



Camden Council

Business Paper

Ordinary Council Meeting
8 August 2017

Camden Council
Administration Centre
70 Central Avenue
Oran Park



COMMON ABBREVIATIONS

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

General Manager
Ron Moore Mayor
Lara Symkowiak

Director Customer and Corporate
Strategy
David Reynolds

Director Planning and Environment
Nicole Magurren

Manager Governance and Risk
Charles Weber

Chief Financial Officer
Paul Rofe

Director Community Assets
Vince Capaldi

Acting Director Sport Community
and Recreation

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Ashleigh Cagney

Councillor
Theresa Fedeli

Councillor
Eva Campbell

Councillor
Peter Sidgreaves

Councillor
Paul Farrow

Councillor
Michael Morrison

Councillor
Cindy Cagney

Media

Public Address

Public Seating





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 25 July 2017.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 25 July 2017, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - MENTAL HEALTH AWARENESS AND SUICIDE PREVENTION AWARENESS MESSAGING - COUNCIL WASTE FLEET

FROM: The Mayor

TRIM #: 17/241972

Approximately 20 per cent of the Australian population will experience mental illness in any given year. In 2015 (as detailed in the last ABS), 3027 people in Australia committed suicide, therefore it is important that we as a community do our part to support mental health and suicide prevention.

To drive awareness of mental health within the Camden community, Camden Council will be partnering with R U OK? in a number of ways, including running a program of activities and initiatives for staff to take part in starting in September to coincide with R U OK Day?.

R U OK? is a not-for-profit organisation founded by Gavin Larkin in 2009, whose vision is a world where everyone is well connected and protected from suicide and self-harm. Their mission is to encourage and equip everyone to regularly and meaningfully ask those close to them, "are you OK?".

To build on the work already underway to raise awareness of mental health by local organisations, I would like to propose that Council promote the importance of asking questions and having meaningful conversations. Council could provide information regarding what support and resources are available to those who may be suffering from mental illness by way of advertising on Council's waste vehicles.

The R U OK? campaign compliments Camden Council's Domestic Violence awareness campaign and I am proud that Council can build on this initiative and raise awareness of mental health.

Camden Council will be the first ever Council in Australia to partner with R U OK? and promote awareness about mental health, suicide prevention and the R U Ok cause through messaging on waste vehicles.

It is proposed that the new messaging for the waste vehicles will be launched on R U OK? day on 14 September 2017 and will include:

- Don't waste an opportunity to ask... R U OK?
- Keep the conversation going R U OK?
- Bin meaning to ask R U OK?
- How have you really Bin? R U Ok?

The waste truck artwork will also include the R U OK? website, along with the contact number for Lifeline who do a tremendous job providing 24/7 crisis support and suicide prevention services to our region and nationally.

The R U OK? signage will be placed on Council's four new waste vehicles (**an example of the signage on the waste vehicles is provided as an attachment**). During this time, media releases and promotional activities will also be undertaken to support this important initiative.



The cost of providing this advertising on four new waste trucks is approximately \$8,000 and funding is available within the adopted 2017/18 budget.

Following the success and overwhelming support and feedback Council has received regarding the Domestic Violence messaging on four existing Council waste vehicles, this will continue and become a regular feature on the trucks. Council officers will work with the Camden Wollondilly Domestic Violence Committee to review the messages periodically.

By inspiring our community to take the time to ask "are you ok?" and listen, we can help residents in our community struggling with life to feel connected and supported long before they even think about suicide.

RECOMMENDED

That Council:

- i. install signage on the four new waste vehicles to promote awareness of mental health awareness and suicide prevention; and**
- ii. fund the \$8,000 from within the adopted 2017/18 budget.**

ATTACHMENTS

1. R U OK Waste Truck Design



ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - ONE YEAR ANNIVERSARY AT ORAN PARK

FROM: The Mayor

TRIM #: 17/244654

Today marks the one year anniversary of Council moving into this fantastic building here at the geographical Centre of the Camden Local Government Area.

This building was a fantastic accomplishment of Council's, taking only 15 months to build and realising \$3.1M in savings, enabling Council to directly allocate savings of \$1.085M towards the Narellan Sports Hub project, which has seen the scope of that project increase with remaining funds going towards other council projects.

I am very proud that Council was able to achieve the move of all administration staff into this outstanding building with **no** loss of time to the customer and would like to once again congratulate the staff on this achievement and their ongoing commitment to customer service.

This building continues to inspire me and is one that fosters an open and collaborative culture here at Council.

The flexible office space and meeting rooms have truly been embraced by staff. The building has also been a great enticer during recruitment, with a notable amount of job applicants highlighting that they wanted the opportunity to work in this great building.

Customers are equally delighted, with a survey conducted last year showing that 99% of customers surveyed were satisfied or very satisfied with the Customer Service Hub and Service level at the Oran Park Administration Building.

Since moving into Oran Park one year ago today, Council has served on average more than 250 customers per week and answered over 100,000 phone calls over the year.

We have hosted numerous key events and meetings in our flexible event space including:

- The opening of the building, with The Hon. Paul Toole (Minister for Local Government)
- The Inaugural Mayor's Community Morning Tea with various key community representatives
- Two Citizenship Ceremonies
- Sports Forums
- Developer Forums
- NAIDOC Day Celebrations
- MACROC CEO Breakfasts with guest speaker's such as Heather Nesbitt, Social Commissioner, Greater Sydney Commission and Sarah Hill, Chief Executive Officer, Greater Sydney Commission.

Our building is the envy of many local government organisations with many Councils visiting to benchmark themselves against our facilities, frontline customer service and business improvement activities.



There is no doubt that this building is one that is modern, contemporary and inviting and I look forward to continuing to see the Council organisation utilise it in new and innovative ways as it continues to provide benchmark service to the Camden community.

RECOMMENDED

That Council note the information.



ORDINARY COUNCIL

ORD01

SUBJECT: ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING AND USE AS A GROUP HOME - 58 VALLEY VIEW DRIVE, NARELLAN

FROM: Director Planning & Environment

TRIM #: 17/234429

UPDATE

This DA is referred to Council for determination following the deferral of this item at the 11 July 2017 meeting to allow Council to facilitate a meeting between the applicant and the affected residents.

A meeting was held with the residents and the applicant on 1 August 2017. Following that meeting, the applicant provided correspondence to Council proposing the following:

1. An undertaking that, in the event that AFFORD sells the property at 58 Valley View Drive Narellan, AFFORD will surrender the consent issued for a Group Home at that address.
2. That the dwelling will be used as a Group Home and no other purpose and if there is a change in the use a separate application will be submitted to Council.
3. A condition which limits the use of the Group Home to people with a disability and not persons who are socially disadvantaged as defined under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHS).

Notwithstanding the applicant's submission, clause 46(1)(b) of the ARHS states (in part):

'Determination of development applications'

a consent authority must not impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.

In other words, a DA condition cannot be imposed if the only reason it is being imposed is because it is a group home.

Having regard to this clause, the conditions proposed by the applicant (including the proposed undertaking) are considered to be open to legal challenge. This is because the proposed conditions relate specifically to the use of the site as a group home and therefore would not be consistent with the ARHS. However, it is acknowledged the applicant has indicated their preparedness to accept these conditions.

A copy of the applicant's correspondence is attached to this report.

The 11 July 2017 Council report is provided below. No changes have been made to this report since it was reported on 11 July 2017.



PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for alterations and additions to an existing dwelling and a change of use to a Group Home (Permanent) at 58 Valley View Drive, Narellan.

The DA is referred to Council for determination as there are unresolved issues raised in eight submissions from six property addresses objecting to the proposal.

SUMMARY OF RECOMMENDATION

That Council determine DA333/2017 for alterations and additions to the existing dwelling and a change of use of the existing dwelling to a Group Home (Permanent) 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

DA333/2017 seeks approval for alterations and additions to an existing dwelling and a change of use to a Group Home (Permanent).

Specifically the proposed development involves:

- The conversion of the current dining room into an additional bedroom (five in total).
- The conversion of part of the garage into office space and replacing one garage roller door with a window (one car parking space will remain within the garage).
- Change of use of the existing dwelling to a Group Home (Permanent) accommodating:
 - Five occupants; and
 - Twenty four hour on-site care and support, facilitated by three persons each working an eight hour shift.

The estimated cost of the proposed development is \$40,000.

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

THE SITE

The site is commonly known as 58 Valley View Drive, Narellan and is legally described as Lot 308 DP 817140.

The site is located on the southwestern side of Valley View Drive within an established residential area.

Within the locality, there are a variety of approved development types consisting of single and two storey dwellings. To the north and east is the existing Graham Hill Drive industrial area of Narellan, to the west are rural properties used predominantly for grazing and Council's Valley View Reserve.



Site Map

KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls.

This application has been lodged under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHS).

The application is seeking to change the use from a dwelling to a permanent group home which is defined by the ARHS as:

A dwelling:

(a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and

(b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.

Below is a summary of the key development statistics associated with the DA.



State Environmental Planning Policy (Affordable Rental Housing) 2009 Group Homes – Division 7			
Clause	Requirement	Provided	Compliance
Clause 42 – Defines a Group Home – Permanent	To provide permanent household accommodation for people with a disability or people who are socially disadvantaged (see full definition above).	This application is seeking consent to house five persons with a disability which satisfies the group home definition.	Yes.
Clause 43 - Prescribed Zones	Group homes are permissible in the following zones: <ul style="list-style-type: none"> • R1 General Residential; • R2 Low Density Residential; • R3 Medium Density Residential; • R4 High Density Residential; • B4 Mixed Use; • SP1 Special Activities; • SP2 Infrastructure; and • any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument. 	The proposal is located within the R2 Low Density Residential Zone.	Yes.
46 Determination of Development Applications	A consent authority must not: <p><i>(a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or</i></p> <p><i>(b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.</i></p> <p><i>(2) This clause applies to development for the purpose of a group home that is permissible with consent under this or any other environmental planning instrument.</i></p>	The proposal is recommended for approval subject to standard conditions.	Yes.



Camden Development Control Plan 2011 (DCP)			
Clause	Requirement	Provided	Compliance
Hostels, Permanent Group Homes and Transitional Group Homes (excluding Seniors Housing)	<p>One car parking space per full time equivalent staff member.</p> <p>Parking rate for residents to be assessed on the merits of the application.</p>	<p>The site provides one permanent car space in the existing garage for the support person and another two spaces are available in front of the garage and proposed office.</p> <p>The DA notes that the five occupants will not have vehicles. The occupants are to be picked up daily by the care provider and taken to their place of work or lifestyle centre and dropped off at the end of each day.</p> <p>There is adequate off street parking available for the vehicles that need to access/service this site.</p>	Yes.

ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density Residential
Permissibility	<p>The proposed development is defined as a ‘Group Home (Permanent)’ by the LEP which is permissible land use in this zone.</p> <p>A ‘permanent group home’ is permissible in the R2 General Residential zone under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>

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 (Affordable Rental Housing) 2009 – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land – The ‘permanent group home’ is residential accommodation, no external works proposed, the proposal is considered suitable for the site.</p> <p>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.</p>
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Local Environmental Plan - S79C(1)(a)(i).	Camden LEP 2010 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 – Compliant with conditions recommended.
Planning Agreement(s) S79C(1)(a)(iiia)	Nil.
The Regulations S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the 'Key Issues' sections of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Eight submissions were received from six property addresses objecting to the proposed development which is discussed in the 'Submission' 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 extended for a further 15 days. The exhibition period was from 3 April 2017 to 1 May 2017. Eight submissions were received from six property addresses objecting to the proposed development.

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

- 1. Proposal impacting on traffic and reducing parking availability.*

Officer comment:

The proposed development provides car parking in accordance with the requirements of Council's DCP.

The DA details that group home occupants will not have individual vehicles.

A people mover will access the site twice daily to move the occupants of the group home to their daily activities.

A space within the existing garage will accommodate the vehicle of the on-site support person.

Two spaces are available in front of the garage and proposed office which can accommodate service vehicles and visitors to the site.

The development is not considered to result in an adverse traffic or parking impacts.



2. *Loss of Property Value.*

Officer comment:

This is not a relevant planning consideration under the provisions of the *Environmental Planning and Assessment Act 1979*.

3. *Security and safety concerns.*

Officer comment:

The home will be occupied by five persons with a disability.

A support person will be onsite 24 hours a day, seven days a week, to manage the running of the group home and to assist the occupants.

The applicant for the DA is AFFORD which is a not-for-profit organisation that provides facilities and services to meet the day-to-day needs of residents requiring additional life support.

AFFORD has a number of similar group homes operating throughout the Sydney Region.

The group home is considered to provide an essential service to the community.

4. *Impact on the residential nature of locality.*

Officer comment:

A group home is a residential use.

The group home is a facility that operates within the confines of a dwelling, as it assists in providing the security and life skills training for people in a residential environment to promote independent living.

This use is a permissible form of development as prescribed by Council's Local Environmental Plan 2010 and the zoning referenced in the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposal is compliant with the relevant planning controls.

5. *Change of use / ownership.*

Officer comment:

This assessment is based on the information lodged with the proposal which has demonstrated compliance with the relevant planning controls.

It is acknowledged a site can change hands at any time however ongoing compliance with the conditions of consent would be required.

If the use is seeking to be changed an application would need to be lodged with Council and consent sought.



Any change of use would need to be assessed on its merits having regard to the relevant planning controls.

6. Impacts on streetscape and alterations to existing dwelling.

Officer comment:

The front entry of the dwelling remains unchanged. The application proposes to convert one of the garage spaces to an office by removing the roller door and replacing it with a window. This is not considered to be out of character with the existing streetscape.

7. Proposal will generate additional noise impacting on surrounding residents.

Officer comment:

The development is a permissible form of residential development as outlined in Council's Local Environmental Plan 2010 and State Environmental Planning Policy (Affordable Rental Housing) 2009.

The noise generated from the home will not be dissimilar to that generated by a residential dwelling.

8. Requirements for 'Group Homes' to be located within 400m to public transport with footpaths.

Officer comment:

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* does not require group homes to be located within 400m of public transport.

9. Insufficient community consultation.

Officer comment:

The proposal has been exhibited in accordance with Council's DCP, with an extended notification period being granted.

Six submissions were received on notification of the application, all of which have been considered in the assessment of this DA.

10. Request consideration of a privacy screen along the rear boundary.

Officer Comment

Crepe Myrtles which are deciduous are currently planted along the rear boundary of the site.

A condition is recommended requiring the planting of additional screen planting along this boundary to ensure that there is screening provided throughout the year.

11. Under what planning policy is the DA applying under.



Officer Comment

This application has been lodged under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHS).

The assessment has had regard to the ARHS, Camden LEP 2010 and Camden DCP 2011.

12. Equipment is being moved onto site without approval.

Officer Comment

This is not a matter for consideration in the assessment of this application. The concern has been referred to Council's compliance section for investigation.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with 79C(1) of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009 and all relevant instruments, plans and policies. Accordingly, DA333/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

Council approve DA333/2017 for alterations and additions to the existing dwelling and the change of use of the existing dwelling to a Group Home (Permanent) at 58 Valley View Drive, Narellan, subject to the recommended conditions.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. AFFORDS Statement of Commitment
4. Floor Plan - *Supporting Document*
5. Public Exhibition & Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS,
CONSTRUCTION OF TWO DOUBLE STOREY DWELLINGS AND
ASSOCIATED SITE WORKS - 5 AQUEDUCT STREET, LEPPINGTON

FROM: Director Planning & Environment

TRIM #: 17/213783

APPLICATION NO: 631/2017

PROPERTY ADDRESS: 5 Aqueduct Street, Leppington

APPLICANT: Accurate Design

OWNER: Mr G Jose, Ms M Thomas, Mr J Zacharia & Mrs R Joy

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for Torrens title subdivision to create two lots, construction of two, double storey dwellings and associated site works at 5 Aqueduct Street, Leppington.

The DA is referred to Council for determination as there remain unresolved issues received in one submission.

SUMMARY OF RECOMMENDATION

That Council determine DA 631/2017 for Torrens title subdivision to create two lots, construction of two double storey dwellings 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 631/2017 seeks approval for Torrens title subdivision to create two lots, construction of two double storey dwellings and associated site works.

Specifically the proposed development involves:

- Torrens title subdivision to create two lots (322sqm and 250sqm);
- Construction of a two storey dwelling on proposed Lot 5322 with four bedrooms and a double garage;
- Construction of a two storey dwelling on proposed Lot 5321 with five bedrooms and a single garage; and
- Associated site works.

The total cost of works being \$700,000.

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

THE SITE

The site is known as 5 Aqueduct Street, Leppington and is legally described as Lot 5032 DP 1211914.

The site is located within the East Leppington Precinct of the Sydney South West Growth Centre. The site has a primary frontage of 22.96m, a secondary frontage of 12.92m (excluding the splayed corner), a depth of 26.655m and an overall site area of 572sqm.

The site forms part of a recent subdivision and the immediate area is characterised by vacant land. The wider area contains the developing suburb of Leppington which comprises a mix of single and two storey dwellings and dual occupancy developments. To the north and east lies Leppington, to the west lies the Emerald Hills Estate and Catherine Field and to the south lies Denham Court and Varroville, located within the Campbelltown Local Government Area (LGA).





KEY DEVELOPMENT STATISTICS

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

Clause	Standard	Proposed	Compliance
State Environmental Planning Policy (Sydney Region Growth Centres) 2006			
4.1 Minimum Lot Size	An area of no less than 125sqm for residential lots.	The proposed lots exceed 125sqm.	Yes.
4.1AD Exceptions to minimum lot sizes for dwelling houses	Minimum lot size for dwelling houses is 300m ² however consent may be granted for the erection of a dwelling house on a lot with an area ranging between 250-300m ² where the minimum dwelling density is 15 dwellings/ha.	The site has an overall area of 572m ² and is located in an area where the minimum density is 15 dwellings per hectare. The proposed subdivision will create: Lot 5321 – 250m ² Lot 5322 – 322m ²	Yes.
4.3 Height	Maximum 9m.	Lot 5321 – 7.677m. Lot 5322 – 7.74m.	Yes.
Camden Growth Centre Precincts Development Control Plan 2016			
2.3.6 Bush Fire Hazard Management	Development to comply with Planning for Bushfire Protection 2006.	The site is bushfire affected. A bushfire safety authority has been issued by the Rural Fire Service (RFS) with no recommended conditions.	Yes.
3.1 Residential Density	Residential development is to be generally consistent with the residential structure and typical characteristics of the corresponding Density Band. The site falls within a Density Band of 15-20dw/Ha which	The area is characterised by a suburban streetscape and the proposal involves two detached dwellings which is consistent with the density characteristics of the surrounding locality.	Yes.



	is characterised by a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings.		
4.2.8 Car Parking Requirements	<p>For two or more bedroom dwellings – two spaces.</p> <p>At least one space must be located behind the building line.</p>	<p>Two off street car parking spaces are provided for each dwelling with at least one space located behind the building façade line.</p> <p>The dwelling proposed on Lot 5322 includes a double garage, whilst the dwelling proposed on lot 5321 includes a single garage, with a second space available in the driveway.</p>	Yes.
4.2.9 Visual & Acoustic Privacy	<p>Direct overlooking of main habitable areas & private open space (POS) of adjacent dwellings to be minimised.</p> <p>Windows not to face adjoining dwelling windows & POS.</p>	<p>Lot 5321 - contains a first floor window to a sitting room that has direct overlooking of the PPOS on proposed Lot 5322. A condition is recommended which requires this window to have minimum sill height of 1.5m above finished floor level. Alternatively, the window may be permanently fixed to this height with obscure glazing.</p> <p>Windows are positioned to ensure that they do not face the adjoining dwellings windows.</p>	<p>Yes.</p> <p>Yes.</p>



	Balconies not permitted on first floor side or rear portion of a dwelling (except where a balcony faces a public road/park).	Both dwellings include a first floor balcony facing the street. There are no privacy implications from the balconies.	Yes.
Front accessed dwellings with frontage width > 15m (Lot 5322)			
4.2.3 Front setback	Min 4.5m to building façade line.	4.539m.	Yes.
4.2.3 Front articulation	Min 3m to articulation zone.	3.039m.	Yes.
4.2.3 Garage line	Min 5.5m to garage line & min 1m behind building.	5.5m and 1m behind the building façade line.	Yes.
4.2.4 Side setback	Min 0.9m (ground) & min 1.5m (side A) upper level and 0.9m (side B) upper level.	0.9m (ground). 2.23m (Side A) and 0.91m (Side B).	Yes.
4.2.4 Rear setback	Min 4m (ground) & min 6m (upper) however for corner lots with a lot width greater than 15m but with a shallow lot depth, the rear setback can be varied to be consistent with the side setbacks provided the minimum private open space and solar access requirements to the proposed and adjoining properties are achieved.	4.04m (ground). 5.567m (upper).	Yes - The corner lot exceeds 15m in width and is irregular in shape. POS and solar access are achieved. The rear setback is satisfactory. The proposal exceeds the site side setback required.
4.2.1 Corner lot secondary street setback	Min 2m.	2.23m corner lot setback.	Yes.
4.2.5 Site Coverage	Max 50% at ground and 30% at upper floor.	Ground $95\text{m}^2/320\text{m}^2 = 30\%$. Upper floor $76\text{m}^2/320\text{m}^2 =$	Yes.



		23.4%.	
4.2.6 Landscaped area	Min 30% of lot area.	56% landscaping can be provided.	Yes.
4.2.7 Principal private open space	24m ² & min dimensions of 4m & gradient max 1:10.	The proposed development provides 24m ² PPOS in the rear yard with a minimum dimension of 4m & gradient ≤ 1:10.	Yes.
4.2.7 Principal private open space solar access	Min three hours solar access between 9am to 3pm on 21 June to a minimum 50% of PPOS and adjoining dwelling PPOS.	The shadow diagrams demonstrate a minimum three hours solar access is achieved for the proposed and adjoining dwellings PPOS.	Yes.
Front accessed dwellings with frontage width ≥ 9m and ≤ 15m (Lot 5321)			
4.2.3 Front setback	Min 4.5m to building façade line.	4.512m.	Yes.
4.2.3 Front articulation	Min 3m to articulation zone.	3.025m.	Yes.
4.2.3 Garage line	Min 5.5m to garage line & min 1m behind building.	5.5m and 2.14m behind the building façade line.	Yes.
4.2.4 Side setback	Min 0.9m where detached.	0.99m and 1m.	Yes.
4.2.4 Rear setback	Min 4m (ground) & 6m (upper).	4.005m (ground). 6.005m (upper).	Yes.
4.2.5 Site Coverage	Upper level a maximum of 40%.	Ground 100m ² /250m ² = 40% Upper floor 88m ² /250m ² = 35%	Yes.
4.2.6 Landscaped area	Min 25% of lot area.	45.6% landscaping can be provided.	Yes.
4.2.7 Principal private open space	20m ² & min dimensions of 4m & gradient max 1:10.	The proposed development provides 20m ² PPOS in the rear yard with minimum dimensions of 4m & gradient of ≤ 1:10.	Yes.



4.2.7 Principal private open space solar access	Min three hours solar access between 9am to 3pm on 21 June to a min 50% of PPOS and adjoining dwelling PPOS.	The shadow diagrams demonstrate a minimum three hours solar access is achieved for the proposed and adjoining dwellings PPOS.	Yes.
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ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density Residential
Permissibility:	The proposed development is defined as the 'subdivision of land' and a 'dwelling house' by the SEPP which are permissible in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> – Compliant with conditions recommended.</p> <p><u>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River</u> – Compliant with conditions recommended.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> – Compliant with conditions recommended.</p>
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<p><u>Camden Growth Centres DCP 2016</u> – Compliant with conditions recommended.</p> <p><u>Camden DCP 2011</u> - Compliant with conditions recommended.</p>
Planning Agreement(s) - S79C(1)(a)(iiia)	None applicable.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

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

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 6 June 2017 to 19 June 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. *Concerns are raised that there is overshadowing to the adjoining property which will have implications on sustainability and high living costs.*

Officer comment:

The proposed development complies with the solar access controls within the DCP for both the subject site and adjoining properties. The controls require that both the subject and adjoining properties receive three hours of sunlight between 9am and 3pm to at least 50% of their principal private open space areas.

Council officers have assessed the orientation of the site and the shadow diagrams submitted by the applicant and are satisfied the proposed development complies with the solar access controls.

Both the subject and adjoining properties receive a minimum of three hours sunlight to 50% of their PPOS between and 9am and 3pm on 21st June.

The alfresco area of the neighbouring property to the south will receive solar access at the hours of 9am and 12pm. By 3pm, partial overshadowing of the alfresco area will occur.

2. *The proposed development will not fit in with the surrounding area.*

Officer comment:

The bulk and scale of the proposed development is consistent with the character of the established streetscape within the East Leppington Precinct and is therefore acceptable. The proposed development complies with all applicable controls including site coverage and setbacks.

3. *Lack of privacy with the dwelling being situated in close proximity of the dividing fence.*

Officer comment:

The proposal is not considered to raise unacceptable overlooking and privacy concerns. The proposed dwelling has been designed to minimise overlooking into adjoining properties and complies with the minimum side setback controls.

The windows on the first floor of Lot 5321 do not raise any unacceptable overlooking concerns noting that they serve bathroom windows on the side of the dwelling that is of concern to the submitter. Bathrooms are not considered to be high use areas or areas of congregation and will therefore not result in significant privacy impacts.



A sitting room is proposed on the first floor located on the opposite side of the dwelling. To mitigate overlooking onto the PPOS of the proposed dwelling on Lot 5322, a condition is recommended that requires this window to have minimum sill height of 1.5m above finished floor level. Alternatively, the window may be permanently fixed to this height with obscure glazing.

It is therefore considered that the proposed development will not result in privacy impacts.

4. *The development will increase the traffic flow in the area, increase safety concerns and limit the availability of on-street car parking.*

Officer comment:

The additional vehicle movements generated by the two proposed dwellings will be minimal and will not significantly impact on traffic or safety. The proposed development provides two car parking spaces per dwelling which complies with the DCP.

The dwelling proposed on Lot 5322 includes a double garage whilst the dwelling proposed on Lot 5321 includes a single garage, with a second space available in the driveway.

5. *Loss of property value.*

Officer comment

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 631/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 631/2017 for a subdivision to create two residential lots, construction of two double storey dwellings and associated site works at 5 Aqueduct Street, Leppington, subject to the conditions attached.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD03

SUBJECT: TORRENS TITLE SUBDIVISION AND CONSTRUCTION OF A TWO STOREY DWELLING ON EACH CREATED LOT - 23 BANGOR TERRACE, COBBITTY

FROM: Director Planning & Environment

TRIM #: 17/209005

APPLICATION NO: 361/2017
PROPERTY ADDRESS: 23 Bangor Terrace COBBITTY
APPLICANT: Nikola Ostojic
OWNER: Nikola Ostojic

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for Torrens title subdivision into two lots and the construction of a two storey dwelling on each of the lots at 23 Bangor Terrace, Cobbitty.

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 361/2017 for Torrens title subdivision into two lots and the construction of a two storey dwelling on each of the lots 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 361/2017 seeks approval for Torrens title subdivision into two lots and the construction of a two storey dwelling on each of the lots.

Specifically the proposed development involves:

- Torrens title subdivision of one lot into two (Lot 1 – 340.5m² and Lot 2 – 366.4m²);
- Construction of a two storey dwelling on each of the lots, with each dwelling containing four bedrooms and a double garage;
- Stormwater connection to the street gutter; and
- Associated site works and landscaping.

The total cost of works being \$613,000.

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



THE SITE

The site is known as 23 Bangor Terrace Cobbitty and is legally described as Lot 544 DP 1205676.

The site is an irregular shaped allotment with an area of 706.9m². It has two street frontages being Bangor Terrace and Marshdale Street.

The site has a restriction on the title that restricts the construction of a dwelling to a maximum reduced level (RL) above Australian Height Datum (AHD) of 97.72. The purpose of the restriction is to protect the view lines from Denbigh Homestead.

The site is located within the residential development known as Arcadian Hills, located within the Oran Park precinct. Adjoining the site to the north, west and south are single storey dwellings. To the east of the site is an area of open space/drainage which contains vegetation.



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			
Minimum lot size for other development	Minimum lot size for dwelling house 300m ² .	Lot 1 - 340.5m ² . Lot 2 - 366.4m ² .	Yes.



CI. 4.1A SEPP			
Height CI.4.3 SEPP	Maximum height of buildings 9.5m (from existing ground level).	Lot 1 – 8.1m. Lot 2 – 8.15m.	Yes.
Oran Park Development Control Plan 2007			
Lot Width CI. 7.3	Density of subdivision 15.92 dw/Ha requires a minimum frontage of 9m.	Lot 1 – 19.5m. Lot 2 – 12.5m.	Yes.
Front Setback CI. 7.6.3	<p>Min 3.5m if fronting open space.</p> <p>Secondary street: Min 2m if fronting open space.</p> <p>Min 5.5m to garage line and 1m behind façade line.</p>	<p>Each dwelling will have its frontage facing open space to the east.</p> <p>Lot 1 – 3.5m. Lot 2 – 4.14m.</p> <p>Lot 1 – 2.5m. Lot 2 – 4.14m.</p> <p>Lot 1 – 5.5m. Lot 2 – 5.91m. One metre behind the façade achieved for each garage.</p>	Yes.
Rear Setback CI. 7.6.4	Great than or equal to: 4m (ground) & 6m (upper).	<p>Lot 1 – Due to the irregular shape of Lot 1, there is no rear setback. The secondary street setback applies to the boundary adjoining Marshdale Street and a minimum secondary street setback of 2m is achieved.</p> <p>Lot 2 – 6.7m ground and 10.2m upper.</p>	Yes.
Side Setbacks CI. 7.6.4	<p>Lot 1 (for lots greater than 15m in width) -</p> <p>Side A – Min 0.9m ground and 0.9m upper</p> <p>Side B – Min 0.9m ground and 1.5m upper floor.</p>	<p>Lot 1 -</p> <p>Side A Ground - 2m. Upper - 2.5m.</p> <p>Side B Ground – 900mm. Upper 1.5m.</p>	Yes.



	Lot 2 (for lots between 9m and 15m in width) - Min 0.9m ground and upper floor.	Lot 2 North - 900mm. South - 900mm.	
Site Coverage Cl. 7.6.5	<p>Maximum site coverage:</p> <p>For lots exceeding 15m in width (Lot 1) - Ground floor 50% and upper floor 30%.</p> <p>For lots between 9m and 15m in width with a site area of no more than 375m² (Lot 2) – Site coverage of the upper is not to exceed 40%.</p>	<p>Lot 1 - Ground floor - 139m² or 40.8%. Upper - 101m² or 29.6%.</p> <p>Lot 2 - (366.4m²) Ground floor - 139m² or 38%. Upper - 35.5%.</p>	Yes.
Landscaped Area Cl. 7.6.6	<p>Minimum 30% of the site to be soft landscaped area (lot width greater than or equal to 15m).</p> <p>Minimum 25% of site to be soft landscaped area (lot width less than and equal to 15m).</p>	<p>Lot 1 - 51%.</p> <p>Lot 2 - 30%.</p>	Yes.
Car parking Cl. 7.6.8	Three or more bedroom dwellings are to provide two spaces within the property boundary with one space behind the building line.	Both dwellings have double garages and there is space available within the driveway.	Yes.
Private Open Space Cl. 7.6.7	<p>PPOS (Principal Private Open Space)</p> <p>Lot 1 requires 20m². Lot 2 requires 24m². Minimum dimensions 4m. Gradient less than 1:10. Accessible from main living area of the dwelling.</p>	<p>Lot 1 – 24m². Lot 2 – 24m². Minimum size and grades achieved, and accessed from a living area.</p>	Yes.
Solar Access Cl. 7.6.7	50% of the PPOS of both the proposed and adjoining properties is required to achieve at least three hours of sunlight	Both lots and the adjoining lots receive in excess of 50% solar access between	Yes.



	between 9am and 3pm on 21 June.	9am and 3pm to their PPOS.	
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ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as a ‘Subdivision’ and a “Dwelling House’ 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)	<p><u>State Environmental Planning Policy 55 – Remediation of land</u> Compliant with conditions recommended.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> Compliant with conditions recommended.</p> <p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> Compliant with conditions recommended.</p> <p><u>Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River</u> Compliant with conditions recommended.</p>
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)	<p><u>Oran Park Development Control Plan 2007 (DCP)</u> Compliant with conditions recommended.</p> <p><u>Camden Development Control Plan 2011 (DCP)</u> Compliant with conditions recommended.</p>
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	None applicable.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.



Key Issues

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

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 7 April 2017 to 20 April 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. *It is questioned the ability to construct a two storey dwelling on the subject lot due to the restriction on the title.*

Officer comment:

The restriction on title limits the height of dwellings on the site to a maximum RL of 97.72AHD. The proposed dwellings do not exceed the RL specified within the restriction having a maximum RL to AHD of 97.44 (Lot 1) and 97.69 (Lot 2).

There is no restriction on title that restricts dwellings to single storey.

2. *The surrounding dwellings are of single storey construction and two double storey dwellings will look out of place.*

Officer comment:

The proposed two storey dwellings have been designed to satisfy the criteria of Oran Park DCP, the restriction on the title and the height limit prescribed by the SEPP.

There are two storey dwellings in Bangor Terrace hence the proposed two storey form is consistent with existing residential development in the surrounding area.

3. *The dwellings will impact upon views.*

Officer comment:

The proposed development is compliant with the relevant planning controls. There are no significant or unreasonable view impacts resulting from the development.

4. *The dwellings will present an overshadowing impact to the front of dwellings across the road.*

Officer comment:

Council officers have reviewed the shadow diagrams, which accompany the DA. The proposal complies with the solar access controls required within the DCP.

The DCP requires adjoining properties to receive a minimum three hours solar access to 50% of the private open space area between 9am and 3pm on 21 June.



The front of the lots to the southwest (on the opposite side of Marshdale Street) will be overshadowed at 9am on 21 June (mid-winter). However no overshadowing of these lots occurs at 12pm and 3pm as a result of the development. As such, the shadowing impact on surrounding properties complies with requirements of 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 361/2017 is recommended for approval subject to the conditions contained in this report.

RECOMMENDED

That Council approve DA 361/2017 for Torrens title subdivision creating two lots and the construction of a two storey dwelling on each of the lots at 23 Bangor Terrace, Cobbitty subject to the conditions attached.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD04

SUBJECT: PLANNING PROPOSAL - 2 IRONBARK AVENUE, CAMDEN
FROM: Director Planning & Environment
TRIM #: 17/194397

PROPERTY ADDRESS: 2 Ironbark Avenue, Camden
APPLICANT: Design and Planning
OWNER: Stoross Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal (**provided as an Attachment to the report**) to amend the Camden Local Environmental Plan 2010 (CLEP 2010) to permit a medical centre as an additional permitted use at 2 Ironbark Avenue, Camden and to resolve to forward the draft Planning Proposal to the Department of Planning and Environment (DPE) for Gateway Determination and public exhibition.

BACKGROUND

The subject site is legally known as Lot 3 DP 243156, 2 Ironbark Avenue, Camden and is located on the corner of Ironbark Avenue and the Old Hume Highway. The site is located approximately 2km south of the Camden Town Centre, 1.5km south of Camden Hospital, and to the southwest of the Camden Nursing Home.

The site is zoned IN2 Light Industrial under the CLEP 2010 and is surrounded by land zoned R2 Low Density Residential, R3 Medium Density Residential and IN2 Light Industrial as shown on the zoning map which is included as **Figure 2**.

The site is irregular in shape with an area of 3,396m² and forms the northern portion of a small light industrial area known as the Ironbark Avenue Industrial Precinct. The site contains an existing single storey building which was previously used as a caravan sales showroom. There are approximately 24 car parking spaces currently available in the existing outdoor carpark.

The predominant existing land uses in this precinct are service-oriented businesses including a veterinary clinic, vehicle and machinery sales and service, and a fitness gymnasium. A locality map which shows the subject site shaded red is included as **Figure 1**.

The draft Planning Proposal was lodged by the proponent Design + Planning on behalf of the owners Stoross Pty Ltd in January 2017. Councillors were briefed on the proposal on 23 May 2017.

MAIN REPORT

Zoning and permissibility

The subject site is currently zoned IN2 Light Industrial under the CLEP 2010. Under this zoning the proposed use as a ‘medical centre’ is prohibited.



Figure 1: Locality Map (Source: Nearmap)



Figure 2: Zoning Map (Source: CLEP 2010)
Proposal

The draft Planning Proposal seeks to amend *Schedule 1 – Additional Permitted Uses* of the CLEP 2010 to include a medical centre as an additional permitted use on the site. The proposal does not otherwise seek to change or amend the existing IN2 Light Industrial zone which currently applies to the site.

In addition to amending *Schedule 1 – Additional Permitted Uses* of the CLEP 2010, an amendment to the Additional Permitted Uses map will be required. The proposed map amendment will identify the land to which the additional permitted use applies via a heavy blue outline as shown in **Figure 3**.

Existing Additional Permitted Uses Map	Proposed Additional Permitted Uses Map



Figure 3: Comparison of existing and proposed Additional Permitted Uses maps under Camden LEP 2010**Key Issues**Parking

A traffic and parking assessment report was submitted in support of the draft Planning Proposal and is included in the **Attachment to the report**.

The report considered the capacity of the site to facilitate on-site car parking at the rate required for a medical centre in accordance with the requirements of the Camden Development Control Plan 2011 (Camden DCP 2011). The site currently provides for 24 onsite parking spaces in the existing outdoor car park.

The car parking rate for a medical centre is based on the Gross Floor Area (GFA) of the building, therefore the final car parking requirements for this site can only be determined by the final design of the medical centre. The proponent has confirmed that no determination has been made on how the existing building will be configured or used at this stage.

The traffic and parking assessment report considers a number of options to achieve compliance with the car parking rates of Camden DCP 2011. These include limiting the GFA of the building and/or exploring alternative parking arrangements.

The draft Planning Proposal must demonstrate that the site is suitable for the proposed land use. Should the additional permitted use be supported and the CLEP amended to enable a medical centre, a future DA would need to demonstrate that all required parking can be provided within the subject site without impacting on the local road network and the amenity of the neighbourhood.

Council officers have made it clear to the proponent that car parking required to support the development must be provided on site. Any on street parking will not be considered.

Traffic

The report also undertook a preliminary traffic impact assessment on the intersection of Ironbark Avenue and the Old Hume Highway. The report concluded that the intersection currently operates at a satisfactory level and, with the additional projected traffic volumes, would continue to operate at acceptable levels.

On this basis, Council officers are satisfied that the draft Planning Proposal can be supported on parking and traffic grounds.

Land use conflict and potential impacts on existing industrial land

The proposed medical centre use is considered compatible with the existing land uses within the IN2 Light Industrial zone, which are service oriented businesses including a veterinary clinic, vehicle and machinery sales and service and a fitness gymnasium. There are no existing land uses that are likely to conflict with the proposed medical centre use of the site.

Should the draft Planning Proposal proceed and a medical centre be approved on this site, it is considered that there would be minimal land use conflict with the existing



adjacent land uses, including the nearby R2 Low Density Residential and R3 Medium Density Residential land uses.

Economic impact

The use of the site as a medical centre could create a higher job density (the ratio of jobs to floor space area) on the site compared to typical light industrial land uses which have large floor space areas but fewer jobs.

Assessment of Planning Merit

The draft Planning Proposal has demonstrated merit to proceed to Gateway Determination for the following reasons:

- The proposed medical centre use will provide an essential health service for Camden residents.
- The proposed use compliments the surrounding residential area.
- The proposal will create additional jobs and provide job diversity.
- The proposal does not reduce the amount of industrial zoned land, as the IN2 Light Industrial zoning will remain.

It is considered that additional studies are not necessary to support the draft Planning Proposal.

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*, all draft Planning Proposals must be considered against the priorities in the draft District Plan.

Productivity Priority 4 – Protect and support employment and urban services land.

- The draft Planning Proposal is consistent with this priority. The proposal aims to increase the opportunity to diversify the employment and job generation on the site.

Liveability Priority 7 – Conserve heritage and unique local characteristics

- The retention of the existing building and proposed re-use as a medical centre utilises an existing building and retains the amenity and character of the area.

Liveability Priority 12 – Support planning for health infrastructure

- The proposed inclusion of an additional use as a medical centre for the site achieves this priority.



Community Strategic Plan (CSP)

Council, at its meeting held on 27 June 2017, adopted the CSP. Key Direction 3 – A Prosperous Economy is about developing an environment that supports a diversity of business and industry to invest, establish, grow and be sustainable over time. Strategy 3.1.1 seeks to ensure employment, tourism and education opportunities are expanded across the Local Government Area (LGA). Strategy 3.1.4 seeks to strengthen and support business growth and attract new industries.

The draft Planning Proposal is consistent with the CSP.

Initial Notification of Draft Planning Proposal

The draft Planning Proposal was notified for a period of 14 days from 13 June to 27 June 2017. Adjoining and nearby properties were directly notified by letter. Notices were also placed in the local newspaper. No submissions were received.

A formal public exhibition period inviting comments from the community will occur at a later stage, subject to Council endorsement and in accordance with the gateway determination requirements.

LEP Delegation

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

FINANCIAL IMPLICATIONS

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

CONCLUSION

This Planning Proposal seeks to amend CLEP 2010 (Schedule 1) to include a medical centre as an additional permitted use at 2 Ironbark Avenue, Camden. The draft Planning Proposal has demonstrated planning merit to progress to Gateway consideration.

The site is considered suitable for a medical centre, subject to a future DA demonstrating adequate parking can be provided onsite.

The proposed medical centre will be compatible with the surrounding land uses and will provide an essential health service and employment opportunities for local residents.



RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal to amend the Camden Local Environmental Plan 2010 to include a medical centre as an additional permitted use at 2 Ironbark Avenue, Camden (Lot 3 DP 243156);
- ii. forward the Planning Proposal to the Department of Planning and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the *Environmental Planning and Assessment Act 1979*;
- iii. subject to receiving a Gateway Determination, publicly exhibit the Planning Proposal in accordance with the Gateway Determination; and
- iv. subject to no unresolved submissions being received, forward the Planning to the Department of Planning and Environment for the plan to be made; or
- v. should the Planning Proposal not receive Gateway approval, notify the Proponent that the Planning Proposal will not proceed.

ATTACHMENTS

1. Planning Proposal 2 Ironbark Aug 2017



ORDINARY COUNCIL

ORD05

SUBJECT: TENDER T010/2017 - ACCEPT TENDER AND THE 2017/18 FEDERAL BLACKSPOT FUNDING FOR SIGNALISED INTERSECTION UPGRADE AT BURRAGORANG ROAD/CAWDOR ROAD, CAMDEN

FROM: Director Community Assets

TRIM #: 17/213155

PURPOSE OF REPORT

To accept the tender submitted by Celtic Civil Pty Ltd for the signalised intersection upgrade at Burragorang Road/Cawdor Road, Camden, and to accept the 2017/18 Federal Blackspot Program funding, and to authorise the appropriate budget adjustments to fund this project.

BACKGROUND

The signalised intersection at Burragorang Road and Cawdor Road has been identified as an area where there have been a number of accidents and has been recognised as eligible for Black Spot funding to address safety issues.

During the design phase of the project, the need for additional road reconstruction improvement works and RMS traffic signal requirements were identified. This has resulted in a need to increase the original budget adopted by Council for this project. The adjustments are detailed in the financial implications section of this report.

MAIN REPORT

Invitation to Tender

The invitation to submit a tender was advertised in the local newspaper, Sydney Morning Herald and on the NSW e-tendering website. The tender closed on 27 April and four submissions were received. Tenderers were asked to provide a lump sum price for the works.

Tender Submissions

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

Company	Location
• Brefni Pty Ltd	The Oaks NSW
• Celtic Civil Pty Ltd	Concord NSW
• North Shore Paving Company Pty Ltd	Lindfield West NSW
• Western Earthmoving Pty Ltd	Seven Hills NSW

A summary of the tender assessment is provided in the **Supporting Documents**. Please note this information is Commercial in Confidence.



Tender Evaluation

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

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

Non Price Factors considered for this project included:

- Understanding of the project and proposed methodology;
- Experience on projects of similar nature;
- Project Program;
- Proposed project team, capacity, and systems; and
- Work Health & Safety.

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

Celtic Civil has demonstrated a proven track record in delivering projects of a similar scale and nature for Local Government.

The panel members all agreed that the tender by Celtic Civil represented the best value to Council.

Relevant Legislation

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

Critical Dates / Time Frames

Celtic Civil Pty Ltd has submitted a program to complete the works in 12 weeks from commencement on site. This program does not include any allowance for wet weather or other extensions of time allowed under contract. Subject to Council's acceptance of this tender and making an allowance for extensions of time and wet weather, the works are expected to be completed by December 2017.

FINANCIAL IMPLICATIONS

In 2016/17 Council allocated an original budget for this project of \$585,585, based on the scope of works at that time. This budget will need to increase to \$1,045,585 primarily as a result of the RMS changing the scope to include CCTV signal monitoring and replacing the existing signal apparatus. Further, during the design phase of the project, an opportunity was identified to achieve a significantly improved outcome for the community, by undertaking additional road reconstruction/improvement works, reducing the need for further disruption.

Grant funding is available through the Federal Blackspot Program for \$200,000 and the RMS Annual Block Grant for \$150,000.



Savings of \$110,000 have also been identified through the Turner Road, road reconstruction project.

The final funding for this project is detailed below:

Project Budget

Original Funding

Federal Black Spot funding 2016/17	\$450,000
Allocated RMS Annual Block Grant Funding 2016/17	<u>\$135,585</u>
Total	\$585,585

Increased Project Funding

Allocated RMS Annual Block Grant Funding 2017/18	\$150,000
Federal Black Spot funding 2017/18	\$200,000
Council contribution (Turner Road savings)	<u>\$110,000</u>
Total	\$460,000

Revised Total Project Budget **\$1,045,585**

As the amount of the Federal Blackspot Program is unknown at the time of preparing the Original Budget, Council will need to accept this funding for inclusion in the 2017/18 budget.

CONCLUSION

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

This project is primarily funded through grant allocations. Council's contribution allows for contingency, with any unspent funds to be returned to Council's General Funds.

RECOMMENDED

That Council:

- i. accept the tender provided by Celtic Civil Pty Ltd for the lump sum of \$855,000.50 (GST exclusive);**
- ii. accept the 2017/18 Federal Blackspot Program funding of \$200,000 and allocate it to this project,**
- iii. allocate \$150,000 from the 2017/18 Annual Regional Road Block Grant to this project;**
- iv. transfer savings of \$110,000 identified in the Turner Road, road reconstruction project to this project;**
- v. authorise the relevant documentation to be finalised and signed under delegation.**

ATTACHMENTS

- 1. Tender T010/2017 - Signalised Intersection Upgrade at Burragorang Road and Cawdor Road, Camden - *Supporting Document*



ORDINARY COUNCIL

ORD06

SUBJECT: FITNESS EQUIPMENT REPLACEMENT FOR MOUNT ANNAN LEISURE CENTRE

FROM: Acting Director Sport, Community and Recreation

TRIM #: 17/192902

PURPOSE OF REPORT

To recommend that Council resolve, pursuant to Section 55(3)(i) of the *Local Government Act 1993* (the Act), to utilise the tender process undertaken by the YMCA for the provision of fitness equipment to Mount Annan Leisure Centre (MALC), on the basis that extenuating circumstances exist as it is not considered that Council would achieve a more satisfactory outcome should we undertake the tender process ourselves.

BACKGROUND

The fitness equipment being utilised at MALC is ageing and requires updating to modern and accessible equipment in line with the current fitness trends. The YMCA recently underwent a selective tender process to secure a national provider of fitness equipment to supply fitness centres under their contract management nationally. It is proposed to utilise the YMCA tender process to secure new equipment for MALC.

The value of the required equipment exceeds the tendering threshold. In accordance with the Section 55 of the Act, Council would generally be required to tender for equipment over the value of \$150,000 unless 'extenuating circumstances' exist as identified under Section 55(3)(i) of the Act.

The MALC is currently in the final stage of redevelopment and is due to open in September 2017.

Councillor briefings were held on 11 July and 25 July 2017 regarding this matter.

MAIN REPORT

As the owner of MALC, Council ultimately has the responsibility for the supply of fitness equipment, with a few items identified to be provided by the YMCA. Due to age and lack of accessibility of the equipment, it is an appropriate time to upgrade the fitness equipment on site. The timing of the equipment upgrade has aligned with a current tender process being carried out by the YMCA.

On considering how to achieve the best outcome for Council, officers reviewed the YMCA tender and Council's ability to benefit from the economies of scale available to a national body.

Council officers have undertaken due diligence by reviewing the procurement process. Enquiries have concluded that the procurement process was extensive, the market was well tested by the YMCA and that Council would not achieve better value should Council undertake its own tender process in this instance.

Council officers, including those from procurement and internal audit, have concluded that the YMCA has a national servicing capacity. It was also concluded, that the YMCA has conducted due diligence, the equipment has been well researched and the process will provide the MALC users with state-of-the-art equipment.

The YMCA utilised the following selection criteria when assessing their tender:

1. Fitness range, innovation and fit for purpose;
2. Supplier organisational capacity including warranty and service infrastructure;
3. Price and value – provided as commercial-in-confidence.

One supplier was identified that was able to meet the majority of options, with another two suppliers nominated for individual pieces that better meet fit-for-purpose applications such as wheelchair accessibility.

The YMCA, a specialist in the leisure and fitness industry, then undertook a further review of the tender submissions and compared them with product lines from local suppliers to determine the best option for MALC. The second review ensured that the equipment meets safety requirements, addresses fitness trends of the local community and will provide accessibility options.

The products from the national providers, identified through their tender process, have proven to be more suitable for the fitness services at MALC. The suppliers have also demonstrated their ability to provide the equipment prior to the completion of MALC renovations in September.

Tendering exception

Under Section 55 of the Act, Council would generally be required to call a tender where the value of goods or services is over \$150,000.

It is proposed not to seek tenders for the MALC equipment but to rely on the exception to the tendering requirement in Section 55(3)(i) of the Act as a satisfactory result would not be achieved by inviting tenders.

Having considered legal advice, Council's position regarding the use of the 'extenuating circumstances' exception in Section 55 (3)(i) of the Act is that Council has a discretion to decide that extenuating circumstances exist and that reasonable arguments can be made addressing value for money and the market testing that has already occurred.

Proposal

It is proposed that the equipment be sourced by Council, from the suppliers identified by the YMCA under a five year operating lease. The operating lease will form part of MALC's budget for the next five years, after which time the equipment will be replaced with updated equipment.

Therefore, Council is requested to resolve, pursuant to the extenuating circumstances exception in Section 55 (3)(i) of the Act, that a satisfactory result would not be achieved by undertaking a separate tender process for the following reason:



Council is satisfied from its enquiries that due diligence has occurred and that the market has been well tested by the YMCA tender process. The YMCA has a national servicing capacity and it is considered that Council would not achieve a better result or better value for money by undertaking a separate tender process.

FINANCIAL IMPLICATIONS

The cost associated with the procurement of the fitness equipment has been included within a supporting document, as these figures have been provided on a commercial-in-confidence basis. The operating lease will form part of the annual budget of MALC.

CONCLUSION

Council officers have conducted due diligence when reviewing the procurement process undertaken by the YMCA and are confident that 'extenuating circumstances' exist in this instance. The YMCA has undertaken an extensive procurement process to achieve the best results for Council. It is not considered that Council would achieve a better outcome by undertaking a separate tender process.

RECOMMENDED

That Council:

- i. determine that, pursuant to Section 55 (3)(i) of the *Local Government Act 1993*, a satisfactory result would not be achieved by inviting tenders for the provision of fitness equipment for the Mount Annan Leisure Centre due to the following extenuating circumstances:**

Council is satisfied from its enquiries that due diligence has occurred and that the market has been well tested by the YMCA tender process. The YMCA has a national servicing capacity and it is considered that Council would not achieve a better result or better value for money by undertaking a separate tender process.

- ii. authorise the relevant documentation to be finalised and signed under delegation.**

ATTACHMENTS

- 1. Mount Annan Leisure Centre fitness equipment replacement - *Supporting Document***



ORDINARY COUNCIL

ORD07**SUBJECT: CAMDEN RSL MEMORIAL GARDEN - ACCEPTANCE OF GRANT FUNDING****FROM:** Acting Director Sport, Community and Recreation**TRIM #:** 17/236684

PURPOSE OF REPORT

To accept \$2,000 (excl. GST) in grant funding from the Premier's Miscellaneous Grant Fund to undertake minor refurbishment of the RSL Memorial Garden located at the Bicentennial Equestrian Park in Camden.

BACKGROUND

In May 2016, Council received notification from the Department of Premier and Cabinet that Camden Council had been awarded a grant from the Premier's Miscellaneous Grant Fund to undertake embellishment of the Camden RSL Memorial Garden.

MAIN REPORT

The Premier of New South Wales, Gladys Berejiklian, has awarded Camden Council a grant in the sum of \$2,000 towards the embellishment of the Camden RSL Memorial Garden.

Council officers have informed Camden RSL of the grant and in consultation with the RSL will undertake minor refurbishment works. These works are expected to include improved edging, a watering system and additional planting of the RSL Memorial Garden which continues to be a lasting tribute to the sacrifices made by servicemen and women.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Council has been awarded grant funding in the sum of \$2,000 (excl. GST) from the Premier's discretionary fund to undertake refurbishment of the RSL Memorial Garden.

RECOMMENDED

That Council:

- i. accept the grant of \$2,000 (excl. GST) from the Premier's Miscellaneous Grant Fund for refurbishment of the RSL Memorial Garden;**
- ii. write to the The Hon. Gladys Berejiklian MP, Premier of NSW, thanking her for her support; and**
- iii. write to Mr Chris Patterson MP, State Member for Camden, thanking him for his support.**