROPOSAL

DA 1455/2016 seeks approval for a two storey detached dual occupancy and strata subdivision.

Specifically the proposed development involves:

- Construction of a two storey detached dual occupancy, with each dwelling consisting of three bedrooms and a double garage;
- Strata subdivision of the property;
- Connection of stormwater to the street; and
- Associated site works.

The cost of works for the development is \$600,000.

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

THE SITE

The site is known as 1 Spitzer Street, Gregory Hills and is legally described as Lot 6066 DP 1188124.

The site is located at the corner of Spitzer Street and Atlantis Crescent within the residential subdivision of Gregory Hills.

Adjoining the site to the northeast and northwest are single storey dwellings. Across the road to the south and southeast of the site are single storey dwellings. Across the road to the southwest of the site are two double 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.

	Standard	Proposed	Compliance
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
4.1A Minimum Lot Size for other development	Minimum lot size for dual occupancy 500m ² .	529.5m ²	Yes
4.3 Height of Building	Maximum 9.5m building height.	Dwelling 1 – 7.16m Dwelling 2 – 7.25m	Yes
Turner Road Development Control Plan 2007 (DCP)			
7.1.2 Residential Density Target	Demonstrate the subdivision and construction of building meets the minimum	Minimum residential density targets were considered during the original subdivision.	Yes



	residential density requirements.	The construction of a dual occupancy is consistent with the minimum density to be achieved.	
7.4.3 Front Setback	<p>Minimum 4.5m to building façade.</p> <p>Minimum 3.0m to articulation zone.</p> <p>Minimum 5.5m to garage and 1m behind the building façade.</p>	<p>Dwelling 1 – 4.5m Dwelling 2 - 4.5m.</p> <p>Dwelling 1 – No articulation zone Dwelling 2 - 3.6m to porch entry.</p> <p>Dwelling 1 - 5.5m to garage and 1m behind façade Dwelling 2 - 5.5m to garage and 1m behind façade.</p>	Yes
7.4.4 Rear Setback	Rear setbacks - 4m ground floor and 6m first floor. However in accordance with clause 7.5.2 (8) for dual occupancy development, the rear setback may be varied to be consistent with the side setback providing the private open space (POS) is provided and solar access controls are achieved.	<p>The dwelling provides a 0.9m rear setback (north-west boundary) which is consistent with the required side setback.</p> <p>Each dwelling provides appropriate POS which receives the required amount of solar access.</p>	Yes
7.4.4 Side Setbacks	<p>Ground floor - Minimum 0.9m.</p> <p>Upper floor northern setback - Minimum 1.5m.</p> <p>Minimum secondary street setback – 2m.</p>	<p>A dual occupancy is assessed as one development.</p> <p>Ground floor – 0.9m.</p> <p>Upper floor northern setback - 3.5m.</p> <p>Secondary street frontage to Atlantis Crescent - 2 metre setback.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
7.4.5 Site Coverage	Two storey dwellings, maximum 50% site coverage at ground and	231m ² /43.6% ground floor site coverage. 173m ² /32.7% upper	Yes



	<p>maximum 30% site coverage at upper floor. However for dual occupancy, the upper floor site coverage may be exceeded providing the adjoining properties privacy is not compromised and solar access is achieved in line with the controls.</p>	<p>floor site coverage. The PPOS of the adjoining and subject site will receive the required solar access as demonstrated by the shadow diagrams. Consideration has been given to the placement of upper floor windows to ensure privacy is maintained to adjoining properties.</p>	
7.4.6 Landscaped Area	<p>Min 30% of lot area.</p>	<p>36.3% of the site soft landscaped.</p>	Yes
7.4.8 Car parking	<p>3 bedrooms or more, dwellings must provide at least 2 car spaces with at least one located behind the building line.</p>	<p>Each dwelling provides 2 car spaces in a double garage with stacked parking available in front of the garages.</p>	Yes
7.4.7 Principal Private Open Space (PPOS)	<p>Minimum area of 24m², minimum dimensions of 4m with maximum gradient ≤ 1:10.</p>	<p>Dwelling 1 - 28.7m², with minimum 4m dimensions, accessible from the alfresco/living area and gradient <1:10.</p> <p>Dwelling 2 - 51m², with minimum 4m dimensions, accessible from the alfresco/living area and gradient <1:10.</p>	Yes
7.4.7 Solar Access	<p>Minimum 50% of the PPOS (of both the proposed development and adjoining properties) is required to receive 3 hours of sunlight between 9am and 3pm on 21 June.</p>	<p>PPOS of each dwelling will receive minimum 3 hours solar access between 9am and 3pm on 21 June.</p> <p>Adjoining properties will receive 3 hours solar access between 9am and 3pm on 21 June.</p>	Yes



ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential
Permissibility:	The proposed development is defined as a 'Dual Occupancy' by the SEPP which is a permissible land use in this zone.

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. SEPP BASIX (Building Sustainability Index: BASIX) 2004 – Satisfactory BASIX certificate has been provided.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Turner Road DCP 2007 – Compliant with condition recommended regarding privacy sill height window to Dwelling 2 upper floor sitting area window.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Three submissions were received which are discussed in the submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

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

Submissions

The DA was publicly exhibited for 28 days in accordance with the DCP. The exhibition period was from 3 January, 2017 to 30 January, 2017. The notification period was subject to an extended notification due to the Christmas period. The application was re-notified for a period of 14 days following receipt of amended plans. The re-notification period was from 1 March, 2017 to 14 March, 2017. A total of three submissions were received (all objecting to the proposed development).

Council officers contacted the submission writers to discuss their concerns however were unsuccessful in resolving the issues raised in the submissions. The following discussion considers the issues raised in the submissions.

1. *There are a number of DCP non-compliances that are proposed including front setback, garage setback, rear setback and site coverage.*

Officer comment:

The development as originally proposed contained a number of DCP non-compliances. Council officers requested the applicant amend the proposal to achieve compliance with the DCP. The application has been amended to comply with the controls for dual occupancy development including setbacks and site coverage as discussed in this report.

- 2. There are inconsistencies between the lot sizes of the architectural documents and the subdivision plan.*

Officer comment:

The application originally proposed Torrens title subdivision however has been amended to propose strata title subdivision. A revised subdivision plan has been submitted with the development application and the lot sizes shown are consistent with the proposed strata allotments.

- 3. The proposed lots will be considerably smaller than the surrounding lots.*

Officer comment:

Dual occupancy development is permitted in this area on lots greater than 500m². The site has an area of 529.5m². The application therefore complies with the minimum site area requirements for dual occupancy development under the relevant planning instrument.

- 4. The façade of Dwelling 2 does not provide sufficient articulation to the secondary street frontage which will create a negative visual impact.*

Officer comment:

The DCP requires two architectural features to be provided to the primary and secondary street frontage. The façade of Dwelling 2 proposes a mixture of colours and finishes including face brick work and render, a section of projecting wall is provided to articulate the facade and a 300mm awning provided over a feature window. The façade is considered to meet the requirements for architectural treatment under the DCP.

- 5. The development will have an impact in regards to on-street parking.*

Officer comment:

Each dwelling contains three bedrooms, which requires a minimum of two car parking spaces, with one parking space behind the building line. Each dwelling contains a double garage, which enables two cars behind the building line, with further opportunity for stacked parking in front of the garage within the property boundary. Accordingly, the development complies with respect to car parking requirements.

- 6. The two lot Torrens subdivision will depreciate the value of the street.*

Officer comment:

The proposed development is a permissible form of development in the area. The issue of land valuation is not a matter for consideration with regard to Section 79C of the *Environmental Planning and Assessment Act 1979*.



7. *The development is not suitable for the character of Gregory Hills.*

Officer comment:

The development presents as two double storey dwellings from the street which is a permissible form of development within the R1 General Residential Zone. The surrounding area consists of a variety of single and two storey dwellings, together with dual occupancy (attached and detached) development. The proposed development provides housing choice and variety within Gregory Hills and is consistent with the desired future streetscape character.

8. *The development will have an impact in regards to odour pollution due to the proximity of the kitchen to the property boundary.*

Officer comment:

The proximity of the kitchen to the property boundary is not considered unreasonable given the residential use of the land.

9. *The development will have an impact in regards to visual privacy to the adjoining properties. In particular, the three windows of proposed Dwelling 1 which face the side boundary.*

Officer comment:

The upper floor of Dwelling 1 does not propose windows overlooking the northwest boundary. The ground floor windows of Dwelling 1 are not considered to create a privacy impact as the site is relatively level and the windows will be screened by 1.8m high boundary fencing. The upper floor sitting area window of Dwelling 2 is required to provide a raised sill height privacy window as a condition of consent. The development is considered acceptable in relation to privacy.

10. *The development will impact solar access to adjoining properties, particularly in the morning.*

Officer comment:

Whilst there will be some overshadowing of adjoining properties, due to the site's orientation and corner location, the majority of the overshadowing will be over the adjoining roads. Both the subject and adjoining properties private open space areas will receive the required amount of solar access in accordance with the DCP.

A copy of the shadow diagrams is provided as an attachment to this report.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1455/2016 is recommended for approval subject to the conditions contained in this report.



RECOMMENDED

That Council approve DA1455/2016 for the construction of a two storey detached dual occupancy and strata subdivision at 1 Spitzer Street, Gregory Hills subject to the attached conditions.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD04

SUBJECT: MULTI UNIT HOUSING DEVELOPMENT CONTAINING 33 UNITS WITH ASSOCIATED PARKING, SITE WORKS AND STRATA SUBDIVISION - 277 OLD HUME HIGHWAY, CAMDEN SOUTH

FROM: Director Planning & Environmental Services

TRIM #: 17/101270

APPLICATION NO: DA 1246/2015

PROPERTY ADDRESS: 277 Old Hume Highway CAMDEN SOUTH

APPLICANT: Hawes and Swan Pty Ltd

OWNER: Remembrance Drive Development Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a multi housing development containing 33 units with associated parking, site works and strata subdivision at 277 Old Hume Highway Camden South.

The DA is referred to Council for determination as there remain unresolved issues from eight individual submissions and a submission containing ten signatures objecting to the proposal. One submission was received in support of the proposal.

SUMMARY OF RECOMMENDATION

That Council determine DA 1246/2015 for a multi housing development containing 33 units with associated parking, site works and strata subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

THE PROPOSAL

The proposal specifically includes the following:

- Construction of 33 units comprising of:
 - 12 x two storey, four bedroom dwellings;
 - 10 x single storey, two bedroom dwellings; and
 - 11 x two bedroom dwellings located above detached garages;
- 52 resident car parking spaces and 7 visitor spaces;
- Centralised communal open space;
- Onsite waste collection area;
- Landscaping, site works and service provision; and
- Strata subdivision.

The development has a construction cost of \$5.8million.

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

THE SITE

The site is located at 277 Old Hume Highway Camden South and is legally described as Lot 1 DP 605762. The site is located on the corner of the Old Hume Highway and Wire Lane.

The site is currently vacant however there was previously a motel on the site containing 25 rooms.

The land is irregular in shape, having an area of 7975m² with dimensions of 96.09m for the southern boundary, 91.49m along the eastern boundary, 90.13m along the western boundary and 80.44m along the northern boundary.

The site adjoins low density residential land uses to the east, west and north. On the opposite side of Wire Lane is the Camden Valley Inn, which is within the Wollondilly Local Government Area.



KEY DEVELOPMENT STATISTICS

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

	Standard	Proposed	Compliance
Camden Local Environmental Plan 2010			
Minimum Lot Size	No prescribed minimum lot size for the development.	7975m ² .	Not applicable



4.3 Height of building	Maximum 9.5m building height.	9.21m.	Yes
Camden Development Control Plan 2011			
B5.1 Car parking	51 resident spaces seven visitor spaces.	52 resident spaces seven visitor spaces Including an accessible space for residents and visitors.	Yes
D2.1.1 Front Setback	Consistent with the established prevailing setback.	7.5m to 6.0m to Old Hume Highway which is generally consistent with the prevailing setback.	Yes
D2.1.1 Secondary street setback	Minimum 4.5m.	4.5m to Wire Lane.	Yes
D2.1.1 Rear Setback	Minimum 6m.	8.5m (rear yards northern boundary).	Yes
D2.1.1 Side Setbacks	Minimum 900mm.	1.075m (northern boundary).	Yes
D2.2.3 Site Requirements	Minimum primary street frontage 70m.	Old Hume Highway frontage 91.49m.	Yes
	Minimum lot depth 80m.	96.09m.	Yes
D2.2.3 Site Coverage	Maximum 50% of site area.	40%.	Yes
D2.2.3 Landscaped Area	Minimum 30% of site area.	32%.	Yes
Private Open Space	Minimum 20% of site area.	20%.	Yes
D2.2.3 Principal POS (PPOS)	Minimum 24m ² at ground level with 4m dimension.	All PPOS at ground level are 24m ² with a 4m dimension.	Yes
	10m ² for a balcony.	Balconies exceed 10m ² .	
D2.2.3 Solar Access	Minimum 50% of the PPOS (of both the proposed development	81% of the dwellings will receive solar access to 50% of the PPOS for 3hrs between 9am to 3pm on June	No - See DCP Variation 1



	and adjoining properties) is required to receive three hours of sunlight between 9am and 3pm on 21 June.	21.	
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ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential
Permissibility:	The proposed development is defined as a 'Multi Dwelling Housing' development and strata 'subdivision' by the LEP which are permissible land uses within this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	SEPP55 – Remediation of Land - Compliant with conditions recommended where necessary. SEPP (Building and Sustainability Index: BASIX) 2004 - Compliant with conditions recommended where necessary. Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawksbury-Nepean River (No2 – 1997) - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP2011 - Generally compliant with the exception of the variation proposed to solar access as discussed in detail below.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Eight individual submissions and one submission with ten signatures objecting to the proposal together with one submission in support of the proposal 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

DCP Variation 1 – Solar Access to Principle Private Open Space

Part D2.1.5 of the DCP requires residential development to achieve solar access to at least 50% of the PPOS of all proposed and adjoining dwellings for not less than three hours between 9.00am and 3.00pm on 21 June.

Variation Request

The applicant has requested Council to support a variation to this DCP control on the basis that:

- The Camden Growth Centre Precincts Development Control Plan controls for multi dwelling housing requires a minimum of 70% of the proposed dwellings to receive at least three hours of sunlight between 9am and 3pm on 21 June to at least 50% of the required PPOS. This DA achieves 81.3% which would more than comply with the controls within the growth centres.
- The proposed development provides a large communal open space area that receives a high level of sunlight during the middle of winter for all residents to enjoy.
- The proposed development does not result in any adverse overshadowing of adjoining properties.
- The proposed development balances the relationship with adjoining properties with single storey and greater setbacks to adjoining property boundaries to provide an appropriate development.
- The proposed development provides a high quality development to both Wire Lane and the Old Hume Highway.
- The proposed development satisfies the objectives of multi dwelling housing contained with Camden Council's DCP 2011 at Section D2.2.3 and D2.1.5. The proposed development provides a high standard of urban design and amenity for residents, and meets all the other relevant controls within the DCP.
- Those dwellings that do not comply with the three hour minimum have a clothesline located to achieve as much sunlight as possible, due to their height from the ground.

Council Staff Assessment

During the assessment of the application, discussions were held with the applicant to modify the design to maximise solar access for future residents. The design was modified to provide greater separation between the buildings fronting the Old Hume Highway and the removal of various roof projections.

The applicant subsequently submitted amended plans, which reduced the extent of the non-compliance with the solar access controls.

The six dwellings fronting Wire Lane (known as Units 1-6) will not receive the required amount of solar access to the PPOS during mid-winter. The solar access to these units is described below:



- The PPOS of Unit 1 will have access to sunlight from 12pm which will continue until 4pm. At 2:30pm, over 50% of the PPOS will receive solar access.
- The PPOS of Unit 6 will receive 50% of solar access for two hours during mid-winter.
- The PPOS of Units 2, 3, 4 and 5 will receive limited solar access to the PPOS.

Council staff have reviewed this variation in conjunction with the design changes outlined above and recommend that the variation be supported for the following reasons:

- 27 dwellings (81%) will receive at least three hours of sunlight between 9am and 3pm on 21 June to at least 50% of the required PPOS. The Growth Centres SEPP requires the above amount of solar access to only 70% of dwellings in a multi dwelling development. The amended proposal complies with the Growth Centre's control.

It is noted that the Growth Centre's control is commonly applied to multi dwelling developments as full compliance is difficult to achieve with this form of higher density development.

- There is a communal open space area provided within the development that will be available for all residents. The communal open space will receive solar access throughout the day.
- The development is compliant in relation to solar access to adjoining properties.

Key Issues

Traffic

During the notification of the application, concerns were raised by residents and Wollondilly Council in relation to the proposed vehicle movements and the impact of the development on the intersection of Wire Lane/Old Hume Highway/Remembrance Drive.

A traffic impact assessment was submitted by the applicant as part of the DA and was separately forwarded to Wollondilly Council. The assessment concludes that the proposed development will have no adverse impacts on the existing traffic and parking. The report notes:

- *The external impact of the additional traffic generated by the proposed development is considered to be of low impact on Wire Lane and will not result in any adverse impacts on peak traffic periods.*
- *The potential increase in the number of vehicle movements in and about Wire Lane will remain well within the environmental capacity of the street, with no adverse impacts on the amenity of the area.*
- *The level of on-site parking provision is considered to be adequate and in accordance with Council's requirements.*



The application was referred to Roads and Maritime Services (RMS) and Council's Traffic Engineers for comment. RMS raised no objection to the application subject to conditions which have been incorporated into the conditions attached to this report.

A copy of the RMS response is provided as an attachment to this report.

Council's Traffic Engineers raised no objection to the proposal subject to conditions.

Council's Traffic Engineers have advised that the subject development will result in 33 vehicle movements per hour during peak times (based on RMS guidelines) of which the majority will be headed north. As such there will be minimal right hand vehicle movements from Wire Lane into Old Hume Highway/Remembrance Driveway and an upgrade to the intersection is not warranted.

Council's Traffic Engineers consider No Stopping restrictions along the northern side of Wire Lane between the Old Hume Highway and Crookston Drive would result in improved sightlines for vehicles exiting the development and improve traffic flow. A condition is recommended requiring No Stopping signage to be installed along this frontage subject to Traffic Committee approval.

Having regard to the above and noting the traffic movements associated with the previous motel use, the proposal is considered acceptable in relation to traffic movements and impact.

Submissions

The DA was publicly notified for 14 days in accordance with the DCP. The notification period was from 17 November, 2015 to 1 December, 2015. Eight individual submissions and one submission containing ten signatures were received objecting to the proposed development. One submission was from Wollondilly Council.

One submission was received in support of this application.

Council staff contacted the submission writers and the representatives of the submissions containing signatories to discuss their concerns however were unsuccessful in resolving the issues raised.

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

1. Vehicle conflict with adjacent development.

Officer comment:

The proposed development was reviewed by Council's Traffic Engineers who raised no objection to the proposal. The proposed driveway to the development is considered acceptable and will not cause vehicular conflict with the driveway access to the Camden Valley Inn as there are adequate site lines between the two driveways.

2. Concern related to insufficient onsite parking due to the proximity of the Camden Valley Inn.

Officer comment:

The development includes 52 resident spaces and seven visitor spaces. This car parking provision complies with the DCP, which requires 51 resident and seven visitors spaces.

3. *Loss of solar access between 7:00am to 9:30am to western adjoining neighbour.*

Officer comment:

The DCP requires consideration of solar access between 9am and 3pm during mid-winter.

At 9am there will be some overshadowing of the western neighbour as a result of the development. However, by 10am no additional shadows will be cast on the western neighbour. The proposed dwellings adjoining the western neighbour have been reduced to single storey to minimise the solar access impact.

The development is considered to be acceptable having regard to the solar access controls.

4. *Concerns with stormwater runoff.*

Officer comment:

The stormwater system has been designed to collect roof water and water from hard surfaces so there is no direct flow of water onto adjoining allotments.

The proposal includes a detention system with a 107,000 litre in-ground rainwater tank which has an overflow to the kerb and gutter of Wire Lane.

5. *Development not in keeping with the locality.*

Officer comment:

The site is zoned R1 General Residential which permits multi dwelling housing.

The site was previously used as a motel. The surrounding area is predominantly residential.

The proposed development will provide a mixture of single and two storey dwellings and has been designed to be sympathetic with the locality and adjoining development.

6. *Reflective noise impact on dwellings opposite the development site.*

Officer comment:

The reflective noise resulting from the development will be minimal and is unlikely to be audible from the opposite side of the Old Hume Highway as these dwellings are over 70m from the development site.

7. *The proposed development will create additional traffic congestion.*



Officer comment:

As discussed in the Key Issues section of the report, the proposed vehicular access from Wire Lane is considered acceptable and will not detrimentally impact on traffic movements within the area.

8. *Request consideration of vehicular access from Old Hume Highway*

Officer comment:

RMS does not support additional vehicular access points from sub-arterial roads, such as the Old Hume Highway. As discussed in the Key Issues section of the report, the proposed vehicular access from Wire Lane is considered acceptable and will not detrimentally impact on traffic movements within the area.

9. *Requests the residents of the development are to be made aware, by notation on the 149 Certificate that the site is opposite a Hotel/Pub and on a major highway.*

Officer comment:

Aside from significant uses such as the airport noise and Spring Farm resource recovery park, Council does not ordinarily identify adjoining land uses such as pubs and highways on section 149 certificates.

10. *'No Stopping' being created along Wire Lane between the Highway and Crookston Drive.*

Officer comment:

Council's Traffic Engineer's consider No Stopping restrictions along the northern side of Wire Lane between the Old Hume Highway and Crookston Drive would result in improved sightlines for vehicles exiting the development and improve traffic flow. A condition is recommended requiring No Stopping signage to be installed along this frontage, subject to Traffic Committee approval.

11. *Concerns with right-hand vehicle movements from Wire Lane into Old Hume Highway/Remembrance Driveway and consideration be given to the proposed redevelopment of the Camden Valley Inn site.*

Officer Comment:

Council's Traffic Engineers have reviewed the application and determined the majority of vehicle movements associated with the development will be to the north. As such, there will be minimal right hand vehicle movements from Wire Lane into Old Hume Highway/Remembrance Driveway and an upgrade to the intersection is not warranted.

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 1246/2015 is recommended for approval subject to the conditions contained in this report.

RECOMMENDED

That Council approve DA 1246/2015 for construction of a multi-unit housing development containing 33 units with associated parking, site works and strata subdivision at 277 Old Hume Highway, Camden South subject to the attached conditions.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD05

SUBJECT: DRAFT SUBMISSION - DRAFT STATE ENVIRONMENTAL PLANNING POLICY FOR EDUCATIONAL ESTABLISHMENTS AND CHILD CARE FACILITIES AND DRAFT STATE ENVIRONMENTAL PLANNING POLICY FOR INFRASTRUCTURE

FROM: Director Planning & Environmental Services

TRIM #: 17/73372

PREVIOUS ITEMS: ORD09 - Post Exhibition Report - Draft Amendments to the Camden Development Control Plan 2011 (Child Care and Notification Requirements) and Draft Amendments to Council's Fees and Charges. - Ordinary Council - 24 Nov 2015 6.00pm

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exhibition of the NSW Government's *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and proposed draft amendments to the *State Environmental Planning Policy (Infrastructure) 2007*. The report seeks Council endorsement of a submission to the Department of Planning and Environment (DPE).

A copy of the draft submissions has been provided as **Attachment 1 to this report**.

A copy of the exhibition explanatory document for the draft Education and Child Care SEPP is provided as **Attachment 2 to this report**.

BACKGROUND

On 3 February, 2017, DPE released two draft state environmental planning policies for public review and comment. These are:

- The *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (draft Education and Child Care SEPP); and
- The *Draft State Environmental Planning Policy (Infrastructure)* (draft Infrastructure SEPP).

The NSW Government notes that unprecedented population growth is placing increasing pressure on education and child care facilities. Through the release of the draft Education and Child Care SEPP, DPE intends to simplify the planning process to make it easier for child-care providers, schools, TAFEs and universities to upgrade and build new facilities.

As a result of its latest review of the Infrastructure SEPP, which commenced in early 2016, DPE is proposing a number of minor amendments to the SEPP. The draft amendments intend to improve the delivery of infrastructure relating to health care service facilities, correctional facilities, emergency and police services, public administration buildings, and council service on operational lands.



Public submissions for both SEPPs were initially open until 24 March, 2017. This deadline was later extended to 7 April, 2017. DPE has granted Council further time to lodge a submission.

MAIN REPORT

Draft Education and Child Care SEPP

Currently, planning provisions for schools and tertiary institutions are covered in the Infrastructure SEPP. Early childhood education and care facilities are regulated through several policies such as national regulations, state requirements and local provisions in Local Environmental Plans (LEPs) and Development Control Plans (DCPs).

The draft Education and Child Care SEPP aims to consolidate planning controls applicable to early childhood facilities, schools and tertiary institutions into a standalone planning policy. The draft SEPP also aims to align the National Quality Framework for Early Childhood Education and Care Facilities (NQF) and the NSW planning system for the first time.

An overview of the proposed changes to be introduced in the draft Education and Child Care SEPP is outlined below:

Child care facilities

Proposed changes introduced in the draft Education and Child Care SEPP will include new definitions for child care centres in the Camden Local Environmental Plan (2010) (Camden LEP). The new definitions would cover: early childhood education and care facilities, centre-based child care, school-based child care, home-based child care and mobile child care. The proposed amendments would also seek to mandate child care facilities as permissible uses in all R2 Low Density Residential and IN2 Light Industrial zones.

The draft SEPP would permit home-based child care (including home-based child care on bushfire prone land), mobile child care and temporary relocation of child care facilities due to emergencies as exempt development provided the emergency relocation period would not exceed 12 months. Where no works are required, school-based child care would be permitted as exempt development or otherwise complying development in the event works are necessary. Minor alterations and additions to centre-based child care facilities would also be permitted as complying development.

The draft Education and Child Care SEPP states that DCP controls would not apply to certain matters in development for centre-based child care centres. Instead, Council would be required to assess development applications for these facilities against the *Child Care Planning Guidelines*. Council would not be able to refuse a development application on certain grounds such as location (a development can be located at any distance from an existing or proposed early childhood education and care facility), indoor and outdoor space and site area, site coverage and site dimensions. Council would also not be able to refuse a development application based on the colour of building, shade structure materials (unless in relation to a heritage item or heritage conservation area) or design.

Where a development application does not meet the national indoor and outdoor unencumbered space requirements, the SEPP would provide a concurrence role for the Department of Education before the application can be determined.



Schools

The draft Education and Child Care SEPP would permit minor development such as play equipment, landscaping, amenities buildings, single storey portable classrooms and sporting facilities as exempt development within the boundaries of existing schools.

Planning legislation already exists in the Infrastructure SEPP for buildings such as classrooms, libraries, administration offices, school halls and canteens to be undertaken as complying development. The proposed amendments would repeal these controls and transfer them into the draft Education and Child Care SEPP. The proposed SEPP would also permit these buildings to be constructed up to a maximum height of four storeys and 22 metres provided they meet other requirements including side and rear setbacks, privacy and landscaping controls.

The draft SEPP proposes to declare non-government schools as 'public authorities' in order to allow them to conduct certain works through exempt development or development without consent. This would give non-government schools access to these same provisions as they are currently available to government schools.

In the event a new school is proposed, or if works did not meet all of the exempt and complying development standards, a development application would still be required to be submitted. Council would need to consider the design quality of the development against the design quality principles in the draft SEPP. The design quality principles would be supported by a *Draft Better Schools Design Guide*, which provides practical guidance on the design quality principles.

The draft Education and Child Care SEPP would allow the Sydney Planning Panel to issue a Site Compatibility Certificate (SCC) if a school is considered to be a compatible land use with surrounding land uses. This would permit a school site to adopt the zoning of adjoining land in order to allow development for school sites to occur on that land without lodging a Planning Proposal. SCCs would be valid for five years or such a time as specified on the certificate.

Finally, all new schools, or expansions to schools with a project value of \$20 million or more, would become State Significant Development (SSD) to be assessed by the Minister for Planning instead of Council. This is a \$10 million reduction in the current project value of \$30 million that enacts SSD.

Tertiary institutions

The draft Education and Child Care SEPP would allow minor developments such as directional signs, landscaping, amenities building, single storey portable offices and classrooms, cycleways and sporting facilities to be permitted as exempt development at existing universities and TAFE campuses.

The draft SEPP would also extend complying development work to additional development types such as cafes, take away food and drink premises and recreational facilities.

Draft Infrastructure SEPP

The most relevant proposed amendment to the draft Infrastructure SEPP relates to Council services on operational lands. As per the *Local Government Act 1993*, all public land must either be classified as community or operational land. Community

land, for example, public parks and reserves, allows for a range of development to be undertaken as either exempt development or development without consent.

In some instances, public land may be used for a public purpose but is classified as operational land. Under the current SEPP, where public land is classified as operational land, the exempt and complying development provisions applicable to community land cannot apply to operational land.

The proposed amendment seeks to rectify this issue by extending the exempt and complying development provisions to operational lands in order to allow Council to undertake the same exempt and complying works that it can on community land.

Submission to the Draft Infrastructure SEPP

Council officers have determined the nature of the amendments proposed in the Draft Infrastructure SEPP are minor in nature and are broadly supportive of the proposed changes. In addition to the proposed changes, Council officers suggest the DPE investigate additional provisions relating to bus shelters.

Advertising signage on bus shelters permitted as exempt development

Under the draft Infrastructure SEPP, bus shelters are currently exempt development. Commercial advertising signage on bus shelters is not exempt development and requires the submission of a development application. Additionally, clause 10 of State Environmental Planning Policy No 64 – Advertising and Signage, prohibits advertising signage in a number of land use zones including residential and open space zones.

As a result of discussions between Council officers and potential bus shelter providers, it was determined that there is potential for bus shelters with advertising signage to occur in some residential areas.

Council officers have found the approach adopted by other Councils is for bus shelter advertising to be listed under exempt development in their LEP. As the bus shelters are within the road reserve, the decision to progress with bus shelters and advertising signage would remain with Council.

Recommendation:

The draft submission suggests the Infrastructure SEPP could be further amended to nominate advertising signage on bus shelters (and taxi rank shelter signs) as exempt development, subject to compliance with the following development standards:

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



-
- Must not obstruct the line of sight of vehicular traffic.

Additional considerations

The following additional amendment is also suggested for DPE's consideration: Schedule 3 of the Infrastructure SEPP currently deals with 'Traffic generating development to be referred to RMS'. It is suggested that, when a development application needs to be referred to Roads and Maritime Services (RMS), 'classified roads' should be removed, and replaced with 'state roads'. It is suggested the use of the term 'classified roads' is incorrect as some local roads are still 'classified roads'. It is suggested the distinction between state and local roads is required to prevent confusion as to when a referral to RMS needs to be made.

Submission to the Draft Education and Child Care SEPP

A draft submission has been prepared for the draft Education and Child Care SEPP.

Whilst the draft submission supports the intended purpose behind the proposed amendments, a number of key issues have been identified. These have been summarised below.

1. Impact on existing and future character and context

Council officers are concerned the draft SEPP and draft Child Care Planning Guidelines are not adequate enough to ensure child care centres integrate well into their local character and context. This concern is heightened in urban release areas, where Council seeks to ensure child care centres align with the future desired character of a development.

Non-discretionary standards

The key limitation identified in the draft submission is the operation of the non-discretionary standards. The non-discretionary standards are contained in a clause in the draft SEPP that list development standards for particular matters relating to centre based child care. If a development application satisfies the standards in this clause, Council cannot require more onerous standards for those matters or refuse a development application if it complies with the standards.

The non-discretionary standards cover the following:

- Location (a development can be located at any distance from an existing or proposed early childhood education and care facility);
- Indoor and outdoor space;
- Site area, site coverage and site dimensions;
- Colour of building materials or shade structures; and
- Design (where the development satisfies the design criteria in the Child Care Planning Guideline).

The draft submission argues the non-discretionary standards are too broad in scope and limit Council's ability to determine the final design and built form outcome of a child care centre. Under the operation of the clause, Council will also be in a limited position

to determine whether a child care centre is sensitively designed and responds well to its locality. This is because the non-discretionary standards extend to factors such as site area, site coverage, site dimension and colour of buildings.

It is also noted that certain non-discretionary standards directly conflict with Council's DCP controls on the same matters. For example, the Camden DCP states the maximum site coverage of a child care centre located within a residential zone must be 50%. This requirement coincides with the site coverage requirement for dwellings in a residential zone and aims to ensure child care centre development matches the scale of its residential context. DCP controls such as this would no longer apply in favour of site coverage requirements in the non-discretionary standard clause, which would allow development to cover any part of the site.

The draft submission suggests the overall scope of the non-discretionary standards is too extensive and attempts to enforce a 'blanket approach' to development assessment of child care centres. On this point, the draft submission does not support the full breadth of non-discretionary standards proposed as these contradict Council's aims of ensuring child care development is consistent with its local character and context.

Recommendation:

- The non-discretionary standards are too broad. It is suggested DPE remove site area, site coverage, site dimension and colour of building materials from the non-discretionary standards. This action would afford Council greater scope to determine how a proposed child care development integrates with the existing or future character and context.

2. Traffic impacts

Child care

The draft Child Care Planning Guidelines state that a centre-based child care facility is not to be located on a site adjoining a busy road. The draft submission considers that child care centres located on sites adjoining busy roads are not necessarily detrimental to the safety of children but can pose an unacceptable risk where the facility has direct access to and from main or busy roads. The draft submission suggests the Guideline controls are reworded to clarify the locational criteria in relation to access to main or busy roads.

The Child Care Planning Guidelines acknowledge traffic and parking as priority considerations when considering a development proposal for centre-based child care facilities in the low density residential/suburban context. However, these considerations are not reflected in any design criteria that could influence how these considerations are to be addressed.

The draft submission highlights the relevance of controls in the Camden DCP in this regard. The DCP encourages child care centres to be located on land where access to the site is via a road with a carriageway width of 7.4m minimum at any one point. The effect of this control is that child care centres are discouraged on sites with access from narrower roads due to traffic congestion and a reduction in street parking as a result of increased activity.

The Camden DCP further requires all required parking spaces for a proposed development to be contained within the proposed site and shown on a plan. It is



acknowledged this outcome is not possible for all local government areas. However, the draft submission identifies that Council is in a better position to implement these standards when planning for urban release areas. It is further noted these standards are particularly relevant to managing traffic impacts in Camden as we have a high reliance on car usage and limited access to public transport services in comparison to other local government areas in Sydney.

Schools

Under the proposed changes, a complying development certificate for the expansion of schools must be obtained where the expansion seeks to increase student numbers by more than 50. In order to obtain a complying development certificate, RMS must certify the impacts on the surrounding road network are acceptable by way of a traffic certificate that must accompany the application.

The draft submission suggests, where there will be traffic impacts on local roads, Council should be the authority to assess applications for traffic certificates.

Recommendation:

- It is suggested the Guideline criteria be reworded to clarify that child care centres should not have access to and from main/busy roads.
- The draft SEPP should include a provision that will allow Council to enforce DCP controls that are designed to manage provision of car parking for child care centres.
- Where a school seeks expansion under complying development, Council should be the authority to assess applications for traffic certificates where these impacts will affect local roads.

3. School complying development

Current school complying development provisions in the Infrastructure SEPP

It is noted complying development already exists in the Infrastructure SEPP for school buildings. Currently, the SEPP permits the construction of, or alterations or additions to, classrooms, libraries, administration offices, school halls and canteens to be undertaken as complying development. The Infrastructure SEPP permits these buildings to reach a maximum height of 12m with a minimum setback of 5m from the side and rear boundary.

Changes to school complying development in the draft Education and Child Care SEPP

The changes proposed by DPE seek to transfer these provisions from the Infrastructure SEPP to a standalone draft Education and Child Care SEPP. Additionally, the height and setback standards are proposed to be changed.

The draft Education and Child Care SEPP stipulates that the height of a building must not exceed 4 storeys and 22m from the ground level. The draft SEPP also adjusts the side and rear setback standards according to the height of the proposed building, and



the zone in which that building is proposed to be built. The full changes proposed are summarised in **Table 1** below.

Building height	Setbacks in residential zones	Setbacks in all other zones
Up to 12 metres	5 metre setback	1 metre setback
12 – 15 metres	8 metre setback	2.5 metres setback
15 – 22 metres	10 metres setback	4 metres setback

Table 1: Complying development for school buildings under draft Education and Child Care SEPP

Council officers have reviewed the above changes and provide the following comments in the draft submission:

Increased height of buildings not supported

The draft submission does not support buildings to be constructed to a maximum height of four storeys and 22 metres as proposed in the Draft Education and Child Care SEPP. Council officers are further not satisfied the corresponding setback requirements will prevent adverse impacts in a low density residential environment. The draft submission therefore requests DPE especially consider the amenity impacts on low density development such as overshadowing, visual and acoustic privacy.

Supporting infrastructure surrounding school sites should be facilitated in draft Education and Child Care SEPP

Recent government schools in Camden’s urban release areas have demonstrated a propensity for school development to focus on design within the proposed site at the expense of providing adequate supporting infrastructure surrounding the site.

The draft Education and Child Care SEPP is silent on the provision of supporting infrastructure surrounding the development site (including adequate on-site parking). In Council’s experience, critical supporting infrastructure to school developments such as road access, pedestrian crossings, and on-site parking is already challenging to secure.

Council seeks to prevent developments that present adverse impacts on the safety and amenity of local residents. These impacts may be felt because of a lack of supporting infrastructure that can adequately enable the activity of school sites and surrounding areas. In this context, the expansion of school sites that will further increase activity under complying development is concerning.

In this respect, the draft submission suggests DPE consider including a provision in the draft SEPP that will require schools to deliver enabling infrastructure surrounding the school site (including adequate on-site parking). Supporting infrastructure such as access roads, pedestrian crossings, onsite parking and drop off bays are essential to



ensuring schools are well designed and functioning, not only within school boundaries, but also in relation to surrounding areas.

The draft submission further suggests capping the expansion of school sites under complying development to a maximum number of 50 students. This would allow Council the opportunity to assess more significant expansions under the development assessment process.

Recommendations:

- Increased height of school buildings to 22m and four storeys is not supported. The existing building height standards of 12m and three storeys should be retained.
- The draft SEPP must include provisions that will facilitate schools to provide key supporting infrastructure surrounding the development site (including adequate on-site parking). Key supporting infrastructure should include access roads, pedestrian crossings, on-site parking and drop off bays.
- The draft SEPP should cap the expansion of schools under complying development to a maximum of 50 new students. Proposed expansions greater than this should undergo development assessment by Council.
- The design quality principles contained in the draft SEPP and supporting *Draft Better Schools Design Guide* should introduce stronger controls aimed at addressing the surrounding amenity impacts of school development. Consideration should be given to matters such as overshadowing, and visual and acoustic privacy.

4. Noise Impacts

In relation to acoustic privacy, the draft Child Care Planning Guidelines states that a 2 metre high acoustic fence is to be provided along any boundary where the adjoining property contains a residential use.

The requirement to achieve 5dBA above background noise level may warrant the installation of significant acoustic fences (greater than 2.1m in height where there is low ambient background noise). To address this issue, consideration needs to be given to reviewing the target noise levels in the draft Child Care Planning Guidelines, associated technical documents and generally accepted industry practice for child care centre developments. The Guidelines should also be amended to provide for flexibility in the determination of acoustic fence heights.

Furthermore, Council officers cannot see the merit in having an internal assessment for affected residence/s especially in greenfield release areas (such as Camden) where an adjoining residential lot may not have an existing dwelling located on the land.

Council officers are concerned the requirement to assess internal noise appears onerous as it may become difficult to gain access to noise affected residences in order to undertake required noise assessment/s. It may also be impracticable to have the assessment undertaken until quite some time after a new child care centre has opened as there will need to be a sufficient time for the centre to provide sufficient numbers of children for the assessment to be accurate.

Camden DCP 2011 has a control for larger centres that the number of children participating in outdoor activities at any one time must be controlled to ensure satisfactory acoustic impacts for neighbouring properties. It is suggested that the draft Child Care Planning Guidelines implement this noise control strategy.

Recommendation:

- Review target noise levels in the draft Child Care Planning Guidelines, associated technical documents and general accepted industry practice for child care centre developments to avoid the need for the installation of significant acoustic fence heights.
- The draft Child Care Planning Guidelines provide flexibility for determining acoustic fence heights.
- DPE provide direction in the Child Care Planning Guidelines on possibly restricting the number of children participating in external play at any given time to achieve target noise levels.

5. Reduced community input

The draft submission highlights concern the draft Education and Child Care SEPP will reduce community input on local planning outcomes surrounding child care and school development.

The introduction of complying development for buildings up to 22 metres and four storeys in height will result in unexpected planning outcomes in the local community. This is especially concerning given the potential impacts the scale of such buildings will have on adjoining properties such as overshadowing and visual privacy. Additionally, residents will be unable to provide comment on the impact an increased student population will have on traffic movement, acoustic privacy and parking availability in the surrounding area.

Recommendation:

- As per the previous recommendation dealing with the proposed expansion of exempt and complying development provisions, matters that have potential impact on neighbouring properties should be subject to Council's public notification process for development assessments.

6. Technical Assessments

The draft submission notes the draft Child Care Planning Guidelines includes an *Appendix 3 – Checklist of Specialist Studies or Technical Considerations in Development Applications*.



The purpose of this checklist is to advise an applicant about which specialist/technical studies should be completed, the matters to be addressed in those studies and when an assessment of that nature would be required. The draft submission recommends the following additional technical studies are included in the checklist:

- Odour Assessment; and
- On-site Sewerage Management.

Odour Assessment

Currently, the Camden DCP considers the proximity of child care centres to existing odour-generating land uses, such as poultry farms, but may require an assessment in accordance with the relevant odour assessment requirements.

Unsewered sites

Under the Camden DCP, child care centres must not be located on land that is not connected to a reticulated sewer of Sydney Water unless satisfactory onsite sewerage management can be provided.

Recommendation:

- DPE include odour assessment to *Appendix 3 – Checklist of Specialist Studies or Technical Considerations in Development Applications*. The odour assessment should be provided based on Council's assessment of the proximity of a child care centre to existing odour-generating uses.
- DPE include on-site sewage management to *Appendix 3 – Checklist of Specialist Studies or Technical Considerations in Development Applications*. This should be provided where a child care centre is proposed to be located on land which is not connected to a reticulated sewer of Sydney Water.

Matters for clarification

Change in definitions to the Standard Instrument Order

Proposed changes introduced in the Draft Education and Child Care SEPP will include new definitions for child care centres in the Camden Local Environmental Plan 2010 (Camden LEP 2010). The new definitions that would be introduced would cover: early childhood education and care facilities, centre-based child care, school-based child care, home-based child care and mobile child care.

The draft submission seeks clarification on whether these definitions would also be reflected in State Environmental Planning Policies applicable to the South West Priority Growth Area.

Statutory weight of the Child Care Planning Guidelines

The draft submission reports that the statutory weight of the Child Care Planning Guidelines is not clearly represented. To assess development proposals for centre-based child care, clause 21 of the Draft Education and Child Care SEPP states that Council may consider Part 3 of the Guidelines. At the same time, clause 24 of the draft SEPP makes it clear a provision of the DCP that specifies a requirement, standard or control in relation to any matter provided for in the Child Care Planning Guidelines does not apply to centre-based child care development.

It is therefore not clear to what extent Council would need to consider the Guidelines relative to Council's DCP Controls, given the Guidelines are intended to replace local Development Control Plans.

Other Matters

Support to make home-based child care on bushfire prone land exempt development

The draft submission provides support for proposed changes that will permit home-based child care on bushfire prone land as exempt development. This is provided the relevant development standards in the *State Environmental Planning Policy (Exempt and Development Code) 2006* are satisfied.

FINANCIAL IMPLICATIONS

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

CONCLUSION

DPE has released two draft state environmental planning policies for public review and comment. These are the *Draft State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* and the *Draft State Environmental Planning Policy (Infrastructure)*.

Council officers have reviewed both draft policies. Council officers determined the proposed amendments to the draft Infrastructure SEPP were minor in nature and will have minimal impact on Council. However, a draft submission has been prepared with suggestions to:

- Permit advertising signage on bus shelters as exempt development, subject to specified development standards; and
- Remove the word 'classified roads' in Schedule 3 of the Draft Infrastructure SEPP and replace with 'state roads' in order to clarify when a referral to RMS needs to be made.

Council officers have also prepared a submission to the new draft Education and Child Care SEPP.

The draft submission advocates for the need for child care centres that are sensitively designed in terms of built form, scale and massing, will be capable of making a positive contribution to the character of the surrounding locality and would not create adverse impacts to traffic and parking. The draft submission therefore raises concerns on the implications these proposed changes will have on the Camden DCP and Council's diminished role to ensuring positive planning outcomes for the community.



RECOMMENDED

That Council:

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

ATTACHMENTS

- 1. Draft submission to Draft Infrastructure SEPP 2007 and Draft Education and Child Care SEPP 2017 (2)**
- 2. Explanatory document Draft Education & Childcare SEPP**

ORDINARY COUNCIL

ORD06

SUBJECT: PROPOSED AMENDMENT TO CAMDEN LEP 2010 - 40 THE OLD OAKS ROAD, GRASMERE (LOT 101 DP 1087958)
FROM: Director Planning & Environmental Services
TRIM #: 16/370661

PROPERTY ADDRESS:	40 The Old Oaks Road, Grasmere
APPLICANT:	John M Daly and Associates
OWNER:	Mr D & Mrs L Furiglio

PURPOSE OF REPORT

This report seeks Council endorsement of a draft Planning Proposal to rezone No. 40 The Old Oaks Road, Grasmere (Lot 101 of DP 1087958) from RU1 – Primary Production to R5 Large Lot Residential and seek a resolution to forward an amended Planning Proposal (as outlined in this report) to the Department of Planning and Environment (DPE) for Gateway Determination.

The draft Planning Proposal (as lodged) is provided as **Attachment 1 to this report**.

BACKGROUND

The subject site is located at 40 The Old Oaks Road, Grasmere. The site has an existing area of approximately 5ha and contains one existing dwelling house at the western end of the lot. A locality map for the site is shown in **Figure 1**.



Figure 1: Locality Map (Source: Nearmap)



The decommissioned portion of Old Oaks Road runs parallel along the northwestern edge of the site. The site is predominantly open grassed land that rises up from Werombi Road towards the western corner of the site. The site contains no significant vegetation. Directly northeast of the site is the West Camden Water Recycling Plant (WRP) which is owned and operated by Sydney Water.

To the north and west of the property is a mix of R5 Zone large lot (4000sqm) residential housing comprising single and two storey detached product.

The draft Planning Proposal was lodged by the proponent John M Daly and Associates on behalf of the landowner in March, 2016. Councillors were briefed on the proposal on 14 March, 2017.

MAIN REPORT

Proposal

The draft Planning Proposal seeks to rezone the site from RU1 – Primary Production to R5 – Large Lot Residential and amend the minimum lot size applying to the land. The rezoning of the land is seeking to facilitate two additional lots with dwelling entitlements to each, creating three lots in total.

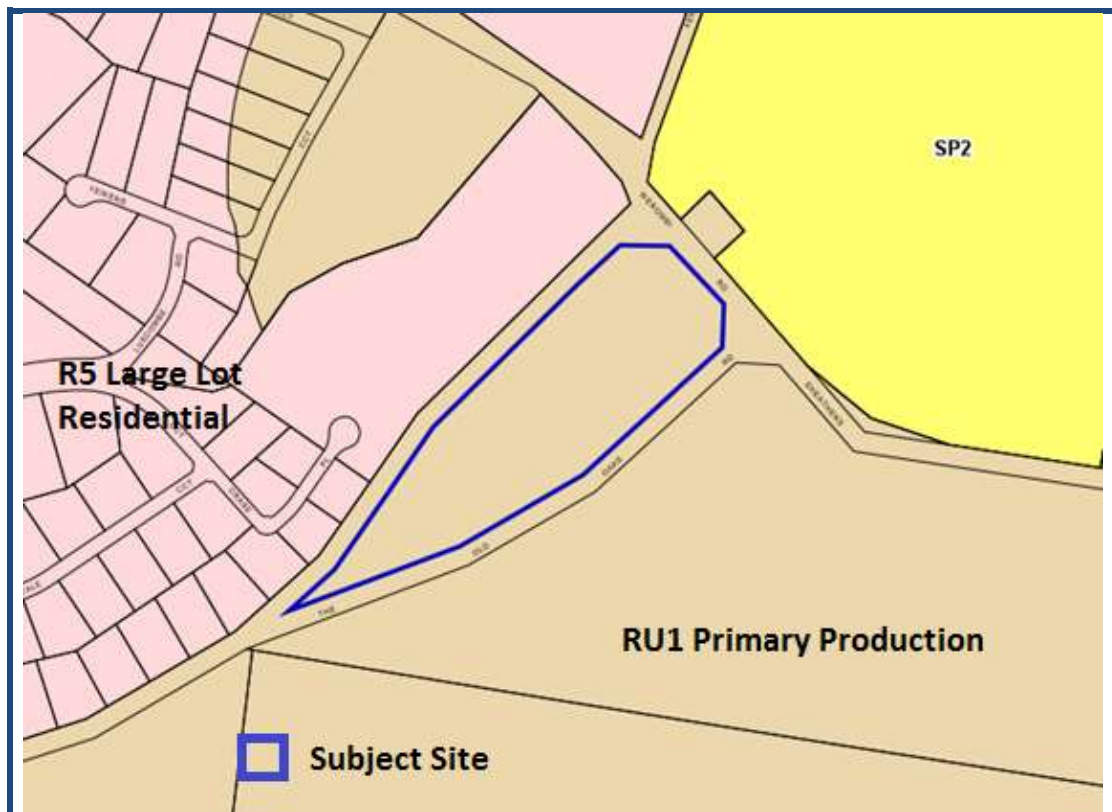


Figure 2: Zoning Map

The draft Planning Proposal seeks a minimum lot size of 4000sqm to the existing dwelling and the first additional lot and a 3ha minimum lot size for the second additional lot. The proponent suggests a minimum lot size of 4000sqm is appropriate for its consistency with the zone objectives of R5 – Large Lot Residential.

The minimum lot size of 3ha is suggested to limit the opportunity for additional lots whilst maintaining an agreed buffer to the odour affecting the site.



A summary of the proposal is provided in **Table 1** below.

	Existing	Proposed
Zoning	RU1 – Primary Production.	R5 – Large Lot Residential.
Minimum Lot Size	40 ha.	4000sqm (for proposed lots 1 and 2). 3 ha (for proposed lot 3).

Table 1: Comparison of existing and proposed provisions under Camden LEP 2010

Key issues

Odour buffer

Sydney Water previously imposed a 400m odour buffer around the WRP. In 2011, the extent of the buffer was reduced to 300m due to an upgrade to the WRP facility.

The proponent has received confirmation from Sydney Water on the positioning of the odour buffer in relation to the subject site. Should Council endorse the draft Planning Proposal for Gateway Determination, formal consultation will be undertaken with Sydney Water to ensure the proposed development can occur outside the 300m buffer zone and remain consistent with odour constraints placed on the use of the land

Visual Impact Assessment

A Visual Impact Assessment (VIA) was submitted to support the draft Planning Proposal. This study is provided as **Attachment 2 to this report**.

The VIA identified the elevated position of the site near the ridgeline, which is made more prominent by the low-lying landscape of the surrounding Nepean River floodplain. Analysis was provided on ‘close’, ‘middle’, and ‘longer’ views of the ridgeline from surrounding roads such as Werombi and Cawdor. The immediate streetscapes of The Old Oaks Road and views from the Camden Bicentennial Equestrian Park were also subject to analysis.

Council officers consider the VIA to be preliminary in nature. Further analysis would be required to definitively establish the impacts on the view corridors towards the site from key vantage points.

Should the draft Planning Proposal be supported, it is recommended that a detailed VIA be undertaken post Gateway to provide additional information to establish the maximum height of building and appropriate building envelope to mitigate potential impacts on the ridgeline.

Compatibility of the proposal against suggested R5 Large Lot Residential Zone

Based on Council officer’s assessment, it will be difficult to achieve a dwelling on proposed Lot 3 that is compatible with the character and amenity typical of the R5



zone. This is due to the proximity of the WRP odour buffer zone, which restricts the land available to develop a large lot residence similar to surrounding lots in Grasmere.

An **indicative** subdivision plan for the site is shown in **Figure 3** below

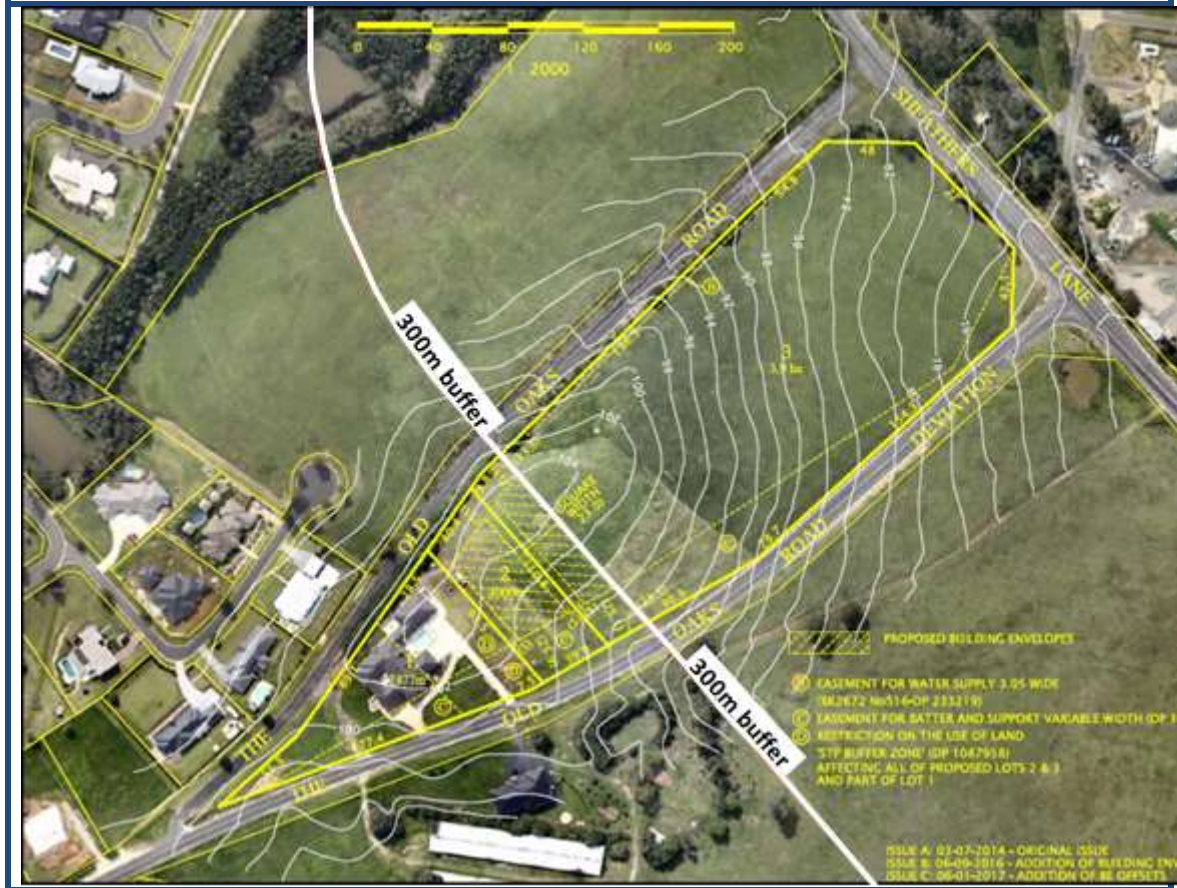


Figure 3: Subdivision Plan – Indicative only

Land Capability Study

The draft Planning Proposal did not include a land capability assessment. Should Council endorse the draft Planning Proposal for Gateway Determination, it will be necessary for the proponent to submit a land capability assessment which addresses contamination and salinity.

The site has previously been subject to land capability assessment as part of the original Grasmere rezoning however, given that report was undertaken in the late 1990's, Council would require a new study.

Draft South West District Plan

The draft South West District Plan identifies a number of key priorities and actions. These are centred on the principles of establishing the Productive City, Liveable City and Sustainable City. As required by the *Environmental Planning and Assessment Act (1979)* all draft Planning Proposals must be considered against the priorities in the draft District Plan.



Sustainability Priority 1 – Improve protection of ridgelines and scenic landscapes

The draft Planning Proposal as submitted is inconsistent with priorities centred on protecting ridgelines and scenic landscapes, as the site is located on a ridgeline.

In its current form, there is concern the additional dwelling entitlement on proposed Lot 3 will result in development that could encroach on the ridgeline and diminish its scenic quality.

Sustainability Priority 6 – Urban development in the metropolitan rural area is discouraged on rural land unless the proposed site is in an urban investigation area or in compliance with Sustainability Priorities 7 and 8:

The site is not in an urban investigation area however this land was considered for urban development in the late 1990's when the suburb of Grasmere was rezoned for large lot residential development.

This site was removed from the rezoning due to potential odour affectation. The existing zone boundary is based on the 400m odour buffer. It could therefore be considered that this is a logical extension of the urban area. It is also considered that this proposal is not inconsistent with priorities 7 and 8 below.

Sustainability Priority 7 – Consider environmental, social and economic values when planning for the Metropolitan Rural Area

As the proposed development would only facilitate 2 additional lots and is an extension of an existing residential area, it is likely to only have a minor impact on environmental, social or economic values.

Sustainability Priority 8 – Provide for rural residential development while protecting the value of the Metropolitan Rural Area

The draft Planning Proposal is consistent with this priority. The proposal (as lodged) will facilitate two additional lots, which are a natural extension of an existing residential area and will have minor impact on the viability of the existing rural land

Camden 2040

The Camden Community Strategic Plan identifies the retention of Camden's heritage, history and characteristics such as scenic vistas and the country town feel and lifestyle as key priorities to actively manage Camden's growth.

The draft Planning Proposal (as lodged) is not consistent with regards to the protection of scenic values. However, should a detailed VIA demonstrate that development controls and restrictions can mitigate potential impacts on the scenic lands, it would be considered that this proposal is not inconsistent with Camden 2040.

Assessment of Merit

Having considered the draft Planning Proposal and review of the key issues, Council officers consider the draft Planning Proposal in its current form does not have merit to proceed to Gateway Determination for the following reasons:



- Two additional lots with dwelling entitlements to each does not produce an outcome that is compatible with the built form of surrounding R5 large lot residences in Grasmere.
- The proposed two additional lots could impact on the environmental and scenic qualities of the site which sits on a prominent ridgeline.
- The proposal does not provide an outcome that is consistent with the Draft South West District Plan, which seeks to protect the scenic qualities of ridgelines; and
- The proposal in its current form does not provide certainty that any dwelling entitlements to the land would not encroach the 300m odour buffer and create a land use conflict.

Potential amendments to draft Planning Proposal

Council officers have identified that the draft Planning Proposal may have merit if the proposed rezoning facilitated **one** additional lot instead of two additional lots. A single additional lot could be consistent with the existing built form outcomes in Grasmere providing the dwelling is appropriately sited preventing impact on the ridgeline.

To enable one additional lot, an amendment would be required to the proposed minimum lot size. This is summarised in the comparison table below.

	Existing	Proposed	Suggested amendments
Zoning	RU1 – Primary Production.	R5 – Large Lot Residential	R5 – Large Lot Residential.
Minimum Lot Size	AB – 40 ha.	4000sqm. 3 ha.	7000sqm. 4 ha.

Table 3: Comparison between existing, proposed and Council officers suggested amendments

A minimum lot size of 7000sqm is proposed for the lot that will contain the existing dwelling. This is to account for the area of the existing property located on the south-western edge of the subject site.

A lot size of 4ha is proposed for the remaining additional lot. It is envisioned a lot size of 4ha is more conducive to providing an outcome that is consistent with surrounding R5 properties located in Grasmere. The suggested lot size also enables an improved development outcome to be achieved with regards to the ridgeline.

Next Steps

Should Council support an amendment to the draft Planning Proposal, it is recommended that this support be dependent on the proponent undertaking additional detailed studies as detailed below and amending their draft Planning Proposal.

The additional studies would only be required if a Gateway approval is issued by the DPE.



Additional studies

- Visual Impact Assessment:
 - Detailed analysis including cross sections from key viewpoints
 - Identification of development controls and or restrictions to the land to provide confidence to Council that rural views will not be impacted.
- Land Capability Assessment:
 - Investigation on contamination and salinity of the land; and
- Bushfire Constraints Assessment.

Exhibition period

Should an amended draft Planning Proposal proceed through Gateway Determination, a public exhibition period of 28 days will be required in accordance with the provisions of the *Environmental Planning and Assessment Act 1979*. During the exhibition period, the community and adjoining landowners will be invited to make submissions to the Planning Proposal.

Following Exhibition

At the conclusion the formal public exhibition period, a report would be brought back to Council for consideration of any submissions and the detailed studies undertaken post Gateway. Should Council be satisfied with the outcomes of the detailed studies, it could then adopt the Planning Proposal and forward to DPE for the Plan to be made. Alternatively if Council were not satisfied that the proposal had satisfactorily addressed potential impacts and Council concerns they could resolve to not support the proposal.

No Support by Council

Should Council not support the proposed amendment to the Planning Proposal, the proponent will be notified that Council does not consider that the Planning Proposal had sufficient merit and cannot be supported to proceed for Gateway Determination by the DPE

Role of the Greater Sydney Commission

The responsibility for all decision making on Planning Proposals now rests with the Greater Sydney Commission (under delegation DPE). This includes undertaking rezoning reviews (formally pre-gateway reviews) and issuing Gateway Determinations.

Delegations

Council intends to use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* for this Planning Proposal. The request for delegation will be made as part of the Gateway submission. This would allow Council to deal directly with Parliamentary Counsel for making of the plan. The General Manager is Council's nominated officer.

FINANCIAL IMPLICATIONS

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



CONCLUSION

The draft Planning Proposal seeks to rezone Lot 101 DP 1087958, No 40 The Old Oaks Road, Grasmere from RU1 - Primary Production to R5 - Large Lot Residential. A number of concerns have been identified in the draft Planning Proposal as summarised in the report.

This report outlines that the current proposal does not have planning merit to proceed to Gateway Determination. Officers have identified that a minor amendment to the proposal to reduce the total number of lots (via a change to the proposed minimum lot size) could increase the merit of the proposal.

Should Council resolve to support the draft Planning Proposal subject to the proposed amendment as outlined in this report, it will be forwarded to the DPE for Gateway determination. Following the completion of required studies the matter will then proceed to public exhibition.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal at 40 The Old Oaks Road, Grasmere to be forwarded to the Department of Planning and Environment for consideration of a Gateway Determination subject to the following changes:**
 - a. The proponent amending the draft Planning Proposal to facilitate two minimum lot sizes of 7000sqm and 4ha on the subject land;**
 - b. The proponent undertaking a detailed Visual Impact Assessment of the proposal including the development of controls and restrictions to the land (post Gateway approval); and**
 - c. The proponent undertaking further land capability investigation to Councils satisfaction (post Gateway approval).**
- ii. notify the Department of Planning and Environment that Council intends to use its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979* for this Planning Proposal;**
- iii. pending a favourable response from Department of Planning and Environment, require the proponent to undertake detailed studies as identified in this report and the Gateway Determination;**
- iv. proceed directly to publicly exhibit the draft Planning Proposal in accordance with the terms of the Gateway Determination notice; and**
- v. prepare a further report for Council consideration at the conclusion of the public exhibition period.**

ATTACHMENTS

1. Planning Proposal The Old Oaks Rd Grasmere
2. Visual Impact Assessment The Old Oaks Rd Grasmere

ORDINARY COUNCIL

ORD07

SUBJECT: PROPOSED AMENDMENT NO. 15 TO CAMDEN LEP 2010 AND CAMDEN DCP 2011 - GLENLEE

FROM: Director Planning & Environmental Services

TRIM #: 17/61257

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement to request a revised Gateway Determination for draft Amendment 15 (Glenlee) to the Camden Local Environmental Plan 2010, and for Council to resolve to proceed to formal public exhibition of the draft Planning Proposal including a draft DCP once an amended Gateway Determination has been issued by the Department of Planning and Environment (DPE).

The draft Planning Proposal (as amended) is provided as **Attachment 1 to this report**. The supporting specialist studies contained as **Appendices 1-13** of the Planning Proposal are provided on Council's **website**, due to the size of these documents.

BACKGROUND

The 107 hectare Glenlee site extends across the Camden Local Government Area (LGA) and into the adjoining Campbelltown LGA. The larger portion of the site is within the Campbelltown LGA, whilst all road access to Glenlee is via the Camden LGA. The subject site and the local government boundaries are shown in **Figure 1**.

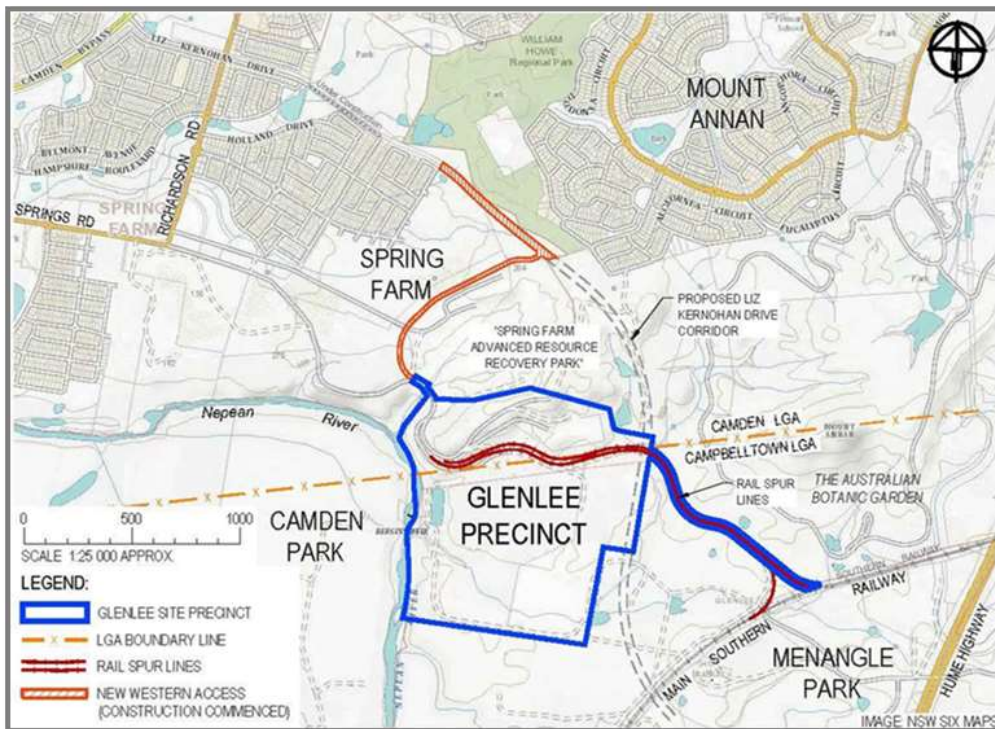


Figure 1: Locality Map (Source: Geolyse)



The Glenlee site has primarily been used for industrial related purposes for a number of years and currently accommodates the industrial uses of the Sada Services landholding (truck depot, coal washery and reject coal emplacement), Camden Soil Mix (truck depot, green waste and recycling facility) and TRN (truck depot).

In 2012, a draft Planning Proposal for Glenlee was submitted by the proponents, Glenlee Consortium (Sada Services P/L, TRN Group and J & W Tripodi Holdings P/L) to rezone the subject site to IN1 General Industrial, E2 Environmental Conservation and SP2 Infrastructure. At the same time, the proponents lodged a Planning Proposal with Campbelltown City Council for the land that falls within the Campbelltown LGA.

On 23 April, 2013, Council resolved to forward the draft Planning Proposal to the DPE for a Gateway Determination.

A Gateway Determination was issued from DPE on 3 July, 2013 and is provided as **Attachment 2 to this report**. The Gateway required the preparation of 13 specialist studies. The findings of the studies are detailed later in this report.

In addition, the Gateway Determination required consultation with public agencies. Consultation with the public agencies was undertaken in September, 2015 and all necessary changes have been made to the studies.

Councillors were briefed on the proposal on 14 February, 2017.

MAIN REPORT

The Glenlee Planning Proposal has been undertaken as a joint Planning Proposal with Campbelltown City Council. The specialist studies included as appendices to the Planning Proposal have been reviewed by officers of both councils for the purpose of public exhibition.

As a result of the specialist studies undertaken, a number of changes are recommended to the original Gateway Determination received in 2013. These changes are discussed later in the report.

Specialist Studies

The Gateway Determination required the following specialist studies to be undertaken prior to exhibition.

1. Aboriginal Heritage;
2. Air Quality;
3. Bushfire Assessment;
4. Civil Infrastructure;
5. Contamination;
6. Ecological;
7. Land Capability;
8. Non- Indigenous Heritage;
9. Noise & Vibration;
10. Riparian Corridor;
11. Traffic;
12. Visual & Landscape Assessment;
13. Water Cycle Management.



Overall, the specialist studies recommend the Planning Proposal has merit and any potential impacts can be managed and mitigated.

The findings of the specialist studies are summarised below and have informed the preparation of the site specific DCP. A copy of the draft amendments to Camden DCP 2011 are provided as **Attachment 3 to this report**.

Aboriginal Heritage

The report found the majority of the site has nil to low archaeological value due to the highly disturbed nature of the land. The report identifies four items as having low-moderate significance. Of the four, two were located at the southern end of the site (low potential) and two were located near the northern most road (moderate).

Further consultation with Aboriginal stakeholders and compliance with relevant legislation will be required should future development propose to disturb the items.

Air Quality

The assessment undertaken for air quality and odour found that future industrial uses on the site may have the potential to impact on local air quality dependent upon their operations. However, as current industrial activities cease on site, there is potential to improve the local ambient air quality through a reduction in emissions.

The report recommends that potential future air quality impacts be further considered at the development application stage.

Bushfire Assessment

The site is identified as bushfire prone land. A bushfire assessment was prepared in accordance with *Planning for Bushfire Protection (PBP) NSW Rural Fire Service 2006*.

A combination of bushfire protection measures, based on PBP, is recommended to manage the bushfire threat, which includes the provision of Asset Protection Zones (APZ), adequate access, water supply for firefighting and the installation of utilities.

The assessment found the site is capable of accommodating future industrial development subject to compliance with appropriate bushfire protection measures.

Civil Infrastructure

An assessment of services for potable water, wastewater, gas, power and telecommunications was undertaken with the relevant providers. In summary, the providers advised the required services can be provided to accommodate future industrial development on the site.

Contamination

The site has been used for industrial related purposes. As such, various contamination studies were undertaken. A Phase 1 investigation was undertaken to review the site history and activities in order to identify potentially contaminated areas and associated contaminants of potential concern.



An EPA accredited site auditor has reviewed the contamination studies and agreed with the recommendations in the reports that the Phase 1 investigation is adequate for rezoning. The site auditor has reviewed the remediation strategy and found the proposed remediation approaches acceptable.

Ecological

The ecological assessment concluded the ecological values of the site are highly degraded due to the coal washery activities including the emplacement of reject coal material. The site contains some remnant native vegetation predominantly confined to the riparian zone along the Nepean River and in the northwest of the site.

The study identified three potential ecological corridors within the site. The three ecological corridors are proposed to be zoned as E2 Environmental Conservation with a Vegetation Management Plan (VMP) to be prepared for each of the corridors to allow for further rehabilitation of the native vegetation communities on the site.

Land Capability

The geotechnical studies assessed the coal emplacement area, comprised of fill from washery reject and tailings produced by the coal washery. The studies recommend the geotechnical constraints of the site can be managed by ground treatment and that redevelopment for industrial land use is feasible from a geotechnical perspective.

The draft DCP includes controls to ensure the geotechnical stability of any proposed development on site.

NonIndigenous Heritage

An assessment on the heritage items in the vicinity of the site was undertaken including Glenlee House, Camden Park Estate and the Australian Botanic Garden. The report found the Planning Proposal will have no adverse impact on these heritage items provided appropriate controls and development guidelines are implemented. The recommended controls to minimise adverse impacts on the heritage significance of items are provided in the draft DCP.

Riparian

The riparian corridor study identified three potential biodiversity corridors within the site as per the ecological assessment. Key recommendations of the study conclude that the emplacement batters should be rehabilitated to a riparian/bushland corridor and that the rehabilitated batters will have the potential to take up a biodiversity role.

Traffic

The Gateway Determination imposed a gross floor area (GFA) cap to restrict the quantity of warehousing and industrial development on the site, given the limited road access via the Camden LGA only and the uncertainty as to the timing of new road infrastructure connecting the site to the M31 Hume Motorway. The restriction on the GFA was to ensure traffic generation from the proposal does not exceed the capacity of the existing road network.

The preliminary traffic calculations undertaken prior to Gateway Determination estimated the GFA cap to be set at a total of 12,500m² for warehousing or 10,000m² general industrial use (or a combination of both).



The detailed traffic study and modelling undertaken at post-Gateway recommends the GFA cap could be increased to 90,000m² subject to further road upgrades to the intersection of Liz Kernohan Drive and Camden By Pass in the short to medium term (by 2021). All other intersections are considered to perform satisfactorily to accommodate projected traffic for 90,000m² of GFA..

The upgrades required in the short to medium term at the intersection of Liz Kernohan Drive and Camden By Pass includes two extensions of the right turn on the eastern and southern approach of the intersection

The proposed GFA cap increase to 90,000m² is supported by Roads and Maritime Services (RMS) and Transport for NSW (TfNSW), subject to conditions. These conditions include that the full scope of intersection works, associated triggers (GFA cap) and a funding mechanism for road upgrade works are identified and agreed between all stakeholders prior to the gazettal of the LEP.

The GFA cap of 90,000m² represents 9ha of the total 73ha of industrial land that may potentially be developed at Glenlee. Further development on the site above the GFA cap of 90,000m² will require the completion of the Spring Farm Parkway to the M31 Motorway.

Short to Medium Term (2017- 2021) Access Strategy

The short to medium term (2017-2021) strategy relies upon the extension of Liz Kernohan Drive to connect to an industrial haul road that is being constructed on the western side of the Spring Farm Advanced Resource Recovery Park (SFARRP), which will connect to the Glenlee site. It is anticipated that these new sections of road will be completed prior to the Glenlee Precinct being developed.

Long Term (2031) Access Strategy

The longterm access strategy of Glenlee assumes the construction of Spring Farm Parkway to the M31 Hume Motorway and Menangle Road. Traffic to and from Glenlee would access the M31 Hume Motorway via Spring Farm Parkway and the new interchange with the Motorway.

Noise and Vibration

The noise and vibration study found that operational noise, based on the expected future development of the site, can be managed with correct site planning and assessment of individual sites to comply with established environmental noise criteria under the Industrial Noise Policy (INP).

The study also provides an acoustic assessment for the residential development located along the Liz Kernohan Drive from the expected traffic volumes associated with warehousing from a proposed GFA cap of 90,000m². The study concludes there is no requirement for additional acoustic treatments to the existing and approved residential development along Liz Kernohan Drive.



Landscape and Visual Assessment

This report provides an assessment of the visual catchment and the landscape character of the adjoining areas including parts of the Australian Botanic Garden, Glenlee House, Camden Park estate and lands within the Menangle Park Masterplan Study Area.

The study recommends development design guidelines and landscape controls be implemented to ensure any proposed development will not result in unacceptable visual and landscape impacts to the State heritage properties, Glenlee House and Camden Park Estate and the Australian Botanic Garden. The recommended design controls have been provided in the draft DCP.

Water Cycle Management

An assessment has been undertaken of the water cycle management of the proposal to ensure quality stormwater targets can be met to prevent potential pollutants being discharged to the nearby Nepean River.

The study recommends a Water Cycle Management Strategy be prepared to accompany development applications to manage the quantity and quality of surface stormwater runoff, stability of the site and to encourage Water Sensitive Urban Design (WSUD). The draft DCP has recommendations from the strategy, which will require all proposed development to satisfy these requirements for stormwater management on the site.

Public Agencies

Following the finalisation of the draft specialist studies and in accordance with the Gateway requirements, Council officers undertook consultation with public agencies.

Consultation was required with 28 public agencies. The consultation raised no outstanding objections to the Planning Proposal, subject to conditions. The public agencies will be further notified during the exhibition period.

Amendments to Gateway Determination

As a result of detailed studies and public agency consultation, it is recommended that a revised Gateway approval be sought from DPE. **Table 1** below outlines the suggested amendments.

Table 1: Proposed Amendments to be sought in a Revised Gateway Determination

Gateway Determination	Existing	Proposed
Zoning	IN1 General Industrial IN2 Light Industrial.	IN1 General Industrial.
	E3 Environmental Management .	E2 Environmental Conservation.



GFA cap	GFA cap to be set at a total of 12,500m ² for warehousing or 10,000m ² for general industrial use (or a combination of both).	GFA cap to be set at a total of 90,000m ² for warehousing & general industrial use.
Development Standards for Industrial Zoning	FSR 1:1 Building Height - 11m Lot Size – 2000m ² .	FSR - 1:1 Building Height - 12m Lot Size – 2000m ² .

Zoning Amendments

Zoning amendments sought in the revised Gateway include removing the reference to an IN2 – Light Industrial zone and having only the IN1 – General Industrial zone apply to the site. The reference to the IN2 – Light Industrial zone is considered an error in the original Gateway Determination.

The Gateway Determination proposed an E3 – Environment Management zone to apply to riparian and environmentally sensitive lands on the site. The E3 Environmental Management zone is considered unsuitable, as ‘dwellings’ are a permissible use.

It is recommended that an E2 – Environmental Conservation zone is the more suitable zone to complement the environmental attributes of this land. The Office of Environment and Heritage (OEH) has indicated that it supports the E2 – Environmental Conservation zone.

It is suggested that Council now seek to amend the Planning Proposal with an E2 – Environmental Conservation zone under a revised Gateway Determination.

Increase to GFA Cap

This matter has been addressed under the Traffic section of this report. It is recommended that Council seek a revised Gateway Determination from DPE to increase the GFA cap to 90,000m².

Other Amendments

The maximum building height as issued in the Gateway Determination is proposed to be increased from 11m to 12m. The increase is to ensure consistency with the maximum building height permitted for industrial zones under the LEP controls of Campbelltown City Council.

Proposed Amendments to Camden DCP 2011

A draft amendment relating to Part D (Controls Applying to Specific Land Uses/Activities) of the Camden DCP 2011 has been prepared as a result of the specialist studies commissioned post Gateway Determination. A copy of the draft amendments to Camden DCP 2011 is provided as **Attachment 3 to this report**.



A summary of the key controls proposed in the draft DCP are provided below:

Sites located in both Camden and Campbelltown LGAs

For sites that traverse both Camden and Campbelltown LGAs and where controls are inconsistent, a merit assessment will be undertaken to determine the suitable controls for the proposed development.

Vegetation Management Plan

The first development application on the site will require Vegetation Management Plans (VMPs) to be undertaken in accordance with the ecological study. Compliance with the VMP will be enforced by registered covenant on the title of the development lots.

Geotechnical

Construction of proposed new buildings, roads and footpaths will require a geotechnical study to ascertain the stability of the subsurface and to recommend further proposed geotechnical treatment as may be required.

Visual Impact

A requirement for new buildings or works that may impact on identified view corridors to undertake a visual impact assessment as part of the development application

Exhibition Period

Subject to Council's resolution and a revised Gateway Determination being issued by DPE, the draft Planning Proposal will proceed to public exhibition.

The draft Planning Proposal including the draft DCP will be publicly exhibited for a period of 28 days. The public exhibition will occur concurrently with Campbelltown City Council's Planning Proposal for Glenlee as required under the Gateway Determination.

During the exhibition, the community, including landowners who may be directly impacted by the Proposal, will be notified and have an opportunity to make a submission.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft Planning Proposal seeks to rezone the subject land at Glenlee from RU1 – Primary Production to IN1 – Industrial. The draft Planning Proposal is supported by a suite of detailed specialist studies, and a site specific DCP. Formal consultation has also been undertaken with relevant state authorities and public agencies.

As a result of the specialist studies and consultation, it is recommended that Council now seek a revised Gateway Determination from the DPE as outlined in this report.

Subject to DPE issuing a revised Gateway Determination, it is recommended the draft Planning Proposal, draft Camden DCP 2011 (Part D – Glenlee) and supporting specialist studies proceed to public exhibition for a period of 28 days. The public



exhibition will occur concurrently with Campbelltown City Council's Planning Proposal for its land in Glenlee.

Should unresolved submissions be received during the public exhibition period, a further report will be submitted to Council detailing those submissions received.

Should no unresolved submissions be received, the draft Planning Proposal will be forwarded to DPE for the Plan to be made.

RECOMMENDED

That Council:

- i. endorse the amended draft Planning Proposal to be forwarded to the Department of Planning and Environment for a revised Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*; and**
- ii. should the amended draft Planning Proposal not receive a revised Gateway Determination, notify the proponent that the amended Planning Proposal will not proceed,**
- iii. subject to receiving a favourable response from the Department of Planning and Environment, proceed directly to publicly exhibit the amended Planning Proposal in accordance with the requirements of the Gateway Determination; and**
- iv. subject to no unresolved submissions being received,**
 - a. forward the draft Planning Proposal - Amendment No. 15, Glenlee to the Department of Planning and Environment for the Plan to be made; and**
 - b. grant delegations to the General Manager to adopt the proposed changes to draft Camden DCP 2011 and publically notify the adoption in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations; or**
- v. if unresolved submissions are received, require a further report to Council outlining the result of the public exhibition.**

ATTACHMENTS

1. Planning Proposal for Glenlee
2. Gateway determination Glenlee
3. Draft Camden DCP 2011 - Glenlee



ORDINARY COUNCIL

ORD08**SUBJECT: COMMUNITY FINANCIAL ASSISTANCE POLICY REVIEW****FROM: Director Customer & Corporate Services****TRIM #: 17/72415**

PURPOSE OF REPORT

This report seeks endorsement of the reviewed Community Financial Assistance Policy (CFAP) including changes to Community Small Grants, Support for Special Achievers and Donations for Charitable Purposes programs. There are no changes to the three other programs.

BACKGROUND

Council provides direct assistance to a range of individuals and groups through the Community Financial Assistance Policy (CFAP). The CFAP was last reviewed in 2013 incorporating changes to the Support for Special Achievers grant and Donations for Charitable Purposes. The Community Sponsorship program was incorporated into the policy at that review.

The following programs sit within the CFAP framework:

- Community Small Grants: Annual program providing funding of up to \$5,000 to not-for-profit community groups and organisations. Funding recommendations are reported to Council for approval. Program opens in the first quarter of each financial year.
- Support for Special Achievers: The Support for Special Achievers Program is to support gifted and talented people who live in the Camden LGA. The program provides a once only grant of up to \$500 to assist in meeting the costs of participation in a cultural, academic or sporting event representing NSW or Australia. Applications are accepted throughout the year.
- Annual Subsidy Program: The Annual Subsidy Program is the way Camden Council provides annual subsidies to a number of community organisations in the Camden Local Government Area. Any eligible group may apply in writing for an annual subsidy. The annual subsidies are considered by Council each year as part of the annual budget process.
- Donations for Charitable Purposes Program: This Program provides monetary and in-kind donations up to \$500 to individuals, not-for-profit community groups and organisations. Applications are accepted throughout the year.
- Civic Centre Cultural Performance Subsidy: The Program provides funding annually to non-profit organisations to provide musical or performing arts entertainment within the Camden Civic Centre for the community. The program aims to keep the venue accessible to the local community. Funding recommendations are reported to Council for approval. Applications are called for annually and are reported to Council for determination to fund events for the relevant July-June financial year.

-
- **Community Sponsorship Program:** This provides support to community based groups and organisations to support their events. Applications for sponsorship are accepted twice each year for events and recommendations reported to Council for approval. Council will shortly receive information on the next allocation.

A Councillor workshop was held on this matter on 28 March, 2017.

MAIN REPORT

A full document with tracked changes to assist Councillors' consideration of this matter is provided as an **attachment** to this report.

The following summary sets out key changes that are recommended following the review:

Policy Objectives

Updates required include division name, language and grammar.

Community Small Grants

Recommended changes:

- Increase amount available for allocation from \$5000 maximum per project to \$6500. While the budget for small grants has doubled in the last decade, the funding per project has not increased for a considerable amount of time.
- Include an annual CPI increase to the amount available.

Support for Special Achievers

Recommended changes:

- Increase amount available from \$500 to a maximum \$750 to meet costs when representing Australia.
- Increase availability from one-off to at least once every Council term.
- Include an annual CPI increase to the amount available.

Donations for Charitable Purposes Program

Recommended changes:

- Increase maximum donation from \$500 to \$700.
- Changes that enable a donation to be made as direct assistance to individuals in extraordinary circumstances.
- Include an annual CPI increase to the amount available.

FINANCIAL IMPLICATIONS

The policy review recommends some increases in funding provided which are able to be covered by the existing budget. Future budgets will be required to allow for the CPI indexation proposed.

CONCLUSION



The CFAP provides Council with the means to provide direct assistance to our community. To keep up with rising costs, increases in maximum funds that can be accessed for Community Small Grants, Support for Special Achievers and Donations for Charitable Purposes are recommended, as is some amended wording to increase clarity.

RECOMMENDED

That Council adopt the recommended changes to the Community Financial Assistance Policy as detailed in this report and set out in the attachment.

ATTACHMENTS

1. Community Financial Assistance Policy (with changes)



ORDINARY COUNCIL

ORD09

SUBJECT: DELIVERY PROGRAM SIX MONTH PROGRESS REPORT (JULY TO DECEMBER 2016)

FROM: Director Customer & Corporate Services

TRIM #: 17/49991

PURPOSE OF REPORT

To report Council's progress on the four year Delivery Program 2013/14 to 2016/17 for the period July to December, 2016, and to seek Council's approval of classification changes to policies and procedures or their rescission for the reasons set out below.

BACKGROUND

In accordance with the *Local Government Amendment (Planning and Reporting) Act 2009*, all councils are required to undertake their planning and reporting activities using the Integrated Planning and Reporting (IPR) framework. The framework requires councils to develop a suite of plans that reflect the vision and aspirations of their communities. The Plans include:

- **Community Strategic Plan (10+ Plan) – Camden 2040**
Camden 2040 stretches beyond the next ten years, identifying the community outcomes and strategies.
- **Resourcing Strategy**
The Strategy considers assets, staff requirements and financial resources necessary to deliver Camden 2040 over the first ten years of the plan. The Strategy incorporates:
 - Asset Management Strategy (including plans).
 - Workforce Plan.
 - Long Term Financial Plan.
- **Delivery Program (4 year) and Operational Plan (1 year) with Budget**
The Delivery Program shows how the community's aspirations, identified through community engagement and developed into objectives (community outcomes) in Camden 2040, have been translated into principal activities and actions that will be undertaken by Council. The annual Operational Plan is the subset of the Delivery Program.

An introductory session on the IPR framework and Council's responsibilities was provided to Councillors on 14 February, 2017.

The IPR framework also requires councils to report their progress on the four year Delivery Program. A copy of the July to December, 2016 report is provided as an **Attachment** to this report.

Council also continues to review its policies and procedures and has identified a number of these documents to be rescinded or recategorised.



A workshop on this matter was held with Councillors on 28 March, 2017.

MAIN REPORT

The four-year Delivery Program 2013/14 to 2016/17 was adopted in 2013. The subset Operational Plan (2016/2017) and associated budget was adopted in June, 2016.

At Council meeting 12 May, 2015, it was suggested that the Delivery Program's Indicators will be reviewed to reflect the population growth and to ensure reliable data sources are considered. These suggestions will be included in the review process of Council's Community Strategic Plan and associated Delivery Program (2017/18 to 2019/2020).

Also note this is the final year of the four year Delivery Program (2013/14 to 2016/17) progress reporting requirements to Council. This progress report is the first half of the reporting period July to December, 2016.

The following reporting period will be January to June, 2017, and it will conclude the reporting obligations for the Delivery Program (2013/14 to 2016/17) in accordance with the IPR framework.

This report, July to December, 2016, adheres to the IPR framework requirements and includes:

- Progress on the Delivery Program Indicators by Key Directions;
- Delivery Program outcomes that support the objectives as per Camden 2040.

Table 1 shows the rating scale of the indicators and the Delivery Program's progress against the set target for the July to December, 2016 reporting period.

Table 1

Rating Scale Coding	Rating Scale Description	No. of Indicators
	On Track	73
	Monitor	5
	Off Track	6
	Previously Reported	32
	TOTAL	116

Detailed information on the indicators and Council's progress towards achieving the outcomes in Camden 2040 is provided as an **attachment** to this report.



Policies

Pursuant to our guidelines, all policies and procedures are categorised as follows:

Category 1	Statutory Council resolved	Required by legislation and resolved by Council. Examples are Code of Conduct, Code of Meeting Practice, Payment of Expenses and Provision of Facilities to Mayor and Councillors.
Category 2	Strategic Council resolved	Not required by legislation but resolved by Council. A strategic policy expresses Council's position on an issue and is likely to affect Councillors, the public and external stakeholders.
Category 3	Operational internal policies and procedures	Approved by the General Manager through the Executive Leadership Group. Developed primarily for the guidance of staff.

As part of Council's ongoing review of its policies and procedures, feedback was received from Managers and the Executive Leadership Group. As a result, a number of documents have been proposed to be rescinded or reclassified. **Attachment 2** sets out the affected policies and procedures.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The report highlights that 93% of indicators demonstrate Council is positively moving towards achieving the objectives as per Camden 2040, with 86% of indicators 'on-track' and 6% of indicators rated as 'monitor'.

Council has continued to make significant progress in achieving community outcomes and in meeting the commitments as stated in its Delivery Program. Council is also continuing to review policies and procedures.

RECOMMENDED

That Council:

- i. note the report and Attachment 1; and**
- ii. adopt the proposed changes to the policies and procedures identified in Attachment 2 – Review of Council's Policies and Procedures.**

ATTACHMENTS

1. Six Month Delivery Program Progress Report July to December 2016 final
2. Review of Council's Policies and Procedures



ORDINARY COUNCIL

ORD10

SUBJECT: WATER PLAY PARKS AND YOUTH PLAY SPACES

FROM: Director Community Infrastructure

TRIM #: 17/92938

PURPOSE OF REPORT

To respond to Council resolutions from 11 October, 2016 and 13 December, 2016, requesting an investigation into suitable locations and associated costs for the provision of water play parks and youth play spaces.

BACKGROUND

At the Council Meeting of 11 October, 2016, Council resolved to *“investigate suitable locations for a water play park and provide associated costs for consideration”*.

Further, at the Council Meeting of 13 December, 2016, Council resolved *“to investigate appropriate locations for an additional outdoor youth space given the popularity of Birriwa Outdoor Youth Space at Mount Annan and report on associated costs”*.

The following information provides the results of both investigations.

MAIN REPORT

At a briefing held 28 March, 2017, Councillors were presented with possible location options for water play parks and youth play spaces.

Consideration was given to 11 sites at various locations throughout the Camden Local Government Area. It is recommended that two water play parks and two youth play spaces be constructed at these four locations.

The 11 sites were assessed against the following criteria:

- parking opportunities;
- adjoining uses;
- the site's physical features;
- availability of services and amenities;
- access to surrounding amenities (e.g. shops);
- proximity to residents;
- current use;
- Crime Prevention Through Environmental Design (CPTED) principles; and
- the possible availability of S94 funding.

The sites considered were:

- Harrington Green, Elderslie;
- Onslow Park, Camden;
- Spring Farm Reserve, Spring Farm;
- Kings Bush Reserve, Camden;
- Curry Reserve, Elderslie;
- Sedgewick Reserve, Currans Hill;
- Harrington Park Lakes, Harrington Park;
- Town Park, Oran Park;
- Urban Forest, Narellan;
- Smeaton Reserve, Currans Hill; and
- a new development proposed for Gledswood Hills.

Of these locations, the following four sites have been identified as most appropriate for embellishment due to their alignment with above criteria:

- Town Park, Oran Park – water play park
- Curry Reserve, Elderslie – water play park
- Harrington Park Lakes, Harrington Park – youth play space
- Sedgewick Reserve, Currans Hills – youth play space

An aerial view of each of these locations is provided in **Attachment 1**.

Town Park, Oran Park – Water Play

The Town Park has already incorporated in the design a water feature, which is being designed and constructed under a voluntary planning agreement with Greenfield Development Corporation and Urban Growth. It is proposed that Council provide additional funding to this development to deliver a water play park that would create a distinct recreational place for the Camden Community.

Initial discussions with the developers have been positive and they are very supportive of this type of project. Council would be required to enter into an agreement with Greenfield Developments and Urban Growth to progress the project.

The Town Park has good passive surveillance from Council's administration building and the Oran Park Podium. There is also parking and shade available at this location and amenities will be available on site. The close proximity to Oran Park Shops provides convenience for users.

Curry Reserve, Elderslie – Water Play

This is a relatively level site with a combination of passive parkland features, play area and picnic facilities. The location is close to Camden Town Centre and to the Narellan Town Centre. Curry Reserve also has very good surveillance from Camden Valley Way, and services and amenities are available at this location.

Harrington Park Lake, Harrington Park – Youth Play Space

This site offers access to other recreational activities, such as the Harrington Park Lake walkway, Charker Reserve sporting fields and the Narellan Sports Hub. Self-cleaning amenities will be incorporated into the design. There is parking available, however relocation of the parking may be required to better accommodate the installation of the play space. There will be minimal impact on surrounding residents and it is in close proximity to Harrington Park shopping centre, providing convenience for the users. This location has excellent passive surveillance from the Northern Road.



Sedgewick Reserve, Currans Hill – Youth Play Space

This reserve is located on Curran Hills Drive with good passive surveillance. The site also lends itself to picnic spaces, which will be incorporated into the design, due to the interface with Lake Currans. Although there is on-street parking, additional parking will be considered as part of the overall design. Self-cleaning amenities will also be incorporated into the design. This location is in close proximity to Currans Hill shops, providing convenience for users.

It is proposed that these parks will also incorporate a component of Community Art, where local youth will be consulted and included in the process.

Should Council adopt these locations, the planning, community consultation and construction of these facilities will take approximately 18 months to complete.

FINANCIAL IMPLICATIONS

The budget to undertake all four projects is \$4,000,000. There is funding available from Section 94 (\$1,500,000) and the Capital Works Reserve (\$2,500,000).

The existing Voluntary Planning Agreement between Camden Council, Greenfield Development Corporation and Urban Growth, already contains a funding component towards the Oran Park project. The funding of an additional \$500,000 provided by Council (included within the \$4,000,000 budget estimate) will enable the embellishment of this project.

Ongoing Costs

The costs associated with future maintenance of these facilities will be \$190,000 in the first year with a recurrent amount of \$160,000 per annum (to be indexed by CPI each year), which will be incorporated into forward planning for future budgets.

CONCLUSION

Council resolved to investigate appropriate locations and associated costs for the installation of water play parks and outdoor youth play space.

The investigation identified four possible locations:

- Town Park, Oran Park – water play park.
- Curry Reserve, Elderslie - water play park.
- Harrington Park Lake, Harrington Park – youth play space.
- Sedgewick Reserve, Currans Hill – youth play space.

It is recommended that Council endorse all four projects and the associated funding, to develop and maintain two water play parks and two youth play spaces.



RECOMMENDED

That Council:

- i. endorse Town Park, Oran Park and Curry Reserve, Elderslie for water play parks;**
- ii. endorse Harrington Park Lake, Harrington Park and Sedgewick Reserve, Currans Hill for youth play spaces;**
- iii. allocate \$1,500,000 from S94 for the Curry Reserve water play park, with the additional \$2,500,000 to be funded from the Capital Works Reserve;**
- iv. authorise the General Manager, or his delegate, to negotiate the terms of an appropriate funding agreement with Greenfields Development Corporation / Urban Growth to deliver the water play park at Oran Park Town Park, and have the agreement executed under Council's Power of Attorney;**
- v. allocate \$190,000 in the 2018/2019 financial year and \$160,000 (indexed by CPI), per annum for maintenance of these facilities.**

ATTACHMENTS

- 1. Location Map - Water Play Parks and Youth Play Spaces**