



Camden Council

Business Paper

Ordinary Council Meeting
10 October 2017

Camden Council
Administration Centre
70 Central Avenue
Oran Park



COMMON ABBREVIATIONS

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

General Manager
Ron Moore Mayor
Lara Symkowiak

Director Customer and Corporate
Strategy
David Reynolds

Director Planning and Environment
Nicole Magurren

Manager Governance and Risk
Charles Weber

Chief Financial Officer
Paul Rofe

Director Community Assets
Vince Capaldi

Acting Director Sport Community
and Recreation

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Ashleigh Cagney

Councillor
Theresa Fedeli

Councillor
Eva Campbell

Councillor
Peter Sidgreaves

Councillor
Paul Farrow

Councillor
Michael Morrison

Councillor
Cindy Cagney

Public Address

Public Seating

Media





ORDINARY COUNCIL

ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer.....	6
Acknowledgement of Country	7
Recording of Council Meetings	8
Apologies.....	9
Declaration of Interest.....	10
Public Addresses	11
Confirmation of Minutes	12
Mayoral Minute - Narellan Sports Hub	13
Mayoral Minute - Camden Festival.....	14

ORD01	S96 (1A) Modification - Alterations to an Approved Single Storey Dwelling, Swimming Pool and Associated Site Works - 4 Douglas Place, Harrington Park.....	16
ORD02	New Retaining Wall and Earthworks - 6 Menangle Road, Camden.....	26
ORD03	Construction of a Long Day Child Care Centre for 40 Children Aged 0 to 5 Years With Car Parking, Landscaping and Associated Site Works - 37 Danvers Road & 36 Rosecomb Road, Spring Farm.....	30
ORD04	Use of Tenancy 5A, 5B and 6 for the Sale of Fruit and Vegetables, a Delicatessen, Butcher, Bakery and General Groceries - 1 Gregory Hills Drive, Gledswood Hills	46
ORD05	Planning Proposal - Lot 627 DP 1163903, Currans Hill	60
ORD06	Pecuniary Interest Returns - 1 July 2016 to 30 June 2017	70
ORD07	Heritage Advisory Committee - Draft Terms of Reference	71
ORD08	Lease of Road Reserve Adjoining 52 Camden Valley Way, Elderslie	74
ORD09	Tender T003/2018 - Construction of Playground at Queen Street Reserve, Narellan.....	77
ORD10	Camden Civic Centre Improving Utilisation	80

NOTICES OF MOTION

ORD11	Notice of Motion - Installation of a Toilet Block and Shade Structure at the new Playground Located on Burrell Road, Spring Farm.....	85
-------	---	----



ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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

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



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.



ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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

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

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

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

RECOMMENDED

That the declarations be noted.



ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

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

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

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

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

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

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 26 September 2017.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 26 September 2017, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - NARELLAN SPORTS HUB

FROM: The Mayor

TRIM #: 17/312885

Construction of the new outdoor netball complex is now complete as part of the first stage of the Narellan Sports Hub development.

The building of the first stage is the result of an \$11 million commitment by Council to deliver a sporting facility that will fulfil the needs of our growing community, as identified in the Camden Sportsground Strategy 2014.

The development has provided 30 high-quality netball courts and an expansive amenities building that will cater for the growth of this sport in our area with the addition of an additional 14 courts in the future.

Stage one of the Sports Hub has provided:

- Centrally located amenities building that includes canteen, walk-in cool room, meeting rooms, computerised security features, toilets, kitchen and barbecue;
- 30 netball courts;
- Floodlighting;
- Approximately 400 car parking spaces;
- Playground;
- Fencing; and
- Landscaping.

I am pleased that due to excellent financial management Council was able to inject savings from the construction of Council's Administration Building into this project, resulting in the delivery of additional facilities.

I would like to thank and congratulate Camden Council's Major Projects Team and the Sport, Community and Recreation team for their continued commitment to delivering excellent sporting and recreational infrastructure for our community. I would also like to thank the Camden Netball Association for their input into the project. This was truly a collaborative effort between Camden Council and Camden Netball Association.

This new complex is positioned near existing sports grounds and will be extended in a number of stages to include other facilities to cater for a variety of sports and additional informal recreational opportunities, making this a comprehensive sporting venue that the whole Community can enjoy.

The development will ultimately feature athletics facilities, 44 netball courts and a multi-purpose sports ground.

Camden and District Netball Association will be using the courts for the first time for the start of their summer competition on Wednesday 11 October. I would like to wish all the players good luck in the competition and hope that they enjoy their new grounds.

RECOMMENDED

That Council note the information.



ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - CAMDEN FESTIVAL

FROM: The Mayor

TRIM #: 17/312900

Thousands of residents turned out for the recent Camden Festival events held throughout September. The festival kicked off with Picnic in the Park, followed by Kids Fun Day, Cinema under the Stars and closed with the ever-popular TASTE Food, Wine and Music Festival. With high crowd numbers and glorious weather, all events received overwhelmingly positive feedback from the community through social media channels and surveying of attendees.

Our Youth Movie Night held on 21 September was a sell out with 100 young people from the Camden LGA aged from 15 – 24 years old attending, watching the new release “Kingsman: The Golden Circle” on the night.

Large crowds gathered in the sunshine on 10 September for Picnic in the Park which featured an array of children’s activities, food stalls and live music by local musicians.

The following week saw the ever-popular Kids Fun Day event attract large numbers of pre-schoolers and their families to the event with Batman, face painting and a petting farm proving popular.

Cinema under the Stars went ahead with windy conditions throughout the day keeping the crowd numbers lower than expected, however those who attended enjoyed the family movie “Moana” in the beautiful surrounds of the Australian Botanic Gardens in Mount Annan.

TASTE Food, Wine and Music Festival proved to be as popular as ever, with larger crowds than previous years bringing picnic rugs and chairs along to stay and enjoy the day. Celebrity chef Miguel Maestre enthralled crowds with his enthusiastic and colourful cooking style. There was plenty of variety on offer with more than 40 food, wine and cider stalls, and something for all ages who attended.

Other events held as part of Camden Festival included the Free Skateboarding clinic on Saturday 9 September; Camden Park House & Garden open weekend on Saturday 16 and Sunday 17 September, The CWA Man Up & Cook a Cake for Charity on Saturday 16 September and the Camden Rotary Relay for Life on Saturday 23 & Sunday 24 raising over \$70,000.

This year the Communications and Events Team launched an extensive social media and promotional campaign to garner a greater online awareness of the Camden Festival, with a full program of events also listed on both the Council website and the Camden Festival website. Letterbox drops of the festival brochure were also delivered throughout the LGA, and a food blogger was used for the first time this year as a new initiative.

I would like to congratulate our Communications and Events Team on a very successful 2017 Camden Festival. Through Council providing these fantastic free family events, we are creating opportunities for our growing community to come

together while providing a soft entry point for the community to engage with local businesses.

I have no doubt that these events are highly valued within our community and would like to thank the team for their ongoing innovation, commitment and delivery of community events that the whole community can enjoy and I look forward to a very fun filled Camden Festival program in 2018.



RECOMMENDED

That Council note the information.



ORDINARY COUNCIL

ORD01

SUBJECT: S96 (1A) MODIFICATION - ALTERATIONS TO AN APPROVED SINGLE STOREY DWELLING, SWIMMING POOL AND ASSOCIATED SITE WORKS - 4 DOUGLAS PLACE, HARRINGTON PARK

FROM: Director Planning & Environment

TRIM #: 17/281463

APPLICATION NO: DA 1247/2016(2)
PROPERTY ADDRESS: 4 Douglas Place, Harrington Park
APPLICANT: Mr Hussein Jaffar
OWNER: Mr Hussein Jaffar

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96(1A) application (Section 96 application) for modifications to an approved single storey dwelling, swimming pool and associated site works at 4 Douglas Place, Harrington Park.

The Section 96 application is referred to Council for determination as there are three submissions which remain unresolved.

SUMMARY OF RECOMMENDATION

That Council determine DA 1247/2016(2) for modifications to an approved DA for a single storey dwelling, swimming pool and associated site works pursuant to the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 1247/2016(2) seeks approval for modifications to a single storey dwelling, swimming pool and associated site works.

Specifically the proposed development involves:

- Raising the slab floor level by a maximum of 500mm;
- The deletion of the approved swimming pool;
- Obscured glazing to all windows on the southern elevation .

Note: There are no proposed changes to the overall building footprint or setbacks to the property boundaries.

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

THE SITE

The site is known as 4 Douglas Place, Harrington Park and is legally described as Lot 75 DP 280048.

The site is located on the eastern side of Douglas Place, Harrington Park. The site has a fall from the northwest corner to the south-east corner of approximately 2.34m.

Existing on the site is the partly constructed single storey dwelling as approved by development consent 1247/2016.

Adjoining the site to the north is a two storey dwelling. To the south and east of the site are two storey dwellings with frontages to Donahue Circuit and private open space adjoining the common boundary of the subject lot. Due to the topography of the area, these dwellings are situated at a lower level than the subject site. Opposite the site to the west is a single storey dwelling.



HISTORY

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

Date	Development
5 January 2017	DA 1247/2016 approved 'Construction of a single storey dwelling, swimming pool and associated site works'

A construction certificate for the development was issued on 3 April 2017 (CC 024/2017) by a private certifier. Following a site inspection by the Private Certifier during construction, it was identified that the concrete floor slab was approximately 450mm higher than the levels shown on the approved plans. On 23 May 2017, the certifier issued the applicant with a Notice of Intention to serve an Order (NOPO) pursuant to Section 121B of the *Environmental Planning & Assessment Act 1979*.



The NOPO stated as follows:

"Order No 15- To comply with a development consent" in that the slab level needs to be rectified to bring the development within compliance of the Development Consent No 2016/1247/1 dated 05-01-2017 and Construction Certificate No CC 024/2017 dated 03-04-2017.

On 25 May 2017, Council officers issued the applicant with an Order under Section 121B of the *Environmental Planning & Assessment Act 1979*, to cease all building works on the subject site immediately.

The applicant has ceased all work on the subject site and has submitted a Section 96 (1A) Modification to amend the approved plans.

KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the Section 96 application.

	Standard	Proposed	Compliance
Camden Local Environmental Plan 2010 (LEP)			
Clause 4.3 Height of Buildings.	Maximum height of buildings – 9.5m.	7.905m. Increase of 500mm from the previously approved consent.	Yes.
Camden Development Control Plan 2011 (DCP)			
B1.2 Earthworks.	The maximum amount for both cut and fill shall not exceed 1m.	No external Fill. Cut less than 1m.	Yes.
D2.1.3 Height, Massing and Siting – Height above ground floor level.	The ground floor level shall be no more than 1m above the natural ground level. Council may consider a finished ground floor level greater than 1m from natural ground where the applicant can demonstrate that there is no adverse impact on the adjacent properties and streetscape in general. The following are factors that to be considered include: a) Bulk, mass and scale of the structure b) Privacy impact; c) Overshadowing; and	At its highest point the ground floor is a maximum of 1.085 m above the natural ground level as shown in the Section Plan attached. This is limited to a portion of the dwelling which includes the pantry and laundry. These rooms have small high sill windows and as such will not impact upon the privacy of adjoining dwellings. The DCP allows Council to consider a ground floor level greater than 1m	Yes.



	<p>d) Streetscape and architectural treatment.</p>	<p>where it is demonstrated that there is no adverse impact upon adjoining properties.</p> <p>The bulk and massing of the proposed dwelling is in line with a single storey dwelling and complies with the setback controls. Further, a condition is recommended requiring landscape screening on the southern and eastern boundaries to soften the visual appearance of the dwelling. The increased floor level will have no impact on the street scape.</p> <p>Privacy and overshadowing are discussed below.</p>	
<p>D2.1.4 Visual and Acoustic Privacy.</p>	<p>Windows of habitable rooms (not bedrooms) of first floor must not overlook unless window treatment provided.</p>	<p>A single storey dwelling is proposed.</p> <p>To alleviate the privacy concerns of adjoining properties the applicant has amended the windows along the southern elevation to have obscure glazing. A condition is recommended requiring the windows on the southern elevation</p>	<p>Yes</p>



		<p>to have a minimum sill height of 1.5m above floor level. These windows serve low use rooms such as bedrooms, a laundry and pantry. A solid wall provided at the southern end of the alfresco (approved as part of the original DA), further limits overlooking of properties to the south. A consent condition is recommended requiring screen landscaping to be planted and maintained along the southern and eastern boundaries. This will limit overlooking and privacy impacts from the alfresco and living area windows to the property at the rear (east).</p>	
<p>D2.3.4 (Harrington Grove)</p> <p>Impervious area.</p> <p>Private Open Space</p>	<p>Impervious areas are to be limited to a maximum of 65% of the lot area.</p> <p>Sunlight must reach at least 50% of the principal private open space and of any adjoining dwelling for not less than 3 hours between 9:00am and 3:00pm on 21st June.</p>	<p>Total landscaped area is 38.97%. The impervious area is 61.03%</p> <p>The subject and adjoining properties will receive the required minimum three hours solar access to a minimum of 50% of the PPOS between 9am and 3pm on June 21. This is demonstrated by</p>	<p>Yes</p> <p>Yes</p>



		the shadow diagrams attached to this report.	
--	--	--	--

ASSESSMENT

Zoning and Permissibility

Zoning:	E4 Environmental Living
Permissibility:	The proposed development is defined as a ' Dwelling house ' by the LEP which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	State Environmental Planning Policy (Building SEPP SEPP BASIX 2004 - Compliant with conditions recommended. Deemed SEPP No 20 – Hawkesbury-Nepean River - Compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 – Generally compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	Three submissions were received which are discussed in the Submissions section of this report
Public Interest - S79C(1)(e)	The development is in the public interest.

Section 96 Modification (1A)

Under Section 96(1A) of the *Environmental Planning and Assessment Act 1979* Council may consider an application to amend development consent provided that:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all),*



- (c) *it has notified the application in accordance with:*
- (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

The amended plans are considered to be of minimal additional impact on the locality and surrounding environment. The development, as amended, is considered to be substantially the same as the development originally approved.

Notwithstanding the increase in height, the floor level is generally less than 1m above natural ground level (NGL) and complies with relevant DCP controls. Furthermore windows along the south elevation where the floor level is at the maximum height above NGL, are to low use rooms and have been provided with obscure glazing and raised sill heights to restrict overlooking and privacy impacts on adjoining properties. Screen landscaping recommended by a proposed condition will further mitigate any privacy impacts resulting from the increase in floor height.

Shadow diagrams have been provided which demonstrate that the private open space of adjoining properties will continue to receive the required minimum solar access.

The Section 96 application was notified for a 14 day period in accordance with the DCP. Three submissions were received which have been considered in the assessment of the application.

In accordance with Section 96 of the *Environmental Planning and Assessment Act 1979* only conditions which are of relevance to the proposed modification can be varied. The following table outlines the proposed modifications to the conditions that were imposed on the original consent, together with officer commentary.

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (1) Approved Plans and Documents.	Development in accordance with the approved plans and documents.	The condition has been amended to reflect the latest issue of plans which relate to the proposed development as modified and the revised BASIX Certificate.	An assessment of the amended plans against the relevant planning provisions has been completed as outlined earlier in this report. The condition has been updated to reflect the latest issue of plans and BASIX Certificate.
1.0 (6), 4.0 (8, 9 & 10), 5.0 (5, 6, 7, 8), 6.0 (2, 3, 4) Swimming	Conditions relate to compliance with swimming pool regulations and requirements.	Conditions removed.	As the swimming pool has been deleted, the applicable conditions are removed from



Pools and Spas.			the consent. Swimming pool will be subject to a future application.
-----------------	--	--	---

Additional conditions have been added and are numbered:

Condition No.	Condition Requires
1.0 (7) South Elevation Windows.	The windows along the southern elevation are to have a minimum sill height of 1.5m as measured from the finished floor level.
2.0 (10) Landscape Plan.	This condition requires the preparation of a landscape plan which provides for screen planting with a minimum mature height of 4m to the southern and eastern boundaries.
5.0 (9) Completion of landscaping.	Prior to issue of OC the applicant shall make arrangements for Council's Urban Tree and Landscape Officer to inspect the plantings referred to in the above clauses to ensure that the screen planting is achieved.
6.0 (5) Maintenance of Landscaping.	Landscaping to be maintained as per the Landscape Plan
6.0 (6) Landscaping Maintenance Establishment Period.	A 12 month period to establish and maintain the associated landscaping imposed by the consent.

Key Issues

The key issues associated with the Section 96 application are limited to the submission issues discussed in this report.

Submissions

The Section 96 application was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 9 June 2017 to 22 June 2017. Three submissions were received objecting to the proposed development.

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

1. The proposal impacts upon visual and acoustic privacy of private open space areas, specifically there are concerns regarding the height of the slab as well as the size and location of proposed windows.

Officer comment:

The proposed development is a single storey dwelling and has been designed to comply with the DCP controls including height, setbacks and site coverage.

The floor level is generally less than 1m above natural ground level (NGL), aside from a portion which has a maximum height of 1.085 above NGL, encompassing the pantry and laundry. This is demonstrated in the Section Plan and site photos attached to this report.



The proposal complies with DCP requirements for height and privacy, however to alleviate the privacy concerns of adjoining properties the applicant has amended the windows along the southern elevation to have obscure glazing. A consent condition is also recommended requiring all windows on the southern elevation to have a minimum sill height of 1.5m above floor level. These windows serve low use rooms such as bedrooms, laundry and pantry. A solid wall provided at the southern end of the alfresco, further limits overlooking of properties to the south.

A condition is recommended requiring screen landscaping to be planted and maintained along the southern and eastern boundaries. This will limit overlooking and privacy impacts from the alfresco and living area windows to the property at the rear (east).

In this regard the proposal complies with the relevant DCP requirements and has no adverse impacts on the privacy of adjoining properties.

2. What is the future landscaping on the subject site, water run-off and details surrounding the swimming pool.

Officer comment:

The swimming pool as approved by consent 1247/2016, has been removed by this S96 application and will be subject to a future application.

Landscaping conditions are recommended requiring screen planting with a minimum mature height of 4m to the southern and eastern boundaries.

Roof water from the dwelling will drain to the street gutter, however the property is also benefited by a drainage easement which traverses the rear (east) boundary to provide for appropriate surface water collection.

3. Concerns regarding the site coverage exceeding the requirements and setback issues.

Officer comment:

The proposed development has a site coverage of 45.78% which is compliant with the DCP. Further, the development complies with all setback requirements.

4. The proposed development and landscaping will result in adverse overshadowing impacts of our private open space areas.

Officer comment:

Shadow diagrams have been provided which demonstrate the proposal does not adversely impact upon the dwellings to the south and southeast. Between 9am and 3pm on June 21, at least 50% of the PPOS of the adjoining properties will continue to receive a minimum of three hours solar access which complies with the applicable controls of the Camden Development Control Plan.

The proposed landscape screening will result in a minimal increase in overshadowing, however adjoining properties will continue to receive the minimum solar access requirements.



5. Request for the proposed slab to be demolished.

Officer comment:

It is acknowledged that the floor slab of the development was not constructed in accordance with the approved DA plans, however the applicant ceased all work and lodged a Section 96 application for Council's consideration.

The applicant has demonstrated that the modified development can comply with all applicable controls and requirements, and that concerns of adjoining residents can be satisfactorily addressed.

It is considered that the application can be supported and therefore demolition of constructed slab is not warranted.

6. Request for a survey report.

Officer comment:

A survey report has been provided by the applicant which confirms that the floor slab has been constructed 500mm higher than the approved plans, and informs the amended plans submitted with the Section 96 application. This survey report was provided to the submitters for their consideration.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The Section 96 application 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, Section 96 (1A) Modification Application 1247/2016(2) is recommended for approval subject to the amended conditions attached to this report.

RECOMMENDED

That Council approve DA 1247/2016(2) for modifications to an approved single storey dwelling and swimming pool at 4 Douglas Place, Harrington Park, subject to the attached conditions.

ATTACHMENTS

1. Rec condition- 4 Doug
2. Proposed Plans
3. Site Inspection Photos - *Supporting Document*
4. Floor Plans - *Supporting Document*
5. Public Exhibition & Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: NEW RETAINING WALL AND EARTHWORKS - 6 MENANGLE ROAD, CAMDEN

FROM: Director Planning & Environment

TRIM #: 17/292665

APPLICATION NO: DA795/2017

PROPERTY ADDRESS: 6 Menangle Road, Camden

APPLICANT: Tony Galea

OWNER: Anglican Church Diocese of Sydney

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a retaining wall and earthworks at 6 Menangle Road, Camden.

The DA is referred to Council for determination in accordance with Council's resolution of 13 June 2017, requiring any application for development in relation to the St Johns Church Heritage Precinct, as listed on the Camden Local Environmental Plan (LEP) 2010, be brought to Council for consideration.

SUMMARY OF RECOMMENDATION

That Council determine DA795/2017 for a retaining wall and earthworks 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

DA795/2017 seeks approval for a retaining wall and earthworks to create a courtyard between the church hall and office buildings.

Specifically the proposed development involves:

- Excavation of the garden bed between the church hall and office buildings;
- Construction of a retaining wall (maximum height of 1.2 metres);
- Paving to create the internal courtyard and installation of new channel drain;
- Installation of barbeque, sink and seating within the courtyard area;
- The development value is \$3,800.

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

THE SITE

The site is known as 6 Menangle Road, Camden and is legally described as Lot 1 DP 1024949.

The site is located on the southeastern corner of Broughton Street and Menangle Road, Camden. St Johns Anglican Church exists upon the site with frontage to Menangle Road. Additionally, buildings with frontage to Broughton Street are used as

the church hall and office. Within the courtyard between the church hall and office currently exists a small garden bed, this is where the works are proposed.

The locality is primarily residential in character to the east, west and south containing a mixture of single and two storey dwelling houses. To the north is the Camden Heritage Conservation Area which predominately comprises detached dwellings, some used for commercial purposes and the Camden town centre.



ASSESSMENT

Zoning and Permissibility

Zoning:	B2 Local Centre
Permissibility	The proposed development is considered to be ancillary to the existing church. The church is defined as a place of public worship by the LEP which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	Deemed SEPP No. 20 – Hawkesbury-Nepean River - The proposed development is compliant with the objectives and controls of the SEPP, therefore compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 – Pursuant to the Camden LEP Heritage Map, the subject site is within a heritage area and contains heritage items. Council’s Heritage



	<p>Officer has reviewed the proposal and considers the development will not impact on the heritage significance of the site and does not require the preparation of a detailed Heritage Impact Statement. The proposal is in accordance with Part 5.10 Heritage Conservation of the LEP and is compliant with conditions recommended.</p> <p>The site falls within the Obstacle Limitations Surface Map for Camden Airport. As the proposal is more than 5m below the maximum 115m height limit shown on the OLS map, a referral to Camden Airport was not required.</p>
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP - Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	The application did not require notification under Camden DCP 2011.
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

Heritage Significance

The site is located within the Camden Heritage Conservation Area (HCA) and is listed as having an item of environmental heritage in the Camden LEP 2010, being: "St John's Church (including church and grounds, rectory, stables, lynch gates, grassed slopes and cemetery)".

Accordingly, the DA was referred to Council's Heritage Officer who considered the proposal and concluded that the works are minor and will not impact on the significance of the heritage item or any identified significant fabric. As such, no detailed heritage studies or conservation management plans were considered necessary.

Given the cemetery is located on the site, a condition is recommended that outlines the necessary steps to be taken in the event that an archaeological object that has interest due to its age or association with the past is uncovered during the course of the work. This situation is considered to be unlikely given the limited scope of excavation required and the siting of the development within a previously disturbed area.

The development is located within the site and surrounded by built form. As a result, the development cannot be viewed from a public space. Therefore, the DA was not notified.



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, DA795/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA795/2017 for a new retaining wall and earthworks subject to the attached conditions.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans



ORDINARY COUNCIL

ORD03

SUBJECT: CONSTRUCTION OF A LONG DAY CHILD CARE CENTRE FOR 40 CHILDREN AGED 0 TO 5 YEARS WITH CAR PARKING, LANDSCAPING AND ASSOCIATED SITE WORKS - 37 DANVERS ROAD & 36 ROSECOMB ROAD, SPRING FARM

FROM: Director Planning & Environment
TRIM #: 17/253744

APPLICATION NO: DA 116/2017
PROPERTY ADDRESS: 37 Danvers Road and 36 Rosecomb Road, Spring Farm
APPLICANT: Ms Dilsat Karaoglu
OWNER: Mr F and Ms D Karaoglu

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a long day child care centre for 40 children aged 0 to 5 years with car parking, landscaping and associated works at 37 Danvers Road and 36 Rosecomb Road, Spring Farm.

The DA is referred to Council for determination as there remain unresolved issues raised in one submission with 20 signatures from 15 households in the locality, and 13 separate submissions from 8 households.

SUMMARY OF RECOMMENDATION

That Council determine DA 116/2017 for the construction of a long day child care centre for 40 children aged 0 to 5 years with car parking, landscaping and associated works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 2017/116 seeks approval for the construction of a long day child care centre for 40 children aged 0 to 5 years with car parking, landscaping and associated works. Specifically the proposed development involves:

- Construction of a single storey 40 place child care centre building containing three playrooms, kitchen, laundry, office, storage rooms and entry area;
- Provision of associated outdoor play areas;
- Car parking for 13 vehicles, including staff parking and pick up/drop off spaces and accessible parking, with vehicles accessing the site from Pekin Street and exiting to Rosecomb Road;
- The car parking area will be secured by gates on both entry and exit driveways to prevent unauthorised entry when the centre is not in operation;

-
- Acoustic fencing varying in height between 1.5 and 2.1 metres, provided along the western boundary adjacent to 34 Rosecomb Road, a section of the western boundary adjoining 35 Danvers Road and on the southern and eastern perimeter of the outdoor play area fronting Danvers Road and Pekin Street;
 - Other acoustic treatments including acoustic absorption treatment to the underside of the external metal awnings over sections of the outdoor play area, acoustic absorption panels to ceilings and walls of the play rooms and glazing treatments to windows along the western elevation of the building;
 - Associated landscaping and fencing;
 - Proposed operating hours of 7.00am to 6.00pm Monday to Friday; and
 - Employment of seven staff.

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

THE SITE

The site is known as 37 Danvers Road and 36 Rosecomb Road, Spring Farm and is legally described as Lot 5315 and 5314 DP1210459. The existing lots will be consolidated into one lot if the application proceeds.

The site (which is currently vacant) has a frontage of 21.17m (excluding the splay corner) to Danvers Road, a frontage of 52.0m to Pekin Street, a frontage of 12.49m (excluding the splay) to Rosecomb Road and a total site area of 1233.6m².

The immediate locality comprises a recently established subdivision characterised by single storey dwellings.

A residential subdivision has been approved immediately to the east fronting Pekin Street with construction underway. Further to the east are residue lots which will be the subject of future development.

To the north lies Narellan, to the east lies Mount Annan, to the south beyond the river lies the Wollondilly Shire Council area, and to the west lies Camden South.



DA/2017/116/1

Subject Site:
 36 Rosecomb Road & 37 Danvers
 Road, Spring Farm
 LOT: 5314 DP: 1210459
 LOT: 5315 DP: 1210459

KEY DEVELOPMENT STATISTICS

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

Camden Local Environmental Plan 2011

Clause	Requirement	Provided	Compliance
4.3 Height of Buildings	Maximum 9.5m building height.	The proposed building has a maximum height of 4.545m.	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
7.5 Child Care Centres	Child care centres being located on land with a minimum site area of 1200m ² and with a boundary that adjoins an existing or proposed classified road.	The subject site, once consolidated, has a total site area of 1,233.6m ² and does not adjoin an existing or proposed classified road.	Yes
	Ensure that child care centres do not adversely affect traffic and pedestrian safety due to increased traffic congestion.	The traffic report submitted with the DA demonstrates that traffic generated by the proposed development can be adequately accommodated within the local road system.	Yes



Camden Development Control Plan 2011

Control	Requirement	Provided	Comply
B1.4 Water Management	Reference must be made to Councils engineering specifications.	A concept stormwater plan has been provided which generally complies with Council's specifications. Conditions are recommended to ensure compliance with Council's engineering specifications.	Yes
B1.16 Acoustic Amenity	Compliance with Council's Environmental Noise Policy.	An acoustic report was lodged with the DA which is satisfactory. See the 'Key Issues' section of this report for discussion.	Yes
B5.1 Off street car parking	One car parking space per four children. One of the car parking spaces shall be designed for people with a disability.	40 children/ four = 10 spaces Thirteen car spaces have been provided on site inclusive of an accessible parking space.	Yes
D5.1 Child Care Centres – Site Planning	Child care centres on residential zoned land must be located on a site with a minimum site area of 1200 m ² and have a 20m frontage measured at the building line. All child care centres must be licensed by the NSW Department of Education and Communities (DEC). Not permitted on a site with access to a road via a carriageway of less than 7.4m at any one point. Child care centres not have a frontage	The site has an area of 1,233.6m ² and a width of 21.17m across the Danvers Road frontage. A condition is recommended requiring a licence to be issued by DEC prior to the building being operational. The site has access to local roads which have 7.5m carriageways. The site does not have a frontage to a cul-de-sac or no	Yes Yes Yes Yes



Control	Requirement	Provided	Comply
	to a cul-de-sac or no through road.	through road.	
	Child care centres should be located where traffic control devices do not impede vehicular access into the site.	A traffic report was submitted with the DA to address vehicle movements. Council's traffic engineer reviewed the report and raises no objection.	Yes
	Child care centres should be located where children will not be adversely affected by land contamination, excessive noise or air pollution.	The proposed development is not located where children will be exposed to excessive contamination, noise or air pollution.	Yes
	Child care centres shall not be located on sites fronting or abutting a classified road, where a traffic conflict may occur, on industrial lands, on sites which are flood affected or on unsewered sites.	The subject site has a frontage to a collector road and two local roads. The development will not result in traffic conflicts. The subject site is not flood affected land, and has a sewer connection.	Yes
	Not within 100m measured in a straight line from any part of the site to high voltage transmission lines, mobile phone towers or radio telecommunication facilities, unless the application is accompanied by a report demonstrating that the Electro Magnetic Radiation (EMR) affecting the site is within acceptable limits;	<p>The subject site is located approximately 30m from a power line. The applicant has provided a letter from Endeavour Energy which confirms that the highest possible magnetic field level directly underneath these transmission lines is 17.03mG. At a distance of 30 metres, the maximum magnetic field level is 3.5mG.</p> <p>The National Health and Medical Research Council of Australia have adopted interim guidelines which state that the general public should not be exposed to magnetic fields greater than 2000mG on a continual basis. The</p>	Yes



Control	Requirement	Provided	Comply
		EMR affecting the subject site is therefore within acceptable limits. A copy of the advice received from Endeavour Energy regarding Electro Magnetic Field Information from this facility is included as an attachment to this report.	
	Not within 100m measures in a straight line from any part of the site to approved restricted premises or sex services premises.	A review of Council's mapping system and DAs approved within a 100m buffer of the site identifies there are no approved restricted premises or sex services within 100m of the subject site.	Yes
	Not within 55m measured in a straight line from any part of the site boundary to an above ground liquid petroleum gas tank that has a capacity of 8kl or less.	The site is not within 55m of an above ground liquid petroleum gas tank.	Yes
	Child care centres must have access to potable water. Kitchen fit-out must comply with the Food Act and Regulations and Council's Food Premise Code.	The site is serviced by water and sewer. Council's Environmental Health Officer has reviewed the kitchen fitout and has recommended conditions of consent.	Yes
Built Form, Scale and Character	For non-residential zones, the building design must complement the desired built form, scale and character for the neighbourhood.	The bulk and scale of the proposed development is compatible with the residential character of the area, and reflects an appropriate pattern of building bulk in the streetscape from all street elevations.	Yes
	Maximum site	The maximum site coverage	Yes



Control	Requirement	Provided	Comply
	<p>coverage of 50%.</p> <p>Maximum of two storeys. The GFA of the second storey must not exceed 30% of the total gross floor area.</p> <p>Architectural elements which articulate the front and other facades visible from the public domain must be incorporated into the overall building design to create visual interest. Large expanses of blank and unarticulated walls must be avoided.</p> <p>Entrances to buildings should be orientated towards the front of the site facing the street.</p>	<p>is 19%.</p> <p>The proposed facility is single storey in design.</p> <p>Each façade is articulated and is suitably incorporated into the overall building design. The building creates visual interest.</p> <p>The main entrance for patrons of the centre is located facing Pekin Street with pedestrian access available from the road.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Setbacks	<p>Setbacks.</p> <p>Front 5.5m.</p> <p>Secondary street 4m.</p> <p>Side setback 2m.</p> <p>Rear setback 4m.</p> <p>The front setback area may only be used for access, car parking and landscaping purposes and not for outdoor play</p>	<p>The site has three street frontages with proposed setbacks as follows:</p> <p>Front (Danvers Road) 8.62m</p> <p>Secondary (Pekin Street) Minimum 4 m</p> <p>Side (west) 2m</p> <p>Rear (north) 4.0m</p> <p>The site has three frontages. The building addresses each street frontage. Given the site constraints, the outdoor play area is located within the front and secondary street setback. The location of the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>



Control	Requirement	Provided	Comply
	areas and the like, unless it can be demonstrated that doing so is acceptable having regard to site characteristics and the incorporation of appropriate fencing and screening.	outdoor play area will not have an acoustic impact on surrounding residential properties and the fencing/landscaping will adequately screen the outdoor play area.	
Acoustic Amenity	An Acoustic Assessment Report prepared in accordance with Council's Environmental Noise Policy by a consultant qualified in acoustics which details compliance with acoustic criteria of that Policy and this section of the DCP must be submitted with the development application.	An acoustic report was lodged with the DA which is satisfactory. See the Key Issues section of this report for a discussion on the acoustic report.	Yes
	Outdoor play areas must be located to minimise noise for adjoining neighbouring properties.	The outdoor play area is located to the south and east of the proposed building away from the adjoining lots to ensure it does not impact on adjoining dwellings. An acoustic barrier will enclose the outdoor play area to ensure that the centre does not impact on immediately adjoining development to the south and west of the site.	Yes
	For larger centres, the number of children participating in outdoor activities and play time at any one time must be controlled to ensure satisfactory acoustic impacts	The acoustic report submitted with the DA assumes that most children are playing outdoors simultaneously. The report concludes that compliance is achieved at all received locations identified within the acoustic report and a restriction on the phasing of children play times is not warranted.	Yes



Control	Requirement	Provided	Comply
	for neighbouring properties. The acoustic report submitted with the application must outline any necessary restrictions on numbers to ensure such satisfactory acoustic impacts.		
Landscaped Area	A landscape concept plan must be submitted with a DA for a child care centre.	A landscape plan was submitted with the DA. A minimum 1m landscape strip is provided in front of the fencing on all street frontages to soften the proposed fencing. Additional landscaping is provided internally. Council's landscape officer reviewed the landscape plan and has recommended conditions of consent.	Yes
Fencing	Details of fencing must be shown and consideration must be given to maximise privacy, noise reduction and ensuring safety of children. All fencing must be of a type and colour consistent with residential character so as to minimise the centres impact on the streetscape.	The proposed fencing includes the retention of an existing timber fence on the western boundaries with the installation of an acoustic treatment to the fence varying in height between 1.5 and 2.1 metres. Palisade fencing will be provided around the northern, southern and eastern perimeter of the site, with additional acrylic translucent acoustic treatment provided on the southern and eastern perimeter of the outdoor play area fronting Danvers Road and Pekin Street.	Yes
Traffic, Parking and Pedestrians	Car parking and access must comply with the controls set out in Part B5 of this DCP.	Council's Traffic Engineer is satisfied that the design of the access driveways and the layout of the car parking areas provide safe access for the delivery and collection of children, staff, parent, visitors and service vehicles.	Yes



Control	Requirement	Provided	Comply
	<p>A traffic prepared by a suitably qualified consultant must be submitted which addressed the adequacy of the access arrangements, car parking layout and the impact of the additional traffic generated by the proposed centre on the local road system.</p> <p>Parking spaces to be fully contained within the site</p> <p>A drop off area must be provided fully contained within the site, and clearly shown on a plan.</p>	<p>The DA has been accompanied by a traffic and car parking assessment report. The report concludes that the existing road network will be able to accommodate the proposed development without any significant impacts. The report confirms that the internal access arrangements and parking layout are satisfactory.</p> <p>All parking spaces are contained within the subject site.</p> <p>The car parking area accommodates 5 car parking spaces that are specifically allocated for the drop off and pick up of children.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Hours of Operation	<p>Within residential zoned land the standard hours of operation will be restricted to between 7am and 7pm, Monday to Friday (excluding public holidays).</p>	<p>The proposed hours of operation are 7am to 6pm, Monday to Friday. No operation on Saturday, Sunday or Public Holidays.</p>	<p>Yes</p>
Fire Safety	<p>Child care centres are classified as Class 9(b) buildings under the Building Code of Australia and meet the required fire safety requirements of the BCA.</p>	<p>The DA has been referred to Council's building surveyor who has recommended conditions of consent.</p>	<p>Yes</p>



ASSESSMENT

Zoning and Permissibility

Zoning:	R1 – General Residential under Camden Local Environmental Plan 2010
Permissibility:	The proposed development is defined as a ‘child care centre’ by the LEP which is a permissible land use in this zone.

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

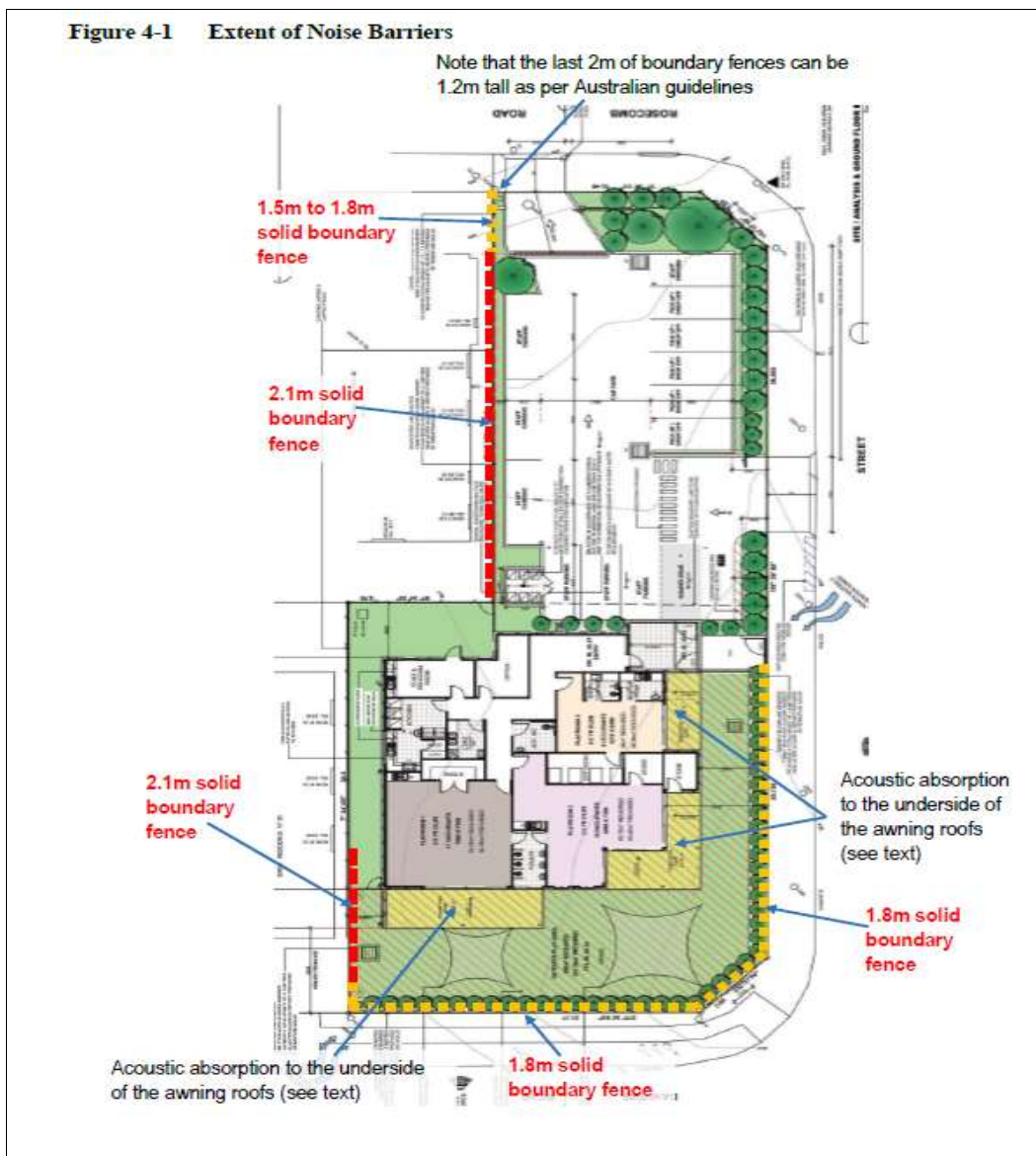
State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy No. 55 – Remediation of Land – Compliant with conditions recommended.</p> <p>Deemed State Environmental Planning Policy No. 9 – Extractive Industry – Compliant with conditions recommended.</p> <p>Deemed State Environmental Planning Policy No. 20 Hawkesbury-Nepean River – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 – Before determining a centre-based child care facility for DAs lodged before 1 September 2017, Council must take into account the regulatory requirements and the National Quality Framework Assessment Checklist set out in the Child Care Planning Guideline. The proposal meets the requirements of this checklist.</p>
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 - Compliant with conditions recommended.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2011 - Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiia)	None
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission containing 20 signatures and 13 submissions were received which are discussed in the Submissions section of this report
Public Interest - S79C(1)(e)	The development is in the public interest.

Key Issues

Acoustic Impacts

The DA was accompanied by an acoustic report which assesses the potential noise generated by the proposed development on the surrounding development. The assessment considered operational noise such as air conditioners and vehicles, and noise from children at play. The assessment also considered the impact of road traffic noise on the proposed development.

The applicant has confirmed that the existing 1.8 metre high timber fencing will be retained with the provision of 1.5m-2.1m high acrylic translucent acoustic barrier along the western boundary adjacent to 34 Rosecomb Road, a section of the western boundary adjoining 35 Danvers Road and on the southern and eastern perimeter of the outdoor play area fronting Danvers Road and Pekin Street as shown below.



Council’s Environmental Health Officer has reviewed the acoustic report and confirmed that subject to conditions, the child care centre can be operated without any unacceptable impacts on adjoining residences. Conditions are recommended to ensure the recommendations of the report are implemented including the use of fixed glass or



glass bricks for openings along the western elevation of the building, the use of acoustic absorption panels to the ceiling and walls of each playroom, acoustic treatment to the underside of proposed awnings and the construction of acoustic noise barriers on certain property boundaries.

A condition is also recommended to require an acoustic compliance report to be prepared once the centre achieves an 80% attendance rate. For any noncompliance, the acoustic report must make recommendations for compliance or further attenuation of noise sources which would be enforced by Council.

Traffic Impacts

The DA was accompanied by a traffic report and associated traffic advice which assessed the existing traffic network, the suitability of the proposed access arrangements, the adequacy of off-street car parking arrangements and vehicle circulation.

The traffic report and associated traffic advice noted:

- Off-street car parking provided on site exceeds Council's minimum requirements and as such, is not expected to impact on the overall availability of on-street parking within the immediate vicinity.
- The carriageway width at 7.5 metres is sufficient to enable two-way traffic flow assisted by existing rolled kerbs.
- The proposed 40 place child care centre, based on traffic generation rates contained in the Roads and Maritime Services 'Guide to Traffic Generating Developments', is anticipated to generate up to 28 vehicle trips within the peak evening hour, which equates to one additional vehicle every two minutes.
- The Roads and Maritime Services 'Guide to Traffic Generating Developments' specifies an environmental capacity for local roads of 300 vehicles in both directions in any one hour period. The additional 28 peak hour vehicles generated by the proposed development can be accommodated without noticeable impacts on traffic flow within the adjoining road network.

The report and traffic advice concludes that the existing road network has the capacity to cater for the additional traffic generated by the proposed development without any significant impacts, the proposal provides sufficient off-street car parking which complies with Council's DCP controls and the internal circulation and vehicle manoeuvrability is in accordance with the relevant Australian Standards.

The applicant's traffic report and traffic advice was assessed by Council's Traffic Engineer, who raised no objection to the proposal and recommends approval subject to the imposition of conditions.

A copy of the traffic report and associated traffic advice are attached.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 12 May 2017 to 25 May 2017. One submission with 20 signatures and 9 separate submissions were received (all objecting to the proposed development).

Following the receipt of amended plans and additional information, the application was re-notified for a further 14 days between 7 September and 20 September 2017. Four

additional submissions were received during this period objecting to the proposed development. These additional submissions were received from persons/households that made submissions during the original notification period.

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

1. Increased traffic and resultant impacts on traffic safety

Officer comment:

As noted above, the DA was accompanied by a traffic report. The traffic report assessed the existing traffic network, the suitability of the proposed access arrangements, the adequacy of off-street car parking arrangements and circulation and vehicle manoeuvrability on site. The report concluded that the existing road network has the capacity to cater for the additional traffic generated by the proposed development without any significant impacts, the proposal provides sufficient off-street car parking which complies with Council's DCP controls and the internal circulation and vehicle manoeuvrability is in accordance with the relevant Australian Standards.

The traffic report was assessed by Council's Traffic Engineer, who raised no objection to the proposal and recommends approval subject to the imposition of conditions.

2. Insufficient off-street car parking spaces

Officer comment:

As noted previously, the DA was accompanied by a traffic report which considered the adequacy of the proposed car parking area in terms of the number of off-street car parking spaces proposed and the proposed access arrangements. The report concludes that the existing road network can accommodate the proposed development without any significant impacts, and this is supported by Council's Traffic Engineers.

Plans submitted with the DA show the provision of 13 off-street car parking spaces, comprising seven staff parking spaces, five pick up/drop off spaces and one accessible parking space.

Council's DCP 2011 requires off-street car parking for child care centres to be provided at a rate of one space per 10 children. In this regard, a total of 10 off-street car parking spaces are required to comply with the DCP. The proposal therefore exceeds the requirements of Council controls by three spaces.

3. Increased noise impacts

Officer comment:

Concerns have been raised that the proposed development will generate increased noise that is likely to impact on the amenity of adjoining residential properties.

The DA was accompanied by an acoustic assessment report that concludes that the proposed child care centre, subject to conditions requiring various acoustic treatments, can operate without any unacceptable impacts on adjoining residences.

Following a review of the DA and accompanying acoustic assessment, conditions have been recommended to mitigate the acoustic impact including the use of fixed glass or



glass bricks for openings along the western elevation of the building, the use of acoustic absorption panels to the ceiling and walls of each playroom, acoustic treatment to the underside of the proposed awnings and the construction of acoustic noise barriers on certain property boundaries.

A condition is also recommended to require an acoustic compliance report to be prepared once the centre achieves an 80% attendance rate. For any non-compliance, the acoustic report must make recommendations for compliance or further attenuation of noise sources which would be enforced by Council.

The proposed development is expected to operate without impacts on adjoining residential properties should these measures be implemented.

4. Insufficient and non-compliant rear building setback

Officer comment:

The original development did not fully comply with the setback controls of Council's DCP 2011. Following discussions with the applicant, amended plans were submitted which demonstrate full compliance with the setback controls of the DCP.

5. Flat roof design is not in keeping with existing and future streetscape character

Officer comment:

Concerns have been raised that the proposed development, which incorporates a flat roof design, is not in keeping with the existing or likely future character of the locality. The design of the proposed facility is a contemporary design and includes a flat roof hidden behind parapet walls that extends up to a maximum height of 4.545 metres.

While the predominant style of building in the locality is single and two storey buildings with conventional pitched roof of tile or metal finish, a flat roof design is not excluded by the planning controls. The proposed building is considered domestic in scale and while different to the architectural style of development in the immediate vicinity, it is not considered to be out of character with the existing, or likely future character of the locality.

6. Devaluation of property values

Officer comment:

The DA must be assessed against the requirements set out in Section 79C of the *Environmental Planning and Assessment Act 1979* and property values do not form part of the Section 79C assessment.

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 116/2017 is recommended for approval subject to the conditions attached.



RECOMMENDED

That Council approve DA 116/2017 for the construction of a long day child care centre for 40 children aged 0 to 5 years with car parking, landscaping and associated site works at 37 Danvers Road and 36 Rosecomb Road, Spring Farm subject to the conditions attached.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Applicant's additional traffic advice
4. Traffic and Parking Report
5. Endeavour Energy Letter
6. Public Exhibition and Submissions Map - *Supporting Document*
7. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: USE OF TENANCY 5A, 5B AND 6 FOR THE SALE OF FRUIT AND VEGETABLES, A DELICATESSEN, BUTCHER, BAKERY AND GENERAL GROCERIES - 1 GREGORY HILLS DRIVE, GLEDSDOOD HILLS

FROM: Director Planning & Environment
TRIM #: 17/291977

APPLICATION NO: DA 707/2017
PROPERTY ADDRESS: 1 Gregory Hills Drive, Gledswood Hills
APPLICANT: Peter Grima
OWNER: IHM 811 Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the use of tenancy 5A, 5B and 6 for the sale of fruit and vegetables, a delicatessen, butcher, bakery and general groceries at 1 Gregory Hills Drive, Gledswood Hills.

The DA is referred to Council for determination as there remain unresolved issues in three submissions of objections that were received. One submission of support was also received during the notification period. Whilst not received during the notification period, the DA was submitted with a submission containing over 6000 signatures in support of the application.

SUMMARY OF RECOMMENDATION

That Council determine DA 707/2017 for the use of tenancy 5A, 5B and 6 for the sale of fruit and vegetables, a delicatessen, butcher, bakery and general groceries pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by way of refusal for the reasons attached to this report.

THE PROPOSAL

DA 707/2017 seeks approval for the use of tenancy 5A, 5B and 6 for the sale of fruit and vegetables, a delicatessen, butcher, bakery and general groceries.

Specifically the proposed development involves:

- The retail sale of fruit and vegetable produce, bakery goods, deli products, butchers meat, general grocery items and flowers;
- Preparation area, store room and cool room for deli products;
- On-site butchers preparation area and ancillary cool rooms;
- Employment of 36 staff; and
- Hours of operation (Monday to Friday 8.00am – 7.00pm, Saturday to Sunday 8.00am – 5.30pm)

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council’s website under the Development Applications, then by clicking on ‘Find a DA’.

THE SITE

The site is known as 1 Gregory Hills Drive, Gledswood Hills and is legally described as Lot 811 DP1189248. The site has frontage to Camden Valley Way and Gregory Hills Drive and has an overall area of 3.172 hectares. Vehicular access is provided from Gregory Hills Drive and Holborn Circuit.

Two large buildings and two smaller detached buildings exist on the site containing various uses, including cafes and restaurants, Sydney Tools, Office Works, Live Well Health Club and a Caltex Service Station.

The proposed use, known as ‘*Grima Bros*’, is located within the western portion of the constructed buildings on site within tenancy units numbered 5A, 5B and 6, occupying a floor area of 1495m².

The surrounding properties are characterised by a mixture of residential and commercial development and former rural residential land to the west transitioning into low and medium density residential development. To the north of the site, the South Creek riparian corridor separates the site from the residential area of Gledswood Hills. To the south of the site, various business developments are located, with subdivision works continuing to the east of the site for the development of individual business lots. To the west opposite Camden Valley Way, former rural – residential land is being developed for residential purposes, with residential land to the south west already established in the suburb of Harrington Park.

AERIAL PHOTO





BACKGROUND

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

Under the Growth Centres SEPP, the site is zoned B5 Business Development and is located in the Turner Road Precinct.

Turner Road Precinct Shop Cap

Clause 4.1E (Appendix 1) of the Growth Centres SEPP states:

4.1E Shops — Turner Road Precinct

(1) *The total area for shops on all land within Zone B5 Business Development in the Turner Road Precinct must not exceed 2,500 m².*

(2) *The total area used for shops in a particular development for that purpose on land within Zone B5 Business Development in the Turner Road Precinct must not exceed 500 m².*

Clause 4.1E was included as a provision within the Growth Centres SEPP at its introduction in 2007.

Clause 4.1E was informed, in part, by an employment lands report prepared in March 2007 (known as the Macroplan Employments Land Study – Oran Park and Turner Road Precincts) which was commissioned as part of the Oran Park and Turner Road rezonings.

The Macroplan report provided advice on the likely timing, staging and release of retail floor space and industrial floor space in the area subject to the:

- Employment needs of residents; and
- Market demand for the product.

The report provided a suggested release of retail floor space across all centres in the Oran Park and Turner Road precincts including:

- Two supermarkets in the Oran Park town centre;
- One supermarket in the Turner Road (Gregory Hills) town centre;
- A smaller supermarket within the Denbigh neighbourhood centre; and
- Badgally Road (Gregory Hills Drive) retailing, including restaurants/lunchtime cafes, to serve the needs of local workers.

The planning controls included in Clause 4.1E of the Growth Centres SEPP deliberately limit the undertaking of large floorplate shops to reflect the recommendations of the Macroplan report, and to ensure that large floorplate shops are provided within the identified centres in Oran Park and Gregory Hills to ensure the viability of these centres.

Since 2007 there have been no additional or updated reports or studies undertaken to explore whether the shop area requirements contained in the SEPP require revision.

A copy of the Macroplan report is attached.



HISTORY

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

Date	Development
10 March 2015	Approval of DA958/2014 for the construction of a bulky goods retail premises, car parking, signage, landscaping and associated works.
29 September 2016	A Complying Development Certificate (CDC) issued for 'First use as a wholesale produce/retail and fitout known as Grima Bros' in Tenancy 5B and 6.
7 February 2017	A CDC issued for 'Internal fitout of retail premises known as Grima Bros' in Tenancy 5A (CDC No. 4367/0).
15 February 2017	A CDC issued for 'Internal fitout of a retail premises known as Grima Bros' in Tenancy 5A.
9 March 2017	Class 4 Appeal against issue of CDC No. 4367/0 lodged at The Land and Environment Court.
28 August 2017	Class 1 Appeal against deemed refusal of DA 707/2017 lodged at The Land and Environment Court

The above CDCs were issued by a private certifier under State Environmental Planning Policy – Exempt and Complying Development Codes.

KEY DEVELOPMENT STATISTICS

The DA has been assessed against the relevant planning controls and fails to comply with the maximum area for shops within a development and the maximum area for all shops on land zoned B5 within the Turner Road Precinct. Below is a summary of the key development statistics associated with the DA and any variations.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006			
Clause	Requirement	Provided	Compliance
4.1E Shops – Turner Road Precinct	The total area used for shops on all land within B5 Business Development in the Turner Road Precinct must not exceed 2,500m ²	Existing DAs that have been approved for shops in the Turner Road Precinct total – 2135.51m ² Proposed Grima Bros shop area – 1495m ² Total Shop area (including Grima Bros) – 3630.51m ²	No – SEPP Variation proposed via a Clause 4.6 written submission. No – SEPP Variation proposed via a Clause 4.6 written submission.
	The total area used by shops in a particular development for that purpose on land within Zone B5 Business Development in the	Existing approved shop area in development – 500m ² Proposed Grima Bros shop area – 1495m ² Total – 1995m ²	



State Environmental Planning Policy (Sydney Region Growth Centres) 2006			
Clause	Requirement	Provided	Compliance
	Turner Road Precinct must not exceed 500m ² .		

Turner Road Growth Centre Precincts Development Control Plan			
Control	Requirement	Provided	Compliance
B3.1(5) Shop Area	<p>A total maximum of 2,500m² of retail is to be provided in the Business Development Lands.</p> <p>Of this maximum, no more than 1,250m² is to be provided either to the north or south of Badgally Road (Gregory Hills Drive).</p>	<p>Precinct shop area approved – 2135.51m²</p> <p>Proposed Grima Bros shop area – 1495m²</p> <p>Total – 3630.51m²</p> <p>Existing approved shop area north of Gregory Hills Drive – 1148m²</p> <p>Proposed Grima Bros shop area – 1495m²</p> <p>Total – 2643m²</p>	<p>No</p> <p>No</p>

Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
B5.1 Off street Car parking rates / requirements	<p>Shops >200m² require one car space per 22m² of GFA.</p> <p>GFA = 1495m²</p> <p>1495m² / 22 = 68</p> <p>68 spaces required for the proposed use.</p> <p>Overall development complex requires 353 spaces based on current use.</p>	<p>The proposal generates an additional 5 spaces above previous assessment of parking requirements, which can be accommodated on the site.</p> <p>The entire development site provides a total of 421 spaces.</p>	Yes



ASSESSMENT

Zoning and Permissibility

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Permissibility

The site is zoned B5 Business Development under the provisions of the Growth Centres SEPP. The proposed development is defined as a 'shop' by the SEPP which is a permissible land use in this zone.

Whilst a permissible land use, the proposal is not considered to be consistent with all of the objectives of the B5 – Business Development zone as discussed below.

Objectives

The objectives of the B5 Business Development zone are as follows:

- *To enable a mix of business and warehouse uses and specialised retail uses that require a large floor area, in locations that are close to, and that support the viability of, centres.*

Officer comment:

The proposal is defined as a 'shop' in contrast to a business or warehouse. The proposal seeks to retail sale fruit and vegetable produce, bakery goods, deli products, butchers meat, general grocery items and flowers. Noting the items for sale, the proposed development is not considered to be a specialised retail use.

In the absence of an economic impact assessment, the impacts upon nearby town centre development cannot be quantified. Until demonstrated otherwise, it is considered that the proposal has the potential to impact upon the economic viability of nearby town centres.

- *To provide for a wide range of employment generating development.*

Officer comment:

The proposal will provide employment opportunities for up to 36 staff and indirect employment for farmers, the transport industry and other support services.

- *To provide for a mix of ancillary uses to support the primary function of providing employment generating development.*

Officer comment:

The proposal is of such a scale it will more than just support other permissible employment generating land uses. The shop will support a larger catchment than the immediate employment generating development area.

Part B3 of the Turner Road Growth Centre Precincts DCP, which specifies the vision for the employment area, identifies the ancillary land uses as activities such as cafes, childcare centres, banks, local open space and community facilities.



- *To maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping.*

Officer comment:

Clause 4.1E of the Growth Centres SEPP limits the area for shops within the Turner Road Precinct. The proposal seeks a floor area which exceeds the cap.

In the absence of an economic impact assessment, the impacts upon nearby town centres cannot be quantified. Until demonstrated otherwise, it is considered that the proposal has the potential to impact upon the economic viability of nearby town centres.

- *To provide for a range of uses, including recreational uses and function centres, that complement other permissible employment generating land uses within the zone.*

Officer comment:

The proposed development is of such a scale it will more than just complement other permissible employment generating land uses. The shop will support a larger catchment than the immediate employment generating development area.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	Deemed State Environmental Planning Policy No. 20 – Hawkesbury – Nepean River – Compliant. State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – The proposed development is considered to be inconsistent with some of the objectives of the B5 – Business Development zoning and does not comply with the maximum requirements of shop area within the Turner Road Precinct subject to Clause 4.1E.
Local Environmental Plan - S79C(1)(a)(i)	Not applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Turner Road Growth Centre Precincts Development Control Plan (DCP) – The proposed development does not comply with the relevant development controls. Camden Development Control Plan 2011 – (Car parking calculations) - Compliant.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None applicable to the proposed development.
The Regulations - S79C(1)(a)(iv)	The proposed development is consistent with the relevant provisions of the <i>Environmental Planning and Assessment Regulation, 2000</i> .
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues



	section of this report.
Site Suitability - S79C(1)(c)	Due to the non-compliance with the controls in the Growth Centres SEPP, the site is not considered to be suitable for the proposed development.
Submissions - S79C(1)(d)	Four submissions were received. Three objecting to the development and one in support of the development. The objections raised are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	Due to the non-compliance with the controls in the Growth Centres SEPP, the development is not considered to be in the public interest.

Compliance with Plans or Policies

SEPP Variation 1 – Shop Area

Pursuant to Clause 4.1E(1) of the SEPP, the maximum area for shops on land within B5 Business Development zone in the Turner Road Precinct must not exceed 2,500m².

The existing DA approved shop area within the Turner Road Precinct is 2135.51m², with the proposed shop area of 1495m² (Total 3630.51m²) exceeding the maximum permitted by 1130.51m².

In addition, the total area of the shop within a particular development shall not exceed 500m². The proposed development is seeking approval for a shop area of 1495m².

Variation Request

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the SEPP, the applicant has submitted a written request seeking a variation to the total 2500m² shop area within the Turner Road B5 zone and the shop area within a particular development of 500m².

Development consent must not be granted for development that contravenes a development standard unless the consent authority (ie Council) has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating: (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The applicant, in its written request, argues that (quoted in italics):

- *The SEPP does not provide any specific objectives for the development standard.*
- *The proposed use is not a standard town centre type use. The large format store is focused on providing high quality, fresh produce from local suppliers and a selection of grocery items. It is expected that customers of this store would still need to visit nearby shopping centres for other day to day needs and general grocery items. Whilst the standard seeks to protect the integrity of surrounding retail centres, the proposed 'Grima Brothers Wholesale' does not directly compete with these retail centres. Additionally, the amount of gross floor area required for the use would likely be commercially unviable in a town centre development. As the intention of the proposal is not to replace nearby retail centres but rather*



provide a supplementary service to the local area in a large store format, the underlying objective of the standard is not relevant to the proposed use.

- *The proposal provides jobs for South West Sydney, which the MacroPlan Employment Land Study of 2007 acknowledges as an area that has previously not supplied enough jobs for their working populations. If compliance with the standard was required, it would likely result in reduced economic activity in the local area. Should the store be 500m² or less, this would impact the viability of the store and result in a reduced number of staff. If this store and a number of stores outlined below in Test 4 were to be deemed unlawful, this would result in a loss of local jobs and perhaps result in less money being spent in surrounding retail centres. These premises would likely remain vacant for a period of time before appropriate uses could be found. As such, the wider economic impact resulting in the loss of potential employment generating uses may impact on the viability of surrounding retail centres, which would defeat or thwart the underlying objectives of the standard.*
- *The apparent existing uses within the B5 Business Development suggest that the development standard which limits the individual and collective GFA of retail premises has been virtually abandoned or destroyed. There appears to be a number 'shops' which exceed 500m² that are operating in the Turner Road Precinct. Collectively, these shops would also far exceed the 2500m² cap on retail development within the B5 Zone Business development. These approvals include:*
 - *Complying development certificate (CDC) issued on or about 24 April 2015 by Modern Building Certifiers for Total Tools at the corner of Rodeo Road and Steer Road. Unknown GFA.*
 - *CDC Issued on or about 20 May 2015 by Camden Council for a pet shop, currently occupied by Macarthur Pets, at Shop 13, 2 – 64 Steer Road, Gregory Hills. GFA – 1,445m².*
 - *CDC Issued by Certis on or about 29 July 2015 for League Zone Sports, at Shop 12A, 2 – 64 Steer Road, Gregory Hills. Unknown GFA.*
 - *CDC Issued by Certis for Paul's Warehouse, at Shop 15, 2 – 64 Steer Road, Gregory Hills. GFA – 2,663m².*
 - *CDC issued by Certis for Discount Party Shop at Shop 14, 2 – 64 Steer Road, Gregory Hills. GFA – 1448m².*

As evident, the approvals for shops within the B5 zone have derogated from integrity of the control to as a point where it is unnecessary and unreasonable to justify compliance.

- *The B5 Business Development Zone objectives are applicable to the site. The floor area will be consistent with planning objectives for the locality, and with the relevant zone objectives.*
- *The proposal contributes to the mix of retail uses that requires a large floor area to display goods and produce. The retail shop provides the local community with high quality produce and specialised products that are highly sought after. The proposal is located within an approved and dedicated bulky goods retail centre and therefore will assist in supporting the viability of this development.*

- *The proposal directly provides employment for approximately 36 people, and indirectly provides additional employment for nearby local suppliers from which produce is sourced from directly, the transport industry and infrastructure generally. Consequently the objective of providing a range of employment opportunities is satisfied.*
- *The proposal provides multiple retail uses, including a deli, bakery, florist, fresh fruit and vegetable produce and a specialist selection of general grocery items and therefore provides the area with employment generating development. The proposal also contributes to the variety of uses within the B5 zone.*
- *The proposal will not impact on the economic strength of other centres as Grima Bros is the only grocery retail premise in Gledswood Hills. Increased residential subdivision and continued population growth is expected for the Gledswood Hills locality, therefore the proposal is considered well located for current residents and future residents. Additionally, Grima Bros is considered a smaller specialised grocery store in comparison to large supermarkets. Furthermore, as the centre only provides for large format, bulky goods retail, consumers will still have a need to visit other local retail centres for day to day needs and general groceries. Consequently, the proposal will support the economic strength of the Turner Road Precinct, without impacting upon other identified business and retail centres in neighbouring suburbs.*

Council Staff Assessment

Pursuant to Clause 4.6 of the SEPP, it is considered that the applicant's written request does not adequately demonstrate that compliance with the total 2500m² shop area with the Turner Road B5 zone and the shop area within a particular development of 500m² is unreasonable or unnecessary in this particular case and that there are sufficient environmental planning grounds to justify contravening the development standard as discussed below.

- No economic impact assessment of the proposal has been submitted with the DA to support claims made within the Clause 4.6 written request and to demonstrate that minimal impact would occur upon nearby town centres;
- It has not been demonstrated why this use would not be suitable within a town centre;
- The exceedance of the 2,500m² cap for the Turner Road Precinct is contrary to Object 5(a)(ii) of the *Environmental Planning and Assessment Act, 1979* which seeks to encourage the promotion and co-ordination of the orderly and economic use and development of land. The proposed development will reduce the opportunity for other small scale, supporting retail uses within the Turner Road employment lands due to the amount of shop floor space proposed;
- The proposed development is inconsistent with some of the zone objectives of the B5 Business Development zone which seeks amongst other things, *to maintain the economic strength of centres by limiting the retailing of food, clothing and convenience shopping*;
- The matters of zoning, permissibility and the effectiveness or need for floor space caps are matters which require strategic and precinct-wide assessment and review.



The process for the consideration of these precinct wide controls is via a Planning Proposal;

- Approval of this variation would set a precedent for other large shops to vary the development standard and would undermine the existing controls in the Growth Centres SEPP to limit the amount of shop development within the Turner Road B5 zone.

Consequently it is recommended that Council not support the Clause 4.6 request made by the applicant proposing a variation to these development standards.

Key Issues

Economic Impact

No economic impact assessment of the proposal has been submitted with the DA to support claims made within the Clause 4.6 written request and to demonstrate that minimal impact would occur upon nearby town centres. In the absence of this assessment, the merits of the proposed application and the impacts upon nearby town centre development cannot be quantified.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 5th July to 18th July 2017. Within this exhibition period, four submissions were received, three objecting to the proposed development and one in support of the development.

In addition, whilst not received during the notification period, the DA was submitted with a submission containing over 6000 signatures in support of the proposal.

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

1. *The proposal represents an unrealistic exceedance (300%) of the maximum floor space for a shop specified under Clause 4.1E of the Turner Road Precinct Plan and the application does not justify that compliance with the standard is unreasonable or unnecessary.*

Officer Comment:

As detailed in the report, the development proposes a shop area that exceeds the area specified within the SEPP. A discussion of the reasons why the submitted Clause 4.6 written request should not be supported is contained within this report.

2. *The shop is inconsistent with the objectives of the B5 Business Development Zone.*

Officer Comment:

As detailed in the report, the development is considered to be inconsistent with some of the objectives of the B5 Business Development Zone.

3. *The proposal fails the tests established by the Land & Environment Court in determining requests to contravene development standards.*

Officer Comment:

As detailed in the report, the development proposes a shop area that exceeds the area specified within the SEPP. A discussion of the reasons why the submitted Clause 4.6 written request should not be supported is contained within this report.

4. *There are not sufficient environmental planning grounds to justify the variation.*

Officer Comment:

A discussion of the reasons why the submitted Clause 4.6 written request should not be supported is contained within this report.

5. *The proposal is not in the public interest as it does not meet the objectives of the zone, and is the antithesis of high quality urban planning and place making principles espoused during Precinct Planning.*

Officer Comment:

Approval of this variation would set a precedent for other large shops to vary the development standard and undermine the SEPP's intent to limit the amount of retail development within Turner Road B5 zone.

6. *Approval of the proposal under Clause 4.6 will directly establish a precedent for significant variation of all floor space restrictions throughout the Camden LGA.*

Officer Comment:

It is recommended that the DA be refused for the reasons attached to this report.

7. *The proposed shop is already having and will continue to have a significant economic impact on existing small and medium scale local shopkeepers operating in local centres and will undermine the Council adopted hierarchy for local centres.*

Officer Comment:

No evidence has been submitted by the objectors to quantify this claim. However, equally no economic impact assessment of the proposal has been submitted with the DA to support the claims made within the Clause 4.6 written request and to demonstrate that minimal impact would occur upon nearby town centres. In the absence of this assessment, the merits of the proposed application and the impacts upon nearby town centre development cannot be quantified.

8. *The proposal does not comply with either the Land Use Objectives or Land Use Controls established under Section 3.1 of the Turner Road Precinct DCP Part B3.*

Officer Comment:

As discussed within the report, the proposed development is inconsistent with these land use objectives and also fails to comply with the development controls.

9. *The proposal has not addressed additional car parking and traffic impacts associated with the proposed shop.*



Officer Comment:

The overall development complex requires 353 spaces based on the current use, with the entire development site providing 421 car spaces. A calculation of car parking for the proposed use at the rate of 1 car space per 22m² of gross floor area (Total 1495m²) requires the development to provide 68 carspaces for the 'Grima Bros' shop area. The proposed development generates an additional 5 spaces above previous assessment of parking requirements, which can be accommodated on the site.

10. *We would like to submit an objection in writing with regard to the matter of Grima Bros Wholesale Produce being allowed to operate while not complying with the zoning laws.*

Officer Comment:

The shop use of the proposed development was granted via a Complying Development Certificate (CDC) issued by a private certifier. Upon receipt of the CDC the use commenced. The CDC remains valid until it is otherwise set aside by the Land and Environment Court.

FINANCIAL IMPLICATIONS

The applicant has submitted a Class 1 Appeal against the deemed refusal of the DA in The Land and Environment Court. Should Council adopt the recommendations of this report and refuse the DA and the Class 1 appeal continues, financial costs are associated with defending the appeal.

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. In this instance, those planning controls are provided for in the Growth Centres SEPP and DCP.

The DA does not comply with the controls in the Growth Centres SEPP and DCP. It is acknowledged that those controls have not been revised since their adoption in 2007. The process for the review of planning controls is via a Planning Proposal to consider the precinct wide impacts.

It is recommended that Council not support the applicant's Clause 4.6 variation request to vary Clause 4.1E of the Growth Centres SEPP, and that DA 707/2017 be refused for the reasons attached to this report.



RECOMMENDED

That Council:

- i. not support the Clause 4.6 variation request to vary Clause 4.1E of the Growth Centres SEPP for the reasons contained in this report.**
- ii. refuse DA 707/2017 for the use of tenancy 5A, 5B and 6 for the sale of fruit and vegetables, a delicatessen, butcher, bakery and general groceries for the reasons attached to this report.**

ATTACHMENTS

1. Reasons for Refusal
2. Proposed Plans
3. Macroplan Report 2007
4. Public Exhibition & Submissions Map - *Supporting Document*
5. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD05

SUBJECT: PLANNING PROPOSAL - LOT 627 DP 1163903, CURRANS HILL

FROM: Director Planning & Environment

TRIM #: 17/292826

PURPOSE OF REPORT

The purpose of this report is for Council to consider a Planning Proposal to rezone land under Camden Local Environmental Plan 2010 (Camden LEP 2010) at Lot 627 DP 1163903 Currans Hill.

The report recommends Council refuse the Planning Proposal for the reasons discussed within the report. The Planning Proposal is included as an **Attachment to this report**.

BACKGROUND

The site is known as Lot 627 DP 1163903 Currans Hill and is located on the eastern side of Manooka Valley. The north eastern part of the site is located within the suburb of Gregory Hills. The site has an area of approximately 34.1ha.

The site includes undulating hills that form part of the western slopes of Badgally Hill, large patches of Cumberland Plain Woodland (CPW) and native grass cover.

Site constraints include a TransGrid power easement along the western boundary and a State heritage listed Sydney Water Upper Canal System through the eastern part of the site. Sydney Water has recently constructed a water reservoir tank on a high point towards the north of the site. Vehicle access to the site is via local roads through Currans Hill.

The site is adjacent to rural land that forms part of the Scenic Hills to the east and south. At its nearest point, the site is located approximately 250m west of the Campbelltown LGA boundary. To the north is Gregory Hills with land currently being developed for residential purposes. To the west is Currans Hill, comprised predominantly of low density housing. **Figure 1** shows the location of the site.

The Planning Proposal was submitted to Council on 24 July 2017 by Cardno (NSW) Pty Ltd on behalf of the owners, Wolin Investments Pty Ltd and Landco (NSW).

In 2015, a Development Application (DA) was approved on the land for a staged subdivision to create 23 residential lots, two public reserve lots and two residue lots and associated site works. The approved residential subdivision is consistent with the existing E4 Environmental Living zone and minimum lot size of 900m².

Notification of the Planning Proposal to the community has not been undertaken. A Councillor briefing on this matter was held on 26 September 2017.

History of Land Use Zoning

Prior to the adoption of Camden LEP 2010, the site was zoned 7(d2) Environmental Protection (Urban Edge) and 7(d3) Environmental Protection (Bushland Conservation

and Restoration) under Camden Local Environmental Plan No. 47 (Camden LEP 47), gazetted in 2005.

In response to the standardised LEP template, the Camden LEP 2010 was adopted, which repealed Camden LEP 47 on 3 August 2010.

Given the standardisation of zones and permissible uses within the new LEP template (Camden LEP 2010), Council adopted the zones that were the closest equivalent to the previous zones. The E4 Environmental Living and E2 Environmental Conservation zones were considered to be the 'best fit' zones for the site, as they protect the environmental attributes of the site and permit low impact residential development to occur.

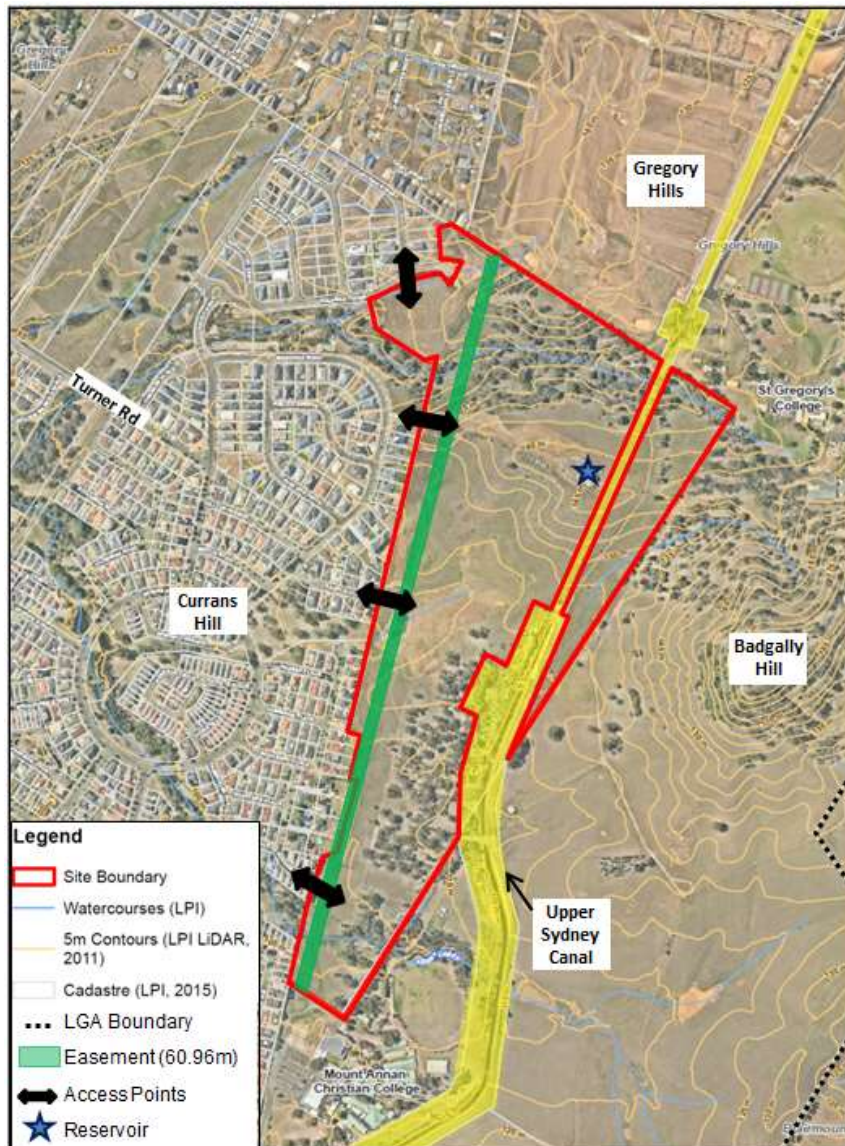


Figure 1- Site Location (Source: Cardno)



MAIN REPORT

The Planning Proposal seeks the removal of the E4 Environmental Living zone, RU2 Rural Landscape zone, the partial removal of the E2 Environmental Conservation zone and the addition of an R1 General Residential zone. An SP2 Infrastructure zone is proposed to be allocated to the Sydney Water reservoir on the site.

As stated in the Planning Proposal, the purpose of the proposal is to respond to the demand for housing in the area. Specifically, the objectives or intended outcomes of the proposal are to:

- Encourage the development of vacant land located in a region experiencing significant population growth;
- Respond to demand for housing as identified in numerous strategic planning initiatives for the South West region;
- Encourage the provision of housing types and densities that are compatible to the surrounding area;
- Provide a transitional area between the medium/low density residential areas to the west and north and the rural areas located to the south and east;
- Protect and enhance areas of ecological significance within the site; and
- Provide public recreational spaces to the surrounding community, which are currently unavailable as the land is held in private ownership and fenced.

Table 1 shows the existing zoning and development standards (minimum lot size and maximum height of buildings) under Camden LEP 2010 and the proposed zoning.

The Planning Proposal has been submitted with the following supporting studies:

- Flora and Fauna Assessment;
- Visual Impact Assessment;
- Traffic Impact Assessment; and
- Bushfire Protection Assessment.

The supporting studies are included **as an Attachment to this report**.

The Planning Proposal has not indicated a minimum lot size or maximum height of buildings for the proposed R1 General Residential zone.

CAMDEN LEP 2010	Existing	Proposed
Zoning	E4 - Environmental Living; E2 - Environmental Conservation; RU2 - Rural Landscape.	R1 – General Residential; E2 - Environmental Conservation; SP2 – Infrastructure.

Minimum Lot Size	900 m ² - E4 zone; 1500 m ² - E4 zone.	Not provided.
Maximum Height of Buildings (m)	9.5m	Not provided.

Table 1: Existing and proposed zoning

Figures 2 and 3 shows the existing and proposed zoning for the site.

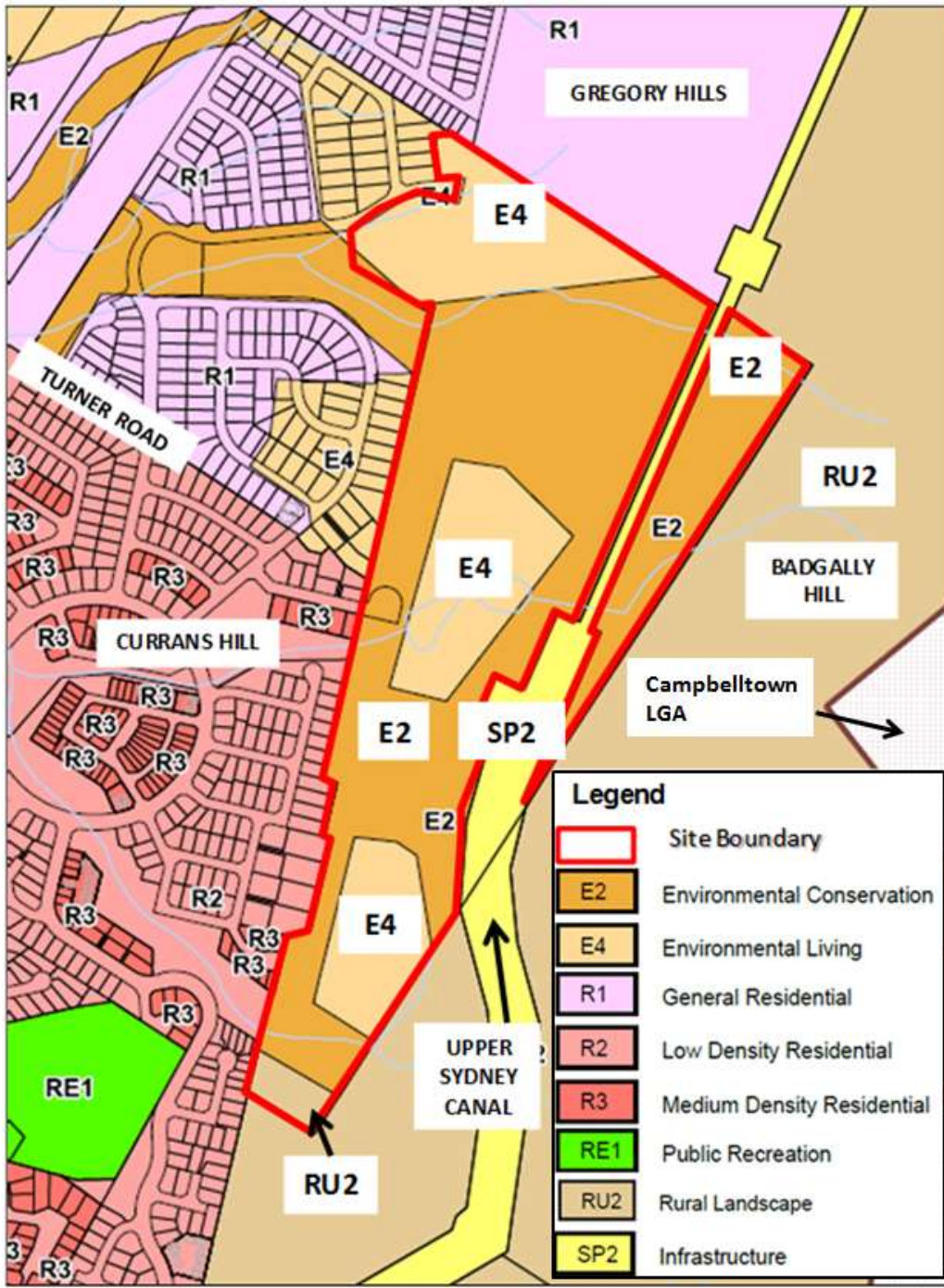




Figure 2 - Existing zoning - Camden LEP 2010

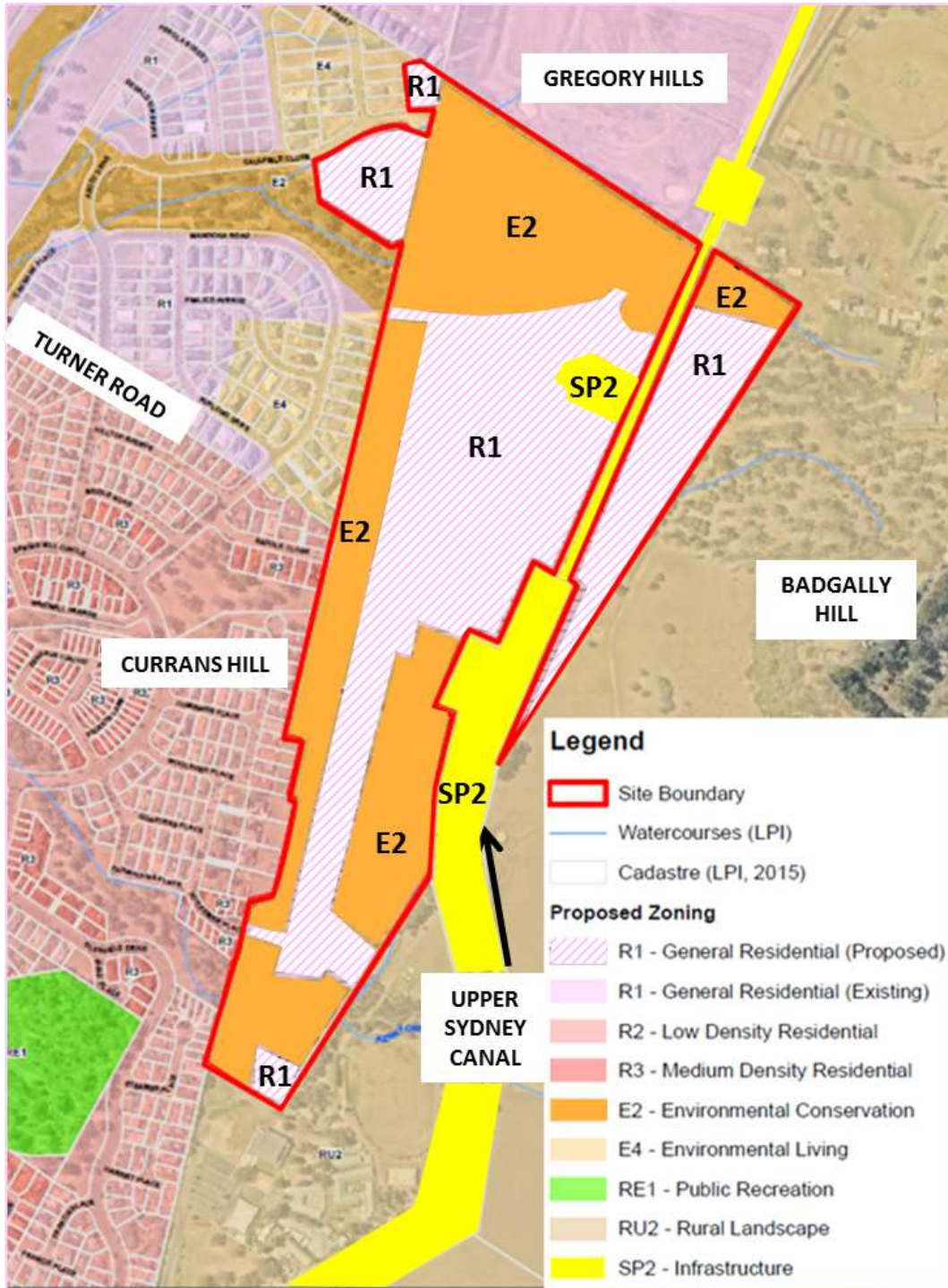


Figure 3 - Proposed zoning (Source: Cardno)

Key issues:

Council officers have assessed the Planning Proposal. The key issues arising from Council officers' assessment are discussed below.

Increased Residential Density

The purpose of the Planning Proposal is to respond to the demand for housing in the area. The proposal seeks to rezone approximately 17.6ha of land to a R1 General Residential zone.

The proposal does not include a minimum lot size, a maximum height of buildings or a concept subdivision plan for the proposed R1 General Residential zone. The proponent's Traffic Impact Assessment (TIA) indicates an approximate yield of 180-200 lots.

Officer Comment

Under the Planning Proposal, the maximum potential residential density for the site is uncertain.

The E4 Environmental Living zone currently applies to three areas across the site, with a maximum height of buildings of 9.5m and minimum lot size of 900 - 1500m². The E4 zone is approximately 10.4ha in area.

The E4 zone objectives require that the residential development be of low impact and does not have an adverse effect on the areas with special ecological, scientific or aesthetic values.

In the E4 Environmental Living zone, dwellings, exhibition homes, exhibition villages, recreational areas, roads and environmental related works are permitted with consent.

The proposed increase in the residential zone and potential lot yield is likely to have a detrimental impact on the scenic quality of the area and its intended purpose as a transition zone to the adjoining rural land and Scenic Hills.

Permissible Uses

Under the proposed R1 General Residential zone, a broad range of uses are permissible including dwellings, multi dwelling housing, residential flat buildings and shop top housing.

Officer Comment

The existing zoning and range of permissible uses on the site is limited to protect the environmental attributes of the site and permit low impact residential development to occur. The proposed R1 General Residential zone will not ensure the protection of these attributes.

Strategic Planning Merit

The Planning Proposal has considered the strategic directions of the draft South West District Plan and the Community Strategic Plan (CSP).



The Planning Proposal states that the rezoning is consistent with the above strategic plans by providing for greater choice and diversity in housing and will add to the supply of housing for the Camden LGA.

The Planning Proposal states Manooka Valley is identified by the Department of Planning and Environment (DPE) as a precinct under the draft South West District Plan, as able to generate significant capacity for housing supply.

Officer Comment

The draft South West District Plan outlines that Manooka Valley is delivering housing supply but does not nominate the area as having significant capacity for housing supply.

The current zoning of the site is considered to be more aligned and consistent with the objectives to protect environmental and scenic values as highlighted in local and state strategic documents. These documents are discussed further below.

Draft South West District Plan

The draft Plan seeks to protect and manage areas of high environmental value and protect the qualities of scenic landscapes, vistas, ridgelines or heritage values. The draft Plan seeks to protect the qualities of the Scenic Hills. The Planning Proposal is inconsistent with the draft South West District Plan.

Community Strategic Plan (CSP)

The CSP seeks to actively manage Camden LGA's growth by retaining Camden's heritage sites, scenic vistas and cultural landscapes. The Planning Proposal is inconsistent with the CSP.

Rural Lands Strategy

Council adopted the Rural Lands Strategy at its meeting held on 26 September 2017. As the Strategy was not adopted at the time the Planning Proposal was submitted to Council, it is acknowledged that the proponent has not had an opportunity to address the Strategy.

The Rural Lands Strategy applies to land zoned rural within the Camden LGA (excluding the South West Priority Growth Area). The intent of the Strategy is to protect Camden's remaining rural land and to protect the quality of scenic landscapes, vistas, ridgelines or heritage values.

The site has a small area of RU2 Rural Landscape and is adjacent to land zoned RU2 to the east.

The current zoning of the site provides an area of transition from the suburban area of Currans Hill to the adjoining rural and scenic landscape to the east and south. The Planning Proposal is inconsistent with the aims of the Rural Lands Strategy.

The Planning Proposal has not demonstrated planning merit and is considered to be inconsistent with the draft South West District Plan, the CSP and the Rural Lands Strategy.

Visual Impact

A Visual Impact Assessment (VIA) was lodged with the Planning Proposal. The VIA concludes that the proposed rezoning is appropriate and will not have significant adverse visual impacts from or towards the site provided the following recommendations are undertaken:

- Areas of ecological value are to be retained and managed in accordance with the Flora and Fauna Assessment;
- A walking/cycle path is proposed to be constructed within the Transgrid Easement to provide visual integration between the existing and proposed residential uses;
- Maximum height of buildings is to be restricted so as not to impede views, and
- A landscape strategy is to be prepared to ensure a landscaped residential environment is created.

Officer Comment

The site features large areas of open space with undulating hills and bushland, which contribute to the scenic quality of the site and its wider setting.

Under the Camden DCP 2011, Manooka Valley is envisaged to provide a physical and visual transition between the rural/scenic protection areas and the urban area of Currans Hill.

The DCP requires the visual impact of development on Manooka Valley's landscape setting to be minimised, and the natural features such as significant vegetation and steep slopes to be protected from any adverse effects of development.

The current zoning provides certainty that the site will provide a transition zone and protects the scenic landscape of the site and its surrounds. The proposed zoning may have a detrimental impact on the transition zone and impact on the scenic landscape.

The Planning Proposal has not indicated a maximum height of buildings, a minimum lot size or concept subdivision plan for the proposed R1 General Residential zone.

Additional information to support photographic imagery of the view corridors has not been provided in the VIA to enable the potential visual impacts of the Planning Proposal to be fully assessed.

The Planning Proposal is not supported as the proposal's impact on the visual amenity of the site and its surrounds has not been adequately addressed.

Reduction in E2 Environmental Conservation Zone

The Planning Proposal would remove 6.6ha of the existing E2 Environmental Conservation zone on the site. A Flora and Fauna Assessment report lodged with the Planning Proposal identifies 1.38ha of Cumberland Plain Woodland (CPW) on the site would be removed as a result of the proposal and that the proposal has an acceptable level of environmental impact.



Officer Comment

The E2 Environmental Conservation zone should be retained for its intended purpose of the restoration and revegetation of the CPW on the site, consistent with the planning principles for Manooka Valley in the Camden DCP 2011.

Permissible uses in the E2 Environmental Conservation zone include environmental protection works, flood mitigation works, recreation areas, roads, and water reticulation systems.

Traffic Impact

A Traffic Impact Assessment (TIA) was lodged with the Planning Proposal assessing the short and long term impacts of the proposal. The report highlights 4 potential locations for vehicular access to the site. The TIA states the proposed development will have an insignificant impact on the average delay times at intersections in the vicinity of the development in 2021 and 2031.

Officer Comment

The main road access to the proposed development is via Narellan Road. Additional traffic from the proposal would add to existing traffic issues on Narellan Road and the intersection of Narellan Road, Mount Annan Drive and Tramway Drive.

The potential traffic impacts on the local roads of the Currans Hill area, including the cumulative impacts have not been adequately addressed.

Heritage Impact

The Planning Proposal states that the State listed heritage item, Sydney Water Upper Canal is located outside of the boundaries of the site and that the Planning Proposal does not envisage any adverse impact on the heritage item.

Officer Comment

The Sydney Water Upper Canal passes through the site. The Planning Proposal has not addressed the potential impacts on the heritage item, its curtilage and the site's contribution to the setting of the heritage item.

FINANCIAL IMPLICATIONS

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

CONCLUSION

Council is in receipt of a Planning Proposal to rezone land at Part Lot 627 DP 1163903 Currans Hill under Camden LEP 2010. Council officers have assessed the Planning Proposal and consider the proposal has not demonstrated planning merit to proceed to Gateway for the following reasons:

- The proposed R1 General Residential zone will increase the size of the residential zone and increase the potential residential lot yield on the site.
- The existing zoning and range of permissible uses is aimed at protecting the environmental attributes of the site and permit low impact residential development

to occur. The proposed R1 General Residential zone will not ensure the protection of these attributes.

- The existing zoning is considered appropriate as it will ensure the protection of the environmental attributes and protect the scenic quality of the site, whilst permitting limited residential development to occur.
- The Planning Proposal is inconsistent with the draft South West District Plan, the CSP and Rural Lands Strategy.
- The proposal's impact on the visual amenity of the site and its surrounds has not been adequately addressed.
- The existing E2 Environmental Conservation zone should be retained for its intended purpose of the restoration and revegetation of the CPW on the site, consistent with the planning principles for Manooka Valley in Camden DCP 2011.
- The cumulative potential traffic impacts arising from the proposal have not been adequately addressed.
- The Planning Proposal has not addressed the potential impacts on the Sydney Water Upper Canal, its curtilage and the sites contribution to the setting of the heritage item.

It is recommended that Council refuse the proposed amendment to the Camden LEP 2010 for the reasons listed above.

RECOMMENDED

That Council refuse the Planning Proposal for Part Lot 627 DP 1163903 Currans Hill as the Proposal has not demonstrated planning merit.

ATTACHMENTS

1. Planning Proposal to Amend Land Use Zones - Manooka Valley Stage 3
2. Flora & Fauna Assessment - Manooka PP
3. Visual Assessment Manooka PP
4. Traffic Impact Assessment - Manooka PP
5. Bushfire Assessment Manooka PP



ORDINARY COUNCIL

ORD06

SUBJECT: PECUNIARY INTEREST RETURNS - 1 JULY 2016 TO 30 JUNE 2017

FROM: Director Customer & Corporate Strategy
TRIM #: 17/272026

PURPOSE OF REPORT

This report requests Council to note the tabling of pecuniary interest returns by Councillors and designated persons and that all returns have been lodged.

BACKGROUND

Pursuant to s 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 three months after that date.

MAIN REPORT

Under s 450A of the Act, the returns must be tabled at the first meeting of Council held after the last date for lodgement (being 30 September 2017).

CONCLUSION

The completed Pecuniary Interest Returns are tabled and available to be viewed.

RECOMMENDED

That Council note the information.



ORDINARY COUNCIL

ORD07**SUBJECT: HERITAGE ADVISORY COMMITTEE - DRAFT TERMS OF REFERENCE****FROM:** Director Customer & Corporate Strategy**TRIM #:** 17/235461

PURPOSE OF REPORT

The purpose of this report is to request Council endorse proposed terms of reference for a Camden Council Heritage Advisory Committee.

BACKGROUND

At its meeting held on 25 October 2016, Council considered a Notice of Motion and resolved that a report be prepared on possible frameworks for a heritage protection committee and the functions of similar committees at other councils with a view to establishing a committee for Camden made up of Councillor representatives, independent heritage experts and representatives from local historical groups and other appropriate organisations.

At its meeting held on 9 May 2017, Council resolved to endorse the formation of a Heritage Advisory Committee (the Committee) and receive a report to consider and endorse the terms of reference.

Council is entitled to determine the terms under which its committees operate. This includes the ability to establish terms of reference.

Councillor briefings on this matter were held on 11 April 2017 and 26 September 2017.

MAIN REPORT

The terms of reference describe the function of the Committee, its membership and how its meetings will operate. Proposed terms of reference are **attached** to this report and summarised below.

Function

The function of the Committee has been linked to Camden's Community Strategic Plan, where caring for heritage sites is part of a key objective. It is proposed that the Committee's role will be to advise Council on heritage matters and contribute to policy, heritage listings and items, identify possible heritage grant opportunities and promotion of heritage in the community.

The Committee is proposed to be advisory only and will not have delegations to act on behalf of Council. The Committee will not have authority to make decisions or spend money on Council's behalf.



Membership

All members are appointed on a voluntary basis, with no remuneration or expenses payable to them. To represent a wide and balanced range of relevant interests and knowledge, the Committee members are proposed as follows:

- a) Two Councillors (and one alternate Councillor);
- b) One representative of the Camden Historical Society;
- c) Two community representatives from Camden's Aboriginal and Torres Strait Islander community;
- d) Three community representatives, one resident in each of the North, Central and South wards of the Camden Local Government Area;
- e) Two heritage experts or other experts as Council determines.

The terms of reference contain provisions dealing with member appointment, member vacancy and responsibility of members and Council. Members will generally hold office until the next ordinary Council election.

Council officers will write to the Camden Historical Society, inviting it to nominate a representative in category b) above, and to organisations representing Camden's Aboriginal and Torres Strait Islander community, such as the Thurawal Local Aboriginal Land Council and the Cubbitch Barta Native Title Claimants Aboriginal Corporation, inviting them to nominate representatives in category c) above, for Council's approval. Council officers will also prepare nominations for heritage or other experts in category e) above for Council's approval.

An advertisement and assessment process is proposed to apply to community members in category d) above, with recommendations reported to Council for approval.

It is intended to commence this process after Council approves the terms of reference.

Meetings

Key points are:

- Council appoints one of the Councillor members as chairperson. The chairperson calls meetings, has a casting vote and is authorised to deal with misconduct.
- The Committee may convey its views to Council on particular matters – for example through requesting the inclusion of items in the weekly Councillor update.
- Meetings are to be at least quarterly, although special meetings may be called for urgent matters. Meetings are not open to the public but persons may be invited.
- The quorum is a majority of members but this must include at least one Councillor member.
- Minutes are to be made publicly accessible (except where Council considers closed Council or a confidential attachment appropriate). Minutes will be forwarded to Council on request.
- Council staff will perform the secretarial role for the Committee.

FINANCIAL IMPLICATIONS

This report has no financial implications for Council outside of the time taken by staff to support the Committee.



CONCLUSION

Council has resolved to establish a Heritage Advisory Committee and the terms of reference provide the structure and detail to allow it to function appropriately with good governance.

Council is requested to endorse the proposed terms of reference accordingly. The recruitment process for members will then commence.

RECOMMENDED

That Council:

- i. endorse the proposed terms of reference for the Camden Council Heritage Advisory Committee; and**
- ii. note that, if the terms of reference are approved, a report will be brought back to Council following the nomination of proposed advisory committee members.**

ATTACHMENTS

1. Heritage Advisory Committee - proposed Terms of Reference



ORDINARY COUNCIL

ORD08

SUBJECT: LEASE OF ROAD RESERVE ADJOINING 52 CAMDEN VALLEY WAY, ELDERSLIE

FROM: Director Customer & Corporate Strategy

TRIM #: 17/302725

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of an application to grant a short-term lease of unused road reserve adjoining 52 Camden Valley Way, Elderslie.

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

THE SITE

The proposed leased area is for a total area of approximately 155m² and the land is legally known as road reserve.



BACKGROUND

The owner of 52 Camden Valley Way, Elderslie approached Council to lease the unused road reserve adjoining their property to facilitate the erection of a fence to provide a boundary to the property. The fence will also improve security for the family and avoid vehicles being parked on Council's nature strip.

Section 153 of the *Roads Act 1993* permits a roads authority (Council) to lease land comprising a public road to the owner or lessee of land adjoining the public road, if, in its opinion, the road is not being used by the public. It is the view of Council's Traffic Section that the land is not currently required for public use and the short term nature of the lease provides Council with options in the future should this status change.

The proposed lease was publicly exhibited for 28 days in accordance with Section 154 of the *Roads Act 1993*. The notice was advertised in the local newspaper and notified to the owner of land adjoining the public road concerned. Two submissions were received (both objecting to the proposed lease). The submitters were contacted and attempts to resolve the submission issues were made. This resulted in one submission being withdrawn. However, one submission remains unresolved after extensive consultation.

MAIN REPORT

The following discussion addresses the issues and concerns raised in the unresolved submission which has been the subject of lengthy engagement and consultation by Council officers. A copy of the unresolved and Officers' responses are provided in **supporting documents**.

1. Concerns are raised that the property poses a health hazard.

This has been investigated by Council officers and it was determined that there is no present health hazard to residents, neighbours or the community.

2. Concerns surrounding the standard which the property is presented.

Council officers have taken steps to address the concerns of the objector which will be dealt with via **specific clauses** in the lease, including:

- The lessee maintains the leased area in a tidy manner.
- The leased area may only be used for the approved use as specified.
- The lessee will need to obtain consent from Council to alter the landscaping of the leased area.
- Prohibiting use of leased area for storage purposes.
- The lessee will be responsible for both constructing and maintaining a suitable fence and removing it from the leased area at the end of the lease term.
- Council may revoke the lease at any time should the terms not be complied with.

Garden hedging will be adjacent to the fence to improve the visual outlook of the property.

3. Concerns the land should be retained as Council may need it to correct water mitigation.

Council officers have confirmed that this is not an issue for the proposed site and that there are no works planned for the site.

The term of the lease initially requested was five years however Council officers have proposed a three year term to monitor compliance with the conditions of the lease.



The lease will not automatically be renewed at the end of the term the adjoining owner will need to reapply and the lease will be advertised in accordance with Section 54 of the *Roads Act 1993*, giving the community the opportunity to respond.

FINANCIAL IMPLICATIONS

Council will receive an annual rental income. Information about the annual rental income is provided in **supporting documents**.

CONCLUSION

Under the *Roads Act 1993*, Council is able to grant the lease of a road reserve after considering community need for the road reserve and any submission/s received.

Consideration has been given to the concerns of the submissions and appropriate alterations have been made to the proposed lease to address issues within Council's control.

RECOMMENDED

That Council approve the application for a short-term lease of the unused road reserve to the adjoining owners of 52 Camden Valley Way, Elderslie.

ATTACHMENTS

1. Submission and Officers' Responses Documents - *Supporting Document*
2. Annual Rental Income - *Supporting Document*



ORDINARY COUNCIL

ORD09

SUBJECT: TENDER T003/2018 - CONSTRUCTION OF PLAYGROUND AT QUEEN STREET RESERVE, NARELLAN

FROM: Director Community Assets

TRIM #: 17/302911

PURPOSE OF REPORT

To provide details of the tenders received for Contract T003/2018, being the construction of a playground at Queen Street Reserve, Narellan, and to recommend that Council accept the tender submitted by Hadizk Group Pty Ltd (trading as Perfection Landscape Services).

BACKGROUND

Queen Street Reserve is located at the corner of Queen and Hillview Streets, Narellan.

Council has allocated funding of \$304,900 in its Capital Works Program in order to address the need to upgrade the reserve and provide a new playground.

Community consultation was conducted and designs were completed in the 2016/17 financial year.

The works include removal of the existing outdated playground and construction of a new medieval-themed playground, provision of a new picnic shelter, seating and concrete paths from both Queen and Hillview Streets to the playground.

The supply of playground equipment has been contracted separately in order to minimise delays associated with production and supply and to achieve best value for Council.

MAIN REPORT

Invitation to Tender

The invitation to submit a tender was advertised in the Sydney Morning Herald on 22 and 29 August 2017 and the NSW e-tendering website. The tender closed on 13 September 2017 and four submissions were received. The tenderers were asked to provide a lump sum price for the works.

Tender Submissions

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

<i>Company</i>	<i>Location</i>
• Axis Constructions Pty. Ltd.	Arndell Park NSW
• Court Craft (Aust.) Pty. Ltd.	Silverwater NSW
• Landform Gardens Pty. Ltd.	Dapto NSW
• Perfection Landscape Services	Seven Hills NSW



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

Tender Evaluation

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

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

Non-Price Factors considered for this project included:

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

Perfection Landscape Services provided the most competitive tender in terms of cost and meeting the requirements of Council's tender documentation. They have a proven track record on Commercial, Local and State Government projects, including a number of playgrounds.

The panel members all agreed that the tender by Perfection Landscape Services represented the best value to Council.

Relevant Legislation

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

Critical Dates / Time Frames

Perfection Landscape Services has submitted a program to complete the works in eight weeks from commencement on site. This program does not include any allowance for wet weather or other extensions of time allowed under contract. Subject to Council's acceptance of this tender and making an allowance for extensions of time and wet weather, the works are expected to be completed by February 2018.

FINANCIAL IMPLICATIONS

There are sufficient funds available in the project budget to accept this tender.

CONCLUSION

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



RECOMMENDED

That Council:

- i. accept the tender provided by Hadizk Group Pty. Ltd. (Trading as Perfection Landscape Services) for the lump sum of \$107,839.62 (excluding GST); and**
- ii. authorise the relevant documentation to be finalised and signed under delegation.**

ATTACHMENTS

- 1. Tender T003/2018 - Construction of Playground at Queen Street Reserve, Narellan - *Supporting Document***



ORDINARY COUNCIL

ORD10

SUBJECT: CAMDEN CIVIC CENTRE IMPROVING UTILISATION

FROM: Acting Director Sport, Community and Recreation

TRIM #: 17/304151

PURPOSE OF REPORT

To respond to Council's resolution to investigate options to increase the utilisation of the Camden Civic Centre.

BACKGROUND

Council resolved in November 2016 that:

'the next quarterly budget report include that appropriate funding be allocated at the December Quarterly Budget Review to fast track the investigation of initiatives to increase the utilisation of the Camden Civic Centre'.

Following Council's adoption of the December Quarterly Review on 28 Feb 2017 a request for quotation process was undertaken and Council engaged the Stafford Group to provide a report on initiatives to increase utilisation of the Civic Centre in May 2017.

Further, Council resolved on 13 June 2017 that the matter be reported back to Council within four months.

A Councillor briefing on this item was held on 26 September 2017 and a copy of the report is included for Councillors' information as a **supporting document**.

MAIN REPORT

In order to prepare the study, a range of information was reviewed including site visits, an audit of current usage levels and types, discussions with key user groups and the carrying out of a comparative benchmarking assessment across other facilities to identify best practice.

In preparing this report, consideration was also given to the views of experienced staff who have been key to delivering the improved results currently being witnessed, as well as building on recommendations that were provided as part of a recent audit carried out on the Civic Centre as reported to the Business Assurance and Risk Committee.

The consideration of the information arising from the above sources resulted in an assessment of the Civic Centre's current performance, identification of challenges it faces and then the consideration of a range of very short to very long term actions that Council may consider in response.

It should also be noted that Council officers were already actioning some recommendations that have been made.



Current Performance

The study considered current and recent performance of the Centre and benchmarked this performance against a range of similar facilities across NSW and interstate.

The report identified that the upstairs commercial component of the Civic Centre is operating at 61% utilisation which is above the industry average utilisation rate of 55%. The downstairs (Undercroft) community space averages 39% utilisation.

Usage of the Civic Centre has grown by 32% over the last four years with a number of new markets being identified including comedy festivals and funeral services.

Income for 2016/17 was \$739,359 and expenditure was \$795,203 resulting in a net deficit of \$46,993. The industry body (The Australian Performing Arts Association) identifies over 75% of Civic Centres are subsidised by Councils due to the significant emphasis on community use of these facilities and that the performance by our Centre is in fact quite positive.

The report identified the main uses of the Civic Centre as performances (36%), community celebration (17%), rehearsals (16%), clubs or special interest meetings (12%) and other uses (19%).

The report, through a benchmarking exercise and audit of local facilities, identifies that the Camden Civic Centre is the only theatre/performance space in the Camden Local Government Area and is the largest facility by capacity (600 seats). Additionally, the report identifies a shortage of flexible community spaces within the LGA, particularly those over 200m² of which the Civic Centre provides three such spaces.

Challenges

The report identifies a number of challenges faced by the Civic Centre and opportunities for addressing these and improving utilisation by enhancing Council's ability to more fully understand and report on the functioning of the Centre as well as improving the standard of amenity and facilities in an effort to increase the attractiveness of the venue to potential hirers and patrons.

These include:

- Lack of data availability
- Lack of clear marketing strategy
- Resourcing
- Parking (Oxley St carpark – November 2017 completion which will extend the available carparking)
- Size (stage, dressing rooms, wing space)
- Equipment quality (eg. Lighting, AV)
- Quality of facilities (raked seating, sprung flooring, hot desks, offices)
- Catering for long term growth

Arising from considerations of the Centre's current performance and the challenges set out above, a number of short term actions are identified below.

Additionally, the report appropriately raises long term concepts that Council could consider in the 10-20 year timeframe due to our expanding population and community needs.



Short term actions (12 months)

Operational

The report has identified a number of short term actions including specialist support and resources to help improve utilisation of the facility. These include:

- Development of a Communication and Marketing Action Plan for the Civic Centre including activation of the night time economy (funding available)
- Increased collaboration with Council's Economic Development and Tourism Functions (underway)
- Review resources to allow appropriate focus on operational as well as strategic functions (underway with addition of full-time chef and coordinator roles currently being recruited)
- Purchase and implement a modern stock control system (underway)
- Purchase and implement a modern booking and event management system for the Centre (estimated funding of \$20,000 required)

Short – Medium term options (1-3 years) – Capital works

Refurbishment option (Undercroft area) - Renewal program

To help increase the attractiveness and utilisation of the downstairs Undercroft community space refurbishment options have been suggested. These include:

- Improved landscaping of adjacent grounds
- Branding/public art on the exterior of the venue
- Improved signage – directional and venue
- Renovated bathrooms and kitchen and floor coverings
- Consideration of a more flexible floorplan to the Undercroft Area to allow for additional meeting room/hot desking space or small performances
- Improved lighting and AV to the Auditorium and Ferguson Gallery (upstairs)

To assist with detailed design options that consider the above elements, it is recommended that funding of \$50,000 for concept designs be considered as part of the September quarterly review which is shortly to come to Council. A report will be brought back to Council as part of the 2018/2019 budget process on the outcome of these concept designs. These designs will be prepared and considered in line with the completion of the communications and marketing action plan mentioned above.

Long term concepts (10-20 years)

To review the long term capability and requirement of the Civic Centre to meet the demands of a growing Camden (and Region) in the next 10-20 years a number of factors need to be considered. These include:

- Long term need/demand
- Competition/market (clubs etc.)
- Viability/Risk
- Planning requirements
- Return on investment
- Financial implications
- Other Council/Community facilities in place in 10-20 years

The report indicates through benchmarking that the Camden Civic Centre is currently placed second in the Greater Western Sydney Region (includes Wollongong) on a seat to resident ratio (1 seat per 129 residents). Based on projected growth, Camden's

rating will drop from second to sixth by 2036 (1 seat per 378 residents) if the capacity of the Camden Civic Centre, and the other Centres considered, remains the same.

The consultant's report proposes three concepts (small, medium and large) to address growth over the next 20 years. These options give a range of capacity increases, and introduce options such as black box theatres, raked seating and the use of a larger site between Oxley and John Streets.

Provision for further detailed analysis of the long term concepts foreshadowed will be considered by Council as part of the next review of the Long Term Financial Plan.

FINANCIAL IMPLICATIONS

Short term actions

The short term recommendations, with the exception of the upgraded booking system, can be met within the existing 2017/18 budget.

The purchase of booking and event management software is not currently funded and will require an additional expenditure estimated at \$20,000. This is able to be considered as part of the September quarterly review which will come to Council shortly.

Short - medium term options

Medium term recommendations for a refurbishment of the lower Undercroft Level will require an allocation of \$50,000 for concept designs. This is able to be considered as part of the September quarterly review which will come to Council shortly. These designs will be reported to Council as part of the 2018/19 budget process, subject to the completion of the marketing plan.

Long term concepts

Longer term recommendations will require consideration and planning for future role/investment for Camden Civic Centre as part of the Long Term Financial Planning process (10yrs+).

CONCLUSION

Camden Civic Centre is well utilised and performs a diverse range of functions. It is the largest facility of its type in the LGA and provides seating for up to 600 people. The use of the Civic Centre has increased by 32% over the past four years.

A number of short term actions have been recommended to increase utilisation of the Civic Centre which include the development of a marketing plan and the introduction of a modern booking and event management system. Several of these initiatives are already underway, including the recruitment of key staff and the review of available stock control and booking systems.

Short to medium term options include upgrades to landscaping and signage, improvements to lighting and audio visual components in the upstairs section and options for works to provide refurbishment and more flexible spaces in the Undercroft. Refurbishment of the Undercroft bathrooms and kitchen are also options with concept designs to be obtained subject to Council approval of the budget required.



Long term concepts having due regard to the needs of our growing community are able to be considered and appropriately investigated as part of our prudent long term financial planning process.

The report received contains a blend of short term actions, medium term options and long term visionary concepts that will assist Council to consider its views about the type and nature of facility it wishes to provide for our LGA and how it might act to increase its utilisation.

RECOMMENDED

That Council:

i. Short term operational actions (12 months)

(a) Note that the following actions are already underway:

- i. Increased collaboration with Council's Economic Development and Tourism Functions;**
- ii. Reviewed resources to allow appropriate focus on operational as well as strategic functions with the addition of full-time chef and coordinator roles currently being recruited;**
- iii. Purchase and implementation of modern stock control**
- iv. Planned completion of extended car parking in Oxley Street in November 2017;**

(b) Note that by March 2018 officers will develop a Communication and Marketing Action Plan for the Camden Civic Centre including its role in activating the night time economy in collaboration with Council's Economic Development and Tourism Functions to inform the 2018/19 Budget process including the review of necessary staff resources;

(c) Resolve that funding of \$20,000 be identified in the September quarterly review to purchase and implement a modern booking and event management system for the Civic Centre;

ii. Short - medium term options

(a) Resolve that funding of \$50,000 for concept design options on refurbishment of the Undercroft Area be identified in the September quarterly review and note that this work will be undertaken in conjunction with the Communication and Marketing Action Plan to inform the 2018/19 budget process;

iii. Long term concepts

(a) Consider the allocation of funds as part of the Long Term Financial Planning process (10+ years) to undertake a comprehensive analysis of the Civic Centre, including consideration of future growth and the factors set out in this report.

ATTACHMENTS

1. Camden Civic Centre Vision - *Supporting Document*



ORDINARY COUNCIL

ORD11

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - INSTALLATION OF A TOILET BLOCK AND SHADE STRUCTURE AT THE NEW PLAYGROUND LOCATED ON BURRELL ROAD, SPRING FARM

FROM: Cr Sidgreaves

TRIM #: 17/311287

"I, Councillor Peter Sidgreaves, hereby give notice of my intention to move the following at the Council Meeting of 10 October 2017:

That Council officers investigate the costs associated with providing a toilet block and shade structures to the new playground located at Burrell Road, Spring Farm and provide a report back to Council as a matter of urgency regarding the costs and potential funding of these works.

Background

In September 2017 a new park on Burrell Road, Spring Farm, was opened to the public. The park includes a large playground that has become very popular with the local community. The level of usage of the playground has indicated that a toilet block is required at this location.

Further, whilst the trees that have been planted around the playground will provide passive shade in the future, there is an immediate requirement for shade to be available for the Community to seek refuge from the heat."

RECOMMENDED

That Council officers investigate the costs associated with providing a toilet block and shade structures to the new playground located at Burrell Road, Spring Farm and provide a report back to Council as a matter of urgency regarding the costs and potential funding of these works.