

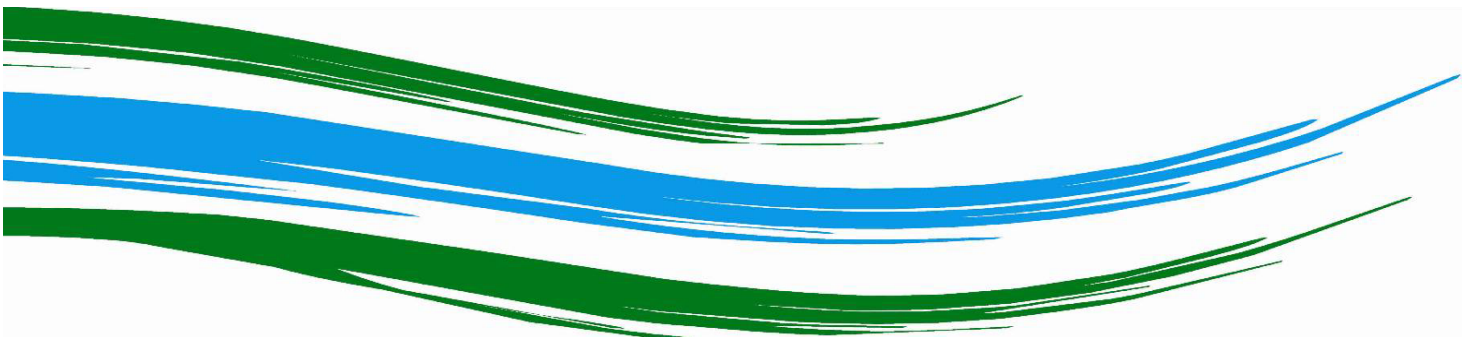


Camden Council

Business Paper

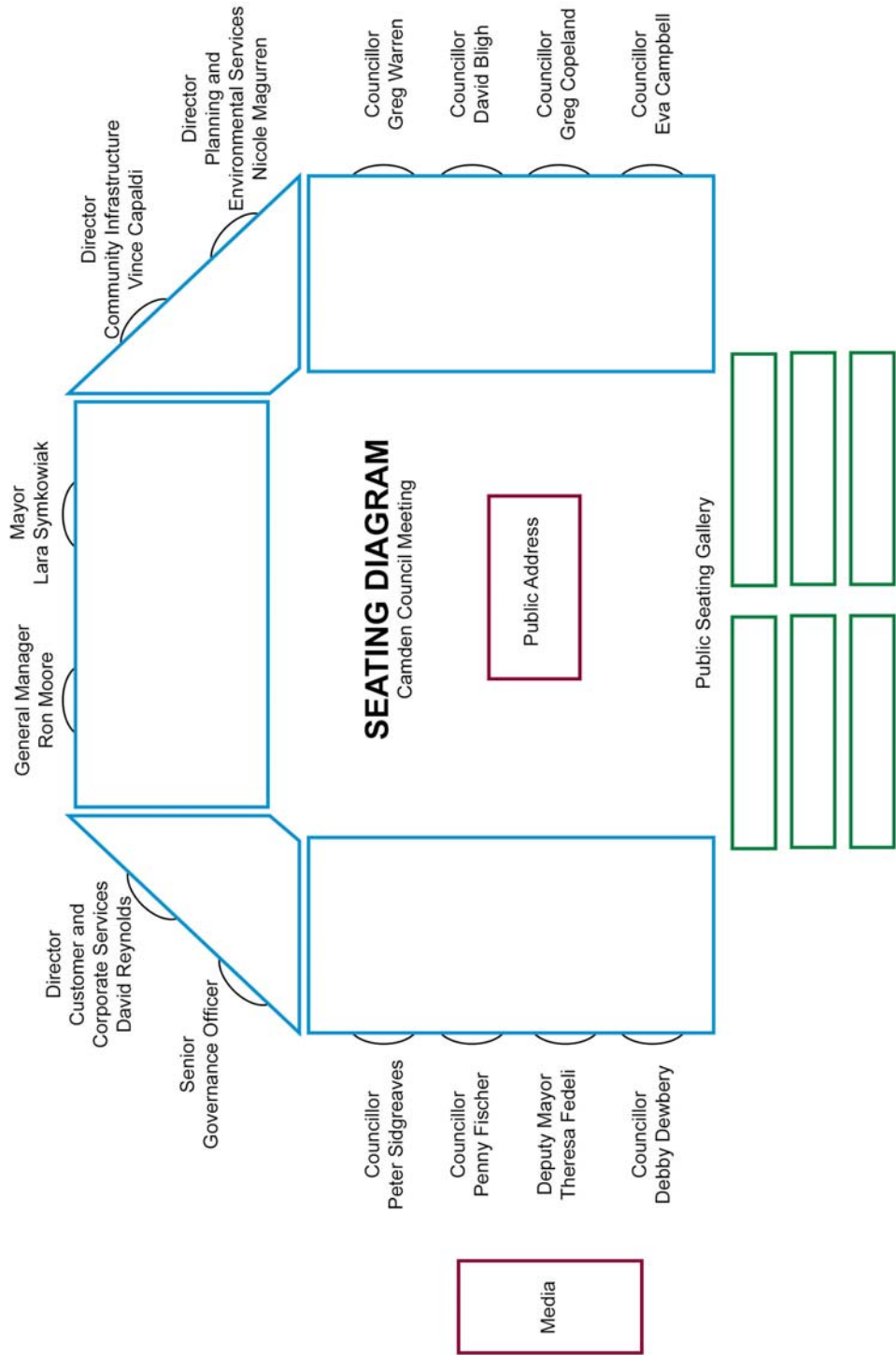
Ordinary Council Meeting
8 September 2015

Camden Civic Centre
Oxley Street
Camden



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
DWE	Department of Water and Energy
DoH	Department of Housing
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
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
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
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



*Please do not talk during Council Meeting proceedings.
 Recording of the Council Meeting is not permitted by members of the public at any time.*

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* this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, or any other electronic device capable of recording speech, 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* 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 segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office via telephone to Council's Governance Team by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, 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 (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 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.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 25 August 2015.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 25 August 2015, 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: ELECTION OF MAYOR - 2015/2016
FROM: Director Customer & Corporate Services
TRIM #: 15/241924

The procedures to be followed in respect of the election of the Mayor are set out in section 290 of the *Local Government Act 1993* ("the Act") (Timing), clause 394 of the *Local Government (General) Regulation 2005* (method) and Schedule 7 of that Regulation.

To be nominated for election to the position of Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee and must indicate consent of the nominee.

The forms must be delivered to the General Manager before 4pm on Tuesday 8 September 2015. To assist, a number of nomination forms have been issued under separate cover to each Councillor for this purpose.

If more than one nomination is received, Council will be required to resolve the method of voting. Three methods are available under the Regulations:

- Show of hands (self-explanatory - open voting)
- Ordinary Ballot
- Preferential Ballot

Once the method of voting is determined, with the exception of show of hands, voting ballot papers will be handed to each Councillor for completion. It is important that the ballot papers are completed correctly to ensure they are formal votes. Informal votes, i.e. those completed contrary to instructions, are excluded from the election count.

In the event of a tied vote, i.e. two candidates with the same number of votes, the election is determined by the draw from a box. In the case of an exclusion to reduce the number of candidates to two, the first name drawn is excluded. In the case of a two candidate draw, the name drawn is declared the elected candidate.

Action required:

- (a) If only one candidate nominated - the General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting as outlined in this report.

RECOMMENDED

That Council:

- (i) **determine the method of voting, if required; and**
- (ii) **an election be held at the Council Meeting of 8 September 2015 and, once the result is known, the General Manager to declare the candidate with the majority elected as Mayor for the 2015/2016 term.**



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: ELECTION OF DEPUTY MAYOR 2015/2016
FROM: Director Customer & Corporate Services
TRIM #: 15/241931

Unlike the position of Mayor, which is required by statute under section 225 of the *Local Government Act 1993* ("the Act"), the position of Deputy Mayor is optional (section 231).

The position of Deputy Mayor does not involve any additional responsibilities or functional authorities beyond the normal role of a Councillor, except when requested by the Mayor or at times, when the Mayor is prevented by illness, absence or otherwise from carrying out the duties of office. In such times, the Deputy Mayor assumes the role and authorities of the Mayor as specified under section 226 of the Act. Although optional, past practice has been to retain the position of Deputy Mayor each year.

The procedures required to be followed in respect of the election of Deputy Mayor are the same as that for the election of the Mayor. The same methods of voting apply and a decision is required to be made, if applicable.

To be nominated for election to the position, a nomination form must also be completed. The nomination must be signed by two Councillors, one of whom may be the nominee and must indicate the consent of the nominee.

The form must be delivered to the General Manager by 4pm on Tuesday 8 September 2015. To assist, a number of nomination forms have been issued separately to each Councillor for this purpose.

Action required:

- (a) If only one candidate - the General Manager will declare the candidate elected.
- (b) If more than one candidate nominated - Council to determine the method of voting.

RECOMMENDED

That Council:

- (i) determine the appointment of the position of Deputy Mayor;**
- (ii) determine the method of voting, if required; and**
- (iii) following the election at the Council Meeting on 8 September 2015, and once the result is known, the General Manager to declare the candidate with the majority elected as Deputy Mayor for the 2015/2016 term.**



ORD03

ORDINARY COUNCIL

ORD03

SUBJECT: COUNCILLOR REPRESENTATIVES ON COMMITTEES 2015/2016
FROM: Director Customer & Corporate Services
TRIM #: 15/241945

PURPOSE OF REPORT

The purpose of this report is to review and determine Councillors' membership to various Committees for the next twelve month period.

MAIN REPORT

Following the election of the Mayor and Deputy Mayor, it is normal procedure to re-appoint Councillor representatives to various committees for the next twelve month period.

A list of the relevant Committees and Councillor representation is **attached at the end of this report.**

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

It is recommended that Councillors take this opportunity to review the Committee membership and identify any membership requiring change.

RECOMMENDED

That Council identify any Committee memberships which require change and actions those changes (if any) accordingly.

ATTACHMENTS

1. Councillor Representatives on Committees



ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: TWO STOREY DWELLING, 8 PURCELL STREET, ELDERSLIE
FROM: Director Planning & Environmental Services
TRIM #: 15/214032

APPLICATION NO: 531/2015
PROPOSAL: Construction of a two storey dwelling
PROPERTY ADDRESS: 8 Purcell Street, Elderslie
PROPERTY DESCRIPTION: Lot B, DP 346300
ZONING: RU1 Primary Production
OWNER: M & M Smolcic
APPLICANT: M & M Smolcic

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 dwelling and associated site works at 8 Purcell Street, Elderslie.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 534/2015 for the construction of a two storey dwelling and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a two storey dwelling and associated site works at 8 Purcell Street, Elderslie.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Development Control Plan 2011. One submission was received (objecting to the proposed development) and a further submission received (from the same resident) at a later date. **Copies of the submissions are provided with the Business Paper supporting documents.**

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

The issues raised in the submission relate to privacy concerns associated with the alfresco area along the southern elevation and concerns with overshadowing and

sunlight infiltrating the windows on the lower northern side of the adjoining dwelling. Additional concerns were raised in a further submission from the same resident relating to illegal fill, the erection of a colourbond fence, removal of asbestos from the site and removal of trees.

The concerns raised in the submission were discussed with the applicant who agreed to erect a fixed privacy screen to the southern elevation of the raised alfresco area, in order to reduce the impact of overlooking into the rear yard of the adjoining property. As a result, amended plans were submitted which included the privacy screen.

The site complies with the DCP requirements for solar access both for the subject site and adjoining sites. It is noted that the adjoining neighbour to the south has a carport located along the extent of its northern elevation which overshadows its own northern windows.

The demolition of a cottage and shed and the removal of trees from the subject site were approved under separate Development Applications (883/2006, 884/2006 and 218/2004).

Concerns relating to illegal fill and the erection of a colorbond fence were referred to Council's Compliance Team for investigation.

It is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 8 Purcell Street, Elderslie and is legally described as lot B, DP 346300.

The site has a frontage of 20.115m to Purcell Street, a depth of 439.75m and an overall area of 8795m². The site falls from the east to west and is currently vacant. The immediate location of the proposed dwelling on the subject site has a fall to the rear of approximately 1m. The site is identified to be bushfire and flood affected.

The immediate area is characterised by detached residential dwellings, rural land and public open space. The wider surrounding area contains the Nepean River to the west, Elderslie residential area to the east, Kirkham Park to the north and Camden South to the south.

HISTORY

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

Date	Development
23 August 2006	Removal of one tree, one tree for pruning and 400sqm of vegetation clearing under DA 884/2006
23 August 2006	Demolition of a cottage and shed under DA 883/2006
12 September 2014	Removal of six trees and pruning of two trees under TDA 218/2014

THE PROPOSAL

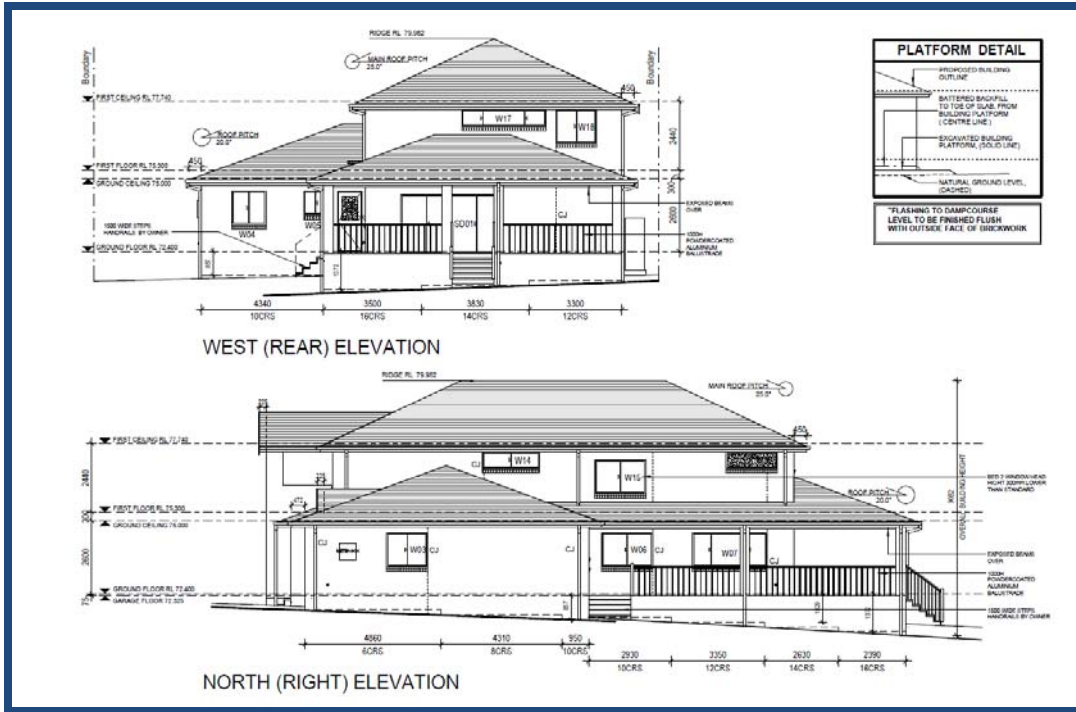
DA 531/2015 seeks approval for the construction of a two storey dwelling and associated site works.

Specifically the proposed development involves:

- construction of a two storey dwelling consisting of four bedrooms and a double garage; and
- associated site works.

The value of the works is \$477,883.

A copy of the proposed plans is provided as attachment 1 to this report.



ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79I(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development under the Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (SEPP)

The SEPP aims to encourage sustainable residential development and requires DAs for such development to be accompanied by a list of BASIX commitments as to the manner in which the development will be carried out.

Council staff have reviewed the BASIX certificate for the proposed development and are satisfied that it has been designed to achieve the minimum targets for water, thermal comfort and energy. It is a recommended condition that the proposed

development is carried out in accordance with the commitments described in the BASIX certificates.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts on the Hawkesbury-Nepean River system as a result of the proposed development. A condition is recommended to provide sediment and erosion controls as part of the development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned RU1 Primary Production under the provisions of the LEP. The proposed development is defined as a “dwelling house” by the LEP which is a permissible land use in this zone.

Objectives

The objectives of the RU1 Primary Production zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.

Officer comment:

These objectives are not relevant to the proposed development as the proposal is for a dwelling house.

- To minimise the fragmentation and alienation of resource lands.

Officer comment:

This proposal replaces an existing dwelling and does not preclude primary production on the site.

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Officer comment:

The proposed development is not considered to have any adverse impact on adjoining land uses.

- To permit non-agricultural uses which support the primary production purposes of the zone.

Officer comment:

The proposed development is a non-agricultural use which will add to the variety of housing available in the area whilst supporting the primary production purposes of the zone.

- To maintain the rural landscape character of the land.

Officer comment:

The proposed development maintains the rural landscape and character of the land as it proposes a dwelling to a small portion of the land located at the front of the property, whilst preserving a large area of rural land to the rear of the property.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

Clause	Requirement	Provided	Compliance
4.2A Dwelling Houses Rural & Environmental	<p>Development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:</p> <ul style="list-style-type: none"> - a lot was created by a plan which would have permitted the erection of a dwelling house on that land; or - there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house. 	<p>The subject lot was created before the current Plan commenced and the erection of a dwelling house on the land was permissible.</p> <p>A review of the Deposited Plan indicates that the lot was registered in 1941.</p> <p>The proposed dwelling replaces a cottage which was lawfully approved on the site.</p>	Yes
4.3 Height of Buildings	Maximum height of 9.5m	8.447m	Yes
7.1 Flood Planning	To minimise the flood risk to life and property associated with the use of the property; to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change; and to avoid significant adverse impacts on flood	The property is shown as being flood affected in accordance with Councils issued flood certificate. The location of the proposed dwelling on the property is classified as low hazard, flood fringe area. The Flood Risk Management Policy permits residential development within the	Yes

ORD04

Clause	Requirement	Provided	Compliance
	behaviour and the environment.	<p>flood fringe.</p> <p>An assessment was conducted against the flood planning controls identified in the Flood Risk Management Policy which include floor levels, structural soundness, evacuation and access, and flood affectation. The proposed dwelling is considered to have minimal impact and is satisfactory.</p> <p>The required flood planning level is RL 72.3 AHD (1% + 600mm freeboard). The proposed finished floor level of RL 72.4 AHD is therefore satisfactory.</p> <p>A condition has been added requiring an engineer's report on structural suitability of the dwelling as required by the flood risk management policy.</p>	

(a)(ii) The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).

There is no draft Environmental Planning Instruments applicable to the proposed development.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP. Discussion on the proposed DCP variations is provided after the compliance table.

Control	Requirement	Provided	Compliance
D1.1.5 Earthworks	Buildings should complement the	Less than 1m cut and fill is proposed. The dwelling is	Yes

Control	Requirement	Provided	Compliance
	<p>characteristics of the landform. Cut and fill must be kept to a minimum.</p> <p>Use of clean fill</p>	<p>designed to complement the characteristics of the landform. Drop edge beams are proposed to avoid excessive fill and to construct the dwelling in accordance with the required flood planning level of RL 71.7 + 600mm freeboard.</p> <p>A standard condition is recommended to ensure that only clean fill is used.</p>	
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion, sediment and dust control measures have been proposed and are recommended as part of the conditions contained in this report.	Yes
B1.3 Salinity Management	Salinity resistant construction	The proposed development will be constructed to be salinity resistant in accordance with Council's Building in a Saline Prone Environments Policy.	Yes
B1.4 Water Management	Compliance with Council's engineering specifications	A condition is recommended requiring compliance with Council's engineering specifications.	Yes
B1.8 Environmental and Declared Noxious Weeds	Noxious weeds management	A standard condition is recommended that will ensure noxious weed management in accordance with the DCP.	Yes
B1.9.5 Waste Minimisation and Management	Waste management plan	A suitable waste management plan has been provided.	Yes
B1.10 Bushfire Risk Management	Compliance with Planning for Bush Fire Protection 2006	A bushfire report was submitted with the DA which identifies the bushfire risk to be low.	Yes
B1.13 Mine Subsidence	Approved from the Mines Subsidence Board	The proposed plans have been stamped and approved by the Mines Subsidence Board.	Yes
B5.1 Off-street Car Parking Rates/Requirements	Dwelling houses with more than 2 bedrooms require 2 car parking	A double garage is proposed which provides for 2 car spaces located behind the building line.	Yes

ORD04

Control	Requirement	Provided	Compliance
	spaces, one of which must be behind the building line		
D1.1.1 Front Setback for Rural Dwellings	Front – minimum of 20m	9m	No – DCP Variation 1
D1.1.2 Side and Rear Setbacks for Rural Dwellings.	Rear – minimum of 5m Side – minimum of 5m	≥ 5m 1.3m – 3.847m	Yes No – DCP Variation 2
D1.1.4 Building Design	Buildings should be visually unobtrusive in the overall landscape.	The dwelling is considered to be visually unobtrusive in the overall landscape and is consistent with the streetscape.	Yes
D2.1.3 Height, Massing and Siting	Maximum building height 9.5m	8.447m	Yes
D2.1.4 Visual and Acoustic Privacy	Direct overlooking of neighbouring main living and private open space areas should be minimised.	The proposed development will not result in adverse overlooking impacts from the ground or upper floor. A privacy screen is proposed along the southern side of the alfresco area to prevent overlooking into the adjoining property.	Yes
D2.1.5 Private Open Space, Site Cover and Landscaped Area	The maximum site coverage for a two storey development must not exceed 50% of the site area for the ground floor and 30% for the upper floor. A minimum 30% of the site must be landscaped. 20% of the site must be private open space (POS). An area of principal private open space (PPOS) with a minimum area of 24sqm, minimum	The site coverage does not exceed 50% of the site area for the ground floor and 30% for the upper floor. > 30% (400sqm) landscaped area is provided >20% of the site utilises private open space. PPOS in excess of 24m ² with a maximum gradient of 1:10	Yes Yes Yes Yes

Control	Requirement	Provided	Compliance
	length of 4m and a maximum gradient of 1:10 must be provided.		
	Sunlight must reach 50% of the PPOS (in the proposed surrounding development) for a minimum of 3 hours between 9am and 3pm on 21 June.	The PPOS of both the proposed and adjoining dwellings comply with this requirement	Yes
	North facing windows of living areas in proposed and surrounding development shall receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June	North facing windows of the proposal will receive direct sunlight. North facing windows of adjoining neighbours are overshadowed by its own carport.	Yes
	At least one principal living area must face predominantly north	At least one principal living area faces north.	Yes
	The PPOS must be adequately screened for privacy	The PPOS is adequately screened for privacy.	Yes
	At least 65% of the POS areas must be soft landscaping	>65% of the POS area is soft landscaped.	Yes
	An external clothes drying area with good solar access must be provided	There is sufficient area with good solar access for a clothes drying area to be provided.	Yes
D2.1.6 Garages, Site Access and Parking	Minimum 5.5m from front setback and 1m behind building façade.	Garage is setback 1.24m behind building line.	Yes
	Garage doors must be no more than 50% of the building façade width.	4.8m wide - 33%	Yes
D2.1.7 Streetscape and	The form, scale and siting of the building and the materials and	It is considered that the form, scale and siting of the dwelling is appropriate	Yes

Control	Requirement	Provided	Compliance
Architectural Design	colours must be appropriate to the character of the area.	to the character of the area.	Yes
	The façade facing a street front must provide at least two design features to enhance the existing and future desired built form and character of the neighbourhood.	The dwelling incorporates two design features by way of an entry porch and a balcony to the front first floor.	
	450mm eaves are to be provided to 75% of dwellings.	450mm eaves are provided to all sides of the dwelling.	Yes

DCP Variation 1 – Front Setback

DCP Control

The DCP control requires rural buildings in all rural zones to be setback a minimum of 20m from the front boundary. The proposed front setback is 9m.

Council Staff Assessment

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- There are multiple dwellings in the surrounding area, located on rural zoned land, which demonstrate setbacks that are less than 20m. The proposed setback is consistent with the adjoining dwellings and the surrounding area; and,
- The proposed dwelling is required to be located closer to the front boundary to ensure that it is clear of the 20 year flood plain and to prevent flooding impacts. The dwelling reflects the character of the established neighbourhood.

Consequently it is recommended that Council support this proposed variation to the DCP.

DCP Variation 2 – Side Setback

The DCP control requires rural buildings in rural zones to be setback a minimum of 5m from the side boundaries. The proposed side setbacks are 1.3m along the southern boundary and 3.847m along the northern boundary.

Council Staff Assessment

Council staff have reviewed this variation and recommend that it be supported for the following reasons:

- There are multiple dwellings in the surrounding area, located on rural zoned land, which demonstrate side setbacks that are less than 5m. Nearby and adjoining dwellings are located relatively close to the side boundaries. The adjoining dwelling to the south of the subject site (6 Purcell Street, Elderslie) has side setbacks of approximately 3.1m from the dwelling to the southern boundary, approximately 4.8m from the dwelling to the northern boundary and 500mm from the carport to the northern boundary. The adjoining dwelling to the north of the subject site (10 Purcell Street, Elderslie) has side setbacks of approximately 2.5m on the southern boundary and approximately 3m on the northern boundary. The proposed setback is consistent with the existing adjacent development.
- The proposed side setbacks and position of the dwelling do not contribute to privacy impacts and provide sufficient solar access to the adjoining dwellings. Sufficient ventilation is also provided between dwellings. The variation meets the objectives of the DCP controls as it maintains the existing streetscape and rural aesthetics of the area.

Consequently it is recommended that Council support this proposed variation to the DCP.

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

The Regulations prescribe several matters that are addressed in the conditions contained in this report.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by the above assessment, the site is considered to be suitable for the proposed development.

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 18 June 2015 to 2 July 2015. One submission was received (objecting to the proposed development). Additional concerns were raised in a further submission from the same resident relating to illegal fill, the erection of a colourbond fence, removal of asbestos from the site and removal of trees.

A copy of a Public Exhibition and Submissions Map is provided with the Business Paper supporting documents.

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

1. *Privacy concerns are raised with regards to the proposed verandah and potential overlooking along the southern side.*

Officer comment:

The concerns raised with regards to overlooking from the proposed verandah were mitigated through the submission of an amended plan which demonstrates a fixed privacy screen to the southern side of the alfresco area.

2. *There is overshadowing to the adjoining property located to the south of the subject site (6 Purcell Street, Elderslie). The submission writer is also concerned that the lower north facing window does not receive sufficient sunlight and would like the dwelling moved forward by 2 metres and also reposition to be closer to the northern side of the property.*

Officer comment:

The site complies with the DCP requirements for solar access for the proposed development and the adjoining property. The controls require that neighbouring properties have 3 hours of sunlight between 9am and 3pm for 50% of their principal private open space areas and north facing windows of their living areas.

It is noted that the adjoining neighbour to the south has a carport located along the extent of its northern elevation which overshadows its own northern windows. **A copy of photographs are provided with the Business Paper supporting documents.**

Council staff have assessed the orientation of the site and the shadow diagrams submitted by the applicant and are satisfied that the above controls are met.

3. *Concerns were raised in a further submission from the same resident relating to illegal fill, the erection of a colourbond fence, removal of asbestos from the site and removal of trees.*

Officer comment:

The demolition of a cottage and shed and the removal of trees from the subject site were approved under separate Development Applications (883/2006, 884/2006 and 218/2004).

Concerns relating to illegal fill and the erection of a colorbond fence were referred to Council's Compliance Team for investigation.

(e) The public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

The DA was not required to be referred to any external agency for comment.

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 531/2015 is recommended for approval subject to the conditions contained in this report:

CONDITIONS

1.0 - General Conditions of Consent

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
2009588 Sheet 1 Rev 7	Partial Site Plan	Masterton Homes	24/06/2015
2009588 Sheet 2	Ground Floor Plan	Masterton Homes	21/01/2015
2009588 Sheet 3	First Floor Plan	Masterton Homes	21/01/2015
2009588 Sheet 4	Elevations	Masterton Homes	21/01/2015
2009588 Sheet 5	Elevations	Masterton Homes	21/01/2015
2009588 Sheet 6	Sections/Schedules	Masterton Homes	21/01/2015
2009588 Sheet 7.1	9am June 21-Shadow	Masterton Homes	21/01/2015
2009588 Sheet 7.2	12pm June 21- Shadow	Masterton Homes	21/01/2015
2009588 Sheet 7.3	3pm June 21-Shadow	Masterton Homes	21/01/2015
2009588 Sheet 8	Site Analysis Plan	Masterton Homes	21/01/2015
2009588 Sheet 9	Sediment Control Plan	Masterton Homes	21/01/2015
2009588 Sheet 11	Concept Landscape Plan	Masterton Homes	21/01/2015

Document Title	Prepared by	Date
BASIX Certificate No. 604607S_02	Frys Energywise	4/03/2015
Waste Management Plan	Masterton Homes	Submitted with DA documentation.
Bushfire Hazard Assessment	Bushfire Consulting Services Pty Ltd	4/02/2015

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **Building Code of Australia** - All building work shall be carried out in accordance with the BCA. In this clause, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 80A(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the PCA for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i. has been informed in writing of the name and licence number of the principal contractor; and
 - ii. where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder:
 - i. has been informed in writing of the name of the owner-builder; and
 - ii. if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (5) **Excavation for Residential Building Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining premises from possible damage from the excavation; and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying, and a copy of that written consent is provided to the PCA prior to the excavation commencing.

2.0 – Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any Geotechnical Report applicable to the site. A statement to that effect shall be provided to the Certifying Authority.

- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2.0m from the external walls of the building. Where the external walls are within 2.0m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **Driveway Gradients and Design** - For all driveways that relate to development for the purposes of a dwelling house, the driveway gradient and design shall comply with AS 2890.1-2004 'Off street car parking' and:
- the driveway shall comply with Council's Engineering Specifications;
 - the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - a Public Road Activity approval must be obtained prior to the commencement of any works.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

- (4) **Engineers Report** - A report prepared by a qualified engineer confirming that the proposed structure can withstand the forces of floodwater up to and including the PMF prior to the issue of a construction certificate.
- (5) **Salinity (Dwellings & Outbuildings)** - Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Building in a Saline Prone Environment Policy shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (6) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any work that cost \$25,000 or more.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the *EP&A Regulation 2000*. The notice shall include:
- a description of the work to be carried out;
 - the address of the land on which the work is to be carried out;

- c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the *EP&A Regulation 2000*. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the PCA.

The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.

- (5) **Sydney Water Approval** - The approved development plans shall be approved by Sydney Water.
- (6) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements;
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

- (4) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the (select option a, b or c):
- street gutter;
 - drainage easement;
 - existing drainage system.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Finished Ground Level** - The land has been identified as being affected by the 1:100 year flood (1% AEP). The finished ground level of the site shall be a minimum level of RL 72.4 metres AHD in accordance with the approved plans.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A survey report detailing that the siting of the building and required floor level are in accordance with the approved plans shall be provided to the PCA prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the PCA.
- (3) **Footpath Crossing Construction** - A footpath crossing and driveway shall be constructed in accordance with this consent and the approved Construction Certificate prior to use or occupation of the development.

- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.

6.0 – Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays;
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute; and
 - c) not discharge any condensate or moisture onto the ground surface of the premises or into stormwater drainage system in contravention of the requirements of the *Protection of the Environment Operations Act 1997*.

RECOMMENDED

That Council approve DA 531/2015 for the construction of a two storey dwelling with associated site works at 8 Purcell Street, Elderslie, subject to the conditions listed above.

ATTACHMENTS

1. Proposed Plans
2. Floor Plans - *Supporting Document*
3. Submission - *Supporting Document*
4. Further Submission - *Supporting Document*
5. Public Exhibition and Submissions Map - *Supporting Document*
6. Site Inspection Photographs - *Supporting Document*



ORD05

ORDINARY COUNCIL

ORD05

SUBJECT: SUBDIVISION TO CREATE 3 RESIDENTIAL LOTS AT 10 OAKBANK PLACE, CURRANS HILL

FROM: Director Planning & Environmental Services

TRIM #: 15/223913

APPLICATION NO: DA511/2015
PROPOSAL: Subdivision to create 3 residential lots
PROPERTY ADDRESS: 10 Oakbank Place, Currans Hill
PROPERTY DESCRIPTION: Lot 110 DP1161129
ZONING: R1 – General Residential
OWNER: Landco (NSW) Pty Limited
APPLICANT: Cardno

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a subdivision to create 3 residential lots at 10 Oakbank Place, Currans Hill.

The DA is referred to Council for determination as there remain unresolved issues received in one submission and there is a minor variation to the provisions of Camden Local Environmental Plan 2010 (LEP).

SUMMARY OF RECOMMENDATION

That Council determines DA 511/2015 for a subdivision to create 3 residential lots pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions contained in this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a subdivision to create 3 residential lots at 10 Oakbank Place, Currans Hill.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the Environmental Planning and Assessment Regulation 2000, relevant Environmental Planning Instruments, Development Control Plans and policies. The outcome of this assessment is detailed further in this report.

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. One public submission was received (objecting to the proposed development). **A copy of the submission is provided with the Business Paper supporting documents.**

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

The issues raised in the submission relate to over-development of the land, and amenity and privacy impacts from future development of the lots.

Subdivision of the land is permissible with consent in the residential zoning applying to the land. Potential lot sizes of 220m² and 450m² apply to the site under Camden LEP. The site is also identified as a 'gateway' site under Camden DCP 2011 where some form of denser development could be pursued, such as multi-dwelling housings or townhouses. In this context the DA does not result in an overdevelopment of the site.

The recommended consent conditions include section 88B restrictions on title for future development of the lots based upon dwellings fronting or facing Ascot Drive with their vehicular access from Oakbank Place, and no vehicular access from Ascot Drive. This will help to address amenity concerns raised by the submitter, as the dwellings would be located towards Ascot Drive with their rear yards and parking located towards Oakbank Place, similar to the adjoining development located to the south.

Based on the assessment, it is recommended that the DA be approved subject to the conditions contained in this report.

AERIAL PHOTO



THE SITE

The site is commonly known as 10 Oakbank Place, Currans Hill, and is legally described as Lot 110 DP1161129. The site is irregular in shape and has two streets frontages, to Oakbank Place (a cul-de-sac) and Ascot Drive. The site has a curved frontage to Oakbank Place of approximately 37m, at the end of the cul-de-sac, and a frontage of approximately 44m to Ascot Drive. The site depth varies from approximately 27m to 33.5m and the overall area is 1335.8m².

The site is relatively flat and currently vacant, except for an existing padmount substation located in the north eastern corner of the site. There are no trees on the site. There is a 4.5m wide shared pedestrian pathway/cycleway adjacent to the northern boundary which continues along part of the frontage to Ascot Drive.

The surrounding area is characterised by a mixture of new single and two storey dwellings houses, being within the Manooka Valley release area, where recently subdivided land has been, and is being, developed for residential purposes.

DEVELOPMENT HISTORY

The relevant development history of the site, in relation to the land subdivision which created Lot 110, is summarised in the following table:

Date	Development
9 November 2010	DA1291/2009 - Subdivision to create 159 residential lots, 6 super lots, construction of bulk earthworks, roads, drainage, services, open space, landscaping and demolition of existing sheds (Manooka Valley – North, South & Part East villages).

THE PROPOSAL

DA 511/2015 seeks approval for a subdivision to create 3 residential lots.

Specifically the proposed development involves:

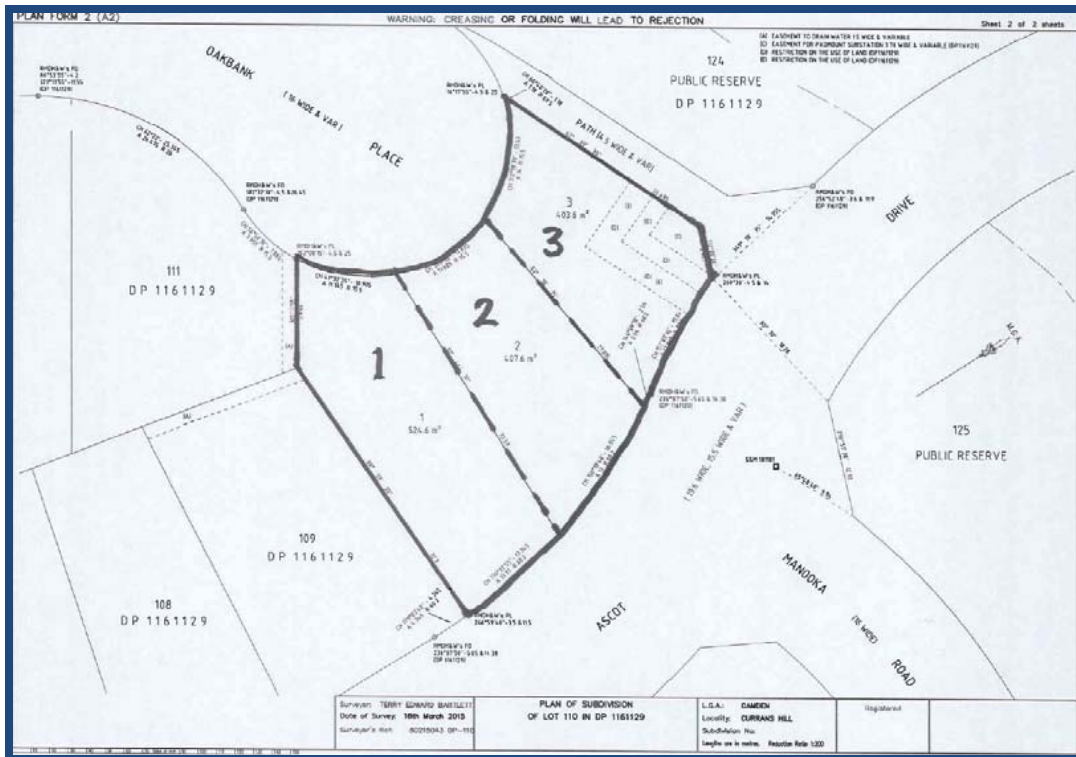
- subdivision to create 3 lots, as follows:
 - Proposed Lot 1 = 524.6m²
 - Proposed Lot 2 = 407.6m²
 - Proposed Lot 3 = 403.6m²
- provision of two stormwater outlets to the street kerb.

The estimated value of the works is \$1,000.

A copy of the proposed plans is provided as attachment 1 to this report.

PROPOSED SUBDIVISION PLAN

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ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 79(C)(1)

In determining a DA, the consent authority is to take into consideration the following matters as are of relevance in the assessment of the DA on the subject property:

(a)(i) The Provisions of any Environmental Planning Instrument

The Environmental Planning Instruments that relate to the proposed development are:

- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No 55 – Remediation of Land
- Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River
- Camden Local Environmental Plan 2010

An assessment of the proposed development against these Environmental Planning Instruments is detailed below.

State Environmental Planning Policy (Infrastructure) 2007

Clause 45 – works within or beneath electricity transmission lines and easements

The DA was referred to Endeavour Energy under clause 45 of the SEPP. There is an existing padmount substation in the north eastern corner of the site located within a 3.78m wide easement, and with easements or restriction on use 2.08m wide and 2.9m wide around the substation easement. Fire rated construction is required for the surface of a building within the first 2.08m wide restricted area, while no pool or spa is

permitted within the second 2.9m restricted areas. Fire rated construction would be relatively easy to achieve with no openings within this face of the building, brick or masonry construction and fire rated eaves.

Endeavour Energy responded that they have no objection to the proposed subdivision and noted that the applicant has had due regard to the existing easement and substation in design of the subdivision.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP)

The SEPP requires Council to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

Contamination issues were dealt with under DA1291/2009. A detailed contamination assessment was submitted with that DA, which confirmed that the site was not contaminated and that its residential development did not present any public health issues. A standard contingency condition is recommended for this proposed subdivision that requires if any contamination is found it must be managed in accordance with Council's Management of Contaminated Lands Policy. On this basis, the site is suitable for its intended residential use.

Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River (SEPP)

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development, as only minor physical works are proposed for the provision of two stormwater outlets to the street kerb. Appropriate erosion and sediment control measures can be implemented as part of the proposed development.

Camden Local Environmental Plan 2010 (LEP)

Permissibility

The site is zoned R1 General Residential under the provisions of the LEP. The proposed development is defined as "subdivision" by the LEP which is a permissible with consent under clause 2.6 of the LEP.

Zone Objectives

The objectives of the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

Officer comment:

The proposed subdivision of the land for residential purposes is consistent with the relevant zone objectives and will provide for the housing needs of the community.

Relevant Clauses

The DA was assessed against the following relevant clauses of the LEP. Discussion of any variations of the controls is provided after the compliance table.

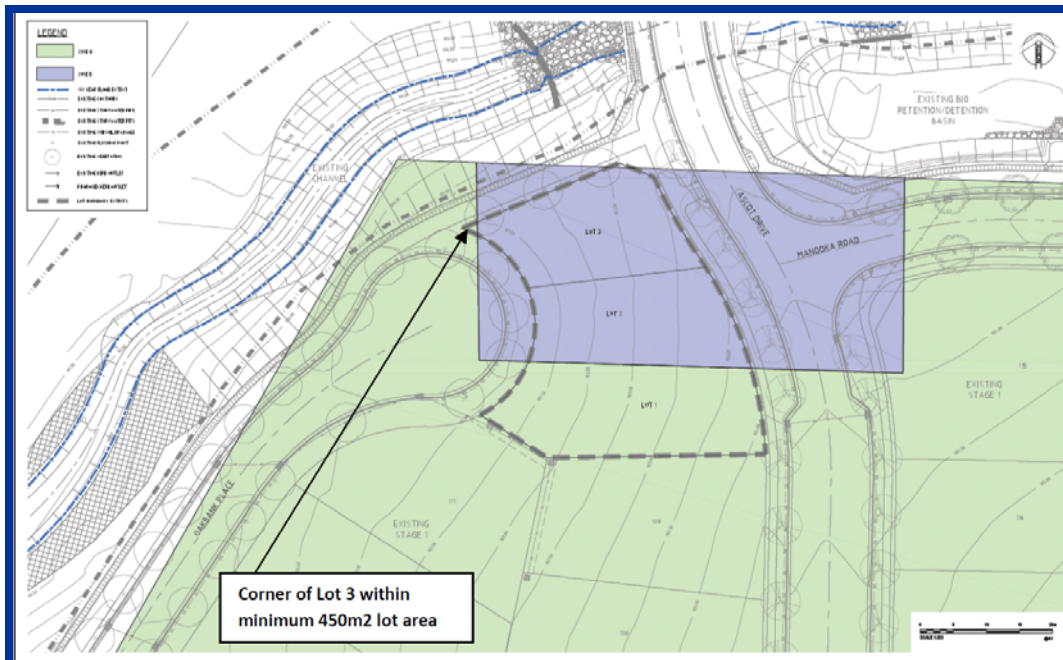
Clause	Requirement	Provided	Compliance
2.6 Subdivision - consent requirements	Subdivision requires development consent	Consent has been sought for the proposed subdivision as part of this DA	Yes
4.1 Minimum Subdivision Lot Size	The size of a lot resulting from subdivision of the land is not to be less than the minimum shown on the lot size maps. Lot sizes of 220m ² and 450m ² apply to the site.	There is a minor variation related to an area of approx. 2.4m ² at the north western corner of proposed lot 3 (403.6m ²), which is within the minimum 450m ² lot size area, rather than 220m ² , otherwise the lots comply with the minimum lot sizes applying to the land.	LEP Variation 1
4.6 Exceptions to Development Standards	Written justification for all proposed development standard variations	The applicant has provided written justification for the proposed development standard variation	Yes
6.2 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development	The site is serviced by appropriate public utility infrastructure including water and sewer	Yes

LEP Variation 1 – Minor variation of minimum lot size - Proposed lot 3

LEP Development Standard

Under Clause 4.3 of the LEP and associated LEP lot size mapping, both 220m² and 450m² lot sizes apply to the site. As a result of a lot size mapping anomaly a small portion of proposed Lot 3 (approximately 2.4m² in area in the north western corner of the lot) is within the minimum lot size area of 450m² rather than 220m² (where proposed lot 3 will have an area of 403.6m²).

This is shown below in an overlay of lot sizes in relation to the proposed lots, as provided by the applicant.



Variation Request

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the LEP, the applicant has submitted a written request seeking a variation to clause 4.1 of the LEP in relation to the portion of lot 3 within the 450m² lot size area. This is on the basis that compliance is unreasonable or unnecessary in the circumstances, due to the minor portion of lot 3 and the lot size mapping anomalies. The applicant refers to the adopted master plan for Manooka Valley within Camden DCP 2010 which shows the whole of the subject site as a ‘gateway’ site (see Appendix 1) and also refers to the DCP planning principles for the area which intends to provide for a range of lot sizes. The intent of the ‘gateway’ sites was to provide potential for smaller lots and denser development.

The applicant has therefore indicated that there are sufficient planning grounds to justify contravening the development standard.

Council Staff Assessment

Pursuant to Clause 4.6 of the LEP, it is considered that the applicant’s justification demonstrates that compliance with the development standard is unreasonable due to the minor nature of the variation and the intent of the planning controls for the area to provide for a range of lots sizes, including potential for smaller lots at ‘gateway’ sites.

Council has the assumed concurrence of the Director General of the Department of Planning and Environment and therefore may determine the LEP variation.

Consequently it is recommended that Council support this minor variation to the LEP lot size development standard.

(a)(iii) The Provisions of any Development Control Plan

Camden Development Control Plan 2011 (DCP)

The following is an assessment of the proposed development's compliance with the controls in the DCP.

ORD05

Control	Requirement	Provided	Compliance
B1.1 Erosion and Sedimentation	Erosion, sediment and dust control measures	Appropriate erosion and sedimentation controls measures can be provided in relation to minor physical works related to kerb stormwater outlets.	Yes
B1.2 Earthworks	Minimise cut and fill	No cut and fill is proposed.	Yes
B1.3 Salinity Management	Salinity resistant construction	A section 88B restriction is recommended requiring future development to be constructed to be salinity resistant in accordance with the recommendations of an adopted Salinity Management Plan for the estate.	Yes
B1.9 Waste Management Plan	Waste management plan requirements	Waste from the development will be minimal and waste management can be dealt with via appropriate conditions.	Yes
B1.12 Contaminated and potentially contaminated land	An assessment is to be made under SEPP 55 as to whether the subject land is contaminated	Contamination issues were dealt with under previous DA1291/2009. A detailed contamination assessment was submitted with that DA, which confirmed that the site was not contaminated and that its residential development did not present any public health issues.	Yes
C2 General Subdivision requirements	Any proposed subdivision must demonstrate how the proposed subdivision design has addressed the specified requirements	The DA has been accompanied by a statement of environmental effects which suitably addresses the relevant requirements.	Yes
C5 Subdivision in urban release areas	Development to be undertaken generally in accordance with	The development of the estate has been undertaken generally in accordance with the masterplan and the	Yes

Control	Requirement	Provided	Compliance
	the masterplan. A copy of the appendix is provided as attachment 3 to this report.	subdivision of this lot is not inconsistent with the masterplan and the designation of the lot as a 'gateway' site.	
C8 Manooka Valley controls	All developments within the Manooka Valley shall comply with the planning principles and Manooka Valley Masterplan (see Appendix 1)	The proposed subdivision is not inconsistent with the planning principles and masterplan.	Yes

(a)(iii) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F

No relevant agreement exists or has been proposed as part of this DA.

(a)(iv) The Regulations

There are no matters prescribed by the Regulations that apply to the proposed development.

(b) The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, and consideration of the issues raised in the public submission, the proposed development is unlikely to have a significant impact on both the natural and built environments, and the social and economic conditions of the locality.

(c) The suitability of the site

As demonstrated by this assessment, the site is considered to be suitable for the proposed development. This will be subject to restriction on title for future dwellings on the proposed lots based upon dwellings fronting or facing Ascot Drive with their vehicular access from Oakbank Place, and no vehicular access from Ascot Drive (which is discussed further in relation to the issues raised in a public submission).

(d) Any submissions made in accordance with this Act or the Regulations

The DA was publicly exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 17 June to 1 July 2015. One public submission was received objecting to the proposed development. **A copy of the public exhibition and submissions map is provided as attachment 4 to this report.**

Council staff contacted the submission writer about 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 and petition.

1. *The proposed subdivision is an over-development. Development is out of character with other lots on the street and the development of Manooka valley as a whole. It will detrimentally impact the current environment and outlook of the street.*

Officer comment:

Subdivision of the land is permissible with consent in the residential zoning applying to the land. The site is also identified as a 'gateway' site under Camden DCP 2011 where some form of denser development could be pursued, such as multi-dwelling housings or townhouses. In this context the DA does not result in an overdevelopment of the site.

2. *The marketing of the land release promoted that blocks would be of superior size and assurances were given by the developers that Lot 110 had been taken off the market for construction of a large home.*

Officer comment:

The proposed development is permissible and generally compliant with the applicable planning controls. The developer has advised that no assurances were given regarding Lot 110.

3. *Double driveways will greatly reduce the landscaped crossovers and change the appearance of the cul-de-sac, and parking on the street will be impacted by multiple driveway locations*

Officer comment:

A condition is recommended requiring all future development to provide vehicular access from Oakbank Place. This will not impact upon on street parking noting that the driveways would be located at the end of a cul-de-sac. Driveway accesses from cul-de-sacs are considered standard practice.

4. *Future development of the lots will result in privacy & amenity impacts.*

Officer comment:

This is a development application for a land subdivision only. Standard setbacks will apply for future dwellings. The recommended consent conditions include section 88B restrictions on title for future development of the lots based upon dwellings fronting or facing Ascot Drive with their vehicular access from Oakbank Place, and no vehicular access from Ascot Drive. This will help to address amenity concerns raised by the submitter, as the dwellings would be located towards Ascot Drive with their rear yards and parking located towards Oakbank Place, similar to the adjoining development located to the south.

5. *Proposed lot 3 is impacted by the substation and future dwelling designs will be impacted by this substation.*

Officer comment:

There is sufficient space for a dwelling to be located on lot 3. There is an existing padmount substation within a 3.78m wide easement, which will be within the north eastern corner of the lot. There are surrounding easements or restriction on use around the substation but these restrictions would not prohibit construction within these areas. Fire rated construction is required for the surface of a building within the first 2.08m wide restricted area around the substation, while no pool or spa is permitted within the second 2.9m restricted area. Fire rated construction would be relatively easy to achieve with no openings within this face of the building, and brick or masonry construction with fire rated eaves.

6. *No guidelines on how the rear of lots will address Ascot Drive, assuming that this would require more than 1.8m fencing.*

Officer comment:

The recommended consent conditions include section 88B restrictions on title for future development of the lots based upon dwellings fronting or facing Ascot Drive with their vehicular access from Oakbank Place, and no vehicular access from Ascot Drive.

Further, the following section 88B restriction is recommended:

- a) *restriction as to user that any fence located along the boundary of, or within the setback area to, Ascot Drive must:*

- (i) not be more than 1.2m above ground level (existing), and*
- (ii) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm.*

(e) *The public interest*

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, *Environmental Planning Instruments*, *Development Control Plans* and policies. Based on the above assessment, the proposed development is consistent with the public interest.

EXTERNAL REFERRALS

Endeavour Energy

The DA was referred to Endeavour Energy under the provisions of the *Infrastructure SEPP*. Endeavour Energy has raised no objection to the proposed subdivision.

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, DA511/2015 is recommended for approval subject to the conditions contained in this report / for refusal for the reasons contained in this report:

CONDITIONS

1.0 - General Conditions Of Consent

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
80215043 DP-110	Plan of Subdivision Of Lot 110 in DP 1161129 Sheet 1 of 2	Terry Edward Bartlett	18 March 2015
80215043 DP-110	Plan of Subdivision Of Lot 110 in DP 1161129 Sheet 2 of 2	Terry Edward Bartlett	18 March 2015
80215043 – C1- DA01-1002	General Notes, Legends & Typical Details	Cardno	4 June 2015 Revision 2
80215043 – C1- DA01-1011	General Arrangement Plan	Cardno	4 June 2015 Revision 2
80215043 – C1- DA01-1201	Erosion Sedimentation & Engineering Plan	Cardno	15 July 2015 Revision 3

- (2) **Modified Documents and Plans** - The development shall be modified as follows:

- a) Provision of section 88B restrictions on use of land as specified in condition 5.0(4), relating to vehicular access, orientation of dwellings, and fencing.

Amended plans or documentation demonstrating compliance shall be provided to the Certifying Authority/Council prior to the issue of a Subdivision Certificate

- (3) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications and the relevant DCP.
- (4) **Salinity Management** – That all earthworks, infrastructure and landscaping on site shall be carried out in accordance with the Salinity Management Plan Stage 1 and 2, Lot 12 DP 1041381, Manooka Valley, Currans Hill, prepared by GeoEnviro Consultancy Pty Limited, ref: JC06054A-r4 January 2010.

2.0 - Prior To Issue Of Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Civil Engineering Plans** - Civil engineering plans indicating drainage, roads, accessways, earthworks, pavement design, details of line-marking, traffic management, water quality and quantity facilities including stormwater detention and disposal, shall be prepared in accordance with the approved plans and Council's Engineering Design and Construction Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

Note. Under the *Roads Act 1993*, only the Council can approve commencement of works within an existing road reserve.

- (2) **Dilapidation Report – Council Property** - A Dilapidation Report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the subject site. Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.
- (3) **Soil, Erosion, Sediment and Water Management** - An Erosion and Sediment Control Plan (ESCP) shall be prepared in accordance with Council's Engineering Specifications. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

3.0 - Prior To Commencement Of Works

The following conditions of consent shall be complied with prior to any works commencing on the construction site.

- (1) **Notice of PCA Appointment** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the PCA, and of the person by whom the PCA was appointed;
 - e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes
- (2) **Notice Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;

- b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the PCA to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (3) **Construction Certificate Required** - In accordance with the provisions of Section 81A of the *EP&A Act 1979*, construction or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a Consent Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*;
 - c) if Council is not the PCA, Council is notified of the appointed PCA at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- the PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours;
 - c) the name, address and telephone number of the PCA.
- The sign shall be maintained while the work is being carried out, and shall be removed upon the completion of works.
- (5) **Performance Bond** - Prior to commencement of works a performance bond of \$5,000 must be lodged with Camden Council in accordance with Camden Council's Engineering Construction Specifications.
- (6) **Provision of Kerb Outlets** - Where proposed lots grade to an existing/proposed public road, kerb outlets shall be provided in the kerb and gutter adjacent to those lots. Such kerb outlets shall be:

- a) located within two (2) metres downstream of the prolongation of the lot corner with the lowest reduced level and to the requirements of the principal Certifying Authority.
 - b) constructed in accordance with Camden Council's current Engineering Specification/s, and
 - c) indicated in any design plan submitted to the Certifying Authority for the purposes of obtaining a Construction Certificate.
- (7) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this Development Consent.

Soil erosion and sediment control measures shall be maintained during construction works and shall only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turving, paving or re-vegetation).

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase.

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the Erosion and Sediment Control Plan or Soil and Water Management Plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (3) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2008) (refer to: www.environment.nsw.gov.au/waste/envguidlms/index.htm)

Once assessed, the materials shall be disposed to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (4) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of works (including earthworks, site preparation or construction works, etc), such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (5) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (6) **Erosion and Sedimentation Control** - Soil erosion and sedimentation controls are required to be installed and maintained for the duration of the works. The controls must be undertaken in accordance with version 4 of the Soils and Construction – Managing Urban Stormwater manual (Blue Book).

5.0 - Prior To Issue Of A Subdivision Certificate

The following conditions of consent shall be complied with prior to the Council or an Accredited Certifier issuing a Subdivision Certificate.

- (1) **Requirement for a Subdivision Certificate** - The application for subdivision certificate(s) shall be made in accordance with the requirements of Clause 157 of the Environmental Planning & Assessment Regulation 2000.
- (2) **Burdened Lots To Be Identified** - Any lots subsequently identified during construction of the subdivision as requiring restrictions shall also be suitably burdened.
- (3) **Services** - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development.
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development.
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.
- (4) **Section 88B Instrument** - The applicant shall prepare a Section 88B Instrument for approval by the PCA which incorporates the following easements, positive covenants and restrictions to user where necessary:
 - a) easement for services.
 - b) restriction as to user which requires that no vehicular access or driveway is to be provided from Ascot Drive for each of the lots, with vehicular access provided from Oakbank Place.
 - c) restriction as to user requiring the dwellings on each lot are to face and front Ascot Drive, with their front door entries from Ascot Drive and their principal private open space to the rear of the lots, towards Oakbank Place.

- d) restriction as to user that any fence located along the boundary of, or within the setback area to, Ascot Drive must:
 - (i) not be more than 1.2m above ground level (existing), and
 - (ii) be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm.
- e) restriction as to user that all earthworks, infrastructure and landscaping onsite shall be carried out in accordance with Salinity Management Plan Stage 1 and 2, Lot 12 DP 1041381, Manooka Valley, Currans Hill, prepared by GeoEnviro Consultancy Pty Limited, Ref: JC06054A-r4, January 2010.

(5) **Section 94 Contributions – Monetary** - A contribution pursuant to the provisions of Section 94 of the *EP&A Act 1979* for the services and amounts detailed below.

Plan Name	Contribution Type	Indexed Rate	Amount Payable
Camden Contributions Plan 2011	Open Space Land Acquisition - indexed Annually by land values.	\$7,066 per lot or dwelling	\$14,132.00
Camden Contributions Plan 2011	Community Land Acquisition - indexed Annually by land values.	\$44.00 per lot or dwelling	\$88.00
		per lot or dwelling	
Camden Contributions Plan 2011	Recreation and Community Facilities, Volunteer Emergency Services Facilities and Plan Preparation and Administration Services - indexed Quarterly to the CPI.	\$10,130 per lot or dwelling	\$20,260.00
		per lot or dwelling	
	Total		\$34,480.00

A copy of the Section 94 Contributions Plan may be inspected at Council's Camden office at 37 John Street, Camden or can be accessed on Council's website at www.camden.nsw.gov.au.

The amount of contribution payable under this condition has been calculated at the date of consent. In accordance with the provisions of the Contributions Plan, this amount shall be indexed at the time of actual payment in accordance with the applicable Index.

RECOMMENDED

That Council approve DA 511/2015 to subdivide 10 Oakbank Place, Currans Hill to create 3 residential lots, subject to the conditions listed above.

ATTACHMENTS

- 1. Proposed Plans

2. Appendix - Manooka Valley Masterplan
3. Submission - *Supporting Document*
4. Public Exhibition and Submissions Map - *Supporting Document*

ORD05



ORD06

ORDINARY COUNCIL

ORD06

SUBJECT: PROPOSED AMENDMENT TO THE CAMDEN DEVELOPMENT CONTROL PLAN 2011 - DRAFT DEVELOPMENT CONTROL PLAN CHILDCARE AND DRAFT DEVELOPMENT CONTROL PLAN NOTIFICATION REQUIREMENTS

FROM: Director Planning & Environmental Services

TRIM #: 15/229405

PREVIOUS ITEMS: ORD02 - Camden Development Control Plan 2011 (Draft Amendment No.15) - Review of Child Care Centre controls. - Ordinary Council - 14 Jul 2015 6.00pm

PURPOSE OF REPORT

The purpose of this report is to provide Council with additional information as requested at its meeting of 14 July 2015, and for Council to consider and endorse the draft amendments to Camden Development Control Plan (DCP) 2011 for the purpose of public exhibition in accordance with the Environmental Planning and Assessment Regulation 2000.

BACKGROUND

At its meeting of 14 July, 2015 Council considered a report outlining the proposed amendments to Camden DCP 2011, draft DCP Childcare and draft DCP Notification Requirements. This report made recommendation to place the Draft DCP amendments on public exhibition for a period of 28 days.

Following discussion on the item it was resolved that *“the draft DCP return to Council with any suggested changes as a result of obtaining legal advice”*. Council officers have now obtained legal advice on the draft Childcare DCP and more generally with regards to legal drafting practices for development control plans.

Both the draft Childcare DCP and draft Notification Requirements DCP have been reviewed and amended to reflect this advice.

MAIN REPORT

Legal Advice

Legal advice was sought on the use of the words “should”, “shall” and “must”. It was recommended that wherever possible Council’s DCP should use the word “must” rather than “should” or “shall”.

It was identified that both the words “should” and “shall” do not provide an obligation to undertake an activity, whereas the use of the word “must” indicates an obligation to engage or undertake an activity.

The legal review also examined the use of other language which is vague or uncertain and could be interpreted in a number of ways.

Summary or Draft Amendments to Childcare Centres Controls

The proposed changes to the Camden DCP relate to Part D.5 (Child Care Centres) and Part B5 (Access and Parking) **Attachment 1 to this report**. The changes seek to ensure that child care centres respond positively to their context and setting and minimise adverse impacts on the surrounding area.

In addition, the proposed changes remove standards mandated by other legislation associated with childcare centres, as these are not part of the DA process, but required to be considered as part of the licensing by the Department of Education and Communities.

1. Site Selection

The proposed changes will provide guidance to applicants when purchasing and selecting potential child care centre sites.

It is proposed to insert the following controls:

- Child care centres must **not** be located on the following sites:
 - sites with frontage less than 20m wide (residential only);
 - where access to the site is via a road with a carriageway width of less than 7.4m at any one point; and
 - sites having a frontage to a cul-de-sac or no through road

The proposed controls will discourage child care centres on narrow lots and roads, or roads with limited accessibility (i.e. cul-de-sacs and one-way streets).

In existing suburbs with limited roads that meet this requirement, consideration will be given to Child Care Centres on roads with a carriageway of less than 7.4m where it can be demonstrated that there is not an unacceptable adverse impact on traffic movement or access. This provision will ensure equity in the provision of Child Care Centres across all suburbs.

2. Built form, scale and character

Insertion of a series of new controls, relating to form, scale and massing of proposals in accordance with the local context in both existing areas and greenfield locations.

Summary of proposed controls:

- building design must be compatible with the built form, scale, massing, roof design and articulation of existing dwellings, and in the case of localities yet to undergo new residential development, in accordance with the built form contemplated by this DCP;
- the maximum site coverage for a child care centre in residential zones is 50%;
- for child care centres located in residential zones the maximum height is two storeys. The gross floor area of the second storey must not exceed 30% of the total gross floor area.

The proposed changes strengthen the requirements for child care centres to address the impact on character and visual amenity of the streetscape.

3. Landscaping

The proposed changes strengthen the controls for landscaping and provide specific controls for landscaping in residential areas and on corner sites.

Summary of proposed changes:

- increased focus on landscaping to address existing streetscape;
- a 2 metre buffer between street frontage and drop off or parking areas; and
- additional landscaping requirements for corner blocks.

The proposed changes will provide landscaping that is compatible with, and contributes to the character of the locality.

4. Traffic, Parking & Pedestrians

The proposed changes are focused on improved traffic circulation and pedestrian safety within the site.

Summary of proposed changes:

- requirement for a drop off area within the site;
- car parking must be provided wholly within the site; and
- basement car parking is not permitted within residential areas.

The draft amendment also proposes to amend Part B5 of the Camden DCP (provision of car parking). The current DCP requires 1 space per employee and 1 space per 6 children. It is proposed to adopt the RMS standard of 1 space per 4 children, which is widely regarded as the industry standard.

5. Hours of Operation

The current operating hours for child care centres are 7am - 6pm (Monday to Friday). It is proposed to amend the standard hours of operation to between 7am and 7pm (Monday to Friday) within residential zones.

Further extensions to operating hours within residential zones will continue to be considered on merit, on a site by site basis.

Outside of residential zones it is proposed to have no standard operating hours, with operating hours being considered as part of the DA on a merit basis.

Summary

The draft DCP amendment strengthens site selection controls and the ability to manage bulk, scale and density in existing and new residential areas. The proposed changes provide increased certainty to the community and childcare centre operators.

Summary of Proposed Amendments to DA Notification Requirements

The changes proposed to Part A of the DCP, **Attachment 2 to this report**, focus on providing consistency and clarity for DA notification. It is not proposed to modify the type of development activities that are notified, but rather the process for undertaking that notification.

1. Clarification of re notification/re-advertisement

The current DCP requires re-notification/re-advertisement at the discretion of Council and only where significant amendments have been made. The proposed amendment provides clarification around when a DA will be re-notified/re-advertised prior to approval.

Where a DA has been amended by the proponent prior to DA determination, the DA will be re-notified or re-advertised where:

- a. In the opinion of Council it is considered that there is an overall increase in the impact of the development.

Where there is a reduction in impacts or no impact as a result of the changes, the DA will not be required to be re-notified / re-advertised.

2. Neighbour notified development (A2.7)

The controls contained at A2.7 Neighbour notified development replace the existing A2.12. The new controls remove requirements legislated under the Environmental Planning and Assessment Regulation (2000) and removes reference to Council's procedural matters.

3. Neighbour Notification and Advertising

The draft amendment proposes to insert a series of diagrams demonstrating the minimum extent of DA notification. These diagrams illustrate the properties that will be notified.



Figure 1 – Example of Minimum Notification Requirements for corner sites.

4. Notification/advertising signs

In addition to the insertion of the diagrams for minimum notification, it is proposed to amend the Camden DCP 2011 to require signs to be placed on development sites for the duration of the notification/ advertisement period.

Insert control 2.9 (b) "A sign will be placed on the development site indicating the details of the proposed development".

5. Christmas Notification Period

It is proposed to amend the wording with regard to the Christmas notification period. The current DCP requires all applications lodged between mid-December and mid-January to have an extended exhibition period.

The draft amendment proposes to reword this control such that all applications notified or advertised within a 2 week period of Christmas to have an extended notification period, therefore differentiating between the lodgement and the actual advertising.

Fees and Charges

It is proposed to charge a new fee of \$37 (GST ex) for the placing of a sign on development sites. This fee will be incorporated into Council's Fees and Charges.

Council officers have obtained initial quotes based on a draft design of an A3 sign (**Attachment 3 to this report**), to ascertain the appropriate fee. This fee has also been compared to other LGA's that use similar signage requirements for notification. The proposed fee has been determined to facilitate cost recovery.

It is proposed to publicly exhibit the new fee at the same time as the proposed amendments to the Camden DCP.

Public Exhibition

Should Council resolve to support the proposed amendments to the Camden DCP 2011 and Council's Fees and Charges, these will be publicly exhibited for a period of 28 days. A notification will be placed in a local newspaper with the exhibition material made available at:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy);
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy); and
- Council website for the length of the exhibition period (Electronic Copy).

Should any submissions be received during the exhibition period, a report will be submitted back to Council detailing the submissions received.

FINANCIAL IMPLICATIONS

This report seeks to amend Council's Fees and Charges to insert an additional fee of \$37 to recover the cost of placing signs on development sites.

CONCLUSION

The draft DCP amendment for child care centres seeks to improve the existing controls to facilitate the growing demand for child care centres and ensure they are located and designed to achieve high levels of safety, security, environmental health and amenity for users and neighbours.

The draft DCP amendment for DA notification seeks to provide consistency and clarity in the application and interpretation of the DA notification requirements. The draft amendment does not propose to alter the type of development activities that are notified, just the manner in which it is undertaken.

A legal review of the draft DCP amendment Childcare has been conducted and both DCPs have been reviewed and where applicable amended in accordance with this advice.

RECOMMENDED

That Council:

- i. publicly exhibit the draft Camden Development Control Plan Childcare and draft Development Control Plan Notification Requirements for a period of 28 days in accordance with the provisions of the Act and Regulations; and**
- ii. publicly exhibit the proposed amendment to Council's Fees and Charges for a period of 28 days; and**
- iii. subject to no submissions being received:**
 - a. grant delegation to the General Manager to adopt the proposed changes to the Camden DCP 2011 and publicly notify the adoption in accordance with the provisions of the Act and Regulations; and**
 - b. grant delegation to the General Manager to adopt the proposed amendment to the Fees and Charges; or**
- iv. if submissions are received, require a further report outlining the result of the public exhibition of the draft DCP's, and proposed amendment to Councils fees and charges.**

ATTACHMENTS

1. Attachment 1 - Schedule of Proposed Changes – Childcare DCP – Camden DCP 2011 - 08 September Version
2. Attachment 2 A2 Notification and Advertising Requirements - Changes Post Legal Review - 13 08 2015
3. Attachment 3 -DRAFT DA Notification Sign - 14 July



ORD07

ORDINARY COUNCIL

ORD07

SUBJECT: CAMDEN AIRPORT 2015 PRELIMINARY DRAFT MASTER PLAN
FROM: Director Planning & Environmental Services
TRIM #: 15/234385

PURPOSE OF REPORT

The purpose of this report is to advise Council of the public exhibition of the Camden Airport 2015 Preliminary Draft Master Plan (2015 PDMP) and to seek a resolution to forward the contents of this report to Camden Airport Limited as Council's submission.

BACKGROUND

The 2015 Camden Airport Master Plan guides the management and development of Camden Airport over the next 20 years. Under the *Airports Act 1996* Camden Airport Limited (CAL) is required to review the Master Plan every 5 years. The current Camden Airport Master Plan was approved in October 2010.

In accordance with the requirements of the *Airports Act 1996*, CAL has publicly exhibited the 2015 PDMP for a period of 60 business days, with the exhibition concluding on 15 September 2015. Following Camden Airport's review of submissions, a Draft Master Plan will be prepared and submitted to the Deputy Prime Minister and the Minister for Infrastructure and Regional Development for approval.

It is noted that at the time of preparing the 2015 PDMP, there was limited information available with regards to the proposed Western Sydney Airport and its potential impacts on the operations of Camden Airport. It is estimated that the first aviation activity at the Western Sydney Airport could occur in the mid-2020s, at which time a new Camden Airport Master Plan will be in place.

The Department of Infrastructure and Regional Development are currently preparing a draft Environmental Impact Statement and draft Airport Plan for the Western Sydney Airport which will inform formal community consultation by the end of this year.

A Councillor briefing was conducted on this matter on 25 August 2015.

MAIN REPORT

Camden Airport (shown at Figure 1) is located at Macquarie Grove Road, Kirkham. The airport site is surrounded by the Nepean River to the south and west, the suburb of Kirkham is to the East and Kirkham Rise and Cobbitty to the immediate north.

The land adjacent to the Camden Airport site is a combination of RU1 Primary Production land, and R5 Large Lot Residential land, including the suburbs of Ellis Lane, Grasmere, and Kirkham.

Camden Airport remains a significant general aviation airport currently catering for a wide range of general aviation activities including flight training, emergency services, gliding, ballooning and recreational flying. The Airport is also the location of non-aviation business development within its overall site of approximately 196 hectares.



Figure 1: Aerial Map Camden Airport

The Proposed Camden Airport Masterplan

The landuse masterplan for the Camden Airport (Figure 2) shows the proposed landuse within the airport site.

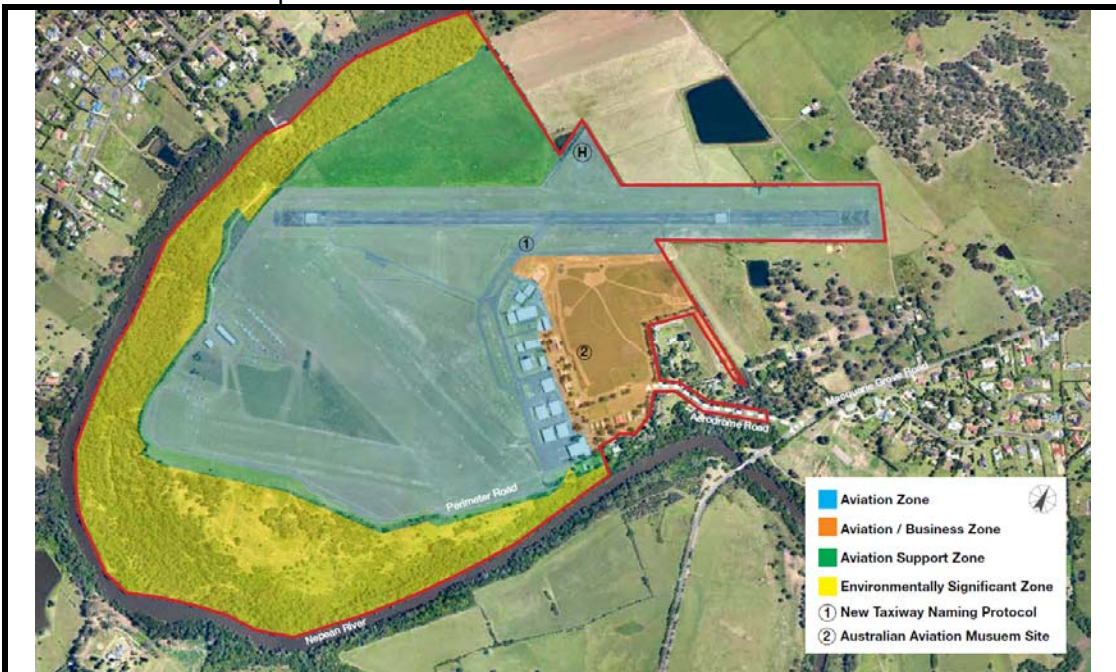


Figure 2: Airport Development Concept - land use zoning

Figure 3 shows the proposed landuse categories under the 2015 PDMP and the existing Camden Airport Masterplan 2010. As shown in Figure 3 there are no changes proposed to the quantum of land within each associated use.

Land use areas	Existing land use area (hectare) March 2015 ¹	Zoning areas	
		2010 Master Plan	2034/35 Development Concept
Environmentally Significant Zone	54.0	54.0	54.0
Aviation Zone	100.0	100.0	100.0
Aviation Business Zone	13.5	13.5	13.5
Airport Support	28.5	28.5	28.5
Total	196.0	196.0	196.0

Figure 3 – Landuse Areas current and proposed

Proposed Changes in 2015 PDMP

Proposed development of the Australian Aviation Museum

The 2015 PDMP proposes the relocation of the Australian Aviation Museum, currently located at Bankstown Airport. The museum, which opened in 1994, currently has a wide range of aircraft and aviation artefacts on display.

The proposed development at Camden Airport will include a 4,600m² building on a 13,200m² site located within the 13.5 hectare Aviation Business Zone. The museum is planned to open in approximately 2018 and will be subject to a development application process under the *Airports Act 1996*.

Officer Comment

The relocation of the museum to the Camden Airport will provide an economic development and tourism opportunity to the CAL and to the wider Camden community. It is recommended that CAL and Council work together to promote the Museum.

Proposed changes to projected aircraft noise

Projected aircraft movements are used to assess predicted noise implications of the airport over the 20 year period of the Master Plan. The 2015 PDMP forecasts a 29% decrease in aircraft movements, from that previously forecast within the 2010 Airport Masterplan.

Noise Modelling

An Australian Noise Exposure Forecast (ANEF) is a contour map showing forecast noise levels. The ANEF considers components of noise such as intensity, duration, number of noise events, aircraft type and flight paths.

The ANEF, which was endorsed for technical accuracy by Airservices Australia, has been provided as part of the 2015 PDMP. A comparison of the ANEF from the Camden Airport 2010 Master Plan and the Camden Airport 2015 PDMP is **provided as Attachment 1 to this report**.

As shown in Attachment 1 the ANEF contours have reduced in areas such as Camden, Ellis Lane and Kirkham to the south, north, and west of the airport. This is as a result of

decreased Air Movement Forecasts. ANEF contours have increased west of the Airport in the Ellis Lane area, affecting properties on Milford Road, Centennial Lane and Whiteman Lane. The increased contours in these areas are due to improved modelling equipment and data.

What does this mean?

If any part of a lot falls within an ANEF contour, *Australian Standard 2021* requires an acoustic report to demonstrate noise attenuation measures. These measures may include double glazed windows, roof sarking (foil) over rafters, and up-rated door, ceiling, and roof materials.

Figure 4 is an extract of a table in *Australian Standards 'AS 2021-2000 Acoustics – Aircraft noise intrusion – Building siting and construction'* which advises on the acceptability of building sites for various uses based on ANEF zones.

Building Type	Acceptable	Conditional	Unacceptable
House, home unit, flat, caravan park	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF	20 to 25 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF

Figure 4 Building Type Acceptability in ANEF Zones

This shows that new dwellings (or residential development) on lots in the 20-25 ANEF contour would be conditional subject to noise attenuation measures. This requirement would not be applied retrospectively to existing dwellings.

New residential development, educational establishments, hospitals and nursing homes would be prohibited within the ANEF contour 25 or higher.

Impact of changes

The 2015 PDMP and revised ANEF contours indicate an overall reduction in noise levels for a number of residents. Table 1 (below) indicates the changes in noise affectivity.

Contour Range	2010 Lots Affected	2015 Lots Affected
20 - 25 ANEF contour	244	197
25 - 30 ANEF contour	50	67
30 - 35 ANEF contour	9	4

35+ ANEF contour	5	5
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Figure 5 Comparison of Noise affectivity

As identified within Figure 5 there is an overall reduction in the number of lots affected within the 20-25 ANEF. However of the 197 lots affected, 32 of these lots were previously not within an ANEF contour.

Of the 67 lots within the 25-30 ANEF contour, 26 of these lots have moved from the 20-25 ANEF. The additional lots affected by the 25-30 ANEF contour will be prohibited from constructing new residential accommodation which includes new dwellings or habitable extensions to existing dwellings.

Above the 30 ANEF contour no new residential development could be supported. Only commercial buildings and light industrial buildings could be supported within this contour, subject to landuse permissibility.

The subject lots affected by the proposed changes to the noise maps are zoned R5 – Large Lot Residential and RU1 Primary Production.

Officer Comment

Whilst generic information has been provided to residents within the vicinity of the airport, it is recommended that CAL write to all affected property owners, providing information on the changes and what it means for their land and development implications.

In addition, Council will be required to amend the s.149(2) certificates to reflect the revised ANEF contours.

General Comments

Environmental Management

The 2015 PDMP does not propose any changes to the 54 hectare Environmentally Significant Zone which borders the Nepean River. It is recommended that Council continue to support the environmental management work conducted by CAL.

Heritage

There are two local heritage items (Hassall’s Cottage and Macquarie Grove Cottage) that directly adjoin the Camden Airport site with access from the Airport’s entry road (Aerodrome Road).

The 2015 PDMP refers to a *Heritage Management Strategy for Camden Airport* prepared in 2005 by Godden Mackay Logan, requiring adherence with its contents. The Strategy states that Macquarie Grove Cottage, which is also of State heritage significance, should be included in heritage considerations. However, the 2015 PDMP and Airport Environment Strategy, does not discuss this site in any depth.

Officer Comment

It is recommended that the 2015 Draft Master Plan reflect the significance of the immediately neighbouring heritage items and that the 2005 *Heritage Management Strategy* be included as an appendix to the 2015 PDMP.

Socio-economic role of Camden Airport

The Camden Airport is an important piece of infrastructure in the Camden LGA. Given the importance of recreational aviation at Camden Airport, there is an opportunity to utilise both the tourism and economic development components of the airport.

Officer Comment

The proposal to relocate the Australian Aviation Museum to the Camden Airport will provide an opportunity for increased tourism and associated economic development.

It is recommended that the 2015 PDMP reference and build on some of the concepts within Council's *Economic Development Strategy (July 2013)* such as developing Tourism as a Target Sector.

Flood studies

The 2015 PDMP doesn't appear to reference the revised flood constraints on the land that were exhibited in April 2015.

Officer Comment

The 2015 PDMP should reference and have future regard to recently prepared flood studies, namely the *Nepean Flood Study 2015*.

Strategic Planning Context

Part 6.3.2 of the 2015 PDMP identifies the Airport's relationship to the South West Growth Centre, the Draft South-West Subregional Strategy, and the Sydney metropolitan strategy (*'A Plan for Growing Sydney'*), among other policies and instruments.

Officer Comment

It is recommended that Part 6.3.2 be expanded to reflect the Airport's relationship to the increasing population and urbanisation of the Camden LGA, as well as the impacts and opportunities of the associated infrastructure upgrades (such as the South West Growth Centre Road Network Strategy). The 2015 PDMP should also better reflect the Airport's strategic context with regard to the South West Rail Link and M9 Outer Sydney Orbital in conjunction with increased residential population.

Community Consultation

As required by the *Airports Act 1996*, the 2015 PDMP is currently available for 60 business days until 15th September 2015 for public comment.

Consultation and communications during the preparation of the 2015 PDMP included:

- FAQ Leaflets distributed by CAL to households in Ellis Lane, Kirkham, Grasmere and Cobbitty;
- Public notices placed in Daily Telegraph and Camden Advertiser;
- Information available at Camden and Narellan Libraries and on CAL's website.

Notwithstanding the above, it is recommended that CAL write specifically to all affected landowners and provide details of the implications for the future development of their land.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The 2015 Camden Airport Master Plan will help guide the management and development of Camden Airport over the next 20 years.

The 2015 PDMP recommends no changes to the proposed landuses, from the current Masterplan adopted in 2010. The 2015 PDMP does however propose to relocate the Australian Aviation Museum from its current site in Bankstown to the Aviation Business Zone within the Camden Airport Masterplan. This proposed relocation is supported by Councils *Economic Development Strategy*, and specifically links to strengthening the target sector of tourism.

The 2015 PDMP also proposes changes to noise modelling (ANEF contours) associated with the airport. This will see a reduction in the overall numbers of lots affected, however, it will also increase the level of noise affectation for 59 lots.

Council officers recommend that CAL write specifically to all affected landowners advising of the proposed changes, and the associated implications.

RECOMMENDED

That Council:

- i. endorse the contents of this report as Council's submission on the Camden Airport 2015 Preliminary Draft Master Plan; and**
- ii. forward a copy of the report to Camden Airport Limited for consideration.**

ATTACHMENTS

- 1. Attachment 1 - ANEF Comparison Map**



ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: DETERMINATION OF COUNCILLOR NUMBERS
FROM: Director Customer & Corporate Services
TRIM #: 15/241377

PURPOSE OF REPORT

The purpose of this report is to advise Council of the requirement to determine the number of Councillors for the following term of office.

BACKGROUND

Under section 224 of the *Local Government Act 1993* ('the *LG Act*'), a Council must determine the number of its Councillors for the following term of office 'not less than 12 months before the next ordinary election'. The next Council election is scheduled to take place in just over 12 months - on 10 September 2016.

MAIN REPORT

The *LG Act* provides that a Council must have at least 5, but not more than 15, Councillors, one of whom is the Mayor. A Council that is divided into Wards must have a minimum of 3 Councillors per Ward. Camden Council currently has 9 Councillors, with 3 Councillors allocated to each of its Wards.

Under section 16 of the *LG Act*, Council cannot change the number of Councillors unless approval has been given at a constitutional referendum. In the event that Council determines to increase or decrease its numbers, a referendum could be held concurrently with the 2016 Local Government election. Any change adopted would take effect from the 2020 Local Government election.

A decision to change Councillor numbers would need to take into account the possible impact on representation of the community, the ability of Council to make decisions and deliver services, any financial impacts and any impacts on electoral arrangements.

Table 1 (below) compares the 'population per Councillor' ratio among 15 local councils within the greater Sydney metropolitan area based on the most recent 2011 Census data obtained from the Australian Bureau of Statistics.

Table 2 (below) illustrates the likely 'population per Councillor' ratio for the Camden Local Government Area (LGA) over the next 5 years, based on the projected population growth for the LGA as identified by the expert demographic forecasting company profile.id.

TABLE 1 - POPULATION PER COUNCILLOR

Council	Number of Councillors	Population per Councillor
Blacktown	15	20,521
Liverpool	11	16,862
Bankstown	12	15,735
Fairfield	13	15,120
Hills Shire	12	14,976

Council	Number of Councillors	Population per Councillor
Sutherland	15	14,722
Canterbury	10	14,566
Penrith	15	12,415
Campbelltown	15	10,215
Holroyd	12	8,515
Hawkesbury	8	8,004
Hurstville	12	6,735
Marrickville	12	6,601
Camden	9	6,312
Wollondilly	9	4,894

TABLE 2 - PROJECTED GROWTH FIGURES - Camden

Year	Population	Population per Councillor
2011	58,440	6,493
2016	77,242	8,582
2017	82,157	9,128
2018	88,442	9,826
2019	94,872	10,541
2020	101,227	11,247

FINANCIAL IMPLICATIONS

An increase in the number of Councillors will result in additional costs. The 2015/16 Operational Plan (including budget) does not currently provide for the costs of a referendum or an increase in Councillor numbers.

CONCLUSION

At this time, based on the available population and comparative data, there does not appear to be any clear indication of a need for change in the number of Councillors for the Camden LGA. Ultimately, however, this is matter for each Council to determine for itself, in accordance with the *Local Government Act 1993*.

RECOMMENDED

That Council determine the number of Councillors for the following term of office.

ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: ORAN PARK COMMUNITY MANAGEMENT SCHEME AND CLASSIFICATION OF LAND FOR THE COUNCIL ADMINISTRATION CENTRE AND TOWN PARK AT ORAN PARK

FROM: Director Customer & Corporate Services

TRIM #: 15/194016

PURPOSE OF REPORT

The purpose of this report is to:

1. resolve to classify the new Administration Centre site and Town Park at Oran Park as operational land;
2. select a representative to serve on the Oran Park Community Association and Town Centre Management Committee; and
3. approve some minor changes to the Oran Park Community Management Scheme documentation prior to the documents being registered.

BACKGROUND

On 13 May 2014 Council resolved to accept the Oran Park Community Management Scheme documentation consisting of:

1. Community Management Statement ("CMS");
2. Town Centre Management Statement ("TCMS"); and
3. Public Areas Access Management Plan ("PAAMP") pursuant to clause 48 of the Land Sale Contract for the new Administration Centre site at Oran Park.

A copy of the previous report to Council is **attached**. As set out in the previous report to Council, it is necessary to nominate a Council representative to serve on the Community Association and Town Centre Management Committee.

The documents have been reviewed a further time in preparation of the proposed registration of the Community Management Scheme in November 2015 and some minor changes have been recommended.

MAIN REPORT

Facilitating the transfer of land to Council

As set out in the Council report of 13 May 2014 (attached), the land in the Oran Park Town Centre which will be transferred into Council's ownership is Lot 5 (the site for the Administration Building, Library and Leisure Centre) and Lot 6 (the Town Park).

The land for the Administration Building is being delivered to Council pursuant to an Agreement for Sale and Purchase dated 10 December 2012. It is expected that this land will be transferred into Council's ownership in late 2015 following registration of the Community Management Scheme. The Town Park site is being delivered to Council pursuant to a Voluntary Planning Agreement and is expected to be transferred into Council's ownership in 2016.

In accordance with the provisions of the *Local Government Act 1993*, before Council acquires land, or within 3 months after it acquires it, Council may resolve that the land be classified as community land or operational land. Any land acquired by Council that is not classified, is at the end of the period of three months, taken to have been classified as community land.

As set out in the report to Council of 13 May 2014, Council's Solicitor has advised that Lot 5 (the site for the Administration Building, Library and Community Resource Centre and Leisure Centre) and Lot 6 (the Town Park) are best served being classified as operational land given the intended use by Council and it gives Council maximum flexibility it requires to participate within the governance regime established by the CMS, TCMS and the PAAMP.

On 13 May 2014, Council resolved to place the proposed operational land classification of Lots 5 and 6 on public exhibition for a period of not less than 28 days, with a further report to Council upon completion of the exhibition period.

The proposed operational land classification was placed on public exhibition for a period of 28 days from 29 July 2015. The advertising and public exhibition for the classification of land was not possible until the Lot and DP numbers had been confirmed. It was also considered prudent to advertise the proposed classification closer to the land transfer date. The public exhibition process called for any submissions to be placed in writing and received by Council on or before 25 August 2015.

At the close of the submission period there were no submissions received in relation to the proposed classification of Lot 5 and Lot 6 Central Avenue, Oran Park and it is therefore recommended that Council endorse the operational land classification of the land.

Role of the CMS

The CMS, implemented through the Community Association ("CA") is largely dictated by the community management legislation and manages the overall Town Centre Scheme at a high level. This document sets the reporting, voting and financial structures and is for the most part a high level governance document.

Role of the TCMS

The TCMS, implemented through the Town Centre Management Committee ("TCMC") manages the Town Centre within the Community Management Scheme. This document sets out the rights and obligations between lot owners within the Scheme who share benefits and costs for the Town Centre. Examples may include maintenance, insurance, cleaning, security etc. The TCMS also regulates the PAAMP.

Role of the PAAMP

The PAAMP is the document that is effectively the "how-to" for people and organisations wishing to secure a licence or approval to undertake activities such as busking, fund raising, fun runs and larger community events such as Australian Day celebrations. The PAAMP identifies and regulates the land that is subject to this agreement. The TCMC manages the PAAMP.

It is noted that the PAAMP has been given an updated name of "Events and Activities Management Plan" ("EAAMP") to avoid any confusion with Council's Public

Accessibility Management Plan. As such, going forward, the PAAMP will be referred to as the EAAMP.

Council's Representative

Under the CMS and TCMS, Council must select a representative to serve on the Community Association and Town Centre Management Committees (both entities being created under the CMS and TCMS respectively). It is noted that Council's involvement on these committees does not come into effect until the land is formally transferred into Council's ownership which is expected to be at the end of 2015.

The nominated representative will exercise all the rights of Council as a member of the Community Association or Town Centre Management Committee. Council's representative will attend meetings and vote as Council on the two Committees. The representative will also be required to approve budgets, levy and fee determinations, shared cost allocations, monitor performance of service providers and effect insurances etc. The day to day administration will not be the role of the Committee members but will be carried out by a Manager appointed by the Committee.

The CA will be administered by a licensed Scheme Manager, like a Strata Manager. The TCMC will be managed by a combination of the Scheme Manager and the Town Centre Manager who will also be responsible for the day to day operational management of the EAAMP.

Council's representative needs to hold delegations in order to make decisions on behalf of Council. As such, it is proposed to delegate to Council's representative the following delegations:

To make all decisions on behalf of Council in the Oran Park Community Management Scheme except any act or function which would contravene the Local Government Act 1993 or any other Act.

It is recommended that Council's General Manager, or his or her delegate, be appointed as Council's representative on the Community Association and Town Centre Management Committees. It is also noted that it is more efficient to have the same person represent Council on both the Community Association and the Town Centre Management Committees. Should Council's representative consider that consultation with the elected Council is necessary before making a decision, Council's representative may choose not to exercise their delegation.

It is also proposed that the appointment of Council's representative be reviewed after 12 months from Council becoming an active member in the Scheme, with a further report to be brought back to Council. It is also recommended that the minutes of the CA and TCMC be provided to Councillors.

Furthermore, the CMS and TCMS have been reviewed in preparation of the proposed registration of the Community Management Scheme in the next few months. The proposed changes are immaterial in nature and provide clarity and final details prior to lodging the documentation with Land and Property Information.

Marked up versions of the CMS and TCMS are **attached**. A summary of the proposed changes and reasons for the changes is also **attached**.

Council's Solicitor has approved the changes and has confirmed that the changes must be reported to the elected Council for endorsement.

FINANCIAL IMPLICATIONS

Council's financial contributions as an owner under the Community Management Scheme and as an owner who will also participate in the shared services within the heart of the Town Centre were estimated in the Council Report of 13 May 2014 (attached). It is also noted that further work has been undertaken on the Maintenance Agreement which will confirm the scope of works to be completed throughout the Town Centre. As previously reported, this information will be brought back to Councillors.

CONCLUSION

Upon transfer of the land to Council, it is necessary to appoint a Council representative to the Community Association and Town Centre Management Committees. Some minor changes are also recommended to the documents to provide greater clarity and flexibility. Council's Solicitor has approved the changes and has confirmed that the changes must be reported to the elected Council for endorsement.

RECOMMENDED

That Council:

- i. appoint Council's General Manager, or his or her delegate, as Council's representative to the Community Association and Town Centre Management Committee and grant the necessary delegations as set out in the report (noting that the appointment will be reviewed by Council 12 months from the day Council becomes an active member of the Scheme and the minutes of both Committees will be provided to Councillors);**
- ii. approve the changes to the Community Management Statement and Town Centre Management Statement as attached to this report;**
- iii. grant delegation to the Director Customer and Corporate Services to make any further administrative changes (should they be required) to the documentation prior to registration;**
- iv. classify Lot 5 DP 270899 (Administration Building, Library and Leisure Centre site) and Lot 6 DP 270899 (the Town Park), Oran Park Town Centre as "operational" land in accordance with the *Local Government Act 1993*; and**
- v. authorise all documentation relating to the registration of the Community Management Scheme, the transfer of Lot 5 and 6 (the Administration Centre and Town Park sites) and associated documents relating to the Land Sale Contract to be signed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/3.**

ATTACHMENTS

1. Council Report of 13 May 2014
2. Summary of Changes to CMS and TCMS
3. Marked Up CMS
4. Marked up TCMS



ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: LOCAL GOVERNMENT NSW ANNUAL CONFERENCE
FROM: Director Customer & Corporate Services
TRIM #: 15/193305

PURPOSE OF REPORT

The purpose of this report is to:

1. advise Councillors of the upcoming 2015 LGNSW Annual Conference;
2. nominate voting delegates (if any); and
3. propose any motions (if any).

BACKGROUND

The Local Government NSW Annual Conference will take place from Sunday 11 – Tuesday 13 October 2015 at Rosehill Gardens Racecourse, James Ruse Drive, Rosehill.

Online registration is now open on the LGNSW website and all attendees must register. Full details of the conference including program are available on the LGNSW website.

This year the Conference will involve two types of voting as follows:

1. voting in the elections for Office Bearers and the Board; and
2. voting on motions.

Council is also able to submit motions for consideration at the Conference.

MAIN REPORT

Voting Delegates

Separate from Conference registration, Council must nominate the names of their voting delegates for voting in the elections for Office Bearers and the Board and voting on motions. Council is entitled to nominate five (5) voting delegates to vote at the Conference and must register the delegates by 18 September 2015.

Voting for Office Bearers and the Board

Ordinary members of the Association who are financial can vote in the elections for Office Bearers and the Board of the Association.

The Australian Electoral Commission will be conducting the elections for the Office Bearers and Board of the Association.

Nominations for Office Bearers and the Board

Nominations for the following positions opened on 24 August 2015 and must be received by the Returning Officer by 12noon, 14 September 2015. Nomination forms are available upon request from the Returning Officer or from the Association's website and the Australian Electoral Commission website:

- President;
- Vice President (from a Metropolitan/Urban Council);
- Vice President (from a Regional/Rural Council);

- Treasurer;
- Directors (7) (from a Metropolitan/Urban Council);
- Directors (7) (from a Regional/Rural Council).

Voting on Motions

Ordinary members and Associate members of the Association who are financial can vote on policy motions that require consideration by the Conference.

Motions

Council can submit motions for consideration at the Conference by 14 September 2015. The Board has resolved that motions will be included in the Business Paper for the Conference where they:

1. are consistent with the objects of the Association;
2. relate to Local Government in NSW and/or across Australia;
3. concern or are likely to concern Local Government as a sector;
4. seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association;
5. have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
6. are clearly worded and unambiguous in nature; and
7. do not express preference for one or several members over one or several other members.

Council's Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy

In accordance with clauses 7.5 and 8.4 of Council's Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy ("Policy"), any expenses incurred by Councillors attending conferences, including travel to, registration costs and incidental conference costs, are not reimbursable. Instead, Councillors are to personally fund (or utilise their Councillor annual allowance) any expense incurred with respect to conference attendance.

Given this conference is held within NSW, the Mayor (or the Deputy Mayor in the case of a claim by the Mayor) and the General Manager may approve attendance by Councillors at the conference (clause 8.3 of the Policy).

It is also noted that any Councillor who does attend the conference must report back to Council with a full written report on the beneficial aspects of the conference. A report may be submitted via a mayoral minute, a notice of motion or a memorandum via the General Manager. One report may be submitted on behalf of a number of Councillors in attendance (clause 8.7 of the Policy).

FINANCIAL IMPLICATIONS

The registration cost for delegates is \$999. In accordance with Council's Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy, all costs incurred are payable by Councillors.

CONCLUSION

Council is entitled to nominate up to five (5) voting delegations by 18 September 2015 to attend the LGNSW Annual Conference. Should Council propose any motions to be lodged, Council must submit any proposed motions by 14 September 2015. Should any Councillor wish to nominate for the Office Bearer and Board roles, nomination forms must be returned by 12noon on 14 September 2015 to the Returning Officer.

RECOMMENDED

That Council:

- i. advise Council's General Manager and Mayor (or in the case of the Mayor, advise the Deputy Mayor) should they wish to attend the LGNSW Annual Conference;**
- ii. determine the voting delegates to attend at the 2015 Local Government NSW Annual Conference and advise Local Government NSW by 18 September 2015;**
- iii. lodge any proposed motion(s) (if any) to Local Government NSW by 14 September 2015; and**
- iv. note that nomination forms for Office Bearers and the Board must be received by the Returning Officer by 12 noon, 14 September 2015.**