



Camden Council

Business Paper

Ordinary Council Meeting
11 October 2016

**Camden Council
Administration Centre
70 Central Avenue
Oran Park**



COMMON ABBREVIATIONS

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

General Manager
Ron Moore Mayor
Lara Symkowiak

Director Customer and Corporate Services
David Reynolds

Manager Governance and Corporate
Services
Charles Weber

Director Planning and Environmental Services
Nicole Magurren

Director Community Infrastructure
Vince Capaldi

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Theresa Fedeli

Councillor
Peter Sidgreaves

Councillor
Michael Morrison

Councillor
Ashleigh Cagney

Councillor
Eva Campbell

Councillor
Paul Farrow

Councillor
Cindy Cagney

Public Address

Public Seating

Media





ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the *Local Government Act 1993*, be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.



ORDINARY COUNCIL

SUBJECT: APOLOGIES

Leave of absence tendered on behalf of Councillors from this meeting.

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5-7.27).

Councillors should be familiar with the disclosure provisions contained in the *Local Government Act 1993*, *Environmental Planning and Assessment Act, 1979* and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.



ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

Where a member of the public raises a question during the Public Address session, a response will be provided where Councillors or staff have the necessary information at hand; if not, a reply will be provided at a later time. There is a limit of one question per speaker per meeting.

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt the Minutes of the Ordinary Council Meeting held 27 September, 2016 and the Minutes of the Local Traffic Committee Meetings held 19 July, 2016 and 16 August, 2016.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 27 September, 2016 and the Minutes of the Local Traffic Committee Meeting held 19 July, 2016 and 16 August, 2016, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL

ORD01

SUBJECT: CONSTRUCTION OF A TWO STOREY DWELLING AND ASSOCIATED SITE WORKS - 17 ALLISON CIRCUIT, ORAN PARK

FROM: Director Planning & Environmental Services

TRIM #: 16/279530

APPLICATION NO: 621/2016

PROPERTY ADDRESS: 17 Allison Circuit, Oran Park

APPLICANT: Wisdom Homes

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 at 17 Allison Circuit, Oran Park.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 621/2016 for the construction of a two storey dwelling pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 621/2016 seeks approval for the construction of a two storey dwelling and associated site works.

Specifically the proposed development involves:

- The construction of a two storey dwelling consisting of four bedrooms and a double garage;
- Landscaping works;
- Connection of the stormwater line to the street gutter; and
- Associated site works to facilitate the development.

The cost of works is \$500,757.

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

THE SITE

The site is commonly known as 17 Allison Circuit, Oran Park and is legally described as Lot 3251 DP 1194673.

The site is located on Allison Circuit within the residential area of Oran Park. The site is 450m² in area and has a slight fall from northwest to southeast. To the north and south

are residential lots which are currently vacant. To the east is a single storey dwelling under construction. Across the road to the west is a vacant residential lot.



KEY DEVELOPMENT STATISTICS

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

	Standard	Proposed	Compliance
State Environment Planning Policy Sydney Region Growth Centre 2006			
4.3 Height	Maximum height 9.5m.	7.96m.	Yes
Oran Park Development Control Plan 2007			
Controls for Lots with frontage width ≤15m			
7.6.3 Front Setback	Minimum 4.5m to building façade line. Minimum 3.0m to articulation zone. Minimum 5.5m to garage line and 1m	4.5m. 3.57m to articulation zone. The garage is set back 5.5m from the	Yes



	behind the building façade line.	front boundary & 1m behind the building façade line.	
7.6.4 Side & Rear Setback	Side setbacks - Minimum 0.9m at ground and 0.9m at upper. Rear setbacks – Minimum 4m ground floor and 6m first floor.	Side setbacks Ground Floor 1.2m north 1.6m south. Upper Floor 1.2m north 3.72m south. Ground floor 5.07m Upper floor 9.07m.	Yes
7.6.5 Dwelling Height, Massing and Siting	2 storey maximum. Single storey dwellings ≤ 60%. Lot > 375m ² upper level ≤ 35%.	The proposed dwelling is two storey. Ground 214m ² /450m ² = 47.5%. Upper 146m ² /450m ² =35%.	Yes
7.6.6 Landscaped Area	Min 25% of lot area.	186m ² /450m ² = 41% landscaped area.	Yes
7.6.7 Private Open Space	PPOS (Principal Private Open Space) requires a minimum 20m ² of the lot area and minimum dimension of 4m. 50% of the PPOS(of both the proposed development and adjoining properties) is required to receive 3 hours of sunlight between 9am and 3pm on 21 June.	PPOS area 4m x 5m and accessible from living area. The PPOS of the proposed and adjoining properties will receive the required amount of solar access. This has been demonstrated on the shadow diagrams submitted with the DA.	Yes
7.6.8 Garages & Car parking	Single, tandem or double garages permitted.	One double garage is proposed providing 2 car spaces behind the	Yes



	3 bedrooms or more, dwellings must provide at least 2 car spaces.	building line.	
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ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as a "dwelling house" by the SEPP (Sydney Region Growth Centres) 2006 which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy 55 – Remediation of land</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> Compliant with conditions recommended where necessary.</p> <p><u>Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River</u> Compliant with conditions recommended where necessary.</p>
Local Environmental Plan - S79C(1)(a)(i)	None applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<p><u>Oran Park Development Control Plan 2007 (DCP)</u> Compliant with conditions recommended where necessary.</p> <p><u>Camden Development Control Plan 2011 (DCP)</u> Compliant with conditions recommended where necessary.</p>
Planning Agreement(s) -	None.



S79C(1)(a)(iiia)	
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which is discussed in the submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

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

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 13 June, 2016 to 26 June, 2016. Two submissions were received (both objecting to the proposed development). The authors of the submissions were contacted to attempt to resolve the issues.

The dwelling originally proposed an upper floor balcony to the rear. The balcony was subsequently removed in an attempt to address the concerns raised. The design was also mirror reversed to avoid a conflict between the driveway and a pram ramp on the street kerb.

Following the design changes, the DA was renotified for a period of 14 days, with the exhibition period from 9 August, 2016 to 22 August, 2016. Subsequently, one of the submissions was withdrawn and one submission was received from the same author of the original submission. There remains one submission outstanding (objecting to the proposed development).

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

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

1. *Privacy concerns – overlooking into the rear yard.*

Officer comment:

Council staff have reviewed the dwelling design with regards to privacy and overlooking. The original dwelling design included an upper floor balcony to the rear which was of concern to the neighbouring property. The balcony was removed from the rear elevation of the dwelling and replaced with a single window on the same elevation.

There are two upper floor windows orientated towards the rear yard of the author of the submission. The first window of concern is the upper floor window on the east elevation of the dwelling (rear elevation). This window has a 1.6m sill height and services a bedroom which is considered to be a room of low occupancy for the purpose of assessing the impact of overlooking. This window is set back 9.07m from the boundary



of concern. Taking into account the raised sill height, setback and use of the room, this window is not considered to present an unreasonable overlooking impact.

The second window of concern is the upper floor window on the northern side elevation of the dwelling. This window also has a 1.6m sill height and services a bedroom which is considered to be a room of low occupancy for the purpose of assessing the impact of overlooking. Taking into account the raised sill height and use of the room, this window is also not considered to present an unreasonable overlooking impact.

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 621/2016 is recommended for approval subject to the attached conditions.

RECOMMENDED

That Council approve DA621/2016 for the construction of a two storey dwelling at 17 Allison Circuit, Oran Park.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD02

SUBJECT: CONSTRUCTION OF A TWO STOREY DETACHED DUAL OCCUPANCY AND STRATA SUBDIVISION - 36 RADISICH LOOP, ORAN PARK

FROM: Director Planning & Environmental Services

TRIM #: 16/239580

APPLICATION NO: 485/2016

PROPERTY ADDRESS: 36 Radisich Loop, Oran Park

APPLICANT: Ramia Mikha

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey detached dual occupancy and strata subdivision at 36 Radisich Loop Oran Park.

The DA is referred to Council for determination as there are two submissions objecting to the proposal that have not been resolved.

SUMMARY OF RECOMMENDATION

That Council determine DA 485/2016 for the construction of a two storey detached dual occupancy and strata subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the attached conditions.

THE PROPOSAL

DA 485/2016 seeks approval for the construction of a two storey detached dual occupancy and strata subdivision.

Specifically the proposed development involves:

- The construction of a two storey detached dual occupancy with each dwelling consisting of four bedrooms and a single garage;
- Associated site works to facilitate the development;
- Stormwater connection to the street gutter; and
- Strata title subdivision.

The cost of the works is \$530,000.

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

THE SITE

The site is commonly known as 36 Radisich Loop, Oran Park and is legally described as Lot 4561 DP 1193475.

The site is located on Radisich Loop and is a regular shaped allotment. The site is located within the residential area of Oran Park. To the north and south of the site are

single storey dwellings. To the east of the site is a vacant residential lot. Across the road to the west is a single storey dwelling and a vacant residential lot.

There are a number of dual occupancies located in the area. There are 2 approved dual occupancies located to the north of the subject site within Radisich Loop. One of those at 44 Radisich Loop is currently under construction.



KEY DEVELOPMENT STATISTICS

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

	Standard	Proposed	Compliance
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
4.1A Minimum Lot Size for other development	Minimum lot size of 500m ² for a dual occupancy.	Lot size of 560m ² for dual occupancy.	Yes
4.3 Height of Building	Maximum 9.5m building height.	Unit 1 – 7.1m Unit 2 – 7.1m.	Yes
Oran Park Development Control Plan 2007 (DCP)			
Controls for Lots with Frontage of ≥ 7m and <9m			
7.6.3 Front Setback	4.5m to building	Unit 1 – 4.5m to	Yes



	<p>façade line.</p> <p>3.0m to articulation zone.</p> <p>5.5m to garage line and 1m behind the building façade line.</p>	<p>façade. Unit 2 – 4.5m to façade.</p> <p>Unit 1 – 3m to articulation zone. Unit 2 – 3m to articulation zone.</p> <p>Unit 1 – 5.5m to garage and 1m behind façade. Unit 2 – 5.5m to garage line and 1m behind façade line.</p>	
7.6.4 Rear Setback	Rear setbacks – minimum 4m ground floor and minimum 6m first floor.	<p>Unit 1 – 7.17m ground floor and 12.45m upper floor.</p> <p>Unit 2 – 7.17m ground floor and 12.45m upper floor.</p>	Yes
7.6.4 Side Setbacks	Where detached boundary minimum 0.9m ground floor and minimum 0.9m upper floor.	<p>Unit 1 – North boundary 0.9m and south boundary 0.9m ground floor. North boundary 0.9m and south boundary 1.56m upper floor.</p> <p>Unit 2 – North boundary 0.9m and south boundary 0.9m ground floor. North boundary 0.9m upper floor and 1.56m upper floor.</p>	Yes
7.6.5 Site Coverage	Upper floor site coverage maximum 50% of site.	<p>Unit 1 – $95.6\text{m}^2/280\text{m}^2 = 34\%$ upper floor site coverage.</p> <p>Unit 2 – $95.6\text{m}^2/280\text{m}^2 = 34\%$ upper floor site coverage.</p>	Yes
7.6.6 Landscaped Area	Minimum 15% of site to be soft landscaped area.	Unit 1 – $85\text{m}^2/280\text{m}^2 = 30.3\%$ landscaped.	Yes



	≥ 1m depth in front setback area as measured from street frontage.	Unit 2 - 85m ² /280m ² = 30.3% landscaped. The front of each lot has a soil depth of greater than 1m excluding the required driveway areas.	
7.6.8 Car parking	3 bedrooms or more - dwellings must provide at least 2 car spaces. 1 space is to be located behind the front building line.	Unit 1 - One space provided behind the building line within a garage and a second space provided in front of the garage within the front setback of the property. Unit 2 - One space provided behind the building line within a garage and a second space provided in front of the garage within the front setback of the property.	Yes
7.6.1 Layout	Driveway locations must be paired to preserve on-street parking spaces in front of lots.	The proposed driveways to service each dwelling are separated and are not paired.	No – see DCP Variation 1
7.6.7 Principal Private Open Space (PPOS)	PPOS (Principal Private Open Space) requires a minimum 16m ² & min dimensions of 3m & gradient ≤ 1:10.	Unit 1 - Area of PPOS 16m ² and accessible from the alfresco with a minimum dimension of 4m, gradient <1:10. Unit 2 - Area of PPOS 16m ² and accessible from the alfresco with a minimum dimension of 4m, gradient <1:10.	Yes
7.6.7	50% of the PPOS (of	Unit 1 - PPOS area	Yes



<p>Solar Access</p>	<p>both the proposed development and adjoining properties) is required to receive 3 hours of sunlight between 9am and 3pm on 21 June.</p>	<p>receives ≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS.</p> <p>Unit 2 - PPOS area receives ≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS.</p> <p>Solar access to the adjoining properties PPOS will receive the required rate of ≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS.</p>	<p>Yes</p>
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ASSESSMENT

Zoning and Permissibility

<p>Zoning:</p>	<p>R1 General Residential.</p>
<p>Permissibility:</p>	<p>The proposed development is defined as a "Dual Occupancy" by the SEPP (Sydney Region Growth Centres) 2006 and is a permissible land use in this zone.</p>

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

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

Compliance with Plans or Policies

DCP Variation 1 – Driveway Location to be paired

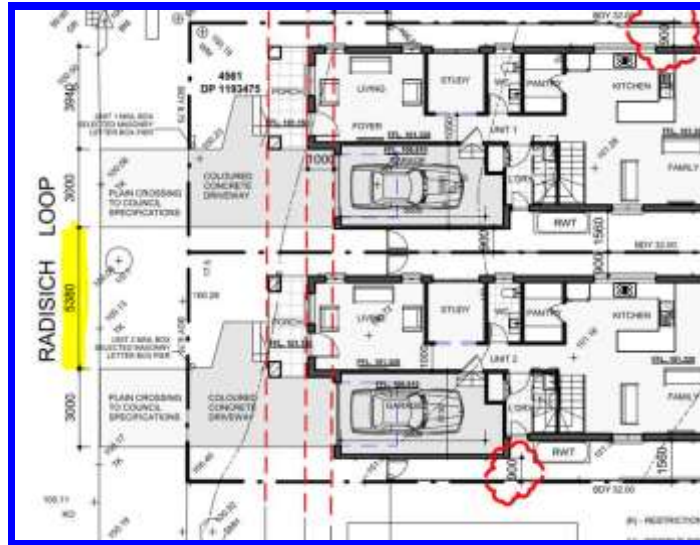
DCP Control

The summary of key controls for lots with a frontage width of between 7 and 9 metres for front accessed dwellings requires driveway locations to be paired to preserve on-street parking spaces in front of lots.

A paired driveway configuration is where two driveways are located side by side.

Variation Request

The proposed driveways to service each dwelling are separated and are not paired. The arrangement of the driveway can be seen in the figure below.



Council Staff Assessment

Council officers have considered the variation to the DCP and recommend that it be supported in this instance for the following reasons:

- The proposed location of the driveways will not result in an additional loss of on street parking in front of the lot. Should a paired configuration be considered, one space would be provided to the south of the driveway for Unit 2. As proposed, the driveways still enables an on street car space in front of the lot.
- The driveway arrangement has been reviewed by Council's traffic engineer with regards to the space required to park a vehicle on the street. The length of a standard vehicle is 5.2m long which includes most cars (including SUV's). The space between the driveways is 5.38m. As the driveways could be used to manoeuvre in and out of the space, it is acceptable that a large car could park in the 5.38m space. Therefore, the arrangement of the driveways provides for a parking space in front of the development.
- There is an existing street tree in the centre of the allotment which limits the location of the driveway. The proposed location of the driveways is considered a reasonable outcome to retain the street tree.

With the above considered, it is recommended that this DCP variation be supported.

Key Issues

The key issues associated with the DA are limited to the DCP variation and submissions issues discussed in this report.

Submissions

The DA was publicly exhibited in accordance with the Camden DCP 2011. The exhibition period was from 13 May, 2016 to 8 June, 2016. Two submissions were received (both objecting to the proposed development).

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

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

1. *The combination of the proposed dwelling, boundary fencing and retaining walls will overshadow the area of principle private open space (PPOS) of the southern neighbouring property. The PPOS will not receive the minimum 3 hours of sunlight throughout the day.*

Officer comment:

The proposal complies with the solar access controls of the DCP.

Council staff have reviewed the shadow diagrams provided for the proposed development. Between the hours of 9am and 11am more than 50% of the alfresco area of the southern neighbouring property will receive solar access. The alfresco area is located on the side elevation, is roofed and forms part of the PPOS. After 11am, shadows will encroach into the alfresco area, however the PPOS area directly adjacent the alfresco area will receive greater than 50% of solar access between 9am and 12pm.

Consideration has been given to the existing retaining wall and proposed boundary fencing when assessing solar access. Council staff are satisfied that the PPOS of the adjoining property will receive the required amount of solar access, in accordance with the requirements of the DCP.

2. *Table 17 'Summary of key controls for lots with frontage width $\geq 7m$ and $< 9m$ for front accessed dwellings' within the Oran Park DCP requires driveways to be provided in a paired configuration to preserve on street parking. The proposed driveways are not paired.*

Officer comment:

A variation to the DCP is proposed as discussed previously in this report. A paired driveway is specified within the Oran Park DCP to maximise the amount of on street parking available. The proposed design provides a 5.38m on-street car space between the driveways, enabling sufficient room for a standard vehicle to be parked between the two driveways on the street. When compared to a paired driveway, the proposed driveway configuration will not result in a loss of on street parking as one parking space will be retained in front of the lot.

Council officers requested that the applicant consider a mirror reverse design for Unit 2 to accommodate a paired driveway. However, this configuration would result in a reduced upper floor setback to the southern boundary, which would create an additional impact to solar access for the adjoining lot to the south. As such, the applicant declined to amend the design.

The proposed location of the driveways enables the existing street tree to be retained.

3. *The garage is proposed to be located on the boundary line which does not comply with the minimum 900mm setback. There is no easement for maintenance which benefits lot 4562 to enable a 'zero lot line'.*

Officer comment:



Subsequent to the above comment, the design has been amended to comply with the required 900mm setback to the southern boundary. No easement for maintenance is required.

Amended plans have been provided to the author of the submission who raised the concern.

4. *The upper floor does not comply with the setback requirements within the State Environmental Planning Policy 'Exempt and Complying Development Codes' 2008 (Code SEPP), Subdivision 3.16 which requires a setback of 1.325m.*

Officer comment:

The proposal is assessed against the Oran Park DCP and not the Code SEPP. The proposal complies with the setback requirements of the DCP.

The original proposal included an upper floor setback (Unit 2) to the southern boundary of 1.360m. This setback was increased to 1.56m following consultation between the applicant and Council officers. A 900mm setback is required by the DCP.

Amended plans have been provided to the author of the submission who raised the concern.

5. *This area of Oran Park was originally proposed as Low Density Residential, yet Radisich Loop already has three dual occupancy developments. This is not in keeping with the Garden Suburban Streetscape as set out within the Oran Park DCP.*

Officer comment:

A detached dual occupancy is permissible under the SEPP (Sydney Region Growth Centres) within the R1 General Residential Zone.

The DCP includes dual occupancy development within the typical characteristics of a low density area which includes the garden suburban streetscape.

The development is not considered to be out of character in terms of presentation within the streetscape. The street presents a mix of development including single storey dwellings, two storey dwellings and dual occupancies, which is not out of character for Oran Park.

6. *The dual occupancy development will increase traffic flows along the street as there are already two dual occupancies on the street.*

Officer comment:

The street network is considered adequate to accommodate traffic movements for the type of permissible development within Oran Park. Each dwelling of the dual occupancy provides a compliant amount of car parking. This includes one space behind the building line and one space in front of the garage within the lot boundary.

The design of the driveway is discussed above and is not considered to limit the amount of on-street parking.



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7. *The front setback does not comply with the average street setback as required in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, under subdivision 3, clause 3.14.*

Officer comment:

The front setback complies with the setback requirements of the Oran Park DCP. Each dwelling proposes a 4.5m setback to the façade and a 3m setback to the articulation zone.

The requirements specified in the Code SEPP apply to applications for Complying Development Certificates and not DAs.

8. *The upper floor windows of unit two will look directly into the PPOS of the adjoining dwelling. It is asked that these windows be fixed obscure glazing to restrict views to the adjoining property and have a 1.7m sill height.*

Officer comment:

The stairwell window for Unit 2 (W13) is obscured glazing as indicated on the proposed plans. The obscured glazing will limit views to the adjoining property and achieve the objective of privacy.

The bedroom window (W12) to the upper floor on the southern elevation of Unit 2 is not considered to present an unreasonable impact with regards to privacy or overlooking. Bedrooms are considered to be rooms of low occupancy that do not present unreasonable impact to the adjoining property. The bedroom window is not excessive in size being 1.35m² in area.

9. *The area of roof over the garage for Unit 2 could potentially be used as a veranda as there is no roof pitch provided on the plans.*

Officer comment:

There is no upper floor balcony proposed. There are no openings to this area to allow it to be used as an upper floor balcony.

The area of roof over the garage has been calculated to have a pitch of 22.5⁰ and matches the main roof pitch.

10. *The development must be reviewed to ensure there will be two off street car spaces provided for each dwelling as per table 17 of the Oran Park DCP.*

Officer comment:

The development has been assessed against the car parking requirements of the Oran Park DCP which requires two car spaces within the lot boundary, including one space provided behind the building line. One space is provided within a single garage behind the building line for each unit, and one space is provided in front of the garage within the lot boundary. The development complies with the DCP in regards to car parking.

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 485/2016 is recommended for approval subject to the attached conditions.

RECOMMENDED

That Council approve DA 485/2016 for the construction of a two storey detached dual occupancy and strata subdivision at 36 Radisich Loop, Oran Park subject to the attached conditions.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD03

SUBJECT: INVESTMENT MONIES - AUGUST 2016
FROM: Director Customer & Corporate Services
TRIM #: 16/258929

PURPOSE OF REPORT

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

MAIN REPORT

The weighted average return on all investments was 3.34% p.a. for the month of August 2016. The industry benchmark for this period was 2.01% (Ausbond Bank Bill Index).

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

The Responsible Accounting Officer is the Manager Finance & Corporate Planning.

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

RECOMMENDED

That Council:

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy;**
- ii. note the list of investments for August 2016; and**
- iii. note the weighted average interest rate return of 3.34% p.a. for the month of August 2016.**

ATTACHMENTS

1. Investment Monies - August 2016



ORDINARY COUNCIL

ORD04

SUBJECT: PECUNIARY INTEREST RETURNS - 1 JULY 2015 TO 30 JUNE 2016
FROM: Director Customer & Corporate Services
TRIM #: 16/278661

Pursuant to section 449(3) of the *Local Government Act 1993* (the Act), a Councillor or designated person, holding that position at 30 June in any year, must complete and lodge a Pecuniary Interest Return with the General Manager within 3 months after that date.

Under section 450A of the Act, completed Pecuniary Interest Returns are required to be tabled at the first meeting of Council held after the last date for lodgement (being 30 September 2016).

The completed Pecuniary Interest Returns for the period 1 July, 2015 to 30 June, 2016 are tabled and available to be viewed.

RECOMMENDED

That the information be noted.



ORDINARY COUNCIL

ORD05

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - WATER PLAY PARK
FROM: Cr Symkowiak
TRIM #: 16/288842

“I, Councillor Lara Symkowiak, hereby give notice of my intention to move the following at the Council Meeting of 11 October, 2016:

That Council investigate suitable locations for a water play park and provide associated costs for consideration.”

RECOMMENDED

That Council investigate suitable locations for a water play park and provide associated costs for consideration.