



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**28 November 2017**

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**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

Manager Governance and Risk  
Charles Weber

Chief Financial Officer  
Paul Rofe

Director Sport Community and  
Recreation  
Sandra Kubecka

Director Planning and Environment  
Nicole Magurren

Director Community Assets  
Vince Capaldi

## SEATING DIAGRAM

Camden Council Meeting

Councillor  
Rob Mills

Councillor  
Theresa Fedeli

Councillor  
Peter Sidgreaves

Councillor  
Michael Morrison

Councillor  
Ashleigh Cagney

Councillor  
Eva Campbell

Councillor  
Paul Farrow

Councillor  
Cindy Cagney

Public Address

Public Seating

Media





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# ORDINARY COUNCIL

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## ORDINARY COUNCIL

SUBJECT: PRAYER

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### 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

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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)*

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## **ORDINARY COUNCIL**

**SUBJECT:       ACKNOWLEDGEMENT OF COUNTRY**

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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.



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## **ORDINARY COUNCIL**

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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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.





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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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

### **RECOMMENDED**

**That leave of absence be granted.**



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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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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.**



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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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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.**



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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 14 November 2017.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 14 November 2017, copies of which have been circulated, be confirmed and adopted.**



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## **ORDINARY COUNCIL**

**SUBJECT:       MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).



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## ORDINARY COUNCIL

ORD01

**SUBJECT: DEMOLITION, ALTERATIONS AND ADDITIONS TO THE EXISTING CAMDEN VALE MILK BUILDINGS FOR FIVE NEW FOOD PREMISES AND A FUNCTION CENTRE, PROVISION OF CAR PARKING, ASSOCIATED TREE REMOVAL, LANDSCAPING, SIGNAGE, SITE WORKS AND SITE REMEDIATION**

**FROM:** Director Planning & Environment  
**TRIM #:** 17/360495

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**APPLICATION NO:** DA169/2016  
**PROPERTY ADDRESS:** 11 Argyle Street Camden  
**APPLICANT:** Costa Meitanis  
**OWNER:** Costa Meitanis

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### UPDATE

The DA is reported to Council for determination following the deferral of this item at the 14 November 2017 meeting for a Councillor site inspection.

A Councillor site inspection was held on 21 November 2017. A Councillor briefing to present the flooding assessment was also held on 21 November 2017.

The 14 November 2017 Council report is provided below. No changes have been made to this report since it was reported on 14 November 2017.

### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for demolition, alterations and additions to the existing Camden Vale Milk buildings for five new food premises and a function centre, car parking, tree removal, landscaping, signage, site works and site remediation at 11 Argyle Street, Camden.

The DA is referred to Council for determination as there remain unresolved issues raised in 32 submissions from 21 property owners and the DA proposes a Clause 4.6 variation to allow a building which exceeds the height limit specified in the Camden LEP 2010.

### SUMMARY OF RECOMMENDATION

That Council determine DA169/2016 for demolition, alterations and additions to the existing Camden Vale Milk buildings for five new food premises and a function centre, car parking, tree removal, landscaping, signage, site works and site remediation pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.



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## THE PROPOSAL

DA169/2016 seeks approval for demolition, alterations and additions to the existing Camden Vale Milk buildings for five new food premises and a function centre, car parking, tree removal, landscaping, signage, site works and site remediation.

Specifically the proposed development involves:

- Demolition of the existing single storey shed building to the east of the heritage building and the concrete ramp and awning attached the west of the heritage building;
- Restoration of the existing heritage building, including repair of the existing roof cladding, replacement and repair of all roof vents, replacement of awnings and fenestration;
- Alterations to raise the existing roof of part of the existing building by 1.6m (eastern side of the heritage building);
- Minor internal changes to the existing heritage building;
- Use of the existing heritage building for four separate café/restaurants;
- Construction a new two storey building up to 12.8m in height;
- Use of the new building for a café/restaurant on the lower floor and a function centre on the upper floor which can accommodate up to 130 persons;
- Hours of operation 8.00 am to 10.30 pm;
- Construction of a pedestrian bridge link connecting the upper floors of the existing building to the new building;
- Construction of a carpark to provide 79 car spaces and a garbage enclosure;
- Vehicular access to the site will be left in and left out only via Argyle Street and exit only via Edward Street;
- Pedestrian access will be from Argyle and Edward Streets;
- New footpath and associated infrastructure;
- Removal of five exotic trees and vegetation;
- Construction of a 6m high pylon sign to the eastern side of the Argyle vehicle access;
- Remediation of contaminated land; and
- Associated earth and site works including drainage infrastructure and landscaping.

The value of the works associated with the development is \$7.7 million.

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

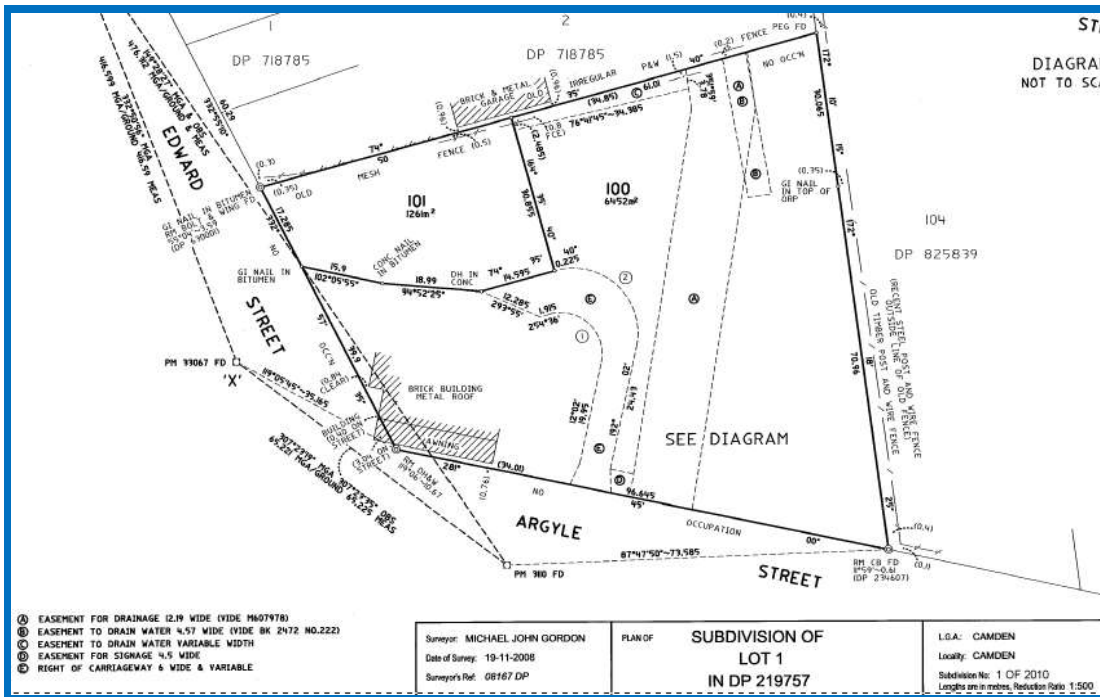
**THE SITE**

The site is known as 11 Argyle Street and is legally described as Lot 100 DP 1147682.

The site is located on the corner of Argyle Street and Edward Streets in Camden. The site has an area of 6452m<sup>2</sup> and is generally irregular in shape, with a frontage of approximately 96.645m to Argyle Street and 39.9m to Edward Street. The site is a ‘gateway’ property being at the entrance to the Camden town centre.

The site contains a locally listed heritage item known as the Camden Vale Milk Company building and is within the Camden Town Centre conservation area. The existing buildings include the original two storey building and an adjoining single storey storage shed. The buildings are currently vacant. The last use operating from the site was ‘Camden Bike and Power’, retailers of motor bikes and lawn mowers.

The property slopes from west to east, with a difference of up to 4.0m from the Edward Street frontage to the north east corner of the site. Stormwater and drainage easements extend north south within the eastern portion of the site.



**Extract of Deposited Plan.**

The site contains a number of exotic trees and vegetation.

The Nepean River is located approximately 380m to the east and the site is affected by flooding by both the 1-in-20 year (5% AEP) and 1-in-100 year (1% AEP) flood line.

There is a roundabout at the intersection of Argyle and Edward Streets. Vehicular access to the property is currently available from both Edward and Argyle Streets. Argyle Street is a classified road and is known as Camden Valley Way on the eastern side of Cowpasture Bridge.





The site adjoins existing semi-industrial and commercial land to the north, south and west. Immediately adjoining to the north is a carwash, which has a right of carriageway over the subject property. Further north and adjoining the site to the east is a locally listed heritage item known as the stockyards.

A mix of commercial and retail uses front the southern side of Argyle Street, including a vacant site directly opposite which previously contained a petrol station. To the west of the site is a McDonalds restaurant.

The land immediately east is zoned RU1 Primary Production.



## APPLICATION HISTORY

The proposal has been amended since lodgment in March 2016, to address Council's requirements and concerns raised in submissions. The main amendments include:

- The front façade of the new building being setback 3.12m behind the existing building;
- Removal of the skillion roof form from the eastern side of the new building;
- Introduction of additional materials and finishes including face brickwork, stonework and a significant reduction in the extent of glazing of the new building;
- Removal of the proposed upper level balcony to the heritage building;
- Amendments to the window and door openings, including the proportions of the fenestration of the new building to be consistent with heritage building forms;
- The pedestrian bridge link between the heritage building and the new building has been reduced in height;
- Removal of the decked car park; and

- Provision of a one way traffic design through the site.

Figure 1 depicts the original proposed elevation to Argyle Street. Figure 2 represents the current proposed elevation to Argyle Street.



Figure 1



Figure 2

### KEY STATISTICS

The DA has been assessed against the relevant planning controls and is compliant with the exception of the variation noted below.

Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
2.7 Demolition	Consent is required to demolish buildings.	Consent has been sought for demolition as part of this DA.	Yes.
4.3 Height of Buildings	Maximum 7m.	12.815m.	<b>No – See LEP Variation 1.</b>
4.6 Exceptions to Development Standards	Allows for variations to development standards if demonstrated the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify contravening the development standard.	A clause 4.6 variation has been lodged to support the application and is discussed in detail below.	Yes.
5.10 Heritage Conservation	Consent is required for demolition or for development to a heritage item or within a	Consent is sought for demolition and development on the site which is listed as	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	<p>conservation area.</p> <p>A heritage assessment document must be submitted to support the application.</p>	<p>heritage item (I3) Old Dairy Farmers Co-op Depot and is within the Camden Town Centre Conservation Area. Council's Heritage Advisor is satisfied with the heritage assessment provided with the DA, as the proposed development meets the objectives of the heritage conversation clause and can be supported.</p> <p>A detailed discussion on heritage is provided in the key issues section of this report.</p>	Yes.
7.1 Flood Planning	<p>Development consent must not be granted to development on land where development is incompatible with the flood hazard and will adversely impact upon localised flooding behaviour resulting in damage to property and loss of life.</p>	<p>The proposed uses, the additions to the heritage building and the addition of a new building and car park have been assessed against Council's Flood Policy.</p> <p>Council's Flood Engineers are satisfied the DA complies with the controls of Council's LEP, DCP and Council's Flood Policy. Flooding impacts are discussed in more detail in the key issues section of this report.</p>	Yes.
7.4 Earthworks	<p>Consider several matters relating to earthworks including soil stability, the quality of fill and impacts on watercourses.</p>	<p>Council's Development and Flood Engineers are satisfied the earthworks proposed will not have any adverse or environmental impacts on adjoining land. Conditions are recommended be included in the consent.</p>	Yes.



Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
B1.2 Earthworks	Building work must be designed to ensure minimal cut and fill is required.	The remediation strategy requires 1630m <sup>3</sup> of cut (up to 1.7m in depth) and 950m <sup>3</sup> of fill (up to 1.5m of fill). Council's Development and Flood Engineers are satisfied the earthworks are appropriate and will not adversely impact the flood plain.	Yes.
B1.5 Trees and Vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	The DA proposes the removal of 5 trees. The majority of the vegetation is weed species which does not warrant retention. Council's Landscape Officer is satisfied the landscaping proposed as part of the development of the site will offset any loss.	Yes.
B1.11 Flood Hazard Management	Development on flood prone land must comply with Council's Engineering Specifications and Flood Risk Management Policy.	Council's Flood Engineers have confirmed the proposed development is compliant with the Flood Risk Management Policy and engineering standards. A detailed discussion of flooding is provided in the key issues section of the report.	Yes.
B1.12 Contaminated and Potentially Contaminated Land Management	A contamination assessment and remediation (if required).  Identified remediation works must be in accordance with the protocols of Council's Policy – <i>Management of Contaminated Lands</i> and DECCW's <i>Guidelines for Consultants Reporting on Contaminated Sites</i> .	The applicant has submitted a contamination assessment for the site.  A remediation action plan (RAP) has been submitted and has been prepared in accordance with all relevant policies and guidelines. The RAP is recommended to be approved subject to conditions.	Yes.  Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
B3 Environmental Heritage	A Heritage Impact Statement to be provided with a development application a Heritage Item Heritage Conservation Area.	A Heritage Impact Statement (HIS) was lodged with the DA.	Yes.
	A Conservation Management Plan is generally required for items listed in the State Heritage Register. It may also be required for any major development or subdivision proposals to local heritage items.	Council's Heritage Advisor has requested as a recommended condition of consent that a detailed schedule of conservation works be submitted to Council prior to the issue of a construction certificate.	Yes.
B3.1.1 General Heritage Provisions	<u>Design:</u> New buildings shall be of a simple, contemporary design that avoids 'heritage style' replication of architectural or decorative detail.	The new building is a contemporary design which incorporates suitable materials including sandstone, face brick work, rendered finishes, glass and steel.	Yes.
	New work must complement the existing building, but it should be possible to tell the new from the old.	Elements such as the balcony, awning, balustrades, aluminium louvres etc. ensure the new building can be identified as an addition and do not replicate the heritage style of the existing building.	Yes.
	When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.	The existing shed and concrete ramp are proposed to be removed. These were later additions and have no heritage significance.	Yes.
	New development must be designed reflecting the general form, bulk, scale,	Council's Heritage Advisor considers the design of the proposal is appropriate to the	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	<p>height, architectural elements and other significant elements of the surrounding heritage items and heritage conservation areas.</p> <p>The significant internal and external fabric and building elements of the principal building are to be retained and conserved.</p> <p><u>Siting:</u> Alterations and additions to existing development will be sited and designed to retain the intactness and consistency of the streetscape and retain elements that contribute to the significance of the conservation area; and the relationship of that building to the other buildings of the group.</p> <p>Additions are to be predominantly to the rear of the existing building.</p>	<p>context of the street and is sympathetic with the character of the heritage item and the Heritage Conservation Area (HCA). The height and form of the proposal is similar and complementary to surrounding buildings and is appropriate for its location in the HCA.</p> <p>All significant internal and external fabric and building elements of the milk depot building will be retained, conserved and reused where possible.</p> <p>The existing building will be restored to its original form, with the unsympathetic additions removed and the existing signage identifying the building replaced. The window and door openings of the existing building will be retained and the fenestration proposed will match the original style in form and design.</p> <p>When viewed from Edward Street, the new building is predominantly located to the rear of the existing building. From Argyle Street, the addition is located to the side, however it is clear what is the heritage building and what is the new development, thereby satisfying this clause.</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	<p>Additions to the side of existing buildings will be considered where it is substantially set back from the front building alignment and the style and character of the building will not be compromised.</p>	<p>The new building is setback 6m to the east of the heritage building. The front façade of the new building is setback 3.125m behind the building line of the heritage building. The design and siting of the new addition will not compromise the style and character of the heritage item.</p>	Yes.
	<p>Where there is a uniform building front setback, new development must recognise this.</p>	<p>There are no uniform setbacks in this locality.</p>	Yes.
	<p><u>Roofs and Roofscape:</u> The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area shall be retained.</p>	<p>The roof of the heritage building will be restored and retained. The proposed metal pitched roof form for the new building is consistent with the existing building.</p>	Yes.
	<p><u>Verandahs and Balconies:</u> Verandahs and balconies on new buildings should generally be of a contemporary design and materials that respond to the relevant aspects of the historic context</p>	<p>The verandah and balcony on the front façade of the new building is contemporary in design combining steel beams, metal and glass balustrades.</p>	Yes.
	<p><u>Materials and Finishes:</u> Surviving original materials, finishes, textures and details shall be retained and conserved where appropriate.</p>	<p>The existing building will be retained and restored using similar materials and finishes.</p>	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	Materials, finishes, and textures must be appropriate to the historic context of the original significant buildings within the streetscape.	The materials and finishes proposed for the new building are contemporary and differ to the heritage building. They have been selected to ensure the heritage building is easily identifiable.	Yes.
	Contemporary materials are permitted where their proportions, detailing and quantities are in keeping with the character of the area. Large expanses of glass and reflective wall and roof cladding are not appropriate.	Some materials proposed, including steel and metal are industrial in nature in keeping with the original use of the milk depot. There is an acceptable combination of brickwork, stonework, metal and glass which does not undermine the heritage building.	Yes.
	<u>Colours:</u> Colours on heritage items must be appropriate and complement the building type and style	The existing building will be repainted and will be the same colour.	Yes.
	New buildings need not employ traditional colour schemes, but should use colours sympathetic to surrounding development and contribute to the cohesiveness of the Heritage Place.	The brown and grey tones proposed for the new building are sympathetic to the industrial style of the heritage building.	Yes.
	<u>Demolition:</u> Where consent is issued for demolition, or part demolition, of a heritage place a comprehensive diagrammatic and photographic archival record is to be made of the structure to be demolished.	Recommended conditions require a photographic archival record to be provided for Council's records prior to demolition commencing.	Yes.





Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
B3.1.2 Camden Heritage Conservation Area	The rural-urban interface shall be sensitively addressed in new development proposals.	The proposal retains a landscaped edge along the northern and eastern boundaries and along the Argyle Street frontage.	Yes.
	Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive re-use opportunities should be explored to facilitate the conservation of these buildings.	The original industrial use of the site as a milk depot is unlikely. The proposed commercial uses are appropriate and facilitate the repair, use and conservation of the existing vacant building.	Yes.
	A two storey height limit shall prevail except for significant architectural features incorporated in the design of buildings in significant locations.	The development as proposed is two storeys in height and includes an architectural roof feature having a pitch roof to match the roof style of the heritage building.	Yes.
	Corner buildings should make a statement through their stature and signature qualities, whilst at the same time integrating with adjoining development and development located opposite.	The proposed development will make an entry statement to Camden whilst being of a design which is sympathetic to surrounding development.	Yes.
B4.2 Signs on Heritage Items or in Heritage Conservation Areas	Consent is required for signage.	A condition is recommended that only the building signage to Edward Street being 'Camden Vale Milk Company Ltd' and the 6.0m high pylon sign to the east of the Argyle Street driveway be approved, any other signage will require a separate DA.	Yes.



Camden Local Environmental Plan 2010				
Clause	Requirement	Provided	Compliance	
B5.1 Off-street Car Parking Rates and Requirements	Restaurants and Cafés require 1 car parking space per 30m <sup>2</sup> of Gross Floor Area (GFA).	The proposed development provides for 79 spaces.	Yes.	
	Function Centre – Single Room requires 15 car parking spaces per 100m <sup>2</sup> GFA of the room or one car parking space per three seats (whichever is greater).	Based on a total GFA of 1088m <sup>2</sup> for five restaurants, 36.6 spaces are required.  Based on a GFA of 347m <sup>2</sup> for the function centre with 130 seats, 52 spaces are required.  The previous approved retail use (505m <sup>2</sup> ) required 23 spaces. 13 spaces were provided which was a shortfall of 10 spaces.  The DCP prescribes that the redevelopment of a site may rely on existing shortfalls or deficiencies in car parking. Noting this, the provision of 79 spaces is considered to be appropriate and consistent with the DCP.		
	Bicycle parking and motorcycle parking be provided at the rate of one space per 25 car parking spaces	Seven motorcycle spaces and six bicycle spaces are proposed which exceed the requirements.		Yes.
	Preparation of a car parking/traffic impact statement required as the DA must be referred to Roads and Maritime Services (RMS) as it is a traffic generating development under the SEPP Infrastructure	A traffic report was submitted in support of the DA and was referred to the RMS and Council's Traffic Engineers.  The RMS did not raise any issues regarding the proposed development as amended.		Yes.
	Carparking and access must comply with Australian	The proposed carpark layout including car parking dimensions,	Yes.	



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	Standards	aisle widths and access points are in accordance with the DCP and Australian Standards.	
	Garbage storage and collection areas should be conveniently located and designed so as not to cause unacceptable on - street conflicts	Council's Traffic Engineers are satisfied the development will not have any unacceptable impact on traffic flows in the area. This is discussed in the likely impacts section of this report.  The garbage storage and collection area are located on site and the site can be serviced by Council's waste vehicle.	Yes.
	The design of parking areas should take into account the likely visual impact of these areas in the context of the surrounding development and streetscape.	The carpark is mainly located to the eastern portion of the site and will not be visually intrusive from a streetscape perspective.	Yes.
	Loading Zone requirements for Restaurants = one space per 400m <sup>2</sup> Council will assess the extent and size of the service vehicle parking area to be provided having regard to the nature of a particular development and its likely servicing requirements.	One exclusive loading zone and a shared zone which can be utilised for loading and garbage collection are required on site. There is sufficient space available for loading and servicing the development within the site. The loading area is proposed at the rear of the new building.	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
D3 Commercial and Retail Development D3.2.1 Function and Use	Development within business zones must incorporate a range of local retail, commercial, entertainment, childcare, residential and community uses to serve the needs of the local community.	The DA proposes additional commercial floor space which will serve the needs of the community.	Yes.
D3.2.2 Layout/Design	Location and layout must consider potential future noise and amenity conflicts for both the subject development and adjoining development.	Noise, amenity and traffic conflicts have been considered and subject to the recommended conditions relating to compliance with the submitted acoustic report, car parking and access provisions is acceptable. No significant adverse conflict between the subject and adjoining developments is envisaged.	Yes.
	Where development fronts a street, it must be designed so that it addresses the street.	The development proposes active street frontages to both Argyle and Edward Streets.	Yes.
	New development must not detract from significant existing views and vistas.	The new development is not considered to detract from existing views and vistas.	Yes.
D3.2.3 Built Form and Appearance	Buildings should have similar mass and scale to create a sense of consistency and should feature high quality architectural design and built form. Development must be compatible with surrounding businesses.	The new building is appropriate in scale for a corner site and is of a high quality architectural design with compatible materials, finishes and colours.	Yes.
		It is considered the design, bulk and scale are compatible with nearby commercial buildings and are sympathetic to the heritage and conservation aspects of	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
		the locality.	
	Building wall planes must contain variations and provide visual interest.	The new building proposes a co-ordinated mix of colours, materials, finishes and height variations to provide visual interest.	Yes.
	Where multiple tenancies are located in one building, each tenancy must be defined by appropriate architecture design features.	The new building will contain two tenancies which are defined by appropriate design features. One on the upper floor and the other on the lower floor.	Yes.
	Consideration is to be given to the interface where buildings and awning abuts an adjoining development.	The proposed new building does abut any buildings or adjoining sites. The bridge link joining the new building to the heritage building is modest, well designed and recessive.	Yes.
	Roof forms should be appropriately designed to respond to the built form of other nearby business developments.	The proposed pitched roof form is compatible with the design of the heritage building.	Yes.
	New developments must not cause significant overshadowing or overlooking of public places.	The proposed development does not cause any significant overshadowing of public places.	Yes.
	Where a building addresses a corner, the entrance should be on or near the corner and should have a positive frontage to both streets, and the corner should be emphasised through a built form element.	The restoration of the heritage building will enhance the frontages along Argyle Street and Edward Street.	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	Buildings on corner lots may have feature elements that exceed the building height limitation prescribed in LEP 2010.	The new building has a pitched roof to match the existing building which increases the height of the building and further exceeds the prescribed height limitation.	Yes.
	Service infrastructure such as air conditioning must be screened from public view.	A condition is recommended that the design of the air conditioning and plant screening must have regard to the architectural design of the building and incorporate similar colours and materials as the buildings.	Yes.
	Site facilities such as loading, waste storage and servicing must be designed to minimise visual impact on the public domain and neighbours.	The loading dock is located behind the proposed building and will not be visible from the street and is Australian Standard compliant.	Yes.
	Security devices must be built into the design of the building.	The Camden Local Area Command (CLAC) require security devices including CCTV to be installed, this is a recommended condition of consent.	Yes.
D3.2.6 Parking and Access	The visibility of parking areas at street frontages must be minimised through parking layout, design and landscape treatments.	The car parking area is predominantly located behind the buildings and away from the street frontages. The car spaces located near the Argyle Street entrance will be partially obscured by landscaping to reduce their dominance.	Yes.
	Car parking areas must be designed to enable safe, comfortable and easy	The car park is appropriately located given the constraints of the site. There is an easy	Yes.



Camden Local Environmental Plan 2010			
Clause	Requirement	Provided	Compliance
	<p>access for pedestrians.</p> <p>Car parking must be provided in accordance with Part B5 of the DCP.</p>	<p>transition from the carpark to the building.</p> <p>The DA provides compliant carparking in accordance with Part B5 of the Camden DCP.</p>	Yes.
<p>D3.7 Camden – B4 Mixed Use</p> <p>D3.7.1 Layout/Design</p>	<p>Development in the B4 zone should be complementary to the existing land uses in the B2 Local Centre zone.</p>	<p>The proposed commercial development will complement the B2 Local Centre uses by providing new cafés/restaurants and a function centre.</p>	Yes.
<p>D3.7.2 Built Form and Appearance</p>	<p>Buildings shall contribute to the local distinctiveness of the Camden township by using a varied palette of colours, materials and finishes.</p> <p>Buildings in full corporate colours will not be permitted.</p>	<p>A varied palette of colours, materials and finishes is proposed that are sympathetic to the heritage item and the local precinct.</p> <p>No corporate colours are proposed.</p>	<p>Yes.</p> <p>Yes.</p>
<p>D3.7.4 Heritage and Character</p>	<p>Reference must be made to chapter B3 of this plan the Camden Heritage Conservation Area.</p> <p>Development within the B4 Mixed Use zone in Camden must be consistent with the Camden Town Centre Strategy dated 2008.</p>	<p>A detailed assessment of Chapter B3 has been undertaken as detailed above. The development has been designed to satisfy the requirements for a building adjoining a heritage item within a Conservation Area.</p> <p>The proposal is consistent with the Camden Town Centre Strategy as a redevelopment of a prominent site at the entry to the Camden Township.</p>	<p>Yes.</p> <p>Yes.</p>



**ASSESSMENT**

***Zoning and Permissibility***

Zoning	B4 Mixed Use.
Permissibility	The proposed development is defined as a 'commercial premises', 'food and drink premises' and 'function centre' by the LEP which are all permissible land uses in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>Deemed SEPP No. 20 – Hawkesbury-Nepean River</u> Compliant with the conditions recommended.</p> <p><u>SEPP 55 – Remediation of land</u> The applicant has submitted a Remediation Action Plan (RAP) for the site which demonstrates the site can be made suitable for its intended commercial use. The methods proposed to remediate the site include the partial removal of contaminated material to an appropriately licenced off-site landfill in conjunction with some capping and containment of residual material. Council's Environmental Health Officer is satisfied with the method of remediation proposed being an appropriate remedial strategy and can be supported. A number of specific conditions are recommended.</p> <p><u>SEPP (Infrastructure) 2007</u> Clause 104 requires a referral to the Road and Maritime Services (RMS) regarding schedule 3 of the SEPP. The DA was referred to the RMS. The RMS is satisfied with the proposed development and acknowledged Council's Traffic Engineers will recommend conditions to address the development within the roadway.</p>
Local Environmental Plan - S79C(1)(a)(i)	<p><u>Camden LEP 2010</u> Compliant with one variation proposed as discussed in detail below.</p>
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<p><u>Camden DCP 2011</u> Compliant with conditions.</p>
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)	Thirty two submissions were received from 21 property owners. These are discussed within the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

### LEP Variation 1 – Maximum Height of Buildings

#### *LEP Development Standard*

Clause 4.3 of the Camden LEP requires the height of a building on the site not exceed 7m.

The height of the new building at the highest point is 12.815m and exceeds the height control by 5.815m.

#### *Variation Request*

The applicant has requested a height variation be supported based on the following:

- Compliance with the height control of the Camden LEP 2010 is both unreasonable and unnecessary in the circumstances of this case.
- Development of this site is highly constrained by the location and form of the existing heritage building on site and the flood impacts affecting the site.
- Clause 5.10(10) permits the Council to grant consent to a development that would not be permitted if conservation of a heritage item is proposed. The adaptive reuse of the site will ensure that the heritage item, being the former Camden Vale Milk Depot will be conserved and restored so as to be preserved for future generations to enjoy.
- Clause 5.6 of the Camden LEP refers to architectural roof features and only applies where a building exceeds the height requirement of clause 4.3. The roof form of the new building matches that of the existing heritage building and proposed in an 'industrial form' consisting of pitched roofs. The architectural roof form is required to be compatible and sympathetic to the existing heritage building on the site; resulting in this part of the development further exceeding the building height limit.

#### *Council Staff Assessment*

Clause 4.6 allows Council to approve development that does not comply with certain development standards contained within an LEP.

The submitted Clause 4.6 request to vary Clause 4.3 (Height of buildings) is supported by Council officers as there are sufficient environmental planning grounds to vary the standard as outlined below:

- The proposed variation to height is consistent with the objectives of the exception clause. The objectives of clause 4.6(1) are as follows:
  - a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development, and*
  - b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- The height of the heritage building varies between 8m to 10.9m which exceeds the 7m height limit. It is proposed to increase a section of the roof associated with the

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heritage building from 8m to 9.6m. This increase in roof height of the heritage building will enable the existing second floor of the heritage building to comply with the Building Code of Australia. Currently this part of the existing building is not useable as the floor to ceiling height does not comply with the relevant standards.

- The proposed height of the pedestrian bridge link between the heritage building and the new building measures 7m in height which complies with the height control.
- The eastern portion of the site is within the floodway. As a result it is not possible to construct a larger portion of the new building at ground level as Council's Flood Policy does not permit structures within the floodway. The upper floor level of the new building has been designed at this height in order to provide an acceptable level change to satisfy the 1-in-100 year flood level.
- The proposed siting, setbacks, height and design of the new building does not unreasonably impact on the visual plane of Argyle Street or interfere with existing view corridors. Due to the ground level differences of the land (sloping from west to east), the new building at 12.81m in height does not dominate or detract from the existing heritage building to be protected.
- The non-compliance with the height standard will not unreasonably impact, overshadow or visually intrude on any adjoining development or the heritage significance of the heritage item on the site.
- The proposed development, other than the height breach is compliant with the applicable planning controls contained in the Camden LEP and DCP and also Council's Flood Policy.

Based on the above considerations, the proposed variation to the development standard is acceptable based on the particular circumstances of the proposed development. It is considered that approval of the application will not compromise the interests of the public, given the relevant objectives of the zone and the standard are met by the proposal despite its numerical non-compliance with the development standard. The variation is not considered to raise any matter of regional and State significance, and concurrence of the Minister in approving the variation can be assumed by Council.

### **Key Issues**

#### Flooding

A flood risk assessment and flood evacuation plan has been provided to support the proposed development. Council's Flood Engineers have worked with the applicant to ensure the development is acceptable from a flooding perspective.

Council officers are satisfied the development is consistent with the Camden LEP, DCP and Council's Flood Risk Management Policy, subject to the recommend conditions.

The development has been assessed on its merit in accordance with the NSW Floodplain Development Manual (April 2005) and Council's Flood Risk Management Policy, and has considered the objectives of not sterilising existing commercial land whilst appropriately considering the flood risk and ensuring the development is sympathetic with the character of the surrounding land uses.



The primary objective of the New South Wales Flood Prone Land Policy recognises the following:

- Flood prone land is a valuable resource that should not be sterilised by unnecessarily precluding its development, and
- If all development applications and proposals for rezoning of flood prone land are assessed according to rigid and prescriptive criteria, some appropriate proposals may be unreasonably disallowed or restricted, and equally, quite inappropriate proposals may be approved.

The proposed development has been assessed on its merits having regard to relevant criteria, such as but not limited to, the hydraulic and hazard categories of the site, design and construction of the buildings, emergency response management, evacuation, environmental, streetscape and heritage factors.

Council's Flood Risk Management Policy states that all areas in the floodplain in the Camden LGA is categorised as high hazard. Figure 3 below maps the extent of the Nepean Probable Maximum Flood (PMF). A larger version of this plan is included as an attachment to this report. This shows that the majority of the Camden Town Centre including the subject site at 11 Argyle Street is high hazard.

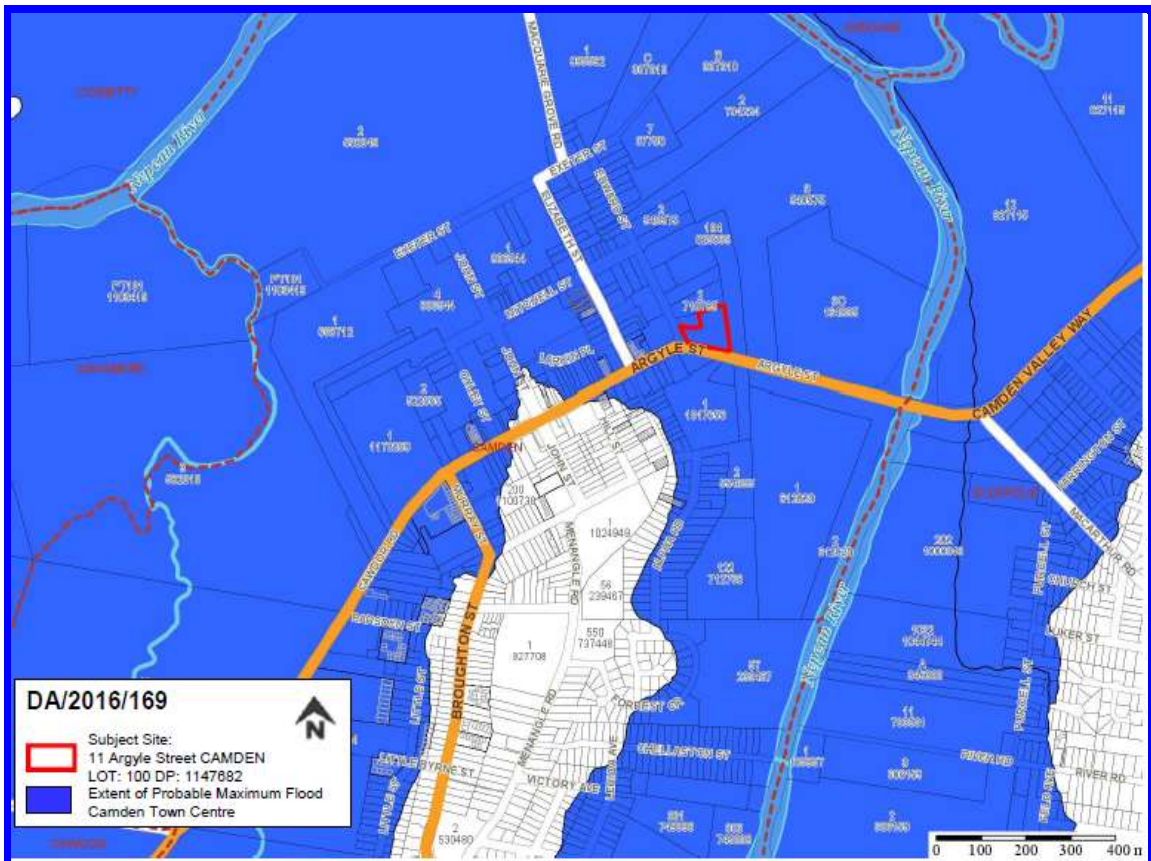


Figure 3 – Extent of Probable Maximum Flood (PMF) Camden Town Centre

The Flood Policy states that the high hazard rating is not intended to sterilise land for any use. Rather, it is a signal that any development that occurs in the floodplain should be planned with due attention to the flood related issues and implementation of appropriate measures to reduce flood damage.

The property is affected by flooding from both the 1-in-20 year (5% Annual Exceedance Probability AEP) and 1-in-100 year (1% AEP) flood line. The site is within both floodway and flood storage zones. All of the existing and proposed structures are located within the flood storage area. A portion of the on grade carpark is located within the floodway. Figure 4 below illustrates this. A larger version of this plan is included as an attachment to this report.

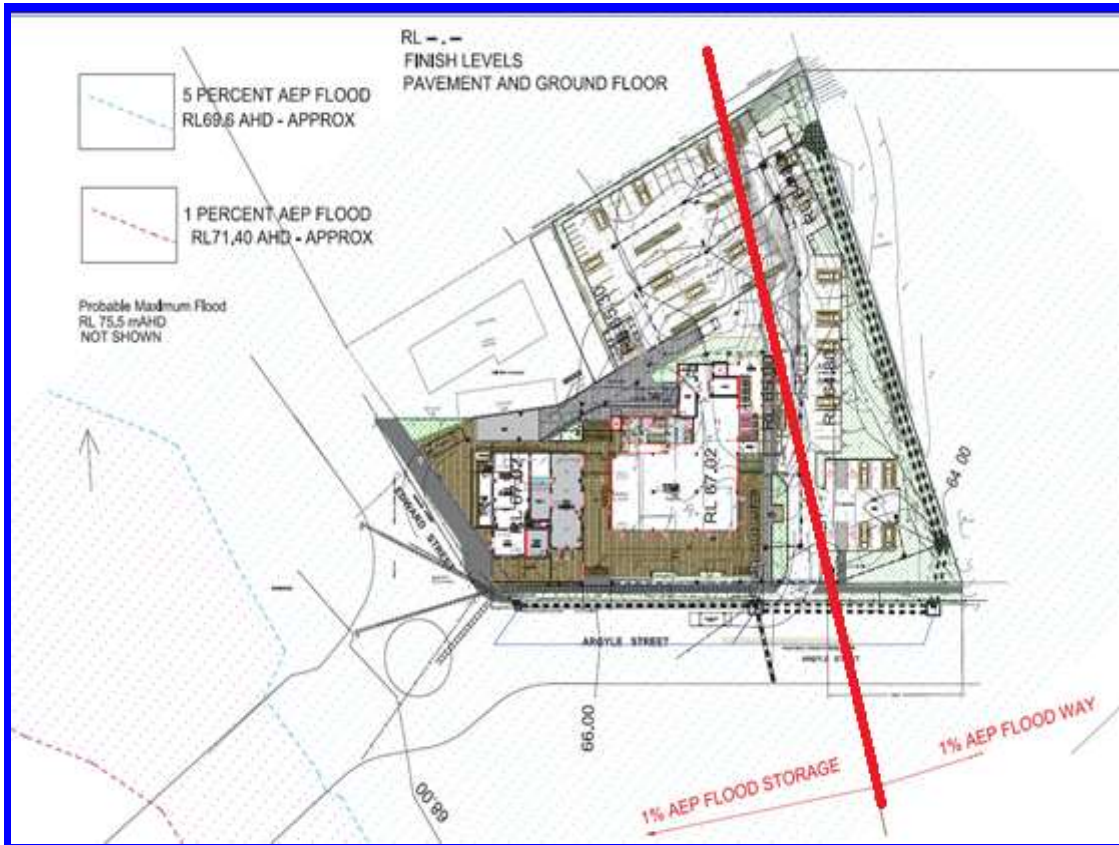


Figure 4 – Location of proposed development in relation to flood lines

The existing heritage building has a floor level at RL 67.02 which is 5.01m below the 1% AEP (1-in-100 year) flood level and is approximately 0.4m above the 20% AEP (1-in-5 year) flood level. The proposed new building also contains a proposed floor level of RL 67.02 to match the existing building. The first floor of the new building is at RL70.66 which is 0.74m below the 1% AEP however is above the 5% AEP (1-in-20 year) flood level.

The proposed building footprint has been assessed within the Nepean River Flood Study model. Results demonstrate that flow redistributions and flood level increases outside the property boundary are considered negligible.

Water resistant building materials are proposed below the FPL (flood planning level). Further, the building will be designed and constructed to structurally withstand the pressure of floodwaters. Recommended conditions of consent will require structural certification at the construction certificate stage to ensure the proposed building and carpark can withstand the forces of floodwaters.

Minor damage would be incurred in an extreme flood event which would be unavoidable. The ground floor level of both buildings will have flood tolerant electrical fixtures. The upper levels will similarly have flood tolerant electrical fixtures, but the electrical circuits within the roof space will be above the 1% AEP flood level. The power



outlets for the ground floor level will be suspended from the ceiling above the first floor level and placed within water proofed conduits to minimise damage if inundated.

An evacuation procedure for the site has been prepared with consideration for the SES Camden Local Flood Plan. The evacuation route for the site will be via Edward Street onto Argyle Street then onto John Street which is above the PMF level. As per the Local Flood Plan, it is expected that approximately six hours notice should be able to be provided to Camden residents to enable evacuation.

Conditions are recommended requiring flood evacuation procedures for the site to be in place and known by the property tenants. Recommended conditions will require prominent and permanent signage to be erected to clearly indicate the flood affectation and evacuation procedures. All future tenants of the buildings are to be made aware that the development is located within land susceptible to flooding.

The proposed development complies with Clause 7.1 of Camden LEP as the development:

- is compatible with the flood hazard of the land,
- is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,
- incorporates appropriate measures to manage risk to life from flood,
- is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses,
- is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

In regards to flooding, the applicant has proven through its Flood Risk Management and Evacuation Plan that the development is acceptable.

### Heritage

The site is strategically important being on the fringe of the Camden Town Centre on what is considered a 'gateway' site in terms of its heritage conservation, being the Old Dairy Farmers Co-op Depot.

The site and the main building being restored and maintained are significant in terms of its landmark and historic value for the role it played in the development of agriculture in the Camden area and its historic association with the Macarthur-Onslow family.

The site is heritage listed in the Camden LEP 2010. A statement of heritage impact was submitted in support of the DA. The report concludes the proposed development will not negatively impact the heritage significance of the heritage item or undermine the value of the heritage conservation area.

Council's heritage advisor is satisfied the development and the height variation satisfy the heritage provisions of the Camden LEP, Camden DCP and NSW Heritage Office Guidelines as the development will not have adverse impacts on the heritage item or the surrounding heritage conservation area, and is recommended to be supported subject to conditions.

Clause 5(10) of the Camden LEP 2010 refers to heritage conservation, with any DA to have regard to this clause when designing development incorporating a heritage item. Council officers are satisfied that:

- the development as proposed will facilitate the conservation of the heritage item;
- the development will not adversely affect the heritage significance of the heritage item; and
- the development will not have any significant adverse effect on the amenity of the surrounding area.

The site currently contains a vacant heritage building. The building has been vacant for a number of years and is falling into disrepair. It is unlikely the former milk depot building will house an industrial use given the form and layout of the building and the site constraints.

The development will allow the existing heritage building to be restored. The restoration and additions will facilitate the long term preservation of the building, making a positive contribution to the broader heritage conservation area and enhancing the site's 'gateway' significance.

### Traffic and Parking

The development complies with the parking and access requirements of the DCP for commercial premises and function centres. The previous land use provided a retail floor space of 505m<sup>2</sup> which required 23 spaces. Thirteen car parking spaces are provided on site which results in a car parking credit of 10 spaces. The DCP prescribes that the redevelopment of a site may rely on existing shortfalls in car parking. Noting this, the provision of 79 spaces is considered to be appropriate and consistent with the DCP.

A traffic and parking assessment was submitted with the DA. The DA was referred to the Roads and Maritime Service (RMS) as the proposed development is classed as a traffic generating development.

The RMS required Council's Traffic Engineers to be satisfied that the proposed 900mm wide median strip to be provided in Argyle Street preventing vehicles turning right into the subject site is designed and located to achieve this outcome.

Council Traffic Engineers have reviewed the location of this median and advise the location is appropriate to achieve the design outcome required by the RMS whilst not adversely impacting vehicle movements in this location. This has been reinforced by appropriate conditions recommended as part of this report to satisfy the RMS requirements as specified.

Council's Traffic Engineers have reviewed the DA with respect to traffic impacts and are satisfied the existing road network operates at a good level of service during peak periods, and that the additional traffic generated by the development will not adversely impact the road network.

The proposed access and egress driveways and the internal circulation and manoeuvring arrangements will provide safe and efficient vehicular movements during peak times, subject to a number of recommended conditions, one being left in and left out of the site.



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## **Submissions**

The DA was originally notified for 14 days in accordance with the DCP. The exhibition period was from 18 March 2016 to 31 March 2016. Seventeen submissions were received, 16 of which objected to the proposed development.

The DA was renotified between 22 March 2017 and 20 April 2017. Fifteen submissions were received, 14 objecting to the proposed development.

In total, Council received 32 objections from 21 property owners and two submissions in support of the development.

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

- 1. The proposal undermines the Camden Heritage Conservation Area and the additional building would detract from the significance of the heritage building.*

### Officer Comment:

Council's heritage advisor has reviewed the DA and is satisfied the amended design is appropriate in the context of the site and sympathetic with the character of the heritage item and the Heritage Conservation Area (HCA). The proposed new building is a contemporary design and complementary to the heritage building without being a replica of the heritage building. The development is considered appropriate and respectful development in the HCA.

- 2. Inadequate Heritage Impact Statement submitted to support the application.*

### Officer Comment:

A detailed statement of heritage impact was submitted in support of the DA and is considered satisfactory by Council's heritage advisor.

- 3. The application does not provide a Conservation Management Plan for the site.*

### Officer Comment:

A scope of heritage works has been submitted with the DA which sufficiently demonstrates the conservation management works proposed. The scope of heritage works is considered acceptable. Conditions are recommended to protect the heritage significance of the building including requiring a suitably qualified heritage consultant to be commissioned for restoration and renovation works and requiring a detailed schedule of conservation work to be submitted to Council's Heritage Advisor for approval prior to works commencing.

- 4. Highly glazed, modernistic design of the proposed development would be in sharp and inappropriate contrast to the streetscape.*

### Officer Comment:

The original design as shown in Figure 1, incorporated significantly more glazing on the front façade fronting Argyle Street, which was considered inappropriate.

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The amended design provides an acceptable balance of brickwork, masonry, steel and glazing. The materials and colours proposed for the new building are in keeping with the industrial style of the heritage building.

5. *Negative visual effect of the new building at the entrance to the town.*

Officer Comment:

The existing long range views of the site from the east when entering the town are obscured by the existing trees planted on the street verge along Argyle Street. Due to its design, including siting, setbacks and height, the new building will not impact any existing significant views of the heritage building. It is considered the proposal will not have an unacceptable visual impact on the streetscape.

6. *Insufficient setback of the new building from the street frontage*

Officer Comment:

The amended design increased the setback of the new building from the Argyle Street frontage to be 9.64m, which is setback 3.1m behind the building line of the heritage building.

The proposed upper floor balcony of the new building is in line with the setback of the existing building. The setback from the street is considered acceptable from a streetscape perspective and provides a good line of site to the heritage building when viewed from the east and south.

7. *Not compliant with the Camden LEP 2010 height control of 7m.*

Officer Comment:

The applicant has applied for a Clause 4.6 variation to the 7m height control as part of the DA. This variation has been assessed in the 'LEP Variation' section of this report.

8. *Inadequate Flood Risk Management Report submitted to support the application.*

Officer Comment:

Council's Flooding Engineers consider the flood risk management plan and flood evacuation plan are satisfactory.

Flooding impacts are discussed in detail in the flooding section of this report.

9. *Development not in accordance with Council's Flood Risk Management Policy - building in a floodway.*

Officer Comment:

There are no structures proposed within the floodway. This has been reviewed by Council's Flooding Engineers and is considered acceptable.

Flooding impacts are discussed in detail in the flooding section of this report.

10. *The site is subject to high flood hazard and the development would divert water to other properties.*





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Officer Comment:

Council's Flooding Engineers are satisfied there will be no loss of flood storage below the 1% AEP flood level and there will be no adverse flooding impacts (flow rates, flood levels, velocities) outside the property boundaries.

Flooding impacts are discussed in detail in the flooding section of this report.

*11. Liability for future tenants to eventual flood damage.*

Officer Comment:

Permanent signage will be erected within the buildings to indicate the procedures to make the building flood compatible and contain appropriate evacuation procedures. A condition is recommended that tenants be made aware of the flood affectation of the site.

The measures discussed in the Flooding section of this report will minimise the damage that will occur to the property in the event of a flood, including flood compatible structural design, building design, fitout and fixtures, proposed evacuation and emergency management plans.

*12. The roundabout at Edward Street is not designed to cope with the additional traffic that would be generated from the development.*

Officer Comment:

Council's Traffic Engineers and the RMS have assessed the DA and are satisfied the adjoining road network is capable of accommodating the additional traffic generated by the proposed development, subject to the incorporation of a median to ensure vehicle movements are left in and left out only.

*13. Access and egress to the site not appropriate.*

Officer Comment:

The access and egress to the site has been amended from what was originally proposed. Vehicular access to the site will be left in only/left out via Argyle Street and exit only via Edward Street. A recommended condition will require a median to be constructed on Argyle Street to prevent right hand turns into the site from Argyle Street. Council's Traffic Engineers and the RMS are satisfied with the access and egress arrangements subject to recommended conditions.

*14. Inadequate landscape plans submitted.*

Officer Comment

Detailed landscape plans have been submitted to support the DA. Council's Landscape Officer is satisfied with the species selected to be planted and the depth of planting available.

*15. Tree removal is inappropriate and will detract from streetscape.*

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Officer Comment:

An Arboricultural Assessment and Impact Report was lodged with the DA which identified five exotic trees for removal. Council's Landscape Officer is satisfied the tree removal is acceptable and will be appropriately offset by the landscaping nominated in the landscape plans. Two existing street trees to the south-eastern area of the site will be retained. Protection of these trees is a recommended condition.

**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, DA169/2016 is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That Council:**

- i. support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of CLEP 2010 – Height of Building standard for the proposed development at 11 Argyle Street Camden for the following reasons:**
  - a. The height of the new building is required in order to provide an acceptable floor level to satisfy the flood policy requirements.**
  - b. The existing building has a maximum height of 10.9m therefore the proposed height is not inconsistent with the existing character of development across the site.**
  - c. The proposed siting, setbacks and the general high quality design of the new building ensures the building height does not unreasonably impact on the visual plane of Argyle Street or interfere with existing view corridors.**
  - d. The technical non-compliance with the height control will not unreasonably impact, overshadow or visually intrude on adjoining commercial development or the heritage significance of the heritage item on site**
  - e. The objectives of the control and zone are considered to have been met despite the numerical non-compliance.**
- ii. approve DA 169/2016 for demolition, alterations and additions to the existing Camden Vale Milk buildings for five new food premises and a function centre, provision of car parking, associated tree removal, landscaping, signage, site works and the remediation of contaminated land at 11 Argyle Street, Camden.**



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## ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Probable Maximum Flood Plan Camden
4. Plan of Development and Floodlines
5. Public Exhibition & Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

ORD02

**SUBJECT: DEMOLITION OF EXISTING STRUCTURES, REMEDIATION OF CONTAMINATED LAND, STAGED SUBDIVISION TO CREATE 40 RESIDENTIAL LOTS, RIPARIAN CORRIDOR AND RESIDUE LOTS AND ASSOCIATED SITE WORKS - 187, 195 & 203 TURNER ROAD, CURRANS HILL**

**FROM:** Director Planning & Environment  
**TRIM #:** 17/286858

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**APPLICATION NO:** DA 525/2017  
**PROPERTY ADDRESS:** 187, 195 & 203 Turner Road, Currans Hill  
**APPLICANT:** John M Daly & Associates Pty Ltd  
**OWNER:** Mr K Broome, Mrs L Broome, Mr J Broome, Mrs J Broome, Mr J Griffin, Mrs R Griffin, Aramis Investments Pty Ltd and The Difference Development Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a staged residential subdivision at 187, 195 & 203 Turner Road, Currans Hill.

The DA is referred to Council for determination as there remain unresolved issues raised in two submissions received from one property address.

### SUMMARY OF RECOMMENDATION

That Council determine DA 525/2017 for a staged residential subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 525/2017 seeks approval for a staged residential subdivision.

Specifically the proposed development involves:

- demolition of existing structures, including a dwelling house and outbuildings;
- site remediation;
- construction and dedication of public roads;
- subdivision to create 40 residential lots ranging in area from 500m<sup>2</sup> to 949.5m<sup>2</sup>, one riparian corridor lot and three residue lots in two stages; and
- associated site works including the construction of ancillary earthworks, drainage, services and landscaping.

The estimated cost of the proposed development is \$1.87 million.



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**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 comprises three properties that are known as 187, 195 & 203 Turner Road, Currans Hill and are legally described as Lots 36, 37 & 38 DP 28024.

The site is rectangular in shape and has a frontage of 216m to Turner Road, a depth of 535m and an area of 11.59ha. The site falls towards Turner Road by 20m over 535m.

The site contains an existing dwelling and outbuildings in its northern corner, rural dams, scattered vegetation and two existing riparian corridors that flow north east to south west across the site. Three single storey detached dwellings are currently at an advanced stage of construction along the Turner Road frontage of 195 Turner Road. These dwelling houses are located within a yet to be registered residential subdivision, approved in 2009.

Parts of the site are mapped as bush fire prone land. An existing Endeavour Energy electricity transmission line and easement runs along the site's south eastern boundary. The site is located within the Manooka Valley urban release area identified in Camden Development Control Plan 2011 (DCP).

The surrounding area is characterised by developed, developing and master planned residential subdivision, containing predominantly single and two storey detached dwelling houses.

To the north is the developing Gregory Hills residential suburb and the Turner Road Precinct of the South West Priority Growth Area. To the east is a TransGrid electricity transmission line, the Water NSW Upper Canal (a State heritage item), St. Gregory's College and the Camden/Campbelltown LGA boundary. To the south is the existing residential suburb of Currans Hill and Narellan Road. To the west is the Smeaton Grange industrial estate and Camden Valley Way.



## HISTORY

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

Date	Development
14 October 2008	Approval of DA 819/2006 for a residential subdivision to create 16 residential lots, superlots and residue lots and associated site works at 187 and 195 Turner Road, at the Ordinary Council meeting of 14 October 2008.
25 February 2009	Approval of DA 582/2008 for a residential subdivision to create 4 residential lots, 1 residue lot and associated site works at 195 and 203 Turner Road, Currans Hill.
11 May 2009	Approval of DA 583/2008 for a residential subdivision to create 8 residential lots, drainage lots, superlots and residue lots and associated site works at 195 and 203 Turner Road, Currans Hill.
12 October 2016	Withdrawal of DA 1019/2015 for a staged residential subdivision to create 70 residential lots and residue lots and associated site works at 187, 195 & 203 Turner Road, Currans Hill.



## KEY DEVELOPMENT STATISTICS

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

<b>Camden Local Environmental Plan 2010</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
2.6 Subdivision – Consent Requirements	The subdivision of land requires development consent	The DA seeks development consent for the subdivision of land	Yes
2.7 Demolition requires development consent	Demolition requires development consent	The DA seeks development consent for the demolition works	Yes
4.1 Minimum Subdivision Lot Size	Minimum lot size of 500m <sup>2</sup>	The proposed minimum lot size is 500m <sup>2</sup>	Yes
7.1 Flood Planning	The consent authority is to consider a number of matters relating to flooding including the proposed development's compatibility with the flood hazard, adverse impacts upon flood behaviour and environmental impacts	The site is flood affected, as it contains two riparian corridors. The matters for consideration listed by this clause have been considered. Council staff are satisfied the proposed development is compatible with the flood hazard and will not have any detrimental flood related impacts upon surrounding properties or the environment	Yes

<b>Camden Development Control Plan 2011 (DCP)</b>			
<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
A2 Notification Requirements	DAs are to be publicly exhibited in accordance with the DCP	The DA has been publicly exhibited in accordance with the DCP	Yes
C5.1 Neighbourhood Amenity and Subdivision Design	Street blocks in a grid formation are to generally be a maximum of 250m long x 70m wide	The proposed street blocks will be less than 250m long and 70m wide	Yes



<p>C5.2 Street Network and Design</p>	<p>Where roads are adjacent to public reserves or riparian corridors, the verge widths may be reduced to a minimum of 1m</p>	<p>The road which will be adjacent to a riparian corridor (shown as Road 41), will have a reduced verge width of 1m on its riparian corridor side</p>	<p>Yes</p>
<p>C8.1 Manooka Valley Introduction</p>	<p>Development is to be consistent with the Manooka Valley planning principles and master plan (Figure C27) – <b>see Attachment 3.</b></p>	<p>The proposed development is consistent with the Manooka Valley planning principles and master plan</p>	<p>Yes</p>
<p>C8.2 Street Network and Design</p>	<p>Development is to be consistent with the Manooka Valley Road Hierarchy Plan (Figure C28) – <b>see Attachment 4.</b></p>	<p>The proposed development is consistent with the Manooka Valley Road Hierarchy Plan. It is noted that additional local streets will be provided as the plan does not provide the location of all roads required for the site</p>	<p>Yes</p>
	<p>Roads are to be consistent with the Manooka Valley road cross sections (Figures C28.1 and C28.4) – <b>see Attachments 5 and 6.</b></p>	<p>A variation is proposed to the collector road (Ascot Drive) that will run north west-south east through the middle of the site. The DCP requires this road to have an overall reserve width of 22m however it is proposed to have a width of 20.9m.  This variation is supported as all of the road elements of the road design required by the DCP will still be provided. In addition, the proposed design for this road will provide a wider carriageway and dedicated parking bays that are in excess of the DCP's requirements.  The proposed road design for Ascot Drive will</p>	<p><b>No, however variation recommended to be supported</b></p>





		<p>comprise:</p> <ul style="list-style-type: none"> <li>• an 8m carriageway;</li> <li>• 2.3m parking bays on either side;</li> <li>• a 4.8m southern verge with a 2.5m pedestrian / cycle path and landscaping; and</li> <li>• a 3.5m northern verge with a 1.2m footpath and landscaping.</li> </ul> <p>All of these elements are achievable in the proposed narrower road reserve width of 20.9m.</p> <p>It is noted that the above road design is consistent with an existing section of Ascot Drive to the south east that was approved by Council at the Ordinary Council meeting of 9 November 2010.</p> <p>The proposed local streets comply with the DCP (Figure C28.4). The carriageways will be 8m wide, which in excess of the 7.4m widths required by the DCP</p>	
C8.3 Pedestrian and Cycle Network	<p>Pedestrian paths and cycle routes are to be consistent with the Manooka Valley master plan (Figure C27) – <b>see Attachment 3.</b></p>	<p>A cycle path will be provided along Ascot Drive which is consistent with the DCP</p>	Yes
C8.4 Public Transport Network	<p>A bus route shall be provided consistent with the Manooka Valley master plan (Figure C27) – <b>see Attachment 3.</b></p>	<p>The DCP identifies Ascot Drive as a future bus route. The road's proposed carriageway width of 8m with separate 2.3m parking bays on either side will allow buses to access this road</p>	Yes



**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	R1 General Residential, E4 Environmental Living and E2 Environmental Conservation
Permissibility:	<p>The proposed development is defined as ‘drainage’, ‘earthworks’, ‘environmental protection works’, ‘flood mitigation works’, ‘roads’ and the subdivision of land.</p> <p>All of the above developments are permitted with consent in the zones in which they are proposed.</p> <p>The remediation of contaminated land is permitted with consent pursuant to Clause 8 of State Environmental Planning Policy No. 55 – Remediation of Land</p>

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy No. 55 – Remediation of Land - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 - Compliant with conditions recommended where necessary.</p> <p>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary</p>
Local Environmental Plan - S79C(1)(a)(i)	Camden Local Environmental Plan 2010 - Compliant with conditions recommended where necessary
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None
Development Control Plan(s) - S79C(1)(a)(iii)	Generally compliant with a minor variation proposed as described in this report
Planning Agreement(s) - S79C(1)(a)(iiia)	None
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions
Likely Impacts - S79C(1)(b)	No significant impacts
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions - S79C(1)(d)	Three submissions were received which are discussed in the ‘submissions’ section of this report
Public Interest - S79C(1)(e)	The development is in the public interest

***Key Issues***

**Future Planning Proposal for the Site**

The proposed development comprises the first two stages of residential subdivision for this site and an ‘interim’ stormwater drainage configuration. The applicant plans to



further subdivide the site and construct the 'ultimate' stormwater drainage configuration, via a separate DA, however this will be subject to a future planning proposal to rezone part of the site from E2 Environmental Conservation to R1 General Residential. This is proposed to be achieved by narrowing the main riparian corridor that flows through the middle of the site to allow its outer edges to be developed for residential subdivision.

The future planning proposal will be reported to Council at a future meeting. For the purpose of this DA, it is important the development does not prejudice the outcome of the future planning proposal.

This development has been designed such that the proposed residential subdivision is located outside of, and set back from, the part of the site zoned E2 Environmental Conservation. This development therefore has been designed in accordance with the DCP and does not prejudice the outcome of the planning proposal process.

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

### **Submissions**

The DA was publicly exhibited for a period of 30 days in accordance with the DCP. The exhibition period was from 24 May to 22 June 2017. Two submissions were received (one questioning and objecting to the proposed development, and one raising an issue for consideration) from two property owners.

The applicant subsequently submitted amended plans and an amended remediation action plan and the DA was re-exhibited for a period of 30 days from 27 September to 26 October 2017. One submission was received (questioning and objecting to the proposed development) from one property address.

Council staff contacted the submission writer who raised an issue for consideration. The issue related to the management of construction impacts upon adjoining properties. Following discussion, the writer advised that subject to standard construction management conditions, they were satisfied that their issue could be addressed. The standard conditions discussed with the writer are included in the recommended conditions attached to this report.

Council staff also contacted the writer of the submissions who questioned and objected to the proposed development. The writer was provided with responses to their questions and an explanation of the proposed development. Notwithstanding the writer confirmed that they wished to maintain their submissions to the DA.

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

1. *Will the existing culvert underneath Turner Road have to be upgraded should the site be rezoned?*

### **Officer comment:**

The need for the existing culvert underneath Turner Road along the site's frontage will be assessed as part of the future planning proposal and a future DA for the remainder of the site. This will include the 'ultimate' drainage for the site which will be required to facilitate future residential subdivision.

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2. *Does the developer's 'interim' drainage consider upstream properties (including pipe sizing in the road reserves)?*

Officer comment:

The submitted engineering report acknowledges there are upstream catchments to the north west of the site. A condition is recommended to ensure that the drainage pipes in the proposed roads will be sized to cater for drainage from these upstream catchments once they are developed.

3. *Council has not developed a Section 94 Contributions Plan for the site to provide for stormwater drainage for this part of Manooka Valley. Does Council want to ensure that all upstream properties have adequate drainage to the site's riparian corridors as part of the proposed 'interim' drainage? If not, what 'ultimate' drainage would need to be constructed?*

Officer comment:

Camden Contributions Plan 2011 (CP) applies to the site however the plan does not specifically levy monetary contributions for the construction of drainage infrastructure for Manooka Valley. As such the drainage infrastructure for properties in the area is provided at the developer's cost. In addition, the DCP does not identify locations for drainage infrastructure so each property must provide its own infrastructure as it is developed.

It is preferable that larger drainage infrastructure is provided in key locations rather than smaller infrastructure in multiple locations to help minimise maintenance and allow the area to be developed to its full potential. However as the CP and DCP do not require this to occur, it is the developer's responsibility to provide their own drainage infrastructure or work with other developers to provide larger drainage infrastructure.

The applicant has provided a concept for the 'ultimate' drainage for this site. This 'ultimate' drainage will take into account developed upstream catchments, consequently allowing upstream properties to be developed without providing their own drainage infrastructure.

It is acknowledged that the subject DA will only provide the 'interim' drainage however this is considered reasonable as it is all that is required to facilitate the proposed development. As no CP or DCP require the developer to ever provide the 'ultimate' drainage on their land it is not justifiable to require more than the 'interim' drainage arrangement.

Despite this, the developer has provided a concept for the 'ultimate drainage', the construction of which will be subject to a separate DA and a private agreement between the affected property owners.

4. *Will Council approve stages 1 and 2 without a Section 94 Contribution Plan or no 'ultimate' drainage in place? It is recommended that the proposed development provide the 'ultimate' drainage at this time. This is to ensure that upstream properties are provided with drainage and can be developed, particularly in the event that the subject site is not further developed or if the future planning proposal is not approved.*



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Officer comment:

As discussed above, the 'ultimate' drainage is not required for the proposed development. Upstream properties can still be developed without the 'ultimate' drainage however they will have to provide their own 'interim' drainage. Interim drainage arrangements are common in the subdivision of fragmented land.

5. *Will Council approve the future planning proposal for the rezoning of part of the riparian corridor?*

Officer comment:

The future planning proposal will be the subject of a separate report to Council and does not form part of this DA.

6. *Would Council endorse a rezoning of upstream properties from E4 Environmental Living to R2 Low Density Residential?*

Officer comment:

Council will consider any future planning proposal to rezone upstream properties from E4 Environmental Living to R2 Low Density Residential on its merits.

**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 525/2017 is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That Council approve DA 525/2017 for a staged residential subdivision at 187, 195 & 203 Turner Road, Currans Hill subject to the conditions attached to this report.**

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Manooka Valley Master Plan
4. Manooka Valley Road Hierarchy Plan
5. Figure C28.1 - Collector Road Cross Section
6. Figure C28.4 - Local Street Cross Section
7. Public Exhibition & Submissions Map - *Supporting Document*
8. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

### ORD03

**SUBJECT: SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS,  
CONSTRUCTION OF TWO X TWO STOREY DWELLINGS AND  
ASSOCIATED SITE WORKS - 22 JAMBOREE AVENUE, LEPPINGTON**

**FROM:** Director Planning & Environment

**TRIM #:** 17/346055

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**APPLICATION NO:** DA 787/2017  
**PROPERTY ADDRESS:** 22 Jamboree Avenue, Leppington  
**APPLICANT:** Leppington 5059 Pty Ltd  
**OWNER:** Leppington 5059 Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for subdivision into two lots, construction of two x two storey dwellings and associated site works at 22 Jamboree Avenue, Leppington.

The DA is referred to Council for determination as there remain unresolved issues received in four submissions from two property addresses.

### SUMMARY OF RECOMMENDATION

That Council determine DA 787/2017 for subdivision to create two lots, construction of two x two storey dwellings and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 787/2017 seeks approval for subdivision to create two lots, construction of two x two storey dwellings and associated site works.

Specifically, the proposed development involves:

- Torrens title subdivision to create two lots with areas of 253.1m<sup>2</sup> and 260.05m<sup>2</sup>;
- construction of a two storey, four bedroom dwelling with a single garage on each lot; and
- associated site works including earthworks, drainage and landscaping.

The estimated cost of the development is \$550,000.

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



## THE SITE

The site is known as 22 Jamboree Avenue, Leppington and is legally described as Lot 5059 DP1211914.

The site has a frontage of 12.5m to Jamboree Avenue, a frontage of 25m (excluding a splayed corner) to Emu Street, a depth of 30m and a site area of 513.2m<sup>2</sup>. The site is vacant, mapped as bush fire prone land and is located within the East Leppington Precinct of the South West Priority Growth Area (SWPGA).

The site forms part of a recent residential subdivision and the immediate area is characterised by a local park and open space to the north, a mix of vacant land and newly developed/developing dwelling houses.

The surrounding area contains the East Leppington Precinct which comprises a mix of single and two storey dwelling houses and dual occupancy developments. To the north and west lie Leppington North, Leppington and Catherine Fields North precincts of the SWPGA. To the south, lies the Emerald Hills urban release area and to the east the Camden/Campbelltown LGA boundary.

It is noted that a DA has been submitted for a subdivision into two lots, construction of two x two storey dwellings and associated site works on the adjoining property at 36 Aqueduct Street, Leppington (DA 784/2017). That DA is included in this business paper. The report addresses the same submission issues discussed in the submissions section of this report.



**KEY DEVELOPMENT STATISTICS**

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

<b>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Appendix 9, 2.6 Subdivision	Development consent required for the subdivision of land.	The DA seeks consent for the subdivision of land.	Yes.
Appendix 9, 4.1AD Exceptions to minimum lot sizes for dwelling houses	Minimum lot size for dwelling houses is 300m <sup>2</sup> however consent may be granted for the erection of a dwelling house on a lot with an area ranging between 250-300m <sup>2</sup> where the minimum dwelling density is 15 dwellings/ha.	The site is located in an area with a minimum residential density area of 15dw/ha and the proposed lot sizes are 253.15m <sup>2</sup> and 260m <sup>2</sup> .  The construction of a dwelling house is proposed on both of the proposed lots.	Yes.
Appendix 9, 4.3 Height of Buildings	Maximum building height of 9m.	The proposed maximum building heights are 6.96m and 6.82m.	Yes.
<b>Camden Growth Centre Precincts Development Control Plan</b>			
2.3.6 Bush Fire Hazard Management	Development to comply with Planning for Bush Fire Protection 2006.	Part of the site is mapped as bush fire prone. The DA was referred to the NSW Rural Fire Service who has issued a Bush Fire Safety Approval with no conditions.	Yes.
3.1 Residential Density	Residential development is to be generally consistent with the residential structure and typical characteristics of the corresponding density band in Table 3-1.  The site falls within	The site falls within a density band of 15-20dw/ha which is to be characterised by a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings.	Yes.





	a density band of 15-20dw/Ha which is characterised by a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings.	The construction of two dwellings on the site is consistent with this character.	
4.2.8 Car Parking Requirements	For two or more bedroom dwellings – two spaces.	Two off street car parking spaces are provided for each dwelling by way of a single garage and a second space in the driveways.	Yes.
	At least one space must be located behind the building line.	At least one space is located behind the building façade line.	Yes.
4.2.9 Visual & Acoustic Privacy	Direct overlooking of main habitable areas & private open space (POS) of adjacent dwellings to be minimised.	The dwellings are two storey in height with bedrooms and bathrooms only located on the first floor. These are low use rooms. There are no unacceptable privacy impacts arising from the development.	Yes.
	Windows of habitable rooms not to face adjoining dwelling windows & POS.	There are no habitable rooms located on the first floor of either dwelling.	Yes.
4.2.10 Fencing	Front fence $\leq$ 1.2m. Front fences and walls are not to impede safe sight lines for traffic. Side/rear fence $\leq$ 1.8m commencing 2m behind the building line. On corner lots,	A condition is recommended to ensure the fencing complies with the DCP.	Yes.



	the front fencing style and height is to be continued along the secondary street frontage to at least 4m behind the building line of the dwelling.		
<b>Front Accessed Dwellings with Frontage Width &gt;15m (Lot 50591)</b>			
4.2.3 Front setback	4.5m to building façade line or 3.5m if fronting open space.	4.5m.	Yes.
4.2.3 Front articulation	3m to articulation zone or 2m if fronting open space.	3.06m.	Yes.
4.2.3 Garage line	≥ 5.5m to garage line & ≥ 1m behind building.	5.57m.	Yes.
4.2.4 Side setback	≥ 0.9m (ground) & ≥ 1.5m (side A) upper level and ≥ 0.9m (side B) upper level.	1.03m and 2.04m (ground).  1.5m (side A) upper level and 2.04m (side B) upper level.	Yes.
4.2.4 Rear setback	≥ 4m (ground) & ≥ 6m (upper) however for corner lots with a lot width greater than 15m but with a shallow lot depth, the rear setback can be varied to be consistent with the side setbacks provided the minimum private open space and solar access requirements to the proposed and adjoining properties are achieved.	3.05m (ground) and 6.08m (upper).  This corner lot exceeds 15m in width and has a shallow depth. The POS and solar access requirements are achieved. The rear setback is satisfactory as it exceeds the required minimum side setback.	Yes.
4.2.1 Corner lot secondary street setback	≥ 2m.	2.04m.	Yes.



4.2.5 Site coverage	Two storey dwellings $\leq$ 50% at ground floor.  $\leq$ 30% at upper floor.	Ground Floor: 108.13m <sup>2</sup> /253.15m <sup>2</sup> = 42.7%. Upper Floor: 75.80m <sup>2</sup> /253.15m <sup>2</sup> = 29.9%.	Yes.
4.2.6 Landscaped area	$\geq$ 30% of lot area.	48% landscaped area provided.	Yes.
4.2.7 Principal private open space	24m <sup>2</sup> with minimum dimensions of 4m & gradient $\leq$ 1:10.	A minimum 24m <sup>2</sup> PPOS with minimum dimensions of 4m & gradient $\leq$ 1:10 provided.	Yes.
4.2.7 Principal private open space solar access	$\geq$ 3hrs solar access between 9am to 3pm on 21 June to $\geq$ 50% of PPOS and adjoining dwelling PPOS.	3hrs solar access between 9am and 12pm is provided to the PPOS and adjoining PPOS.	Yes.
4.2.8 Garages and car parking	One to two bedroom dwelling – one space > two bedroom dwelling – two spaces. At least one space must be located behind the building line.	Each dwelling contains a single garage (located behind the building line) and one car space located on the driveway.	Yes.
<b>Front Accessed Dwellings with Frontage Width <math>\geq</math>9m and <math>\leq</math>15m (Lot 50592)</b>			
4.2.3 Front setback	4.5m to building façade line or 3.5m if fronting open space.	4.5m.	Yes.
4.2.3 Front articulation	3m to articulation zone or 2m if fronting open space.	3.06m.	Yes.
4.2.3 Garage line	$\geq$ 5.5m to garage line & $\geq$ 1m behind building.	5.58m.	Yes.
4.2.4 Zero lot boundaries	Ground - Zero (Side A) & $\leq$ 0.9m (Side B).  Upper – 1.5m (Side	1.5m detached boundary and zero setback (ground).  1.5m (side A) and	Yes.



	A) & 0.9m (Side B).	1.320m (side B) upper level.	
4.2.4 Rear setback	≥ 4m (ground) & ≥ 6m (upper).	4.01m (ground) and 6.08m (upper).	Yes.
4.2.5 Site Coverage	Single storey dwellings ≤ 60%.  Lot ≤ 375m <sup>2</sup> upper level ≤ 40%.	113.62m <sup>2</sup> /260.05m <sup>2</sup> = 43.6%.  79.16m <sup>2</sup> /260.05m <sup>2</sup> =30.4%.	Yes.
4.2.6 Landscaped area	≥ 25% of lot area.	47% landscaped area provided.	Yes.
4.2.7 Principal private open space	24m <sup>2</sup> & min dimensions of 4m & gradient ≤ 1:10.	A minimum 24m <sup>2</sup> PPOS with min dimensions of 4m & gradient ≤ 1:10 provided.	Yes.
4.2.7 Principal private open space	≥ 3hrs solar access between 9.00am to 3.00pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS.	3hrs solar access between 9.00am and 12.00pm is provided to the PPOS and adjoining PPOS.	Yes.
4.2.8 Garages and car parking	Lots ≥ 12.5m & ≤15m – front or rear accessed single, tandem or double garage. No triple garages.	Front accessed single garage provide with a garage door width of 2.77m.	Yes.

**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	R2 Low Density Residential.
Permissibility:	The proposed development is defined as ‘dwelling houses’ and the subdivision of land which are permitted with consent in the R2 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 (Sydney Region Growth Centres) 2006 - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - Compliant with conditions recommended where necessary.</p> <p>Sydney Regional Environmental Plan No. 20</p>
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	– Hawkesbury-Nepean River - Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Growth Centres DCP - Compliant with conditions recommended where necessary.  Camden DCP 2011 - Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Four submissions from two properties addresses were received and are discussed in the 'submissions' section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

### **Key Issues**

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

### **Submissions**

The DA was publicly exhibited for 14 days in accordance with Camden DCP 2011. The exhibition period was from 27 June to 10 July 2017. Two submissions were received (both objecting to the proposed development) from two property addresses.

Following receipt of amended plans, the DA was re-exhibited for a period of 14 days in accordance with Camden DCP 2011. The re-exhibition period was from 10 to 23 October 2017. Two submissions were received from the same property addresses that made the original two submissions (both objecting to the proposed development). In total, four submissions were received from two property addresses.

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

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

1. *The development will have an impact in regards to privacy of our property, in particular privacy to the rear yard due to windows on the upper level facing the adjoining boundary.*

### **Officer comment:**

Council officers have reviewed the proposed development with regards to overlooking of adjoining properties with particular consideration given to the upper floor windows.

Bedrooms and bathrooms are proposed on the upper floors of both dwellings. Bedrooms and bathrooms are not high use areas and will therefore not result in unacceptable privacy impacts.

- 2. The development will have an impact with regards to overshadowing of our property. Access to sunlight after 3.00pm will be an issue during the summer months.*

Officer comment:

The development complies with the solar access controls within the DCP for both the subject site and adjoining properties. The controls require that both the subject and adjoining properties receive three hours of sunlight between 9.00am and 3.00pm to at least 50% of their principal private open space (PPOS) areas.

Council officers have assessed the orientation of the site and the shadow diagrams submitted and are satisfied the proposed development complies with the solar access controls. Both the subject and adjoining properties receive a minimum of three hours solar access to 50% of their PPOS between and 9.00am and 3.00pm on 21 June.

- 3. We are concerned that there is not enough parking for the development and there will be an impact to the surrounding properties as a result.*

Officer comment:

The development has been assessed against the parking controls within the DCP. For a dwelling containing three or more bedrooms, two car spaces are required with at least one space located behind the building line. Each dwelling includes a single garage (behind the building line) and a second space stacked on the driveway within the lot boundary. The proposed development therefore complies with the DCP in respect to car parking.

- 4. The development is not at a scale and density that is compatible with the single dwelling character of the locality.*

Officer comment:

The site falls within a density band of 15-20dw/ha in which the intended characteristics of the area include a mix of detached dwellings, semi-detached dwellings and dual occupancies with some secondary dwellings, as set out in the DCP. The immediate locality is characterised by a suburban streetscape consisting mainly of detached dwelling houses. The proposal provides for two detached dwellings which is consistent with the density characteristics of a suburban streetscape which consists of some small lot housing.

The DCP sets out that small lot housing is to be located in high amenity locations for the density band of 15-20 dw/ha. The subject site is located in close proximity to an area of open space to the north, as well as in proximity to the proposed bus route along Jamboree Avenue.

The proposal is therefore consistent with the planned typical characteristics of the locality as set out within the DCP and consistent with the existing streetscape of the locality consisting of detached dwelling houses.



5. *The development is inconsistent with the objectives of the R2 Low Density Residential zone. The objective of the zone is to protect the locality's single dwelling character and landscape setting.*

Officer comment:

The relevant objectives relating to residential development in the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

The objective to 'protect the locality's single dwelling character and landscape setting' is not specified in the zone objectives under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP). The relevant objectives of the zone are set out above.

The proposed development is defined as two 'dwelling houses'. Dwelling houses are permitted with consent in the R2 Low Density Residential zone. The proposal is consistent with the objectives of the zone as it will provide housing to meet the needs of the community. The proposed development on lot sizes of 253.15m<sup>2</sup> and 260m<sup>2</sup> is consistent with the low density character envisaged for the area by the SEPP and DCP.

6. *Upon visiting the site we have noticed that works have already commenced prior to any approval issued by Council.*

Officer comment:

Council officers have investigated the complaint raised regarding works commencing without approval, and enforcement action has been taken.

7. *Concerns regarding positioning and noise from air conditioning units.*

Officer comment:

A standard condition is recommended to ensure the conditioning units do not have an unreasonable noise impact on neighboring residential properties.

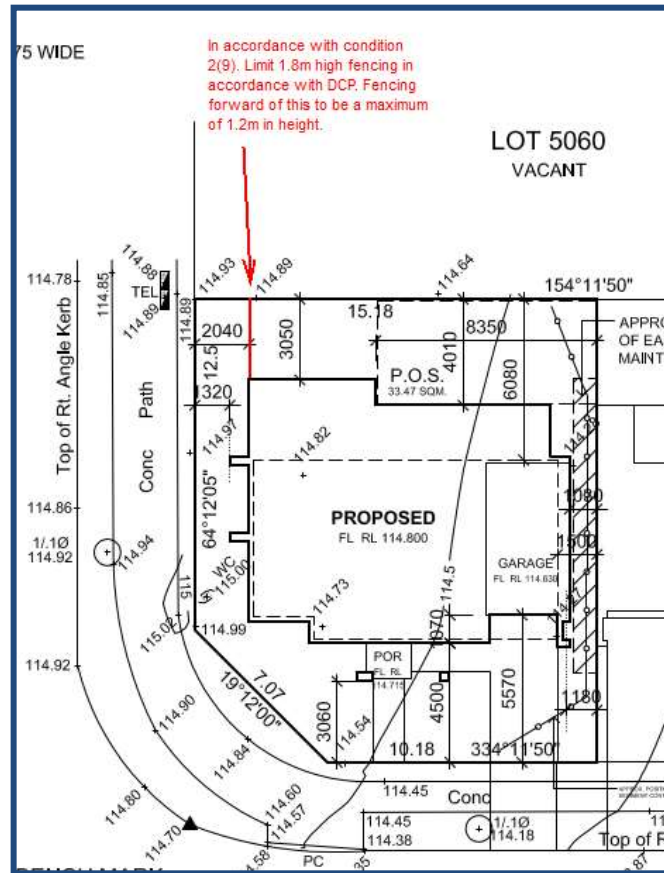
8. *Concern is raised regarding the location of boundary fencing which will obstruct views to traffic as the rear boundary adjoins the entire length of the side boundary.*

Officer comment:

The interface between the adjoining side boundary and the proposed rear boundary for Lot 5059 may result in fencing being provided along the majority of this boundary. Fencing in this location may be required to appropriately screen the rear of the proposed dwelling and private open space.

A condition is recommended specifying that boundary fencing is not to extend forward of the building façade line and that all boundary fencing is to be in accordance with the

Camden Growth Centres Precincts DCP. The restriction on boundary fencing will enable appropriate sight lines for vehicles reversing out of the adjoining property to be maintained.



**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 787/2017 is recommended for approval subject to the conditions contained attached to this report.

**RECOMMENDED**

**That Council approve DA 787/2017 for a subdivision to create two residential lots, construction of two x two storey dwellings and associated site works at 22 Jamboree Avenue, Leppington subject to the conditions attached to this report.**

**ATTACHMENTS**

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





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## ORDINARY COUNCIL

## ORD04

**SUBJECT: SUBDIVISION TO CREATE TWO RESIDENTIAL LOTS, CONSTRUCTION OF TWO X TWO STOREY DWELLINGS AND ASSOCIATED SITE WORKS - 36 AQUEDUCT STREET, LEPPINGTON**

**FROM:** Director Planning & Environment

**TRIM #:** 17/331487

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**APPLICATION NO:** DA 784/2017

**PROPERTY ADDRESS:** 36 Aqueduct Street, Leppington

**APPLICANT:** OC Investments Pty Ltd

**OWNER:** OC Investments Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for subdivision to create two lots and the construction of two x two storey dwellings at 36 Aqueduct Street, Leppington.

The DA is referred to Council for determination as there remain unresolved issues received in four submissions from two property addresses.

### SUMMARY OF RECOMMENDATION

That Council determine DA 784/2017 for subdivision to create two lots and construction of two x two storey dwellings 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 784/2017 seeks approval for subdivision to create two lots, construction of two x two storey dwellings and associated site works.

Specifically, the proposed development involves:

- Torrens title subdivision to create two lots with areas of 252.45m<sup>2</sup> and 260.05m<sup>2</sup>;
- construction of a two storey, four bedroom dwelling with a single garage on each lot; and;
- associated site works including earthworks, drainage landscaping.

The estimated cost of the proposed development is \$550,000.

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

## THE SITE

The site is known as 36 Aqueduct Street, Leppington and is legally described as Lot 5058 DP1211914.

The site has a frontage of 12.5m to Aqueduct Street, a frontage of 25m (excluding a splayed corner) to Emu Street, a depth of 30m and an area of 512.5m<sup>2</sup>. The site is vacant, mapped as bush fire prone land and is located within the East Leppington Precinct of the South West Priority Growth Area (SWPGA).

The site forms part of a recent residential subdivision and the immediate area is characterised by a local park and open space to the north, a mix of vacant land and newly developed/developing dwelling houses.

The surrounding area contains the East Leppington Precinct which comprises a mix of single and two storey dwelling houses and dual occupancy developments. To the north and west lie Leppington North, Leppington and Catherine Fields North precincts of the SWPGA. To the south, lies the Emerald Hills urban release area and to the east the Camden/Campbelltown LGA boundary.

It is noted that a DA has been submitted for a subdivision into two lots, construction of two x two storey dwellings and associated site works on the adjoining property at 22 Jamboree Avenue, Leppington (DA 787/2017). That DA is included in this business paper. The report addresses the same submission issues discussed in the submissions section of this report.





## KEY DEVELOPMENT STATISTICS

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

<b>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Compliance</b>
Appendix 9, 2.6 Subdivision	Development consent required for the subdivision of land.	The DA seeks consent for the subdivision of land.	Yes.
Appendix 9, 4.1AD Exceptions to minimum lot sizes for dwelling houses	In land zoned R2 Low Density Residential, in a minimum residential density area of 15dw/ha, lots with areas of 250-300m <sup>2</sup> are permitted if a DA proposes a subdivision to create at least 2 lots and construction of a dwelling house on one of the lots.	The site is located in an area with a minimum residential density area of 15dw/ha and the proposed lot sizes are 252.45m <sup>2</sup> and 260.05m <sup>2</sup> . The construction of a dwelling is proposed on both lots.	Yes.
Appendix 9, 4.3 Height of Buildings	Maximum building height of 9m.	The maximum building heights will be 7.37m and 7.38m.	Yes.
<b>Camden Growth Centre Precincts Development Control Plan</b>			
2.3.6 Bush Fire Hazard Management	Development to comply with Planning for Bushfire Protection 2006.	Part of the site is mapped as bush fire prone. The DA was referred to the NSW Rural Fire Service who issued a Bush Fire Safety Approval with no conditions.	Yes.
3.1 Residential Density	Residential development is to be generally consistent with the residential structure and typical characteristics of the corresponding density band in Table 3-1	The site falls within a density band of 15-20dw/ha which is characterised by a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings.	Yes.



	The site falls within a density band of 15-20dw/Ha which is characterised by a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings.	The construction of two dwellings on the site is consistent with this character.	
4.2.8 Car Parking Requirements	For two or more bedroom dwellings – two spaces.	Two off street car parking spaces are provided for each dwelling by way of a single garage for each dwelling with a second space available in the driveway.	Yes.
	At least one space must be located behind the building line.	At least one space is located behind the building façade line.	
4.2.9 Visual & Acoustic Privacy	Direct overlooking of main habitable areas & private open space (POS) of adjacent dwellings to be minimised.	The dwellings are two storey with bedrooms and bathrooms only on the first floor. There will be no direct overlooking of the main habitable areas or the POS of adjacent dwellings.	Yes.
	Windows not to face adjoining dwelling windows & POS.	There are no habitable rooms located on the first floor of either dwelling.	
4.2.10 Fencing	Front fence ≤ 1.2m. Front fences and walls are not to impede safe sight lines for traffic. Side/rear fence ≤ 1.8m commencing 2m behind the	A condition is recommended to ensure the fencing complies with the DCP.	Yes.



	<p>building line. On corner lots, the front fencing style and height is to be continued along the secondary street frontage to at least 4m behind the building line of the dwelling.</p>		
<b>Front accessed dwellings with frontage width <math>\geq</math> 9m and <math>\leq</math> 15m (Both lots)</b>			
4.2.3 Front setback	4.5m to building façade line or 3.5m if fronting open space.	Lot 1 – 4.5m. Lot 2 – 4.5m.	Yes.
4.2.3 Front articulation	3m to articulation zone or 2m if fronting open space.	Lot 1 – 3.06m. Lot 2 – 3.06m.	Yes.
4.2.3 Garage line	Min 5.5m to garage line & min 1m behind building.	Lot 1 - 5.57m and 1.07m behind the building façade line.  Lot 2 - 5.7m and 1.2m behind the building façade line.	Yes.
4.2.4 Side setback	$\geq$ 0.9m where detached.	Lot 1 – North 1.03m Other side secondary street.  Lot 2 – 0.9m North Zero South, see below controls for zero lot lines.	Yes.
4.2.4 Zero lot boundaries	<p>Ground - Zero (Side A) &amp; <math>\leq</math>0.9m (Side B).</p> <p>Upper – 1.5m (Side A) &amp; 0.9m (Side B).</p>	<p>Lot 1 – No zero lot wall proposed.</p> <p>Lot 2 - A zero lot boundary proposed on the south of proposed lot 2. The setbacks are as follows:</p> <p>Ground: 0m (side A – south) &amp; 0.9m (side B – north). Upper: 1.52m (side</p>	Yes.



		A – south) & 0.9m (side B – north).  An easement for construction, maintenance & repairs 0.9 wide is proposed on Lot 1.	
4.2.4 Rear setback	≥ 4m (ground) & ≥ 6m (upper) however for corner lots with a lot width greater than 15m but with a shallow lot depth, the rear setback can be varied to be consistent with the side setbacks provided the minimum private open space and solar access requirements to the proposed and adjoining properties are achieved.	Lot 1 – Ground 3.05m and upper 6.08m.  This corner lot exceeds 15m in width and has a shallow depth.  The required POS and solar access are achieved.  The rear setback is satisfactory as it exceeds the required minimum side setback.  Lot 2 - Ground 4m and upper 6.08m.	Yes.
4.2.1 Corner lot secondary street setback	≥ 2m minimum.	Lot 1 - 2m Lot 2 - N/A.	Yes.
4.2.5 Site Coverage	Single storey dwellings max 60%.  Lot ≤ 375m <sup>2</sup> upper level max 40%.  Lot > 375m <sup>2</sup> upper level max 35%.	Lot 1 – Ground 111m <sup>2</sup> /44% and upper 80m <sup>2</sup> /31.7%.  Lot 2 – Ground 115m <sup>2</sup> /44% and upper 79m <sup>2</sup> /30%.	Yes.
4.2.6 Landscaped area	Minimum 25% of lot area.	Lot 1 – 115.5m <sup>2</sup> /45%.  Lot 2 – 122m <sup>2</sup> /47%	Yes.
4.2.7 Principal private open space	20m <sup>2</sup> & minimum dimensions of 4m & gradient max 1:10.	Lot 1 – PPOS provided 8.3m x 4m, 33.2m <sup>2</sup> . Accessible from a living room and gradient <1:10.	Yes.



		Lot 2 – PPOS provided 14.7m x 4m, 59m <sup>2</sup> . Accessible from a living room and gradient <1:10.	
4.2.7 Principal private open space solar access	Minimum three hours solar access between 9.00am to 3.00pm on 21 June to a minimum 50% of PPOS and adjoining dwelling PPOS.	Lot 1 - 3hrs solar access between 9.00am and 12.00pm is provided to the PPOS. Lot 2 - 3hrs solar access between 9.00am and 12.00pm is provided to the PPOS. Adjoining properties will receive solar access at the required rate.	Yes.
4.2.8 Garages and car parking	Lots ≥ 12.5m & ≤15m – front or rear accessed single, tandem or double garage. No triple garages.	Front accessed single garages provided with garage door widths of 2.53m and 2.89m.	Yes

## **ASSESSMENT**

### ***Zoning and Permissibility***

Zoning	R2 Low Density Residential.
Permissibility	The proposed development is defined as 'dwelling houses' and the subdivision of land which are permitted with consent in the R2 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 (Sydney Region Growth Centres) 2006 - Compliant with conditions recommended where necessary.</p> <p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - Compliant with conditions recommended where necessary.</p> <p>State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - Compliant with conditions recommended where necessary.</p>
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Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Growth Centres DCP - Compliant with conditions recommended where necessary.  Camden DCP 2011 - Compliant with conditions recommended where necessary.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Four submissions from two property addresses were received and are discussed in the 'submissions' section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

**Key Issues**

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

**Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 28 June to 11 July 2017. Two submissions were received (both objecting to the proposed development) from two property addresses.

Following the submission of amended plans, the DA was re-exhibited for a period of 14 days in accordance with the DCP. The exhibition period was from 10 to 23 October 2017. Two submissions were received from the same properties that made the original two submissions (both objecting to the proposed development). In total, four submissions were received from two properties.

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

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

1. *The development will have an impact in regards to privacy of our property, in particular privacy to the rear yard due to windows on the upper level facing the adjoining boundary.*

Officer comment:

Council officers have reviewed the proposed development with regards to overlooking of adjoining properties with particular consideration given to the upper floor windows.

Bedrooms and bathrooms are proposed on the upper floors of both dwellings. Bedrooms and bathrooms are not high use areas and will therefore not result in unacceptable privacy impacts.





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- 2. The development will have an impact with regards to overshadowing of our property. Access to sunlight after 3.00pm will be an issue during the summer months.*

Officer comment:

The development complies with the solar access controls within the DCP for both the subject site and adjoining properties. The controls require that both the subject and adjoining properties receive three hours of sunlight between 9.00am and 3.00pm to at least 50% of their principal private open space (PPOS) areas.

Council officers have assessed the orientation of the site and the shadow diagrams submitted and are satisfied the proposed development complies with the solar access controls. Both the subject and adjoining properties receive a minimum of three hours solar access to 50% of their PPOS between and 9.00am and 3.00pm on 21 June.

- 3. We are concerned that there is not enough parking for the development and there will be an impact to the surrounding properties as a result.*

Officer comment:

The development has been assessed against the parking controls within the DCP. For a dwelling containing three or more bedrooms, two car spaces are required with at least one space located behind the building line. Each dwelling includes a single garage (behind the building line) and a second space stacked on the driveway within the lot boundary. The proposed development therefore complies with the DCP in respect to car parking.

- 4. The development is not at a scale and density that is compatible with the single dwelling character of the locality.*

Officer comment:

The site falls within a density band of 15-20dw/ha in which the intended characteristics of the area include a mix of detached dwellings, semi-detached dwellings and dual occupancies with some secondary dwellings, as set out in the DCP. The immediate locality is characterised by a suburban streetscape consisting mainly of detached dwelling houses. The proposal provides for two detached dwellings which is consistent with the density characteristics of a suburban streetscape which consists of some small lot housing.

The DCP sets out that small lot housing is to be located in high amenity locations for the density band of 15-20 dw/ha. The subject site is located in close proximity to an area of open space to the north, as well as in proximity to the proposed bus route along Jamboree Avenue.

The proposal is therefore consistent with the planned typical characteristics of the locality as set out within the DCP and consistent with the existing streetscape of the locality consisting of detached dwelling houses.

- 5. The development is inconsistent with the objectives of the R2 Low Density Residential zone. The objective of the zone is to protect the locality's single dwelling character and landscape setting.*

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Officer comment:

The relevant objectives relating to residential development in the R2 Low Density Residential zone are as follows:

- To provide for the housing needs of the community within a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

The objective to 'protect the locality's single dwelling character and landscape setting' is not specified in the zone objectives under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP). The relevant objectives of the zone are set out above.

The proposed development is defined as two 'dwelling houses'. Dwelling houses are permitted with consent in the R2 Low Density Residential zone. The proposal is consistent with the objectives of the zone as it will provide housing to meet the needs of the community. The proposed development on lot sizes of 253.15m<sup>2</sup> and 260m<sup>2</sup> is consistent with the low density character envisaged for the area by the SEPP and DCP.

6. *Upon visiting the site we have noticed that works have already commenced prior to any approval issued by Council.*

Officer comment:

Council officers have investigated the complaint raised regarding works commencing without approval, and enforcement action has been taken.

7. *Concerns regarding positioning and noise from air-conditioning units*

Officer comment:

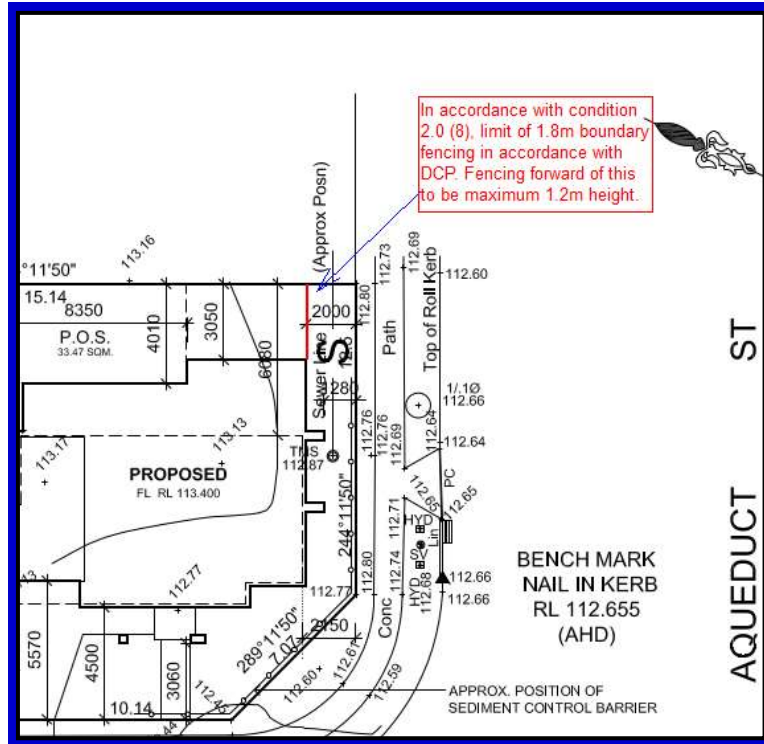
A standard condition is recommended to ensure the conditioning units do not have an unreasonable noise impact on neighboring residential properties.

8. *Concern is raised regarding the location of boundary fencing which will obstruct views to traffic as the rear boundary adjoins the entire length of the side boundary.*

Officer comment:

The interface between the adjoining side boundary and the proposed rear boundary for Lot 5059 may result in fencing being provided along the majority of this boundary. Fencing in this location may be required to appropriately screen the rear of the proposed dwelling and private open space.

A condition is recommended specifying that boundary fencing is not to extend forward of the building façade line and that all boundary fencing is to be in accordance with the Camden Growth Centres Precincts DCP. The restriction on boundary fencing will enable appropriate sight lines for vehicles reversing out of the adjoining property to be maintained.



### 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 784/2017 is recommended for approval subject to the conditions attached to this report.

### RECOMMENDED

**That Council approve DA 784/2017 for a subdivision to create two residential lots, construction of two x two storey dwellings and associated site works at 36 Aqueduct Street, Leppington subject to the conditions attached to this report.**

### ATTACHMENTS

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



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## ORDINARY COUNCIL

### ORD05

**SUBJECT: TWO LOT SUBDIVISION, CONSTRUCTION OF TWO X TWO STOREY DWELLINGS, ATTACHED STUDIO DWELLINGS AND STRATA SUBDIVISION OF STUDIO DWELLINGS - 150 KAVANAGH STREET GREGORY HILLS**

**FROM:** Director Planning & Environment  
**TRIM #:** 17/342444

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**APPLICATION NO:** DA 167/2017  
**PROPERTY ADDRESS:** 150 Kavanagh Street Gregory Hills  
**APPLICANT:** Blue Tongue Homes  
**OWNER:** Blue Tongue Homes

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a two lot Torrens title subdivision, construction of two x two storey dwellings, attached studio dwellings and strata subdivision of studio dwellings at 150 Kavanagh Street Gregory Hills.

The DA is referred to Council for determination as there are two submissions (from the same household) which are unresolved objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA167/2017 for 150 Kavanagh Street Gregory Hills 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

DA167/2017 seeks approval for a two lot subdivision, construction of two x two storey dwellings, attached studio dwellings and strata subdivision of studio dwellings.

Specifically the proposed development involves:

- Two lot Torrens title subdivision, each 327.3m<sup>2</sup> in area;
- Construction of two x two storey dwellings each containing three bedrooms and a single garage;
- Construction of two attached studio dwellings, each 45m<sup>2</sup> in floor area and each containing one bedroom and a single garage;
- Strata subdivision of the studio dwellings;
- Stormwater connection to the existing street drainage network; and
- Associated site works.

The total of cost of works is \$580,617.

**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 150 Kavanagh Street Gregory Hills and is legally described as Lot 404 DP 1197230. The site has an area of 654.6m<sup>2</sup> and has three street frontages, being Mudgee Street, Bega Street and Kavanagh Street.

To the north of the site are two storey dwellings and two storey attached dual occupancies. To the west of the site is a two storey attached dual occupancy. To the east and south of the site are vacant residential lots.

Consent has been granted to subdivide and construct two storey dwellings with attached studio dwellings for the adjoining site to the east.



**KEY DEVELOPMENT STATISTICS**

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

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
	Standard	Proposed	Compliance
4.1A Lot Size	Minimum lot size for dwelling house 300m <sup>2</sup> .	Lot H – 327.3m <sup>2</sup> Lot G – 327.3m <sup>2</sup> Note – There is no minimum lot size for a studio dwelling.	Yes.



4.3 Height	Maximum height of buildings 9.5m.	Lot G – 7.2m Lot H – 7.23m	Yes.
<b>Turner Road Control Plan (2007) DCP</b>			
7.2 Lot Frontage	Minimum lot frontage for the applicable density band is 9m.	Lot G – 17.6m Lot H – 17.6m	Yes.
7.4.3 Front Setback	Minimum 4.5m to façade line.	Lot G - Principal dwelling 4.5m and studio dwelling 5.58m. Lot H - Principal dwelling 4.5m and studio dwelling 5.58m.	Yes.
7.4.4 Rear Setback	<p>Minimum 4m to ground floor and 6m to upper floor.</p> <p>Reduced rear setbacks may be considered in accordance with Clause 4.2.4 of the DCP, for corner lots where the width is at least 15m and where the lot has a shallow depth (approximately square). Clause 4.2.4 states that the rear setback can be varied to be consistent with the side setback (0.9m) subject to ensuring the private open space and solar access requirements are met.</p>	<p>Lot G - 5.389m ground and upper 5.389m.</p> <p>Lot H - 5.389m ground and upper 5.389m.</p> <p>Each lot has a frontage of 17.65m and is approximately square and as such a reduce rear setback can be considered.</p> <p>The development complies in regards to private open space and solar access, therefore the reduced rear setback is acceptable in accordance with Clause 4.2.4.</p>	Yes.
7.4.4 Side Setbacks	<p>Side A – Minimum 0.9m ground and 0.9m upper.</p> <p>Side B – Minimum 0.9m ground and 1.5m upper.</p>	<p>Lot H – Side A = 2m ground and upper, Side B = 1.618m ground and upper</p> <p>Lot G - Side A = 1.618m ground and</p>	Yes.



		upper, Side B 2m = ground and upper	
<b>7.4.5 Site Coverage</b>	<p>Maximum 50% ground floor and 30% upper floor</p> <p>*Pursuant to Clause 7.5.2 (3) upper floor site coverage of the principle dwelling and studio may be exceeded providing solar access and privacy controls are met.</p>	<p>Lot H – Ground 106m<sup>2</sup> (32%) and upper 106m<sup>2</sup> (32%)</p> <p>Lot G – Ground 106m<sup>2</sup> (32%) and upper 106m<sup>2</sup> (32%)</p> <p>The upper floor coverage includes the studio and principal dwelling (32%). The development complies with regards to privacy and solar access controls.</p>	<b>Yes</b>
<b>7.4.6 Landscaped Area</b>	Minimum 30% of site to be soft landscaped.	<p>Lot H = 168m<sup>2</sup> (51.5%) landscaped area</p> <p>Lot G = 168m<sup>2</sup> (51.5%) landscaped area</p>	<b>Yes</b>
<b>7.4.8 Car parking</b>	<p>Three or more bedroom dwellings are to provide two spaces within the property boundary with one space behind the building line.</p> <p>Studio dwellings require one space behind the building line.</p>	<p>Lots H and G - Principal dwellings (three bedrooms) includes a single garage behind the building line and a space stacked within the property boundary.</p> <p>The studio dwellings (one bedroom) include a single garage and a space stacked within the property boundary.</p>	<b>Yes</b>
<b>7.4.7 Private Open Space</b>	Principal Private Open Space (PPOS) requires a minimum 24m <sup>2</sup> & minimum dimensions of 4m & gradient no steeper than 1:10.	Principal dwelling Lot H – 100m <sup>2</sup> of POS with minimum 4m dimensions, gradient ≤ 1:10 and located in the rear	<b>Yes</b>



		<p>yard.</p> <p>Principal Dwelling Lot G - 100m<sup>2</sup> of POS with minimum 4m dimensions, gradient ≤ 1:10 and located in the rear yard.</p> <p>Studio Dwelling PPOS requirement is separately discussed in part 7.7.2 - Studio Dwelling controls of this report.</p>	
<b>7.4.7 Solar Access</b>	<p>50% of the PPOS (of both the proposed development and adjoining properties) is required to be receive three hours of sunlight between 9.00am and 3.00pm on 21 June.</p>	<p>Each lot has at least three hrs solar access between 9.00am and 3.00pm on 21 June to at least 50% of PPOS and adjoining dwelling PPOS.</p> <p>Shadow diagrams demonstrate compliant solar access can be achieved to both the subject site and neighboring properties PPOS.</p>	<b>Yes</b>
<b>7.7.2 Studio Dwelling</b>	<p>Maximum floor area of studio dwelling 75m<sup>2</sup>.</p> <p>Combined upper level site coverage (principal and studio dwelling) may be exceeded subject to privacy and solar access not being compromised.</p> <p>Windows and POS must not overlook POS of adjacent dwellings (not including principal dwelling). Must either have obscured glazing,</p>	<p>Lot G - GFA of studio 45m<sup>2</sup> Lot H - GFA of studio 45m<sup>2</sup></p> <p>Upper floor coverage proposed is 32% which is acceptable given solar access and privacy controls are met.</p> <p>No upper floor windows overlooking the principal dwelling POS or adjoining property POS.</p>	<b>Yes</b>





	<p>be screened or have a minimum sill height of 1.5m above floor level</p> <p>Where built over a rear garage and separated from upper levels of the principal dwelling, there must be a minimum separation of 5m between upper floor rear facade of the principal dwelling and studio dwelling</p> <p>One car space to be provided behind the building line</p> <p>POS provided on balcony with access from a living space, 8m<sup>2</sup> area and dimensions 2m.</p> <p>Strata title subdivision only from the principal dwelling on the land.</p> <p>Access to be separate from principal dwelling and from a public street</p> <p>Provisions for separate services to be provided</p>	<p>1.5m sill height window used in the bedroom of the studios facing the side boundary.</p> <p>The studio dwelling is attached to the principal dwelling, therefore there is no separation required.</p> <p>Two car spaces are provided, including one in a garage and one in the driveway.</p> <p>12m<sup>2</sup> balcony is provided for each studio dwelling with minimum dimensions of 2m.</p> <p>Strata subdivision is proposed and will be conditioned.</p> <p>Access is via a public street via a separate entry to the side of the garage.</p> <p>A separate waste bin storage and area for collection is provided.</p>	
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## ASSESSMENT

### **Zoning and Permissibility**

Zoning	R1 General Residential
Permissibility:	The proposed development is defined as 'subdivision', 'dwelling house' and 'studio dwelling' by the SEPP which are permissible land uses in this zone.

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

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

**Key Issues**

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

**Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 8 March 2017 to 21 March 2017. Two submissions (from the same household) were received (objecting to the proposed development).

The DA was re-notified for 14 days in accordance with the DCP due to amended plans being received. The exhibition period was from 5 October 2017 to 18 October 2017. No submissions were received during this time.

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

1. *The proposed development will create additional traffic and create on-street parking issues.*



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Officer comment:

The existing street network is considered sufficient to cater for the proposed development with regards to traffic generation. The road widths are compliant with the DCP and are considered adequate to facilitate traffic movements around the precinct.

The DCP requires that the principal dwelling includes two off-street parking spaces, with one located behind the building line, while the studio dwellings require one space behind the building line. The principal dwellings and studio dwellings each have a single garage and a second space located in the driveway. The development therefore complies with the DCP in respect to car parking.

2. *The amount of dwellings proposed on each lot is too many. I am happy for the development to contain two dwellings but not four dwellings.*

Officer comment:

The DA has been assessed against the relevant SEPP which specifies the minimum subdivision lot size and minimum lot size for different forms of residential accommodation. The DA is compliant with the requirements as discussed above.

The DA is not inconsistent with the surrounding development, which includes a mix of dual occupancy dwellings, small lot housing and dwellings containing attached studios.

**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, DA167/2017 is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That Council approve DA167/2017 for a two lot subdivision, construction of two x two storey dwellings, attached studio dwellings and strata subdivision of studio dwellings at 150 Kavanagh Street Gregory Hills, subject to the conditions attached to this report.**

ATTACHMENTS

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



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## ORDINARY COUNCIL

### ORD06

**SUBJECT: CONSTRUCTION OF GREENHOUSES, NEW SITE ACCESS, A CARPARK, OFFICE BUILDING, FARM BUILDING (PACKING SHED), FOUR RURAL WORKERS' DWELLINGS, AMENITIES BUILDING, TREE REMOVAL AND ASSOCIATED SITE WORKS AND THE PROVISION OF SERVICES.**

**FROM:** Director Planning & Environment

**TRIM #:** 17/323444

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**APPLICATION NO:** DA 885/2016

**PROPERTY ADDRESS:** 705 Cut Hill Road, Cobbitty

**APPLICANT:** Robbie EL Hassan

**OWNER:** Robbie EL Hassan

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of greenhouses, new site access, carpark, office building, farm building (packing shed), four rural workers' dwellings, amenities building, tree removal and associated site works including the provision of services at 705 Cut Hill Road, Cobbitty.

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

### SUMMARY OF RECOMMENDATION

That Council determine DA885/2016 for the construction of greenhouses, new site access, a carpark, office building, farm building (packing shed), four rural workers' dwellings, amenities building, tree removal and associated site works including the provision of services 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 885/2016 seeks approval for tree removal, the construction of greenhouses, new site access, carpark, office building, farm building (packing shed), four rural workers' dwellings, amenities building, tree removal and associated site works including the provision of services.

Specifically the proposed development involves:

- Removal of 30 Eucalyptus crebra trees to facilitate construction works;
- Construction of:
  - Three greenhouses measuring 50m x 90m, with a maximum height of 4.6m and constructed from a metal frame and plastic sheet covering;
  - A 18m<sup>2</sup> office/administration building, with a maximum height of 3.3m;



- A 144m<sup>2</sup> farm building (packing shed), with a maximum height of 5.75m;
  - Four 18m<sup>2</sup> prefabricated rural workers' dwellings, with a maximum height of 3.3m. Each dwelling contains two beds and a kitchenette;
  - A 72m<sup>2</sup> amenities building, with a maximum height of 3.3m;
  - Formalising the existing stock access from Cut Hill Road to be used as the access point for the greenhouses;
  - A new carparking area for 18 vehicles; and
  - Associated site works and the provision of services including water tanks and irrigations systems.
- Use of the site for the growing of fruit and vegetables for a commercial use.
    - Types of produce to be grown (subject to seasonal and market conditions at the time) include beans, peas, cucumbers, tomatoes, chillies, peppers, leafy greens and herbs.
    - Up to eight (8) staff will be employed onsite, including a manager residing in the existing dwelling.
    - Rural workers' dwellings to be occupied on a temporary/seasonal basis (during picking times).
  - Hours of operation
    - Monday to Friday – 6.00am to 7.00pm.
    - Saturday – 7.00am to 5.30pm.
    - Sunday and Public Holidays – Closed.
  - A maximum 10 vehicle movements per day during peak growing periods to transport produce offsite to the wholesaler or markets for sale. Vehicles include a car or van (being up to a transit van or a one ton ute), having a maximum length of 5.2m, accessing the site from the formalised service driveway.

Estimated cost of works is \$225,000.

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

### **THE SITE**

The site is known as 705 Cut Hill Road, Cobbitty and is legally described as Lot 3 DP 252113.

The site is irregular in shape, has a site area of 55.33 ha and is located on the western side of Cut Hill Road. The site is bounded by Cut Hill Road to the northeast and Nepean River to the southwest. The site currently contains a dwelling with associated ancillary structures including a series of dams.

The site has previously been used as a cattle stud, with hay sheds, holding yards and cattle feeding areas. Stock sales also took place onsite within the existing sales arena.

The property is currently used for hay production and contains horses, sheep and cattle.

Surrounding development consists of the residential dwellings on large rural lots and primary production.



**KEY DEVELOPMENT STATISTICS**

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

**Camden Local Environmental Plan 2010 (LEP)**

Clause	Requirement	Provided	Compliance
2.3 Land Use Table.	The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.	The proposal is for intensive plant/vegetable agriculture, rural workers' dwellings and ancillary development in the RU1 zone. The proposal is consistent with the objectives of the zone.	Yes.
4.3 Height of Buildings.	Maximum 9.5m height.	5.75m maximum height (farm building).	Yes.
5.9 & 5.9AA Trees or Vegetation.	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	Up to 30 trees are proposed to be removed. Council's Landscape Officer has assessed the proposed tree removal and raised no objection subject to off-set planting. Thirty trees have been conditioned to	Yes.



Clause	Requirement	Provided	Compliance
		be planted.	
7.4 Earthworks.	To ensure that earthworks for which development consent is required will not have a detrimental impact.	The earthworks are not likely to have detrimental impacts.	Yes.

### **Camden Development Control Plan 2011 (DCP)**

Control	Requirement	Provided	Compliance
B1.4 Water Management	Detention, drainage and water sensitive urban design measures to be provided in accordance with Council's Engineering Specifications.	Stormwater management will be in accordance with Council's Engineering Design Specifications.	Yes.
B1.5 Trees and Vegetation	Removal of significant trees requires consent.	Up to 30 trees are proposed to be removed. Council's Landscape Officer has assessed the proposed tree removal and is satisfied subject to off-set planting. A condition is recommended requiring 30 trees to be planted.	Yes.
B1.10 Bushfire Risk Management.	Prevent loss of, and damage to life, property and the environment due to bushfires by requiring development to be compatible with bushfire risk management principles.	The applicant has provided a Bushfire Risk Assessment Certificate. The attack Level nominated is BAL12.5 and conditions are recommended requiring compliance. The applicant has confirmed this can be achieved without the development needing to be modified.	Yes.
B2 Landscape Design.	A landscape plan is to be provided that complies with this part.	A landscape plan was submitted with the DA and is satisfactory, subject to conditions including replacement planting.	Yes.
B5.1 Off-street Car Parking Rates and Requirements.	Minimum parking is not stated for rural workers' dwelling or intensive plant agriculture.	Eighteen spaces (including three manager's spaces) are provided onsite, including a manoeuvring bay.	Yes.



D1.1 Rural Accommodations, Dwellings and Outbuildings.	- Buildings in all rural zones shall provide a minimum front setback of 20m.	All works are located 80m behind the existing dwelling.	Yes.
	- Buildings in all rural zones shall provide a minimum side and rear setback of 5m.	All works are a minimum 76m from the side boundary and over 1km from the rear boundary. The cabins are in excess of 120m from the southern boundary.	Yes.
	- Dwellings must be located to minimise the removal of existing vegetation.	Tree removal is supported by Council's Landscape Officer. Replacement planting is recommended.	Yes.
	- Buildings should be visually unobtrusive in the overall landscape.	Proposed buildings are a maximum of 5.75m in height and will have minimal visual impact on the landscape.	Yes.
	- Buildings should complement the characteristics of the landform. Cut and fill shall be kept to a minimum.	All works maintain the existing ground levels and are consistent with the existing landform.	Yes.
	- The roofline of buildings should reflect the land profile within the vicinity of the development.	The roofline of the proposed farm building (packing shed) is consistent with the existing dwelling.	Yes.
	- All outbuildings must be ancillary to an approved use on the land on which it is situated.	The proposed works are ancillary to the agricultural use of the site.	Yes.
	- The maximum floor area for rural outbuildings not used for the purposes of agriculture is 100m <sup>2</sup> .	The buildings proposed as part of this DA are ancillary to the agricultural use of the land.	Yes.
- On unsewered sites, effluent and household waste water is to be disposed in accordance with Council's Sewage Management Strategy.	There is sufficient area available to comply with Council's Sewage Management Strategy. Appropriate conditions are recommended.	Yes.	





	<ul style="list-style-type: none"> <li>- Access driveways are to be of trafficable width to allow for passing vehicles, manoeuvring and turning space, and bush fire access including emergency and service vehicles.</li> </ul>	<p>The internal driveways are acceptable and compliant. The existing stock access is being formalised to service the greenhouses.</p>	Yes.
D1.2 Farm Buildings.	<ul style="list-style-type: none"> <li>- All farm buildings must be ancillary to an existing agricultural use.</li> <li>- Farm buildings should be constructed using materials, colours and finishes that complement the principal dwelling.</li> <li>- Farm buildings should be sited so as not to be visually prominent when viewed from the road.</li> <li>- Farm buildings should be constructed in a cluster to minimise the amount of land occupied by development.</li> <li>- The minimum setback from any road is 20m.</li> <li>- The minimum side and rear boundary setback is 5m.</li> <li>- Cut and fill shall be kept</li> </ul>	<p>The farm building (packing shed) is for the storage and packing of agricultural products, including beans, peas, cucumbers, tomatoes, chillies, peppers, leafy greens and herbs that will be grown on site.</p> <p>The proposed farm building (packing shed) is to be constructed of colourbond which is consistent with the other proposed outbuildings.</p> <p>The proposed farm building (packing shed) is located behind the existing development and therefore will not be visually prominent from the road.</p> <p>All the proposed buildings are in close proximity to one another, therefore reducing the impact on the agricultural land.</p> <p>All building works are located behind the existing dwelling which is greater than 20m from Cut Hill Road Cobbitty.</p> <p>All works are a minimum of 76m from the side boundary and in excess of 1km from the rear boundary.</p> <p>All works maintain the</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



	<p>to a minimum and slope should not exceed 15%.</p> <p>- Farm buildings should feature pitched roofs.</p>	<p>existing ground levels and are consistent with the existing landform.</p> <p>The farm building (packing shed) proposes a combination of a pitched and skillion roof.</p>	<p>Yes.</p>
<p>D1.3.1 Intensive Plant Agriculture.</p>	<p>- 2ha minimum lot size.</p> <p>- Setbacks to all buildings and structures: Front boundary 20m.</p> <p>- Side and rear boundary 5m.</p> <p>- Watercourses 40m.</p> <p>- Only new and durable materials shall be used in the construction of greenhouses/igloos/market gardens.</p> <p>- Landscape screening or buffer shall be established between any boundary and greenhouses /igloos/ market gardens to effectively mitigate the visual impact of the development.</p> <p>- Landscape screening or buffers minimum 1.5m height.</p> <p>- On unsewered sites, effluent and household waste water is to be disposed in accordance with Council's Sewage Management Strategy.</p> <p>- A Water Cycle Management Plan (WCMP) must be</p>	<p>The subject site is 55.33ha.</p> <p>The proposed development is approximately 130m from the front boundary.</p> <p>Minimum 76.11m from the side boundary.</p> <p>All works are a minimum 50m from a watercourse.</p> <p>The DA is seeking to use new materials for the construction of the greenhouses.</p> <p>A minimum 76m buffer is proposed to the side boundary. Conditions are recommended regarding replacement planting.</p> <p>Conditions of consent have been proposed for replacement planting and screening of the development area.</p> <p>Council's Health Officer has reviewed the DA and is satisfied subject to the imposition of conditions.</p> <p>The applicant has provided details of waste water, irrigation water recycling and stormwater</p>	<p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p> <p>Yes.</p>



	<p>provided detailing how water will be sourced, stored, used, treated and recycled for the agricultural operation.</p> <p>- Buffer distances from any septic wastewater disposal areas must comply with the requirements of Council's Sewage Management Strategy.</p> <p>- Any odour must be contained within the boundaries of the site.</p>	<p>management.</p> <p>Council's Health Officer has reviewed the DA and is satisfied subject to recommended conditions regarding wastewater.</p> <p>Council's Health Officer has reviewed the DA and is satisfied subject to conditions.</p>	<p>Yes.</p> <p>Yes.</p>
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**ASSESSMENT**

***Rural Lands Strategy***

The Rural Lands Strategy seeks to protect Camden's remaining rural lands and to retain Camden's valued scenic and cultural landscapes. The DA satisfies this aim and the key Rural Planning principles as the proposal involves the use of the land for agricultural purposes.

***Zoning and Permissibility***

Zoning:	RU1 – Primary Production.
Permissibility:	'Intensive plant agriculture' and 'rural workers' dwelling' are permissible in the RU1 Primary Production zone under Clause 2.3 of Camden Local Environmental Plan 2010.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<u>State Environmental Planning Policy No. 55 – Remediation of Land</u> - Compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i)	Camden Local Environmental Plan 2010 - Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden Development Control Plan 2011</u> - 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)	No significant impacts.



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Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Two submissions were received which are discussed in detail in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

**Key Issues**

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

**Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 25 August 2016 to 7 September 2016. Two submissions were received objecting to the proposed development.

Amended plans were submitted 9 October 2017 increasing the side setback to a minimum 76m from the southern boundary. The amendments have no adverse impact on the amenity of adjoining properties and therefore were not re-notified.

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

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

1. *Concern is raised existing roadside vegetation along Cut Hill Road does not allow trucks and cars to pass safely.*

Officer Comment:

While Cut Hill Road has established vegetation close to the road edge, Council's Traffic Engineer has reviewed the application and raised no objection to the additional vehicle movements associated with this proposal.

The surrounding rural road network can accommodate the additional traffic movements (a maximum of 10 vehicle movements per day) given the applicant is proposing to use a car or van which is a maximum 5.2m in length, such as transit van or a one ton ute. A condition has been included to restrict vehicle size.

2. *Concern is raised over animal welfare and the condition of fencing on the subject site as a reflection of future farming practices.*

Officer Comment:

This DA is for the construction of greenhouses and associated development to support and harvest fruit and vegetables. The DA is not seeking to accommodate any additional animals on site.

During discussions, the submitters were advised to contact the RSPCA regarding any animal welfare concerns. The contact details of the RSPCA have been forwarded to the submitter.



3. *Concern is raised over use of chemicals on the subject site and impacts on adjoining properties and the river.*

Officer Comment:

Intensive agriculture includes the use of chemicals. The proposed growing of fruit and vegetables will be undertaken within the greenhouse structures, which are setback a minimal 76 m from the boundary. As such, the proposal is not expected to have any unacceptable impacts on adjoining land.

Council's Environmental Health Officer has reviewed the proposal and raised no objection subject to conditions including:

- No stockpiles including manure stockpiles to be kept on-site;
- Spray tanks that contain or previously contained pesticides/herbicides are not to be rinsed on-site;
- Proper wastewater handling is to be undertaken; and
- Spraying of pesticides and herbicides shall be undertaken in accordance with a suitable operational procedure that will eliminate/control spray drift.

These conditions are standard for agricultural development to ensure no adverse impacts for neighbouring properties.

4. *Concern is raised over the proposed hours of operation, potential noise impacts and the number of and use of the workers' cabins.*

Officer Comment:

The applicant has provided details relating to the operation of the proposed agricultural business. The following hours of operation during peak periods are proposed:

Monday to Friday – 6.00am to 7.00pm  
 Saturday – 7.00am to 5.30pm  
 Sunday and Public Holidays – Closed

These hours are considered appropriate for an agricultural use. These hours will be reduced during slow growing periods.

The site is required to operate in accordance with *Protection of the Environment Operations Act 1997* and comply with the NSW Industrial Noise Policy 2000 (as amended) and this has been addressed in an acoustic report and the recommended conditions.

The acoustic report has been reviewed by Council's Environmental Health Officer. No objection was raised subject to conditions limiting plant equipment noise and the provision of a suitable housing for the main irrigation pump.

The proposal includes the construction of four rural workers' dwellings (with a maximum occupancy of two persons per dwelling, eight persons in total). The dwellings will accommodate persons employed on site, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry.

The rural workers' dwellings are permissible and are located more than 120 metres from the nearest boundary. The rural workers' dwellings are not considered to result in

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any adverse impact on the amenity of surrounding residents. A condition is imposed to ensure the dwellings are not used other than as rural workers' dwellings.

### **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 885/2016 is recommended for approval subject to the conditions attached to this report.

### **RECOMMENDED**

**That Council approve DA 885/2016 for construction of greenhouses, new site access, carpark, office building, farm building (packing shed), four rural workers' dwellings, amenities building, tree removal and associated site works including the provision of services subject to the conditions attached to this report.**

### ATTACHMENTS

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



## ORDINARY COUNCIL

ORD07

**SUBJECT: POST EXHIBITION REPORT - TURNER ROAD DCP PART B AMENDMENT - THE ENTERTAINMENT PRECINCT**

**FROM:** Director Planning & Environment

**TRIM #:** 17/336583

**PREVIOUS ITEMS:** ORD02 - Proposed Amendments to Turner Road DCP - Part B Entertainment Precinct and Gledswood Hills VPA - Ordinary Council - 22 Aug 2017 6.00pm

**PROPERTY ADDRESS:** B,D,E and 91 The Hermitage Way, Gledswood Hills  
**PROPONENT:** Sekisui House  
**OWNER:** SH Camden Valley P/L, Narellan Property Holding P/L

### PURPOSE OF REPORT

The purpose of this report is to consider the submissions received from the public exhibition of the draft amendments to the Turner Road Development Control Plan (DCP) – Part B1 Entertainment Precinct (draft DCP) and the Gledswood Hills Voluntary Planning Agreement (VPA).

This report recommends the draft DCP be adopted with minor post-exhibition amendments and the draft VPA be endorsed to be executed under Council's Power of Attorney. A copy of the post-exhibition version of the draft DCP and draft VPA are provided as **attachments to this report**.

### BACKGROUND

At its meeting on 22 August 2017, Council considered a report on the draft DCP and VPA and resolved to:

- i. endorse the draft Part B DCP and draft VPA to proceed to exhibition for a period of 28 days in accordance with the provisions of the Environmental Planning Assessment Act 1979 and Regulations;*
- ii. forward the draft Part B DCP to the Department of Planning and Environment in accordance with the amended delegations issued to Council on 19 January, 2015 from the Secretary of the Department of Planning and Environment;*
- iii. if no unresolved submissions are received:*
  - a. grant delegation to the General Manager to adopt the proposed changes to the Turner Road DCP 2007 in accordance with Delegations dated 19 January, 2015 from the Secretary of the Department of Planning and Environment;*
  - b. authorise the relevant VPA documentation to be completed under Council's Power of Attorney; and*
  - c. publicly notify the adoption of the DCP and VPA in accordance with the provisions of the Act and Regulations; or*

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*iv. if unresolved submissions are received, receive a further report outlining the outcomes of the public exhibition for Council's consideration.*

A copy of the report from the 22 August 2017 is provided as an **attachment to this report**.

Councillors were briefed on the outcome of the public exhibition on 14 November 2017.

### **Summary of Proposed DCP and VPA amendments (as exhibited)**

The proponent (Sekisui House) requested the following amendments to the DCP and VPA:

- draft Part B DCP (Entertainment Precinct) amendments involving:
  - The individual retail shop cap;
  - Preferred land use zones;
  - Building setbacks;
  - Precinct view corridors;
  - Car parking and access; and
  - Minor changes to the boundary of the Entertainment Precinct.
- draft VPA amendments involving:
  - Inclusion of off-site contributions for 400 dwellings within the Entertainment Precinct within the Sekisui (proponent) landholdings;
  - Amendment to staging boundaries; and
  - Dedication of additional land.

The amendments are requested to facilitate a revised vision for the Entertainment Precinct, which includes up to 500 apartments within the Precinct (including 400 apartments within the proponent's landholdings). It is noted that apartments are currently permitted under the SEPP and DCP.

The 500 apartments would increase the total number of dwellings within The Hermitage to 1,740. This equates to a residential density of 17.9 dwellings per hectare across the entire development, which is classified as low density residential development (between 12.5 to 20 dwellings per hectare) under the DCP.

## **MAIN REPORT**

### **Public Exhibition**

The draft DCP and VPA were placed on public exhibition from 5 September 2017 to 3 October 2017. Three submissions were received in relation to the draft DCP. There were no submissions received regarding the draft VPA.

Some minor post-exhibition changes are recommended to the draft DCP as a result of submissions received, which are discussed below. Copies of all submissions are provided as **supporting documents to this report**.

#### **Submission No. 1**

This submission supports the intent of The Entertainment Precinct, but raises concerns with the proposed residential apartments and its impact on the volume of traffic on the local road network.





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The submitter suggested that traffic calming devices be installed to address safety issues on The Hermitage Way to the south of the Entertainment Precinct, if the proposal is supported in its current form.

Officer Comment

The traffic report submitted with the draft DCP assessed the road network within the immediate vicinity of The Entertainment Precinct. The roads and intersections within The Hermitage development have been designed to include the projected traffic generated by future dwellings within the Entertainment Precinct.

Traffic calming measures are currently in place for the section of The Hermitage Way located within the Entertainment Precinct. This section is designed for a slow speed environment (40km/h) to allow safe pedestrian movements within the precinct.

The need for additional traffic devices, such as pedestrian refuges and line marking, outside of the Entertainment Precinct is not a consideration for this proposal. However, the situation should be monitored in respect to the cumulative impacts of traffic from future development (i.e. proposed primary school, connections to adjoining El Caballo Blanco land).

Action Required

No further requirements to be addressed as part of the draft DCP.

Submission No. 2

This submission raised concerns regarding the potential implications of the proposed increase in the individual retail shop cap from 500m<sup>2</sup> to 1,800m<sup>2</sup> to allow for a small supermarket within the Entertainment Precinct.

The reasons for the objection include the following:

- The ongoing uncertainty of the planning framework for retail development regarding existing shop caps within the Turner Road Precinct.
- The proposed changes would exacerbate this issue and could potentially undermine the retail planning framework for the Turner Road Precinct.
- The retail cap amendment challenges the long-term viability of the Gregory Hills Neighbourhood Centre (GHNC) which proposes two supermarkets. The smaller planned supermarket would be in direct competition with the one proposed in the Entertainment Precinct.

There is also mention of the need to ensure that assumptions (i.e. scale, tenant mix) made in terms of the retail hierarchy correctly reflect the outcomes of the revised structure plan for the South West Priority Growth Area, which is yet to be released by the Department of Planning and Environment (DPE).

The submission also notes support for the incorporation of apartments, urban design controls and proposed amendments to the draft VPA.

Officer Comment

The proposed increase in the retail floor cap from 500m<sup>2</sup> to 1,800m<sup>2</sup> for individual shops within the Entertainment Precinct was sought to allow for an anchor tenant in the

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form of a supermarket. It was identified by the proponent that this was integral to the economic viability of the centre.

The Entertainment Precinct is one of three centres located within the Turner Road Precinct.

Council recently considered a retail development within the Turner Road Employment Area at Gledswood Hills, which exceeded the allowable retail cap of 500m<sup>2</sup> as prescribed by the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 (Growth Centres SEPP). This DA was approved by Council and included a resolution that Council review the retail cap within the Turner Road precinct.

As this matter requires further review, it is considered appropriate for the proposed amendment to the individual retail cap to be removed from the draft DCP. This will enable the holistic review of retail cap within the entire Turner Road Precinct, including the Entertainment Precinct.

The proponent has indicated support to retain the existing retail cap on the basis the retail cap review will be undertaken.

#### *Action Required*

Amend the exhibited draft DCP and retain the 500m<sup>2</sup> retail shop cap as per the existing DCP.

#### Submission No. 3

This submission raised concern in relation to the proposed apartments within The Hermitage Estate and questioned whether existing infrastructure can support such development.

#### Officer Comment

The draft DCP proposes changes to the Entertainment Precinct located in the northern part of The Hermitage Estate at Gledswood Hills.

The Precinct Planning always envisaged residential apartments within the Entertainment Precinct. This was also reflected in the adoption of the Entertainment Precinct Part B DCP in 2009.

A review of the infrastructure capacity has occurred as follows:

- Traffic – A traffic report has been prepared which indicates the existing road network has been designed to accommodate the proposed dwelling yields
- Drainage – Existing drainage infrastructure has been designed to accommodate the proposed dwelling yields.
- Open Space – Existing open space provision exceeds the minimum requirements as set out in the Gledswood Hills Voluntary Planning Agreement (VPA), inclusive of proposed dwelling yields.
- Community Facilities – The proposed additional dwellings would provide monetary contributions towards off-site community facilities through an amendment to the Gledswood Hills VPA.



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### *Action Required*

No further action required.

### **Post Exhibition DCP Changes**

This amendment includes post-exhibition changes (highlighted in blue in the draft DCP) in response to the submissions received by Council during the public exhibition period which include:

- the 500m<sup>2</sup> retail shop cap is to be retained as per the existing DCP, to allow the broader review of the retail cap within the Turner Road Precinct; and
- the correction of minor typographical and grammatical errors contained with Section 5.2 of the draft DCP.

The draft DCP as amended is included as an **attachment to this report**.

### **Post Exhibition VPA Changes**

There are no post-exhibition changes proposed to the draft VPA. The draft VPA is included as an **attachment to the report**.

### **Next Steps**

Should Council resolve to endorse the draft DCP, it will be formally adopted under delegation and will come into force following notification of the amendment in the local newspaper. If endorsed, the draft VPA will be executed in accordance with Council's Power of Attorney.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

The draft DCP and VPA were exhibited for 28 days from 5 September 2017 to 3 October 2017. Three submissions were received in relation to the draft DCP and no submissions were received on the draft VPA.

Council officers recommend amendments to the exhibited draft DCP to address issues raised in the submissions and to correct minor errors. The recommended changes to the draft DCP are minor and do not require the draft DCP to be re-exhibited.

It is recommended that Council endorse the post exhibition version of the draft DCP and resolve to allow the draft VPA to be executed.

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**RECOMMENDED**

**That Council:**

- i. endorse the draft Turner Road DCP 2007 – Part B1 Entertainment Precinct (as amended);**
- ii. forward the amendment to the Turner Road DCP 2007 to the Department of Planning and Environment in accordance with the amended delegations issued to Council on 19 January 2015 from the Secretary of the Department of Planning and Environment and request the DCP amendment be made;**
- iii. grant delegation to the General Manager to adopt the proposed changes to the Turner Road DCP 2007 in accordance with Delegations dated 19 January, 2015 from Secretary of the Department of Planning and Environment;**
- iv. endorse the draft VPA and authorise the relevant VPA documentation to be completed under Council’s Power of Attorney;**
- v. publicly notify the adoption of the DCP and VPA in accordance with the provisions of the Act and Regulations; and**
- vi. advise submitters of the outcome of this report.**

**ATTACHMENTS**

1. Draft Turner Rd DCP Part B1 - Entertainment Precinct Tracked Version
2. Third Deed of Variation - Gledswood Hills VPA - Public Exhibition V
3. Council report & resolution - 22 August 2017
4. Submissions - Entertainment Precinct - *Supporting Document*



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## ORDINARY COUNCIL

ORD08

**SUBJECT: MACARIA - ALAN BAKER ART GALLERY STRUCTURE**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 17/226081

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### PURPOSE OF REPORT

This report seeks Council's approval of the documents constituting the proposed legal structure for the Alan Baker Art Gallery (the Gallery) at Macaria, 37 John Street, Camden, and requests authority to proceed with the related Ministerial application under Section 358 of the *Local Government Act 1993*.

### BACKGROUND

The opening of Macaria as a public art gallery is a unique opportunity to enable residents to visit this historic building while also meeting the need for art gallery and cultural space within the Camden LGA and creating a regional arts presence that is widely accessible.

At its ordinary meeting of 28 February 2017, Council resolved to:

- i. note this report and endorse the proposed legal structure for the Macaria art gallery; and*
- ii. receive a further report concerning the final documentation for the proposed legal structure.*

Discussions have been ongoing with the donors of a number of Alan Baker artworks (the Collection) concerning the legal structure under which the Collection is to be held and managed after it is donated by the donors. Those discussions are now concluded and the matter is able to proceed.

Council is now requested to approve the documents constituting the proposed legal structure and lease arrangements, and to authorise the next steps.

The Gallery is scheduled to be open to the public in late February 2018.

A Councillor briefing was held on this matter on 21 November 2017.

### MAIN REPORT

The legal structure adopted on 28 February 2017 is set out in a diagram (**attached** to this report) and includes the following:

#### Trust

A trust (draft trust deed **attached** to this report) is proposed to be established that sets out the terms on which the Collection is held and managed. The trustee of the trust will be a corporation (see below).

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The proposed trust includes a 'founder'. This is a symbolic function to establish the trust and can be an individual or another entity eg a corporation. The founder does not receive a benefit from the trust. The donors have proposed one of the donors, Mr Max Tegel, as the founder.

The donors will donate the Collection to the trust.

### Corporation

A company limited by guarantee is proposed to be established as the trustee of the trust. The board of the company will comprise representatives of Council, including Councillors, representatives of each of the donors' families and potentially other community representatives. Council is to be the only member of the corporation. As the only member, Council is the only entity (apart from a director) that can request a general meeting of the corporation and that can vote at general meetings. In its capacity as member, Council's financial liability for the corporation in the event of winding up is limited to \$100.

The chairperson is appointed by Council and the board must have a majority of Council-appointed directors to function.

The constitution (draft **attached** to this report) requires decisions in a limited number of situations to be approved by at least one of the donors' representatives. This restriction is to endure until 20 years after the Gallery opens.

As the corporation is a separate entity, it will be at arm's length from Council. Council is responsible for ensuring that the corporation has sufficient funds available to it to operate the trust.

### Lease

The trustee corporation, of which Council is the only member, is to enter into a lease of the Macaria building with Council.

The rent is \$1 per year and the initial lease period is 20 years with two options of 10 years each. Council will remain responsible for structural building maintenance, with the lessee responsible for internal maintenance. The Collection will be displayed on the ground floor, with the potential for complementary uses upstairs, such as art classes and exhibitions by artists other than Alan Baker, subject to the board's approval.

### Application to the Minister

The structure will require Ministerial approval under s 358 of the *Local Government Act 1993* (the Act). This process requires a formal application and is managed by the Office of Local Government, which makes a recommendation to the Minister.

In applying for the Minister's consent, Council is required to demonstrate, to the Minister's satisfaction, that the structure is in the public interest. It is envisaged that the legal structure documents, together with additional explanatory and background materials, will be included in the application.



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## Interim loan arrangements for the Collection

As the establishment of the legal structure will take some months, including Ministerial approval, the donors have agreed to provide specific artworks from the Collection to Council on loan in the interim.

### **FINANCIAL IMPLICATIONS**

Council will incur costs in the setup and maintenance of the trust, trustee corporation and lease. Ongoing costs of maintaining the legal structure are expected to be minimal, however Council will incur costs in relation to the upkeep of the Macaria building and is generally responsible for funding the trustee corporation to operate the trust. Costs are either currently accounted for or will be considered in future budgets.

### **CONCLUSION**

A legal structure including a trust, trustee corporation and lease is proposed for endorsement by Council. The proposed documents to establish that structure have been discussed with the donors however require Ministerial consent. In the interim, the donors have agreed to lend the Collection to Council.

### **RECOMMENDED**

**That Council:**

- i. approve the proposed constitution, trust deed and lease;**
- ii. authorise the General Manager, or his delegate, to:**
  - a. submit the proposed constitution, trust deed and any related documentation to the Office of Local Government seeking the approval of the Minister for Local Government for the establishment of the legal structure under s 358 of the *Local Government Act 1993*;**
  - b. negotiate such amendments as are considered appropriate to finalise documentation and to obtain Ministerial approval;**
  - c. after Ministerial approval has been obtained, do all things necessary to incorporate the trustee corporation and establish the trust and the lease.**
- iii. receive further information confirming the completion of the above steps.**

### **ATTACHMENTS**

1. Alan Baker Art Gallery - Legal Structure
2. Macaria Trust Deed
3. Macaria Constitution
4. Macaria Lease



# ORDINARY COUNCIL

## ORD09

**SUBJECT: SEPTEMBER REVIEW OF THE 2017/18 OPERATIONAL PLAN (BUDGET)**

**FROM:** Director Customer & Corporate Strategy

**TRIM #:** 17/352749

### PURPOSE OF REPORT

This report presents the September Quarterly Operational Plan (budget) Review for the 2017/18 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2017/18 Operational Plan since the adoption of the 2017/18 - 2020/21 Revised Delivery Program and Operational Plan, and to consider other changes put forward for determination.

### SUMMARY OF BUDGET POSITION

In adopting the 2017/18 Operational Plan, Council approved a balanced budget position. Budget adjustments identified at the September Review represent a projected budget surplus for the 2017/18 financial year of \$388,169.

The projected surplus is above Council's minimum working funds level of \$1,000,000.

The improvement in the projected surplus is predominantly a result of higher than expected rates and charges income.

### ALLOCATION OF THE 2017/18 BUDGET SURPLUS

It is recommended that the projected surplus of \$388,169 be allocated as follows.

<b>Budget surplus allocation</b>		
<b>Budget Surplus Available for Allocation</b>		<b>\$388,169</b>
Less: Transfer to Capital Works Reserve	\$388,169	
<b>Total - Allocation of Budget Surplus</b>		<b>\$388,169</b>
<b>Balanced Budget Position</b>		<b>\$0</b>

### CURRENT RESERVE BALANCES

#### Capital Works Reserve

The Capital Works Reserve is predominantly used to fund capital works or to match grant funding as part of a capital grant funding agreement. The balance of the Capital Works Reserve is as follows:





<b>CAPITAL WORKS RESERVE</b>	
<b>Balance - 1 July 2017</b>	<b>\$8,956,751</b>
Add: Year End 2016/17 Budget Surplus Transfer	\$1,065,056
Add: Proposed September Quarterly Surplus Transfer	\$388,169
<b>Proposed Balance of Reserve</b>	<b>\$10,409,976</b>
<b>Committed Funds Held in Reserve</b>	
Less: 2016/17 Revotes	(\$2,591,807)
Less: 2017/18 Budget Allocations	(\$3,060,000)
Less: 2018/19 Budget Allocations	(\$3,050,000)
Less: Council contribution towards the 2018/19 Active Transport Program. Council Resolution – 219/17 - 26/9/17	(\$20,000)
<b>Total Allocated</b>	<b>(\$8,721,807)</b>
<b>Uncommitted Balance – Capital Works Reserve</b>	<b>\$1,688,169</b>

The balance of this reserve can be used to fund new or existing projects unable to be funded as part of considering the 2017/18 Operational Plan (budget).

### **Asset Renewal Reserve**

Council approved the creation of the Asset Renewal Reserve as part of adopting the 2013/14 - 2016/17 Delivery Program. The balance of the Asset Renewal Reserve is as follows:

<b>ASSET RENEWAL RESERVE</b>	
<b>Balance - 1 July 2017</b>	<b>\$1,900,681</b>
Add: 2017/18 Budget Transfers	\$555,700
Add: Year End 2016/17 Budget Surplus Transfer	\$230,000
<b>Proposed Balance of Reserve</b>	<b>\$2,686,381</b>
<b>Less: Funding Allocated in 2017/18</b>	
Less: 2016/17 Revotes	(\$1,176,381)
Less: 2017/18 Capital Works Program Funding	(\$1,250,000)
<b>Total Allocated</b>	<b>(\$2,426,381)</b>
<b>Uncommitted Balance – Asset Renewal Reserve</b>	<b>\$260,000</b>

Funds from this reserve are primarily used for the replacement and/or maintenance of existing assets.



**MAIN REPORT- SEPTEMBER REVIEW OF THE 2017/18 BUDGET**

Further information and explanation of the increase in the projected budget surplus for 2017/18 is detailed below:

**PROPOSED VARIATIONS TO BUDGET**

Below are the proposed variations between the adoption of the 2017/18 Budget and the September Review for 2017/18 which have led to a projected budget surplus of \$388,169.

<b>September review of the 2017/18 budget proposed variations</b>	<b>Budget Impact Increase / (Decrease)</b>
<b>Income adjustments</b>	
Note: Increase in income is an increase to the budget	
Shortfall in income is a decrease to the budget	
1. Rates & Charges Income Increase	\$650,000
2. Financial Assistance Grant Funding Income Increase	\$233,869
3. Section 149 Certificate Income Increase	\$30,000
Variations under \$15,000 - Various Income Increases	\$14,000
<b>Sub Total - Income Adjustments</b>	<b>\$927,869</b>
<b>Expenditure adjustments</b>	
Note: Increase in expenditure is a decrease to the budget	
Saving in expenditure is an increase to the budget	
4. Transfer to Working Funds Reserve Expense Increase	(\$500,000)
5. Oran Park Administration Building Expense Decrease	310,000
6. Corporate Staffing Requirements Expense Increase	(\$130,000)
7. Community Events Expense Increase	(\$60,000)
8. Independent Hearing & Assessment Panel Expense	(\$50,000)
9. Youth Art Participation Expense Increase	(\$25,000)
Variations under \$15,000 - Various Expense Increases	(\$14,700)
<b>Sub Total - Expenditure Adjustments</b>	<b>(\$469,700)</b>
<b>Less : Council Approved Variations (see page 6 to this report)</b>	<b>(\$70,000)</b>
<b>TOTAL - proposed variations to budget</b>	<b>\$388,169</b>

- 1. Corporate Management Rates Income – Increase in Income of \$650,000**  
 Supplementary rate income is received upon the re-zoning or subdivision of land. It is additional rate income to the amount levied at the beginning of the financial year. The increase in rate income realised during the first quarter of 2017/18 is primarily due to new lots created through subdivisions in the Spring Farm, Oran Park, Gregory Hills and Leppington land release areas.



2. **Financial Assistance Grant Funding Income – Increase in Income of \$233,869**  
Council's grant is \$233,869 higher than the anticipated budget. One of the indicators for calculating this grant is population growth compared to other councils. As a result of rapid growth in the LGA Council now receives a larger proportion of the total funding allocated to Local Government.
3. **Section 149 Certificate Income – Increase in Income of \$30,000**  
Additional income has been realised for Section 149 Certificates in 2017/18. This is primarily a result of growth through development.
4. **Transfer to Working Funds Reserve – Expense Increase of \$500,000**  
As part of the adoption of the 2017/18 – 2020/21 Delivery Program Council resolved to use future funding from quarterly budget reviews as a funding source for the major projects to be delivered in the 2017/18 – 2020/21 Delivery Program. It was estimated that \$500,000 could be funded from each quarterly budget review from September 2017 to March 2021. This would provide up to \$7.5 million in funding.

The funding required from quarterly budget reviews over the next four years is a conservative \$5.7 million, which provides a contingency should a budget review not realise \$500,000 over the nominated period. It is proposed to transfer \$500,000 from the September 2017 Quarterly Budget Review to the Working Funds Reserve for this purpose. Including the amount transferred at the 2016/17 year-end budget review this will result in a total of \$1 million being transferred to reserve to fund future expenditure in the 2017/18 - 2020/21 major capital works program.

5. **Oran Park Administration Building – Decrease in Expense of \$310,000**  
A further review of the Oran Park Administration Centre budget has identified further savings that could be allocated to reserve or other projects. This now brings the savings realised from this project to \$3.41 million. Council resolved to transfer any savings from the Administration Centre project to the Capital Works Reserve at its Ordinary Meeting on 9 August 2016. A reconciliation of the Administration Centre budget is provided below:

<b>CENTRAL ADMINISTRATION CENTRE PROJECT - BUDGET</b>	
<b>Total Budget</b>	<b>\$35,588,800</b>
Less: Expenditure (construction completed)	(\$31,518,800)
Less: Programed Expenditure (Civic Plaza – includes a contingency provision)	(\$660,000)
<b>TOTAL FUNDING ALLOCATED</b>	<b>(\$32,178,800)</b>
Less: Savings already allocated to Capital Works Reserve (Council Resolution 180/16 9/8/2016)	\$2,600,000
Less: Savings already allocated to Capital Works Reserve (Council Resolution 27/17 28/2/2017)	\$500,000
Less: Additional Savings to be allocated to the Capital Works Reserve – September Quarterly Budget Review (Standing Council Resolution 9/8/2016)	\$310,000
<b>Available for Allocation</b>	<b>\$0</b>

In keeping with Council's resolution 9 August 2016, it is recommended that the final savings of \$310,000 be transferred to the Capital Works Reserve.

6. **Corporate Staffing Requirements - Expense Increase of \$130,000**  
Due to continued growth and the need to meet an ever increasing service demand funding is required for the employment of 2 additional staff. The staff will be

deployed in the Statutory Planning area in response to our expanding need to process development applications whilst maintaining both speed of service and accuracy of information.

**7. Community Engagement Events – Expense Increase of \$60,000**

Council allocated \$60,000 to new events in 2016/17 on a trial basis. The two new events Date Night and Bounce Town were very well received by the community, as a result of the success of these two events it is recommended that this allocation be made re-current from and including the 2017/18 budget.

**8. Independent Housing Assessment Panel – Expense Increase of \$50,000**

The NSW State Government recently introduced legislation to require the establishment of Independent Hearing Assessment Panels (IHAPs) to determine development applications of high value, corruption risk, sensitivity or strategic importance.

IHAPs must be in place by 1 March 2018, Councils will be responsible for meeting the operating costs of the panel, including sitting fees for members and the provision of staff and facilities to enable the panel to exercise its functions.

The Department of Planning estimates the annual operating costs of IHAPs to be approximately \$100,000 per year. This review proposes a set allocation of \$50,000 in 2017/18 and a recurrent allocation of \$100,000 from and including the 2018/19 Budget. This budget allocation will be reviewed annually.

**9. Youth Art Participation – Expense Increase of \$25,000**

Council allocated \$25,000 to Youth Art Participation in 2016/17 on a trial basis. The Artwork on Community Buildings proved to be very successful; it is recommended that the allocation be made re-current from and including the 2017/18 budget.

**COUNCIL AUTHORISED VARIATIONS**

Council has authorised six budget variations since the adoption of the 2017/18 Budget. A list of these approved variations is provided in the following table:

Council approved variations	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Funding for refurbishment of the RSL Memorial Garden from the Premier's Miscellaneous Grant Fund Council Resolution - 173/17 - 8/08/2017	\$2,000	\$2,000	\$0
Funding for Better Waste and Recycling Grant 2017-2021 Council Resolution - 214/17 - 26/09/2017	\$109,934	\$109,934	\$0
Roads and Maritime Services, 2017/18 Active Transport and Local Government Road Safety Programs Funding Council Resolution - 219/17 - 26/09/2017	\$118,500	\$118,500	\$0
Funding for Grandparents Day from NSW Family and Community Services Council Resolution - 221/17 - 26/09/2017	\$7,000	\$7,000	\$0



Council approved variations	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Funding is required to purchase and implement a modern booking and event management system for the Civic Centre Council Resolution - 245/17 - 10/10/2017	\$20,000	\$0	\$20,000
Funding required for concept design options for the refurbishment of the Undercroft Area. Council Resolution - 245/17 - 10/10/2017	\$50,000	\$0	\$50,000
<b>TOTAL - Council approved variations</b>	<b>\$307,434</b>	<b>\$237,434</b>	<b>\$70,000</b>

### **CONTRA ADJUSTMENTS**

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have no impact on Council's projected budget result or ability to complete Council's existing works program.

During the period 1 July 2017 to 30 September 2017, a number of contra adjustments have taken place amounting to a total of \$9,313,480. A detailed list of the adjustments is an **attachment to this report**.

As discussed at a **Councillor workshop 21 November 2017** there is an immediate need to commence the implementation of a new booking system. The cost to implement the new system is \$294,480; it is proposed to fund the capital cost from Council's IT Reserve (\$204,720) and the balance from the Waste Reserve (\$69,760) and Civic Centre budget (\$20,000). A recurrent budget allocation will also be required from 2018/19 for support and maintenance of \$51,010. This is to be funded in part from general fund (\$41,770) and waste services (\$9,240). Support and maintenance is included in the first year's capital costs. The appropriate resolutions are provided at the end of this report.

### **COUNCILLOR CONSOLIDATED WARD FUNDS**

The balance of Consolidated Ward Funds is \$61,225 which includes the re-voting of the remaining 2016/17 Ward Funds of \$31,225. At this point in time Council has not allocated Ward Funds to projects in the 2017/18 budget.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$388,169 as advised in this report.

**SUMMARY OF SEPTEMBER REVIEW ADJUSTMENTS**

The following table is a summary of budget adjustments up to 30 September 2017.

Summary of budget adjustments	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2016/17 Carry-Forward Working Funds			\$1,000,000
2017/18 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
<b>TOTAL Available Working Funds 01/07/2017</b>			<b>\$0</b>
NOTE 1: Proposed Variations	\$469,700	\$927,869	\$458,169
NOTE 2: Authorised Variations	\$307,434	\$237,434	(\$70,000)
NOTE 3: Contra Adjustments	\$9,313,480	\$9,313,480	\$0
<b>TOTAL - September Review Adjustments</b>	<b>\$10,090,614</b>	<b>\$10,478,783</b>	<b>\$388,169</b>
<b>TOTAL available working funds (uncommitted cash)</b>			<b>\$388,169</b>

**STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER**

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulation 2005*:

*It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 30 September 2017 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.*

**ON-TIME PAYMENT POLICY REPORTING**

At the end of each quarter, Council is required to report on compliance with its adopted on-time payment policy. This policy requires Council to pay interest where an invoice received from small business (turnover less than \$2 million p.a.) has been held by Council for more than 30 days and the interest payable is more than \$20.

Council processes approximately 11,000 invoices each year. As at the 30 September 2017, Council had processed 25 invoices from registered small businesses for the quarter. No invoices were overdue during the reporting period, resulting in no interest being payable under council's policy.

**Cleaning Tender**

Cleaning tenders were issued to the market for Council's current operational buildings; the tenders did not include all buildings on facilities currently under construction. As discussed at a **Councillor Workshop 21 November 2017** a review of Council's cleaning requirements now and into the future has indicated that tendering for cleaning services for all Council facilities as one tender would provide Council with a better outcome. For this reason, it is recommended that Council decline to accept both current cleaning tenders and invite fresh tenders.



Under the *Local Government (General) Regulation 2005*, Council can decide by resolution to accept a tender or decline to accept any tenders. Under the regulation, Council may resolve to invite fresh tenders with the same or a different scope. The appropriate resolutions are provided at the end of this report.

### **GEORGE CALEY RESERVE – DISPOSAL OF ASSET**

Council undertook a Community Consultation process for the removal of the viewing platform at George Caley Reserve due to the anti-social behaviour and vandalism that has been experienced resulting in approximately \$30,000 damage. This vandalism has been ongoing, costly and very disruptive for the surrounding community. 15 responses were received, 13 of which were supportive for the removal of the viewing platform. The remaining two responses were suggestive of the installation of CCTV and bollards respectively. The installation of CCTV is a costly approach that has the potential for further vandalism due to the isolated location of the viewing platform. Whilst it is considered that the installation of bollards would stop vehicular access, it would not address the behavioural issues associated with pedestrians. It is therefore recommended that the viewing platform be removed. The costs associated with the removal of the viewing platform will be funded from existing budget allocations.

Under the Local Government Act the authority to dispose of the viewing platform cannot be delegated to the General Manager. The disposal of a public asset can only be through a resolution of the Council. The appropriate resolution is provided at the end of this report.

### **CONCLUSION**

The September Budget Review surplus is \$388,169. Council has continued to benefit from increased income through additional rates and savings within capital projects.

If endorsed by Council the surplus will allow further funds to be transferred to reserve providing Council with additional scope to fund services or projects that could not be considered as part of the 2017/18 Operational Plan (Budget) process.

### **RECOMMENDED**

**That Council:**

- i. **approve the necessary budget adjustments as identified in the categories of 'Proposed Variations' and 'Contra Variations' of this report;**
- ii. **approve the allocation of the projected surplus for 2017/18 of \$388,169 as follows; and**

<b>Budget surplus allocation</b>		
<b>Budget Surplus Available for Allocation</b>		<b>\$388,169</b>
Less: Transfer to Capital Works Reserve	\$388,169	
<b>TOTAL - Allocation of Budget Surplus</b>		<b>\$388,169</b>
<b>Budget Surplus Balance After Allocation</b>		<b>\$0</b>

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- iii. include recurrent funding in the 2018/19 budget of \$100,000 for costs associated with supporting the Independent Housing Assessment Panel with the budget allocation to be reviewed annually,
  - iv. include recurrent funding in the 2018/19 budget of \$51,010 for the ongoing support and maintenance for the new booking system including a recurrent contribution from the waste reserve of \$9,240, to be indexed by CPI annually,
  - v. in accordance with Section 178 (3b) of the *Local Government (General) Regulation 2005 – Acceptance of Tenders*, decline to accept any tender submitted in response to Tenders T009/2017 and T001/2018, and invite fresh tenders for the cleaning of Council buildings.
  - vi. approve the disposal of the viewing platform at George Caley Reserve.

#### ATTACHMENTS

- 1. 2017-18 - September Review - Budget Appendix
- 2. 2017-18 - September Review - QBRs Statement





## ORDINARY COUNCIL

ORD10

**SUBJECT: DRAFT INVESTMENT POLICY AND INVESTMENT MONIES FOR SEPTEMBER AND OCTOBER 2017**

**FROM:** Director Customer & Corporate Strategy

**TRIM #:** 17/319808

### PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council for the months of September and October 2017 is provided. This report also includes Council's draft investment policy for adoption by Council.

### MAIN REPORT

The weighted average return on all investments was 3.13% p.a. for the month of September 2017 and 3.12% p.a. for the month of October. The industry benchmark for both periods was 1.74% (Ausbond Bank Bill Index).

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

### Revised Investment Report and Investment Policy

In consultation with Council's investment advisor a review has been undertaken of Council's investment report and Investment policy as detailed in a **Councillor Workshop 14 November 2017**. The investment report is now more concise, easier to read and understand. Council's investment policy has also been reviewed with some minor changes required predominantly to the credit and maturity guidelines (section 7.1 of the policy). The draft investment policy and reports for September and October 2017 are an **attachment to this report**.

The Responsible Accounting Officer is the Chief Financial Officer.

### RECOMMENDED

**That Council:**

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. adopt the revised Investment Policy as attached to this report;**
- iii. note the list of investments for September and October 2017; and**
- iv. note the weighted average interest rate return of 3.13% p.a. for the month of September and 3.12% p.a. for the month of October 2017.**

### ATTACHMENTS

1. Investment Report - September 2017
2. Investment Report - October 2017
3. Draft Investment Policy

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## ORDINARY COUNCIL

ORD11

**SUBJECT: DRAFT FUTURE TRANSPORT STRATEGY 2056**

**FROM:** Director Customer & Corporate Strategy

**TRIM #:** 17/336498

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### PURPOSE OF REPORT

To advise Council of the exhibition of the NSW Government's *Draft Future Transport Strategy 2056 (FT2056)* and to seek Council's endorsement of a submission to be made in response to the exhibition of the Strategy. A copy of the draft submission is provided as an **attachment** to this report.

A copy of *FT2056* is provided as an **attachment** to this report and a copy of the supporting documents to *FT2056* is provided **under separate cover**.

### BACKGROUND

On 22 October 2017 the NSW Government released both the *FT2056* and the *Draft Greater Sydney Region Plan (GSRP)* for public exhibition, with the *Draft Western City District Plan (WCDP)* being released separately on 26 October 2017. The *FT2056* is the subject of this current report, and the *GSRP* and *WCDP* will be the subject of a report to Council on 12 December 2017.

These strategies represent an integrated planning approach by the NSW Government, linking communities through transport to job opportunities, new homes and services that are planned to be located within 30 minutes of each other.

The *FT2056* is an update of the *NSW Long Term Transport Master Plan 2012*. As part of an integrated planning vision for NSW, the Strategy is comprised of:

- the *FT2056* which sets the vision, state-wide directions and headline initiatives that will deliver strategic outcomes;
- draft Services and Infrastructure Plans which set the customer outcomes and identify the networks and initiatives required to achieve these, including policy, service and infrastructure initiatives; and
- Supporting Plans which include more detailed issues-based or place-based planning documents that will support the implementation of the *FT2056*.

Councillors were briefed on the *FT2056* on 21 November 2017 and the submission is due on 3 December 2017.

### MAIN REPORT

With the projected rate of future growth throughout Western Sydney coupled with the development of the proposed Western Sydney Airport at Badgerys Creek, the issue of delivering effective and efficient integrated land use planning and transport infrastructure remains a considerable challenge for all tiers of government. The *FT2056* highlights both the significant challenges and opportunities associated with establishing a vision for the future of transport for the Greater Sydney Region to the year 2056.



It is essential that the identification and acquisition of key transport corridors, and commitments to the timing and funding of essential transport infrastructure, occurs as soon as practicable to ensure that the forecast growth in south-western Sydney is supported by an effective multi-mode transport network.

Transport for NSW (who are the State government agency leading the consultation process) has invited feedback from all stakeholders by way of submissions in response to the consultation process on the *FT2056* which closes on 3 December 2017.

Following is an overview of the key issues outlined in Council's draft submission which is provided as an **attachment** to this report.

It is noted that the draft submission is consistent with Council's adopted position on an integrated transport system.

### Key Submission Issues

An analysis of the key issues raised in the draft submission is provided below. The analysis (and the draft submission) follows the format of *FT2056*, with each of the key headings and priorities from *FT2056* replicated in *italics*, followed by comments from Council officers.

#### *Customer Focus – supported by key infrastructure*

The draft Strategy places considerable emphasis on Customer focus, in keeping with the NSW Government's initiatives in transport over recent years. It identifies and responds to a diverse range of transport customers in NSW, as depicted in Figure 1 below.



**Figure 1 – NSW Government transport customers. Source: FT2056**

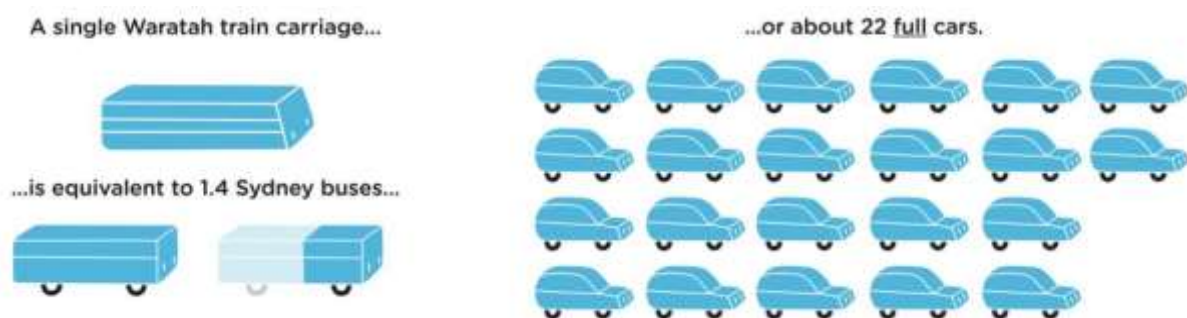
While acknowledging the importance of customer focus, Council's submission recommends that in order to provide optimal customer service, there is an urgent need for Transport for NSW to determine timeframes for delivery of major transport infrastructure. Both existing and future customers need certainty as to when north-south rail, major road links (e.g. Outer Sydney Orbital, Spring Farm Parkway) and road upgrades (e.g. Raby Road) will occur.

*Successful Places e.g. Western Sydney Airport/Aerotropolis*

The Western Sydney Airport & future Aerotropolis represent a significant opportunity to achieve successful places for Western Sydney. However, to meet this challenge requires Transport for NSW to urgently determine a timeline for when supporting infrastructure will be delivered.

*Growing Economy – via transport infrastructure investment*

An ongoing impediment to economic growth is the increasing level of congestion on the Greater Sydney Region and broader NSW road network. Public transport can play a pivotal role in alleviating this congestion, along with other sustainable transport modes; **Figure 2 in this report** below highlights the extent to which a reduction of cars on the road network can occur through bus and rail modes. Future provision of all public transport mode options requires definitive commitment from Transport for NSW as to the extent and timing of delivery of future upgrades.



**Figure 2 – Car vs public transport comparison. Source: FT2056**

*Safety & Performance*

One of Council’s key objectives in its Community Strategic Plan is to achieve an ‘integrated and safe transport system’, with performance indicators to “maintain or reduce the number of pedestrian and vehicle accidents”. To achieve both safety and performance improvements to the transport network in the Camden LGA requires collaborative engagement by Transport for NSW with Council and the community.

*Accessible Services*

The NSW Government’s vision for the future transport system includes integrated service provision and a fully accessible network. To achieve this vision, it is imperative that Transport for NSW prioritise the delivery of roads and transport infrastructure in the Camden LGA, including key upgrades within the South West Priority Growth Area such as the extension of Rickard Road. As a community experiencing high levels of growth, the Camden LGA is in need of ongoing urgent action by the NSW Government in delivering accessible transport services.

*Financial & Environmental Sustainability*

For the Camden LGA to realise its future potential, a strong, financially sustainable transport system is needed. This includes continued investment in infrastructure and service improvements, especially in advance of when and where development is occurring, whether it is residential, commercial/industrial or a ‘city-shaper’ such as the Western Sydney Airport. NSW legislative reform (including, but not limited to, the Special Infrastructure Contribution Levy and Section 94) is needed to achieve equitable funding for future transport in the Greater Sydney Region. To achieve environmental sustainability, focus is required to facilitate ‘modal shift’ – for example, reducing car dependency by Camden LGA residents through the provision of more sustainable and accessible transport options such as rail, bus, cycling and walking.



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### *Ongoing Engagement*

The vision identified in *FT2056* can only be achieved through collaboration between all levels of government, in partnership with key stakeholders and the community. In this regard, Council encourages Transport for NSW to provide an ongoing commitment to engage with Council, key stakeholders and the community, to ensure that any future transport planning strategies are drafted/implemented together, to benefit all existing and future customers of the transport network.

### **FINANCIAL IMPLICATIONS**

There are no direct financial implications for Council as a result of this report, however should the *FT2056* (and corresponding *GRSP* and *WCDP*) be adopted, there may be resourcing implications for Council which could be considered as part of an annual budget process.

### **CONCLUSION**

The visionary objectives of the NSW Government's *FT2056* provide a significant opportunity for the Camden LGA to obtain sustainable transportation connections throughout Western Sydney and to the broader metropolitan Sydney area.

High quality, well designed and interconnected infrastructure should support and facilitate all aspects of quality of life in a local area. The *FT2056* has the potential to provide that quality through access to places, employment, social and recreational opportunities while underpinning the potential for a prosperous local and regional economy.

The preservation of strategic transport corridors is strongly supported, and certainty regarding the timing of construction of infrastructure within these corridors is required. An action plan should identify when major transport infrastructure construction will occur, including projects such as the Outer Sydney Orbital and north-south rail connection.

It is considered that these options, along with other issues raised in Council's submission, will support the growth of Western Sydney, significantly improve access to jobs, health and education services, and will improve liveability in our community through sustainable connectivity.

### **RECOMMENDED**

#### **That Council:**

- i. endorse the attached draft submission to be forwarded to Transport for NSW;**
- ii. forward the submission to Transport for NSW; and**
- iii. forward a copy of the submission to Mr Chris Patterson MP, State Member for Camden, Mr Anthony Roberts MP, Minister for Planning and Ms Sarah Hill, CEO of the Greater Sydney Commission.**

#### **ATTACHMENTS**

1. Draft Camden Council Submission - Future Transport Strategy 2056
2. Draft Future Transport Strategy 2056



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## ORDINARY COUNCIL

### ORD12

**SUBJECT: TENDER T004/2018 - ARGYLE STREET STREETSCAPE IMPROVEMENTS, CAMDEN - STAGE 3 MURRAY TO OXLEY STREETS**

**FROM:** Director Community Assets

**TRIM #:** 17/338715

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### PURPOSE OF REPORT

To provide details of the tenders received for contract T004/2018, being Stage 3 of the Argyle Street Streetscape Upgrade, Camden, and to recommend that Council accept the tender submitted by Statewide Civil Pty Ltd.

### BACKGROUND

The scope of works for this tender comprises the section of Argyle Street between Murray and Oxley Streets. The proposed upgrade includes construction of new kerb and gutter, drainage works, widening and paving of footpaths, adjustment of road pavement levels, new street lighting and landscape works. The location of the works for Stage 3 is shown as an **attachment** to this report. These works will continue the significant improvements to the visual appearance and pedestrian amenity previously completed by Council in Argyle Street.

A contractor is required to act as the Principal Contractor for the site and be responsible for the construction works. The Principal Contractor will manage and coordinate all sub-contractors and integrate their output at all stages.

### MAIN REPORT

#### **Invitation to Tender**

Procurement of a contractor for the works has been undertaken in two stages. The first stage was to issue an open Expression of Interest (EOI) to select suitable firms to participate in a tender.

The second stage of procurement was to issue tender invitations to the selected firms as listed below:

Cleary Bros (Bombo) Pty Ltd  
Quality Management & Constructions Pty Ltd  
Sam the Paving Man  
Statewide Civil Pty Ltd  
Western Earthmoving Pty Ltd

Using the NSW e-tendering website, the tender was issued on 13 September 2017 with tender returns required by 18 October 2017.




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## Tender Submissions

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

Name of Tenderer	Location
Cleary Bros (Bombo) Pty Ltd	Port Kembla NSW
Quality Management & Constructions Pty Ltd	Bella Vista NSW
Statewide Civil Pty Ltd	Norwest NSW

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

## Tender Evaluation

The intention of the tender process is 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 include:

- Conformity to the specification and tender documents;
- Previous experience;
- Proposed team, reliability and capacity;
- Program;
- Methodology for undertaking the works; and
- Work Health and Safety.

Statewide Civil Pty Ltd has provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation. Statewide Civil Pty Ltd were awarded and successfully completed Stage 1B and Stage 2 of the Argyle Street Streetscape Upgrade for Camden Council. Past clients were also contacted and provided positive feedback for Statewide Civil Pty Ltd.

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

The panel members all agreed that the tender by Statewide Civil Pty Ltd 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.

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### **Critical Dates/Timeframes**

Statewide Civil Pty Ltd has submitted a program to complete the works in a timeframe that meets the requirements of Council. Subject to Council's acceptance of this tender, the works are expected to be completed by September 2018 (weather permitting).

### **FINANCIAL IMPLICATIONS**

Council has sufficient funds currently allocated to this project in the 2017/18 Capital Works Program to proceed with the proposed works.

### **CONCLUSION**

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

### **RECOMMENDED**

**That Council accept the tender provided by Statewide Civil Pty Ltd for Stage 3 works (Murray to Oxley Streets) for the lump sum value of \$2,324,567.95 (GST exclusive).**

### **ATTACHMENTS**

1. Location of Works - Stage 3 Argyle Street Streetscape Improvements
2. Tender Evaluation - T004/2014 - Argyle Street Streetscape Upgrade - Stage 3 (Murray to Oxley Streets) - *Supporting Document*






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## ORDINARY COUNCIL

## ORD13

**SUBJECT: TENDER T005/2018 - DESIGN AND CONSTRUCTION OF A PEDESTRIAN BRIDGE AND BOARDWALK - BOYD RESERVE, CURRANS HILL**

**FROM:** Director Community Assets

**TRIM #:** 17/360843

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### PURPOSE OF REPORT

To provide details of the tenders received for contract T005/2018, Design and Construction of a Pedestrian Bridge and Boardwalk – Boyd Reserve, Currans Hill, and to recommend that Council accept the recommended tender.

### BACKGROUND

The existing timber pedestrian bridge and boardwalk have reached the end of their design life and are to be replaced with suitably designed and constructed structures meeting the strength, serviceability and durability requirements in accordance with Australian Standards.

Council called for tenders for the design and construction of a replacement pedestrian bridge and boardwalk at Boyd Reserve, Currans Hill, consisting of structural steel substructure with timber decking and handrails.

Council also sought alternate tenders to assess the benefits of different bridge materials.

### MAIN REPORT

#### **Invitation to Tender**

The tender for the design and construction of a pedestrian bridge and boardwalk was advertised in the local newspaper, Sydney Morning Herald and the NSW e-Tendering website. Tenders were issued on 12 September 2017, and closed on 11 October 2017.

#### **Tender Submissions**

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

<b>Name of Tenderer</b>	<b>Location</b>
Fleetwood Urban Pty Ltd	Wetherill Park, NSW
Lateral Projects Pty Ltd	Artarmon, NSW
Moodie Outdoor Products Pty Ltd	Gladesville, NSW
Perfect Engineering Pty Ltd	Henley, NSW
Steelworks Engineering Pty Ltd	Berkeley Vale, NSW
Wardrope and Carroll Engineering Pty Ltd	North Kirrawee, NSW

## Tender Evaluation

The aim of the tender evaluation process is to assess the capability of the tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 50% and non-price factors a weighting of 50%.

Non-price factors considered for this project were:

- demonstrated capacity and technical ability of the organisation to carry out the work under the Contract;
- demonstrated managerial capability, qualifications, experience and number of personnel;
- conformity with the request for the tender;
- financial stability and financial position of the tenderer;
- capacity to achieve the required project program;
- the proposed construction methodology;
- Work Health and Safety; and
- nominated sub-contractors and consultants.

An assessment of the conforming tenders was undertaken in conjunction with the tender evaluation plan. A summary of the submissions is provided in the **supporting documents**. Please note, this information is Commercial-in-Confidence.

It is noted that, although alternate tenders were considered as submitted, it was determined to only consider the conforming option of a timber deck and handrails, together a structural steel design, which has been proven in similar situations to provide the best balance of appearance, long life and price. The alternate designs utilising a range of other materials such as fibre reinforced plastic and composite wood were more expensive than the complying tenders, and did not offer any advantage over the conforming tenders.

The assessment clearly established Fleetwood Urban Pty Ltd as the preferred tenderer. It is considered that the tendered amount represents a competitive market price for the given scope and risk profile, and provides the best value to Council for the services required.

Fleetwood Urban Pty Ltd is considered capable of completing the work satisfactorily and referee checks carried out have confirmed that they are competent to provide the required services.

## 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.



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### **Critical Dates/Time Frames**

Fleetwood Urban Pty Ltd has submitted a program to complete the works in a timeframe that meets the requirements of Council. Subject to Council's acceptance of this tender, the works are expected to be completed by June 2018 (weather permitting).

### **FINANCIAL IMPLICATIONS**

There are sufficient funds available in the general bridge renewal budget to accept this tender.

### **CONCLUSION**

Fleetwood Urban Pty Ltd has provided a conforming tender.

The tender assessment concludes that the offer by Fleetwood Urban Pty Ltd represents the best value for Council and the company has a proven track record of performance on projects of a similar nature.

### **RECOMMENDED**

**That Council accept the complying tender provided by Fleetwood Urban Pty Ltd for the lump sum of \$123,230 (GST exclusive).**

### **ATTACHMENTS**

1. T005/2018 - Pedestrian Bridge and Boardwalk Boyd Reserve Currans Hill - *Supporting Document*



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## ORDINARY COUNCIL

ORD14

**SUBJECT: TENDER T007/2018 - MACQUARIE GROVE ROAD BRIDGE REINSTATEMENT OF BRIDGE DECK JOINTS**

**FROM:** Director Community Assets

**TRIM #:** 17/360917

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### PURPOSE OF REPORT

To provide details of the tenders received for contract T007/2018 - Macquarie Grove Road Bridge Reinstatement of Bridge Deck Joints and to recommend that Council accept the recommended tender.

### BACKGROUND

Council considered a report on this matter at its meeting of 22 August 2017, at which Council resolved as follows:

- i. in accordance with Section 178 of the Local Government (General) Regulation 2005 – Acceptance of Tenders, decline to accept any tender submitted in response to Tenders T006/2017 and T007/2017, being Burratorang Road Bridge and Macquarie Grove Road Bridge Replacement of Bridge Deck Joints, as the tenders received were not considered best value to Council; and*
- ii. invite fresh tenders for the reinstatement of bridge deck joint replacements on Burratorang Road Bridge and Macquarie Grove Road Bridge.*

Council called fresh tenders for the reinstatement of bridge deck joints for Macquarie Grove Road Bridge, which is located on the Macquarie Grove Road, where the road meets Nepean River, to the north of Camden.

### MAIN REPORT

#### **Invitation to Tender**

The tender for the reinstatement of bridge deck joints for Macquarie Grove Road Bridge was advertised in the local newspaper, Sydney Morning Herald and the NSW e-Tendering website. Tenders opened on 12 September 2017 and closed on 11 October 2017.

#### **Tender Submissions**

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

<b>Name of Tenderer</b>	<b>Location</b>
Bridge Check Australia Pty Ltd	O'Connell, NSW
Castlereagh Group Industries Pty Ltd	Sydney, NSW
Evolution Civil Maintenance Pty Ltd	Moorebank, NSW



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## Tender Evaluation

The aim of the tender evaluation process is to assess the capability of the tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 50% and non-price factors a weighting of 50%.

Non-price factors considered for this project were:

- demonstrated capacity and technical ability of the organisation to carry out the work under the Contract;
- demonstrated managerial capability, qualifications, experience of the nominated personnel;
- Work Health and Safety;
- delivery program; and
- the proposed construction methodology.

An assessment of the tenders was undertaken in conjunction with the tender evaluation plan. A summary of the submissions is provided in the **supporting documents**. Please note, this information is Commercial-in-Confidence.

The tender submitted by Bridge Check Australia Pty Ltd demonstrated a thorough understanding of the project and methodology to satisfy the project brief.

It is considered that the tendered amount represents a competitive market price for the given scope and risk profile, provides the best value to Council for the services required, and is in accordance with the pre-tender estimate provided by Council's design consultant. The recommended tender represents a significant price advantage over the original declined tenders.

Bridge Check Australia Pty Ltd is considered capable of completing the work satisfactorily and referee checks carried out have confirmed that they are competent to provide the required services.

## 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

Bridge Check Australia Pty Ltd has submitted a program to complete the works in a timeframe that meets the requirements of Council. Subject to Council's acceptance of this tender, the works are expected to be completed by March 2018 (weather permitting).

## FINANCIAL IMPLICATIONS

There are sufficient funds available in the project budget and the general bridge renewal budget to accept this tender.



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## **CONCLUSION**

Bridge Check Australia Pty Ltd has provided a conforming tender.

The tender assessment concludes that the offer by Bridge Check Australia Pty Ltd represents the best value for Council and the company has a proven track record of performance on projects of a similar nature.

## **RECOMMENDED**

**That Council accept the tender provided by Bridge Check Australia Pty Ltd for the lump sum of \$140,500 (GST exclusive).**

## ATTACHMENTS

1. T007/2018 - Reinstatement of Bridge Deck Joints Macquarie Grove Bridge - *Supporting Document*



## ORDINARY COUNCIL

ORD15

**SUBJECT: TENDER T006/2018 - BURRAGORANG ROAD BRIDGE  
REINSTATEMENT OF BRIDGE DECK JOINTS**  
**FROM: Director Community Assets**  
**TRIM #: 17/360992**

### PURPOSE OF REPORT

To provide details of the tenders received for contract T006/2018 - Burragorang Road Bridge Reinstatement of Bridge Deck Joints and to recommend that Council accept the recommended tender.

### BACKGROUND

Council considered a report on this matter at its meeting of 22 August 2017, at which Council resolved as follows:

- i. *in accordance with Section 178 of the Local Government (General) Regulation 2005 – Acceptance of Tenders, decline to accept any tender submitted in response to Tenders T006/2017 and T007/2017, being Burragorang Road Bridge and Macquarie Grove Road Bridge Replacement of Bridge Deck Joints, as the tenders received were not considered best value to Council; and*
- ii. *invite fresh tenders for the reinstatement of bridge deck joint replacements on Burragorang Road Bridge and Macquarie Grove Road Bridge.*

### MAIN REPORT

#### **Invitation to Tender**

The tender for the reinstatement of bridge deck joints for Burragorang Road Bridge was advertised in the local newspaper, Sydney Morning Herald and the NSW e-Tendering website. Tenders opened on 12 September 2017 and closed on 11 October 2017.

#### **Tender Submissions**

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

<b>Name of Tenderer</b>	<b>Location</b>
Bridge Check Australia Pty Ltd	O'Connell, NSW
Castlereagh Group Industries Pty Ltd	Sydney, NSW
Eptec Services Pty Ltd	Broadway, NSW
Evolution Civil Maintenance Pty Ltd	Moorebank, NSW

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## Tender Evaluation

The aim of the tender evaluation process is to assess the capability of the tenderers to provide the best value and quality services to Council and to recommend the preferred tenderer.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 50% and non-price factors a weighting of 50%.

Non-price factors considered for this project were:

- demonstrated capacity and technical ability of the organisation to carry out the work under the Contract;
- demonstrated managerial capability, qualifications, experience of the nominated personnel;
- Work Health and Safety;
- delivery program; and
- the proposed construction methodology.

An assessment of the tenders was undertaken in conjunction with the tender evaluation plan. A summary of the submissions is provided in the **supporting documents**. Please note, this information is Commercial-in-Confidence.

The assessment clearly established Bridge Check Australia Pty Ltd as the preferred tenderer.

The tender submitted by Bridge Check Australia Pty Ltd demonstrated a thorough understanding of the project and methodology to satisfy the project brief.

It is considered that the tendered amount represents a competitive market price for the given scope and risk profile, provides the best value to Council for the services required, and is in accordance with the pre-tender estimate provided by Council's design consultant. The recommended tender represents a significant price advantage over the original declined tenders.

Bridge Check Australia Pty Ltd is considered capable of completing the work satisfactorily and referee checks carried out have confirmed that they are competent to provide the required services.

## 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

Bridge Check Australia Pty Ltd has submitted a program to complete the works in a timeframe that meets the requirements of Council. Subject to Council's acceptance of this tender, the works are expected to be completed by March 2018 (weather permitting).





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### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

Bridge Check Australia Pty Ltd has provided a conforming tender.

The tender assessment concludes that the offer by Bridge Check Australia Pty Ltd represents the best value for Council and the company has a proven track record of performance on projects of a similar nature.

### **RECOMMENDED**

**That Council accept the tender provided by Bridge Check Australia Pty Ltd for the lump sum of \$152,500 (GST exclusive).**

### **ATTACHMENTS**

1. T006/2018 - Burragorang Road Bridge Reinstatement of Bridge Deck Joints - *Supporting Document*



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## ORDINARY COUNCIL

### ORD16

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

**FROM:** Director Sport, Community and Recreation

**TRIM #:** 17/342406

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### PURPOSE OF REPORT

To respond to Council's resolution to investigate the costs associated with providing a toilet block and shade structures to the new playground located at Burrell Road, Spring Farm.

### BACKGROUND

At the Council meeting on 10 October 2017, Council resolved 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.'*

The following information provides the results of the investigation.

### MAIN REPORT

The proposal to build toilet amenities and shade sails at the new playground located in Burrell Road, Spring Farm has been investigated and costs associated with these works equate to approximately \$300,000 (GST exclusive).

The toilet amenities, which include one unisex accessible toilet, one unisex toilet and one storage room, are recommended to be constructed at the entrance to the play space on Burrell Road, opposite Attwood Road as identified in **Figure One**. The proposed toilet amenities are similar to the one provided at Birriwa Youth Space.

Council's Recreation Planner met onsite with users of the playground on Tuesday 24 October between 10.00-11.00am and Wednesday 25 October 2017 between 3.30-4.30pm to hear feedback on the most appropriate locations for shade sails to be installed within the reserve. It was established areas, predominantly over the play equipment, would benefit from the provision of shade and these have been identified in **Figure Two**.

Planning and construction of the toilet amenities would occur in September 2018 allowing time for the design and tender process. It is proposed that the toilet amenities will also incorporate a component of community art, where local youth will be consulted and included in the process. It is anticipated that shade could be installed earlier than the toilet amenities, in March 2018.



**Figure One:** Proposed location of toilet amenities



**Figure Two:** Proposed provision of shade

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## **FINANCIAL IMPLICATIONS**

The total cost associated with the construction of the toilet amenities, the installation of shade structures and community art is approximately \$300,000. Section 94 funding is available for this project from within the Camden Contribution's Plan.

## **CONCLUSION**

Council resolved to investigate the costs associated with providing a toilet block and shade structures to the new playground located at Burrell Road, Spring Farm. Consideration was given to the location of a toilet amenities and the provision of shade structures and it is recommended that Council endorse funding from Section 94 to undertake this project.

## **RECOMMENDED**

**That Council:**

- i. note the information contained in the report; and**
- ii. allocate \$300,000 from Section 94 funds to construct the toilet amenities and install shade structures (including the community art component).**



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## ORDINARY COUNCIL

## ORD17

**SUBJECT:** 2017/2018 CIVIC CENTRE CULTURAL PERFORMANCE SUBSIDY  
**FROM:** Director Sport, Community and Recreation  
**TRIM #:** 17/345006

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### PURPOSE OF REPORT

This report seeks approval to allocate funding to local community groups, organisations and individuals through the annual Camden Civic Centre Cultural Performance Subsidy.

### BACKGROUND

The Cultural Performance Subsidy calls for applications annually and provides up to \$1200 per event to subsidise the cost of hiring the Camden Civic Centre. Council provides the funds to not-for-profit organisations providing musical or performance art presentations within the venue. These funds increase the capacity of local groups to access the venue, provide a platform to showcase their talents to an audience and to provide quality affordable entertainment to the community.

The Cultural Performance Subsidy seeks to attract high quality cultural performances to meet key demographic groups in our community – seniors, family, youth and children. When the subsidy budget allocation is not fully expended, Centre Management will endeavour to use the remaining funds to source entertainment that further meets the needs of the community, if any suitable option is available.

Applications are reviewed and assessed against the following criteria:

- Demonstrate value to both the Camden community and Camden Council through the provision of high quality cultural performances;
- Involve participation and audience from local residents;
- Indicate local support either financial or in kind;
- Show evidence that the proposed activity is well planned and likely to attract the target audience;
- Contribute to the Annual Civic Centre cultural program.

The intention of the policy is to provide the community with the most appealing range of entertainment and ensure community access to the venue.

Eligibility:

- Cultural performances must be scheduled to be held within the Camden Civic Centre.
- Funds are available to non-government organisation's which are not-for-profit and/or community groups based in the LGA, or undertaking a performance of direct benefit to the community and people of Camden.
- Applications may be for a portion of venue hire costs to the value of and not exceeding \$1,200 (excluding GST).



In 2017/2018, 11 subsidised events offer excellent entertainment, appealed to a large number of people and played to significant audiences. In most instances, audiences exceeded 300 people.

## **MAIN REPORT**

The 2017/2018 funding round was advertised by direct mail to previous applicants and the Civic Centre's database, on both the Council and Civic Centre websites, in Let's Connect and via Facebook.

Council received 11 applications in this round. Application requests total \$11,990 with \$13,400.00 available for 2017/2018. As the applications are reviewed annually, six of the applicant's events have been held. This was done on the proviso that funding may not be available and the events would be charged full hire fees, subject to a future decision by Council.

The following applications were received:

	Summary	Demographic and Date	Amount Requested 2017/18	Funded 2016/17	Recommended for funding
1	Mater Dei annual school performing arts evening. A showcase of students dance and theatre celebrating participation	All age	\$1,200	Yes	Yes
2	Campbelltown Camden District Band 75 year anniversary concert.	All age	\$1,200	Yes	Yes
3	Fishers Ghost Youth Choir providing exceptional talent locally.	All age	\$1,200	nil	Yes
4	Camden Shorts – live performance event promoting young talent in a series of 10 minute performances. Showcasing dance, music and theatre.	All age youth	\$1,200	Yes	Yes
5	Voiceology singing and dancing concert for talented local artists. The concert provides an opportunity for students to perform for the community	All age	\$750	nil	Yes
6	Danny Elliott – the very talented multi instrument performance of Danny and his wife.	All age seniors	\$1,200	nil	Yes
7	STADS theatre production involving youth from all over Macarthur.	All age youth	\$1,200	nil	Yes
8	ADFAS kiddies concert,	Children	\$440	Yes	Yes



	Summary	Demographic and Date	Amount Requested 2017/18	Funded 2016/17	Recommended for funding
	this is the seventh concert held in partnership with Fishers Ghost Youth Orchestra to introduce the children to the world of music				
9	Show Oz theatre group – annual production. Kids from all over Macarthur, representing different studios all come together to provide a quality production for the community.	All age youth	\$1,200	nil	Yes
10	Smash the Silence mental health awareness event for youth. Focused on provision of support materials, art and live performance in a safe and nurturing environment.	Youth	\$1,200	nil	Yes
11	David Cazalet – Elvis show for the entire family.	All age seniors	\$1,200	nil	Yes
<b>Total</b>			<b>\$11,990</b>		

Of the 11 applications received, all are recommended for funding.

### **FINANCIAL IMPLICATIONS**

An amount of \$13,400 (GST exclusive) is allocated in the budget for 2017/2018 and the recommended applications total \$11,990. All groups who requested funds can be supported within the Civic Centre Cultural Performance Subsidy Program 2017/2018.

In keeping with previous practice, it is requested that the remaining funds of \$1,410 be utilised to enable the sourcing of an additional performance to cater to community interest from available opportunities.

### **CONCLUSION**

The Civic Centre Cultural Performance Subsidy Program supports local groups to access the Civic Centre and to provide a range of entertainment options for the local community.

A number of the 2017/2018 applicants have successfully applied for funding in previous funding rounds, and have proven their capacity to provide exceptional, high quality entertainment to the community. They have worked with volunteers to create a series of events which form part of the annual Camden events program.

The 2017/2018 applicants represent a reasonable selection of events catering for youth, children, families and seniors that complement the existing calendar of events.

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It is recommended that all 11 applicants be fully funded on the basis of their application, past history and anticipated community involvement. The balance of funds available in this financial year, \$1,410 will be used to source performances that may further enhance the program offered by the Civic Centre.

### **RECOMMENDED**

#### **That Council:**

- i. endorse the subsidy requests set out in this report through the allocation of \$11,990 (GST exclusive) from the Civic Centre Cultural Performance Subsidy Program 2017/2018;**
- ii. utilise the balance of \$1,410 from the Civic Centre Cultural Performance Subsidy Program 2017/2018 to enable the sourcing of an additional performance to cater to community interest from available opportunities; and**
- iii. write to each applicant advising them of their successful funding allocation.**





## ORDINARY COUNCIL

ORD18

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**  
**FROM:** General Manager  
**TRIM #:** 17/355218

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following business:

1. Repayment of Surplus Credit under proposed Works-In-Kind Agreement.

is, in the opinion of the General Manager, of a kind referred to in Section 10A(2) of the Act, being:

- *Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business (Section 10A(2)(c));*
- *Commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (Section 10A(2)(d)(i)); and*
- *Commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the Council (Section 10A(2)(d)(ii));*

and should be dealt with in a part of the meeting closed to the media and public.

Before a part of the meeting is closed, members of the public may make representations as to whether that part of the meeting should be closed. Representations can only be made in writing to the General Manager prior to the commencement of the meeting or a fixed period immediately after the motion is moved and seconded. That period is limited to four minutes under Council's Code of Meeting Practice.

The meeting will only be closed during discussion of the matter directly the subject of the report and no other matter will be discussed in the closed part.

Members of the public will be readmitted to the meeting immediately after the closed part has ended and, if Council passes a resolution during the closed part, the Chairperson will make the resolution public as soon as practicable after the closed part has ended.

### **RECOMMENDED**

**That Council:**

- i. **hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting; and**
- ii. **close the meeting to the media and public to discuss a report dealing with commercial information in accordance with the provisions of Sections 10A(2)(c), 10A(2)(d)(i) and 10A(2)(d)(ii) of the *Local Government Act 1993*.**