



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**27 February 2018**

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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

Director Planning and Environment  
Nicole Magurren

Manager Governance and Risk  
Charles Weber

Chief Financial Officer  
Paul Rofe

Director Community Assets  
Vince Capaldi

Director Sport Community and  
Recreation  
Sandra Kubecka

# SEATING DIAGRAM

Camden Council Meeting

Councillor  
Rob Mills

Councillor  
Ashleigh Cagney

Councillor  
Theresa Fedeli

Councillor  
Eva Campbell

Councillor  
Peter Sidgreaves

Councillor  
Paul Farrow

Councillor  
Michael Morrison

Councillor  
Cindy Cagney

Public Address

Public Seating

Media



# ORDINARY COUNCIL

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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.

## **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 13 February 2018.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 13 February 2018, 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: CONSTRUCTION OF A FOOD AND DRINK PREMISES WITH A DRIVE THRU FACILITY, SIGNAGE AND ASSOCIATED SITE WORKS AT 243 RICHARDSON ROAD, SPRING FARM**

**FROM:** Director Planning and Environment

**TRIM #:** 18/6911

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**APPLICATION NO:** DA 1088/2017  
**PROPERTY ADDRESS:** 243 Richardson Road, Spring Farm  
**APPLICANT:** McDonalds Australia Ltd  
**OWNER:** McDonalds Australia 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 the construction of a food and drink premises with a drive through facility, signage and associated site works at 243 Richardson Road, Spring Farm.

The DA is referred to Council for determination as there remain unresolved issues raised in three submissions.

### SUMMARY OF RECOMMENDATION

That Council determine DA 1088/2017 for the construction of a food and drink premises with a drive through facility, signage 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 1088/2017 seeks approval for the construction of a food and drink premises with a drive through facility, signage and associated site works.

Specifically the proposed development involves:

- Construction of a single storey food and drink premises for a McDonalds restaurant with a floor area of 539m<sup>2</sup>;
- Drive through facility with capacity for 12 vehicles and two waiting bays;
- Seating capacity for 76 patrons;
- Car parking including 34 car spaces and one motorcycle space;
- Signage including one 6m high pylon sign, fascia signage and menu signs within the drive through facility;
- Proposed 24 hour operation, seven days a week; and
- Associated site works.

The estimated cost of works is \$3.9 million.

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

## THE SITE

The site is known as 243 Richardson Road, Spring Farm and is described as Lot 46 DP 1210526. The site has a frontage of 31.79m to Springs Road, 46.985m to Richardson Road and 58.2m to Brookner Road. The site has an overall area of 3168sqm and is currently vacant.

The site forms part of the Spring Farm neighbourhood centre which comprises of a shopping facility including a Woolworths, fast food outlet and service centre immediately to the left, vacant land to the north and residential lots to the east.





## KEY DEVELOPMENT STATISTICS

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

Clause	Standard	Proposed	Compliance
<b>Camden Local Environmental Plan 2010</b>			
4.3 Height of Buildings	Max 9.5m.	7.245m to top of parapet.	Yes

Clause	Standard	Proposed	Compliance
<b>Camden Development Control Plan 2011</b>			
B1.9 Waste Minimisation and Management	A waste management plan is required to be submitted with the DA.	A waste management plan has been provided, which addresses waste management during construction and for the ongoing operation and is deemed satisfactory.  Council's waste officer has reviewed the plan and has recommended conditions to ensure compliance with the plan.	Yes
B1.12 Contaminated and Potentially Contaminated Land	Contamination assessment and remediation (if required).	Contamination was addressed as part of the parent subdivision and the site is considered suitable for the proposed use as a food and drink premises. A standard unexpected finds condition is recommended.	Yes
B1.16 Acoustic Amenity	Noise from industrial and commercial development must be assessed in accordance with Council's Environmental policy.	An acoustic report was submitted with the DA to assess the impacts of noise generated by the proposed development.  Council officers have reviewed the acoustic report and are satisfied that the proposal will not impact on residential amenity subject to conditions requiring the recommendations of the acoustic report be complied with.	Yes

<p>B2 Landscape Design</p>	<p>A landscape plan is required.</p>	<p>A landscape plan was submitted with the DA which is satisfactory. Council's landscape officer has reviewed the plan and has recommended conditions which require suitable shrub planting greater than 1m be incorporated into the proposed landscaping to soften the built form on the corner of Richardson Road and Springs Road.</p>	<p>Yes</p>
<p>B4.1 General Requirements for Signs</p>	<p>Signs must be located within property boundaries.</p> <p>The total combined displayed area of all signage on the land shall not exceed 20% of visible wall area.</p> <p>The number of advertising signs permitted shall not exceed two per elevation that is visible from a public place.</p>	<p>Signs are contained within the property boundaries.</p> <p>The signs do not exceed more than 20% of the visible wall area per façade.</p> <p>A total of five signs are proposed on the northern elevation (facing the internal car park) and three signs on the western elevation (facing Richardson Road), both of which are visible from Richardson Road and/or Brookner Road.</p>	<p>Yes</p> <p>Yes</p> <p><b>No – See DCP Variation 1</b></p>
<p>B4.4 Commercial and Mixed Use Zones</p>	<p>Illumination to comply with AS 1158 and AS 4282.</p> <p>A maximum of one pole or pylon sign per street frontage, not exceeding 6m above natural ground level is permitted.</p>	<p>A standard condition is recommended to ensure that illumination of signs comply with the Australian Standards.</p> <p>One pylon sign is proposed on the Richardson Road frontage which has a maximum height of 6m.</p>	<p>Yes</p> <p>Yes</p>
<p>B5 Access and Parking</p>	<p>The greater of: one space per two seats (internal) <b>68/2= 34; or,</b></p>	<p>Thirty-four spaces are provided.</p>	<p>Yes</p>



	<p>One space per three seats (internal and external).  <b>68 internal + 8 external = 76 seats</b>  <b>76/3 = 26 spaces</b></p> <p><b>Therefore, a total of 34 are required.</b></p> <p>Queuing area for five to 12 cars.</p> <p>Parking for bicycles and motorcycles is required for developments with parking in excess of 25 car parking spaces.</p>	<p>Queuing for 12 cars and two waiting bays has been provided within the drive thru facility which complies.</p> <p>The proposal provides one motorcycle space and a bicycle rack which can accommodate four bicycles.</p>	<p>Yes</p> <p>Yes</p>
D3.2.1 Function and Uses	<p>Development within business zones must incorporate a range of local retail, commercial, entertainment, child care, residential and community uses to serve the local needs of the community.</p>	<p>A food and drink premises is identified as a retail premises, which is compatible with the neighbourhood centre and provides an additional service to the local area.</p>	<p>Yes</p>
D3.2.2 Layout/design	<p>Layout and design must consider future noise and amenity conflicts for both the subject development and neighbouring developments.</p> <p>Where development fronts the street, it must be designed so that it addresses the street or public</p>	<p>The proposed layout and design will not have noise or amenity impacts on the neighbouring developments.</p> <p>The development adequately addresses the street.</p>	<p>Yes</p> <p>Yes</p>

	place.  New development must not detract from significant views or vistas.	The development will not detract from significant views or vistas.	Yes
D3.2.3 Built form and appearance	Buildings should have similar mass and scale to create a sense of consistency.	The height of the development is compatible with surrounding development.	Yes
	Business development must feature high quality architectural design and a built form that promotes a sense of place and contemporary character for all business zones.	A contemporary design is proposed that is satisfactory with respect to compatibility with the neighbourhood centre in regards to bulk and scale, design and character.	Yes
	Roof forms should be appropriately designed to respond to the built form of other nearby development.	A flat roof design is proposed with parapet projections that are consistent with the roof design proposed for the neighbourhood centre.	Yes
	Service infrastructure such as air conditioning and other plant must be screened from public view and must be incorporated into the design of the building.	Service infrastructure will be integrated into the overall building design.	Yes
	Site facilities such as loading, waste storage, servicing and other infrastructure shall be designed to minimise the visual impact on the public domain and impacts on neighbours.	The loading bay is sited on the eastern side of the building which doubles as one of the drive through lanes. It is sufficiently screened from the street. A waste area is confined internally within the building.	Yes

	Security devices shall be integrated with the design of the building and shall enable design features to be interpreted outside centre trading hours.	The DA specifies numerous security devices within the development such as CCTV cameras, and perimeter lighting.	Yes
D3.2.5 Public Domain	Development must include a high quality landscape design.  The building and landscape design is to be complementary to ensure legible, safe and conformable access for pedestrians.  Street trees and open space plantings are to provide generous shade for pedestrians.  All signage and advertising is to be designed in a coordinated manner.	A landscape plan has been provided that demonstrates high quality landscape design.  The proposal provides satisfactory pedestrian access from Richardson Road in close proximity to the buildings entry point and legible and safe access for pedestrians accessing the building from the car park.  Street trees were provided as part of the parent subdivision to facilitate the neighbourhood centre. Two street trees are proposed to be removed which conflict with the vehicle cross over on Richardson Road. Council's landscape officer has reviewed this and raises no objection to the street tree removal.  The proposed signage is coordinated and complementary to the surrounding development.	Yes  Yes  Yes  Yes
D3.2.6 Parking and Access	The visibility of parking areas at street frontages shall be minimised through parking layout and design, building location and design and landscaping treatments. Bitumen and cars	The proposed parking area does not dominate the streetscape.  Landscaping is proposed to soften the car park.	Yes

	<p>are not to be the dominant features of the landscape.</p> <p>Parking shall be designed to enable legible, safe, comfortable and easy access for pedestrians from the street frontages.</p>	<p>Parking is legible and safe and provides an access to Richardson Road and Brookner Road.</p>	<p>Yes</p>
<p>D3.3 Spring Farm – B1 Neighbourhood Centre</p>	<p>Neighbourhood centre will have a combined GFA of 7000m<sup>2</sup> for a retail neighbourhood centre and 1000m<sup>2</sup> for commercial uses (8000m<sup>2</sup>) in total.</p>	<p>The approved uses within the neighbourhood centre currently comprise of 6334m<sup>2</sup>. The proposed GFA is 272m<sup>2</sup> for this proposal resulting in a combined GFA of 6606m<sup>2</sup> which is satisfactory in the context of the surrounding commercial uses.</p>	<p>Yes</p>
<p>D3.3.2 Layout/design</p>	<p>Buildings are to be visible from, and address the street frontages. Where buildings are not proposed to be built to the street frontage, setbacks are to be minimised.</p>	<p>The building is visible from Springs Road, Richardson Road and Brookner Road.</p>	<p>Yes</p>
<p>B3.3.3 Built Form and Appearance</p>	<p>Blank walls visible from principal streets and the public domain are to be limited. Large format retail premises are to be sleeved, where appropriate, with active uses. In other circumstances, careful building design and landscaping shall be used to minimise the extent and visibility of blank walls.</p>	<p>Each façade is well articulated and there are no visible blank walls.</p>	<p>Yes</p>



	<p>Dedicated service access to loading facilities for retail and commercial buildings shall be provided via back or side lanes that are screened from view on the main street. The potential for service traffic to conflict with other vehicle movements is to be minimised.</p>	<p>The loading facility is screened from Brookner Road by an acoustic wall. In order to mitigate any conflict with patron vehicles, a condition is recommended to ensure that waste vehicles collect waste outside of core hours.</p>	<p>Yes</p>
	<p>Development shall use design solutions to reduce opportunities for crime and reduce the perception of crime within the community.</p>	<p>The Camden Local Area Command has reviewed the proposal and considers the development to be a low crime risk.</p>	<p>Yes</p>
	<p>Development located on the edges of the neighbourhood centre must consider the surrounding environment in order to address the potential for land use conflict and to ensure that the neighbourhood centre relates sympathetically to the surrounding development.</p>	<p>It is considered that the proposed development is an appropriate land use and does not conflict with surrounding development.</p>	<p>Yes</p>

**ASSESSMENT**

***Zoning and Permissibility***

<p>Zoning:</p>	<p>B1 Neighbourhood Centre</p>
<p>Permissibility:</p>	<p>The proposed development is defined as a 'food and drink premises' by the LEP which is a permissible land use in this zone.</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 (Infrastructure) 2007 – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy No. 64 – Advertising and Signage Compliant with conditions recommended.</p> <p>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.</p>
Local Environmental Plan – S79C(1)(a)(i)	Camden LEP 2010 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) – S79C(1)(a)(ii)	<p>Draft Environment – The Draft Environment SEPP concluded exhibition on January 31, 2018. The purpose of the SEPP is to consolidate seven existing SEPP’s into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.</p> <p>The Draft Environment SEPP is considered not imminent or certain and accordingly, no significant weight to this proposed planning instrument has been given in this instance.</p>
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2006 – Compliant with conditions recommended.
Planning Agreement(s) – S79C(1)(a)(iiiia)	None.
The Regulations – S79C(1)(a)(iv)	None applicable.
Likely Impacts – S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability – S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development
Submissions – S79C(1)(d)	Three submissions were received which are discussed in the Submissions section of this report
Public Interest – S79C(1)(e)	The development is in the public interest.

**Compliance with Plans or Policies**

DCP Variation 1 – B4.4(2) Advertising and Signage in Commercial and Mixed Use Zones

*DCP Control*

The number of signs permitted shall not exceed two per elevation that is visible from a public place.



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A total of five signs are proposed on the northern elevation which faces the internal car park and three signs are proposed on the western elevation, which faces Richardson Road.

### *Variation Request*

The applicant has requested that Council support a variation to this DCP control on the basis that:

- Signage for the proposed McDonald's operation has been designed to integrate into the proposed built form and is an appropriate scale;
- Each individual sign is relatively small and therefore the signage scheme does not dominate the building or detract from the character of the area; and
- The number, type, scale and design of building signs is generally consistent for all McDonald's across the state.

### *Council Staff Assessment*

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

- The proposed signage integrates with the built form and is of an appropriate scale;
- The signage proposed on the northern elevation faces the car park and does not directly face the public road;
- The signage is consistent with the similar developments in the surrounding neighbourhood centre; and
- The proposed signage is similar to other recent McDonald's approved in the Camden LGA including Emerald Hills.

### **Key Issues**

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

### **Noise Impacts**

An acoustic report was lodged with the DA. The acoustic report considers the potential noise generated by the proposed development on the surrounding development including noise from customer vehicles, truck deliveries, waste collection and mechanical plant.

Council's Environmental Health Officer has reviewed the acoustic report and confirmed that, subject to conditions, the proposed development can operate without any unacceptable impacts on adjoining residences. A condition is recommended which requires a 2.4m high acoustic wall be installed adjoining the drive through along the eastern elevation. This acoustic wall is also required to extend along the eastern boundary at a height of 1.8m to the eastern driveway to address noise from the parking bays adjacent to the entrance of Brookner Avenue. A condition is also recommended

which restricts deliveries and waste collection to 7.00am and 10.00pm Monday to Saturday.

The proposal seeks approval for 24 hour operation with restricted times for deliveries. It is noted that the subject site is situated directly adjacent to residences. To ensure there are no unreasonable amenity impacts on the adjacent residences including noise impacts from the site and associated traffic movement, glare from headlights egressing the driveway on Brookner Road and light spill from the development, a condition is recommended to limit the hours of operation to between 5am and 11pm.

### ***Submissions***

The DA was publicly exhibited for 14 days in accordance with the Camden DCP. The exhibition period was from 8 September 2017 to 21 September 2017. Three submissions were received (all objecting to the proposed development).

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

1. *The fast food restaurant does not fit in with Spring Farm area.*

#### Officer comment:

The subject site is zoned B1 Neighbourhood Centre which currently accommodates a neighbourhood centre and service station. A KFC restaurant was also recently approved in close proximity to the site. The proposal is for a food and drink premises which is permitted with consent in the zone. The proposed development is consistent with the DCP controls and is an appropriate development for the neighbourhood centre site.

2. *The restaurant will bring rubbish to the area.*

#### Officer comment:

In order to address litter generated from the proposed development, various bins will be placed within the car park. In addition to the bins, staff will make daily litter patrols of the development to ensure that litter does not accumulate. A condition is recommended which requires the loading areas, car parking spaces, driveways and footpaths to be kept clear of litter at all times. Litter must be collected by staff from within the site and the immediate area on a daily basis.

3. *Impact from the increase in traffic.*

#### Officer comment:

A traffic report was submitted in support of the DA. The report provides projected traffic generation from the proposed development and concludes there will be no significant impact on the performance of the Spring Farm road network.

The proposal provides for a patron capacity of 76 patrons and a drive through facility. The proposed development provides 34 car parking spaces which complies with Council's DCP requirements. The drive through provides queuing for a total of 12 cars with two waiting bays which is satisfactory.





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Council's Traffic Officer has reviewed the traffic report and layout of the development and are satisfied there will be no significant traffic impacts on the surrounding road network.

4. *The notification of the DA was not extensive enough.*

Officer comment:

The proposal was notified to surrounding properties for a 14 day period in accordance with the Camden DCP. A sign was also placed on the property which provided details of the proposed development.

5. *A fast food restaurant will promote unhealthy eating habits.*

Officer comment:

The applicant has advised that the restaurant provides some healthy options on their menu such as salads and grilled options. Notwithstanding this, the menu options are not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 1088/2017 is recommended for approval subject to the conditions attached to this report.

### **RECOMMENDED**

**That Council approve DA 1088/2017 for the construction of a food and drink premises with a drive thru facility, signage and associated site works at 243 Richardson Road, Spring Farm, subject to the conditions attached.**

### **ATTACHMENTS**

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

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## ORDINARY COUNCIL

ORD02

**SUBJECT: SUBDIVISION OF ONE RESIDUE LOT INTO SIX RESIDENTIAL LOTS AND ASSOCIATED SITE WORKS - 85 TURNER ROAD GREGORY HILLS**

**FROM:** Director Planning and Environment  
**TRIM #:** 18/6903

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**APPLICATION NO:** DA 1196/2017  
**PROPERTY ADDRESS:** 85 Turner Road Gregory Hills  
**APPLICANT:** Craig and Rhodes  
**OWNER:** Makedyn 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 of one residue lot into six residential lots and associated site works at 85 Turner Road, Gregory Hills.

The DA is referred to Council for determination as there remain unresolved issues raised in two submissions objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA 1196/2017 for subdivision of one residual lot into six residential lots and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act, 1979* by granting deferred commencement consent subject to the conditions contained in this report.

### THE PROPOSAL

DA 1196/2017 seeks approval for the subdivision of one residual lot into six residential lots and associated site works.

Specifically, the proposed development involves:

- Subdivision of a residue lot into six lots ranging from 252.6m<sup>2</sup> to 377.6m<sup>2</sup> in size;
- Associated drainage works; and
- Kerb, gutter and footpath verge construction along the Turner Road frontage.

The total cost of works is \$6,000.

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



**THE SITE**

The site is known as 85 Turner Road, Gregory Hills and is described as Lot 104 DP 1216480.

The site is located on the southwestern boundary of the Turner Road Precinct with frontage to Turner Road. The site forms part of a residue lot associated with the approved residential subdivision subject to DA 246/2015.

To the northwest of the site is an area identified as future open space and drainage land (Zoned RE1 Public Recreation). To the north of the site are residential lots and a residue lot subject to a separate development application for residential subdivision. The adjoining lot to the east is currently subject to further residential subdivision. To the south is the northern boundary of the Smeaton Grange Industrial area.



**KEY DEVELOPMENT STATISTICS**

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

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Appendix 1 – Oran Park and Turner Road Precinct Plan)			
Clause	Requirement	Provided	Compliance
4.1 Minimum lot size	Lot sizes are not to be less than the size shown on the Lot Size Map = 125m <sup>2</sup>	Minimum lot size proposed 252.6m <sup>2</sup> .	Yes
4.1AA Subdivision resulting in lots between 225m <sup>2</sup> and 300m <sup>2</sup>	Consent authority to be satisfied that the lot will contain a sufficient building envelope to enable	Minimum lot size proposed is 252.6m <sup>2</sup> . A building envelope plan (BEP) has been provided for lots less	Yes

	erection of a dwelling house on the lot, under clauses 4.1AC, AD or AE.	than 300m <sup>2</sup> . The BEP demonstrates a compliant dwelling house can be accommodated.	
4.1C Residential Density Turner Road precinct	Consent must not be granted for subdivision of land within the Turner Road precinct unless there is a DCP providing for not less than 4,020 new dwellings and containing provisions to encourage a mix of dwelling types and consent would not preclude the number of dwellings.	A DCP is in place which requires a minimum 4284 dwellings within the precinct. Approval of this DA will add to and not preclude the achievement of the desired residential density within the Turner Road precinct.	Yes
6.1 Public Utility Infrastructure	The consent authority is to be satisfied that public utility infrastructure essential for the development are available or adequate arrangements have been made.	The site is serviced by appropriate public authority utility infrastructure. A condition is recommended which requires the installation of all necessary services prior to issue of a Subdivision Certificate.	Yes

Turner Road Development Control Plan (DCP) 2007			
Control	Requirement	Provided	Compliance
Section 2.1 Indicative Layout Plan	Development is to be generally consistent with ILP.	The proposal is consistent with the ILP.	Yes
Section 2.3 Residential density targets	The site is within sub precinct L where the minimum yield specified is 500 dwellings.	The proposed six lots will contribute to the overall dwelling target being met.	Yes
Section 6.2 Flooding and Water cycle Management	Management of stormwater flows in accordance with Council's specifications, incorporating WSUD	Council's development engineer has reviewed the development <u>in</u> regards to stormwater management. The development is satisfactory subject to conditions.	Yes



Section 6.6 Bushfire Hazard Management	DCP controls aim to prevent loss of life and property due to bushfires by providing for development compatible with bushfire hazard and encourage sound management of bushfire prone areas.	A bushfire assessment report has been provided and referred to NSW RFS. The NSW RFS has provided a bushfire safety authority subject to conditions.	Yes
Section 6.10 Acoustics	Development shall be designed to comply with Council's Environmental Noise Policy	The proposed subdivision fronts Turner Road which is identified as a collector road within the DCP. A road traffic noise assessment has been provided containing measures to be included in the construction of future dwellings to meet the relevant criteria. Council's Environmental Health Officers have reviewed the report and have recommended conditions to be placed on the Section 88b instrument regarding acoustic treatment of future dwellings.	Yes
7.1.2 Residential Density	<p>Demonstrates that the proposal meets the minimum residential density requirements of the relevant Precinct Plan.</p> <p>Residential development is to be generally consistent with the residential structure as set out in the Residential Structure Figure</p>	<p>The subdivision proposes six lots, which will attribute to the sub-precinct target being met. The density of the subdivision is calculated at 21.6 dwellings per ha.</p> <p>The subdivision will facilitate detached housing which is consistent with a suburban streetscape as shown in the Residential Structure Figure.</p>	<p>Yes</p> <p>Yes</p>

7.2 - Block & Lot layout			
Blocks	<p>Residential neighbourhoods are to be focused on elements of the public domain such as a school, park, retail, or community facility that are typically within walking distance.</p> <p>In density bands <math>\leq 20dw/ha</math> no more than 40% of the total residential lots proposed in a street block may have a frontage of less than 10m wide.</p>	<p>The block layout has been established under DA 246/2015 which included the surrounding road network. This application is a subdivision of a residue lot only.</p> <p>No lots with a frontage less than 10m are proposed under this application.</p>	<p>Yes</p> <p>Yes</p>
Lots	<p>Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions under the SEPP.</p> <p>Base control for dwelling house minimum 300m<sup>2</sup> (SEPP Clause 4.1A)</p> <p>Lots with Building Envelope Plan (BEP) minimum size 250m<sup>2</sup> (SEPP Clause 4.1AC)</p> <p>Minimum lot frontage for density band 20-45 dw/Ha is 7m for front loaded lots.</p>	<p>The proposed lots can accommodate a dwelling in accordance with the requirements of the SEPP.</p> <p>Lots over 300m<sup>2</sup> can accommodate a dwelling under Clause 4.1A of the SEPP.</p> <p>For lots between 250m<sup>2</sup> and 300m<sup>2</sup>, a BEP has been provided demonstrating the ability to facilitate a dwelling under Clause 4.1AC.</p> <p>The net residential density of the subdivision is calculated at 21.6 dw/Ha. All lots exceed 7m frontage to Turner Road.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Range of lot types	A range of residential lot types (area, frontage, depth, zero lot and access) must be	A range of lot types have been provided within this precinct. A detached house is suitable for a suburban	Yes

	<p>provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes.</p> <p>In areas with a minimum residential density of <math>\leq 20dw/ha</math> no more than 40% of the total residential lots proposed in any one street block may have a frontage of less than 10m wide.</p> <p>In density bands <math>\leq 25dw/Ha</math>, total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on-street parking impacts.</p>	<p>streetscape.</p> <p>There are no lots proposed to have a frontage less than 10m as part of this application.</p> <p>All lots proposed achieve a frontage greater than 10m.</p>	<p>Yes</p> <p>Yes</p>
Lot shape	<p>Lots should be rectangular. Where lots are an irregular shape they are to be large enough and oriented to enable dwellings to meet controls</p>	<p>The proposed lots are rectangular in shape.</p>	<p>Yes</p>
Orientation and Configuration	<p>Smallest lots achievable for the given orientation fronting parks and open space with larger lots in the back streets.</p> <p>Larger lots on corners.</p>	<p>The lots on Turner Road do not directly front open space, however this is dictated by the ILP. Provisions for smaller lots are provided subject to the requirements of the SEPP.</p> <p>Proposed Lot 601 fronts a future open space area/detention basin.</p> <p>Larger lots are provided upon corner sites.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>North to front lots are either widest or deepest lots or lots suitable for residential development forms with private open space at the front. Narrowest lots with north to the rear.</p> <p>Preferred block orientation is established by the road layout on the ILP</p> <p>Optimal lot orientation is east-west or north-south where the road pattern requires. Exceptions to preferred orientation where factors such as existing road layout or cadastral boundaries exist.</p>	<p>The smallest lots include private open space to be orientated at the rear of the lots to the north as demonstrated on the BEP.</p> <p>The block layout has been established under a previous application which is in accordance with the ILP.</p> <p>The lots are predominately orientated towards the south-west. However, this is established by the ILP and approved block layout under DA 246/2015.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Zero lot lines	<p>Zero lot lines to be determined primarily by topography, on the low side of the lot.</p> <p>On all lots where a zero lot line is permitted, the side of the allotment that may have a zero lot alignment must be shown on the approved subdivision plan.</p> <p>Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey and 1200mm</p>	<p>Zero lot lines are provided on the low side of lots where required.</p> <p>Zero lot lines have been shown on the subdivision plan.</p> <p>A 900mm zero lot maintenance easement has been nominated upon the proposed plan of subdivision.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>





	for two storey zero lot walls.  88b is to identify the zero lot boundary with associated easement	A restriction will be included within the Section 88b instrument as a condition of consent.	Yes
7.2.2 Corner Lots	Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	Council's engineer has reviewed the location of the corner lot (Lot 601) and it is compliant with Council's Engineering Specifications.	Yes

## **ASSESSMENT**

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

Zoning:	R1 General Residential
Permissibility:	In accordance with Clause 2.6 of State Environmental Planning Policy 9 (Sydney Region Growth Centres) 2006, subdivision is permissible with consent.  Proposed civil engineering works are defined as 'drainage' and 'road' which is permissible with consent within the zone.

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

State Environmental Planning Policy(s) – S79C(1)(a)(i)	SEPP No. 55 – Remediation of Land – Compliant with conditions recommended where necessary.  Deemed SEPP No. 20 Hawkesbury-Nepean River – Compliant with conditions were necessary.  SEPP (Sydney Region Growth Centres) 2006 – Compliant.
Draft Environmental Planning Instrument(s) – S79C(1)(a)(ii)	<u>Draft Environment SEPP</u>  The Draft Environment SEPP ended exhibition on 31 January 2018. The purpose of the SEPP is to consolidate seven existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury – Nepean River.  As the Draft Environment SEPP has only recently

	concluded exhibition and is yet to consider any submissions made, it is considered not imminent or certain and accordingly, no significant weight to this proposed planning instrument has been given in this instance.
Development Control Plan(s) – S79C(1)(a)(iii)	Turner Road DCP 2007 – Compliant.
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 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 and the deferred commencement condition.

### **Recommended Deferred Commencement Condition**

Subdivision works associated with DA 246/2015 are currently being undertaken on the site for a residential subdivision creating 57 residential lots and six superlots, roads, drainage, landscaping and associated site works. The subdivision works associated with DA 246/2015 are being undertaken in four stages. The works associated with stage 1 have been completed and registration has occurred. Registration is yet to occur for stages 2, 3 and 4.

The issue of a subdivision certificate for stages 2, 3 and 4 for DA 246/2015 is reliant on the construction of a stormwater drainage pipe and registration of an associated easement to provide for future upstream post development drainage. The pipe and associated easement bisect the site and form part of the stage 4 subdivision.

The deferred commencement condition (Condition 1) requires the applicant to provide evidence of registration for stages 2, 3 and 4 of DA 246/2015. Upon evidence of this registration being provided, Council can be satisfied the required drainage works are completed to provide for future upstream post development drainage.

The deferred commencement condition will ensure that further development of the site will not occur until all required civil and drainage works being completed to facilitate future upstream post development drainage as required by DA 246/2015.

### **Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 28 September 2017 to 11 October 2017. Two submissions were received (both objecting to the proposed development). Council staff contacted the submission writers to discuss their concerns however were unsuccessful in resolving the issues raised in the submissions.



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

1. *The proposed subdivision exceeds the density controls.*

Officer comment:

The Sydney Region Growth Centres SEPP does not specify a maximum density for the Turner Road precinct, with the objective of the SEPP to deliver a minimum of 4,020 dwellings in the Turner Road precinct. The application demonstrates compliance with the relevant controls within the DCP and SEPP including lot size and frontage.

2. *Building envelopes have not been provided with the application.*

Officer comment:

Building envelopes have been provided for all lots less than 300m<sup>2</sup> demonstrating a compliant dwelling design can be achieved. A restriction will be placed on the Section 88b instrument for these lots to be developed in accordance with the building envelopes provided.

3. *The density proposed is likely to have an adverse impact on the local traffic network. Insufficient information has been lodged with the application addressing the impact of the traffic network.*

Officer comment:

The application is for the subdivision of a residue lot and the localised street network has been established under a previous application DA 246/2015. The approval of DA 246/2015 envisaged further subdivision of the residue lot and this previous application was accompanied by a traffic report regarding the capacity of the street network to cater for residential development.

The subject application is accompanied by a traffic impact statement supporting the subdivision of the residue lot. Council's Engineers have reviewed the proposal and have advised that the proposed development will not have an unacceptable impact on the local street network. The building envelope plans demonstrate that future dwellings will achieve the minimum off-street parking requirements in accordance with the DCP.

Therefore, it is considered that sufficient information has been provided to assess the impact upon the local traffic network and demonstrate the development will not have an unreasonable impact.

4. *A full assessment of the biodiversity and ecological value of the land has not been undertaken. In this regard, the subdivision may have an impact to local ecology.*

Officer comment:

Land within the Turner Road Precinct is subject to bio-diversity certification. As bio-diversity certification has already been made, no further consideration of biodiversity and the ecological value of the land are required to be made.

5. *The proposal is not in the public interest and will set an undesirable precedent for similar development.*

Officer comment:

The proposal is within the public interest as it achieves the objectives set out in the R1 General Residential Zone, which are to provide for the housing needs of the community and a variety of housing types and densities. The proposal is consistent with the planning controls as set out within the DCP and the SEPP.

**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 1196/2017 is recommended for deferred commencement consent subject to the conditions contained in this report.

**RECOMMENDED**

**That Council approve DA 1196/2017 for the subdivision of one residual lot into six residential lots and associated site works at 85 Turner Road, Gregory Hills subject to the conditions attached.**

ATTACHMENTS

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



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## ORDINARY COUNCIL

### ORD03

**SUBJECT: CONSTRUCTION OF A FOUR STOREY MIXED USE DEVELOPMENT CONTAINING MEDICAL CENTRES WITH ANCILLARY PHARMACY, FOOD AND DRINK PREMISES AND ASSOCIATED SITE WORKS - 13 DIGITARIA DRIVE, GLEDSDOOD HILLS**

**FROM:** Director Planning & Environment

**TRIM #:** 17/351193

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**APPLICATION NO:** DA 413/2017

**PROPERTY ADDRESS:** 13 Digitaria Drive, Gledswood Hills

**APPLICANT:** Form Design Studio.

**OWNER:** Hena 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 the construction of a four storey mixed use development containing a medical centre with ancillary pharmacy, food and drink premises and associated site works at 13 Digitaria Drive, Gledswood Hills.

The DA is referred to Council for determination as there remain unresolved issues raised in the one submission objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA 413/2017 for construction of a four storey mixed use development containing medical centres with ancillary pharmacy, food and drink premises 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

The application seeks approval for the construction of a four storey mixed use development containing medical centres with ancillary pharmacy, food and drink premises and associated site works.

Specifically the proposed development involves:

- Construction of a four storey commercial complex containing thirty-two tenancies. The building will utilise a mix of glazing, timber and metal cladding external finishes. The building's maximum height will be 14.8m. The building will have a gross floor area of 5,134.71 m<sup>2</sup>;
- General use of the tenancies as medical suites with an ancillary pharmacy, one café and two restaurants. It should be noted that the actual internal fit out, use and signage for each of these tenancies will be subject to future DAs or Complying Development Certificates (CDC);

Note: The exact end users of the tenancies are unknown however the applicant anticipates that the medical suites will comprise health consulting rooms for use by general practitioners, and other related medical consulting uses. Office premises are a prohibited land use and any attempt to commence such a use from the site would be subject to compliance action by Council.

- Provision of an external courtyard area that will provide an area for seating ancillary to the café;
- Construction of 160 off-street car parking spaces, two motorcycle parking spaces and six bicycle parking spaces. The spaces will be at grade and within a two storey basement car park;
- Associated site works including earthworks, drainage, services and landscaping; and
- Operating hours of:
  - seven days a week 7.00am to 6.00pm for the medical suites and ancillary pharmacy
  - seven days a week 7.00am to 11.00pm for the café, and
  - Monday to Friday 6.00pm to 11.00pm and 11.00am to 11.00pm Saturdays and Sundays for the restaurants.

The total CIV of the works is \$11,263,000 million.

**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**

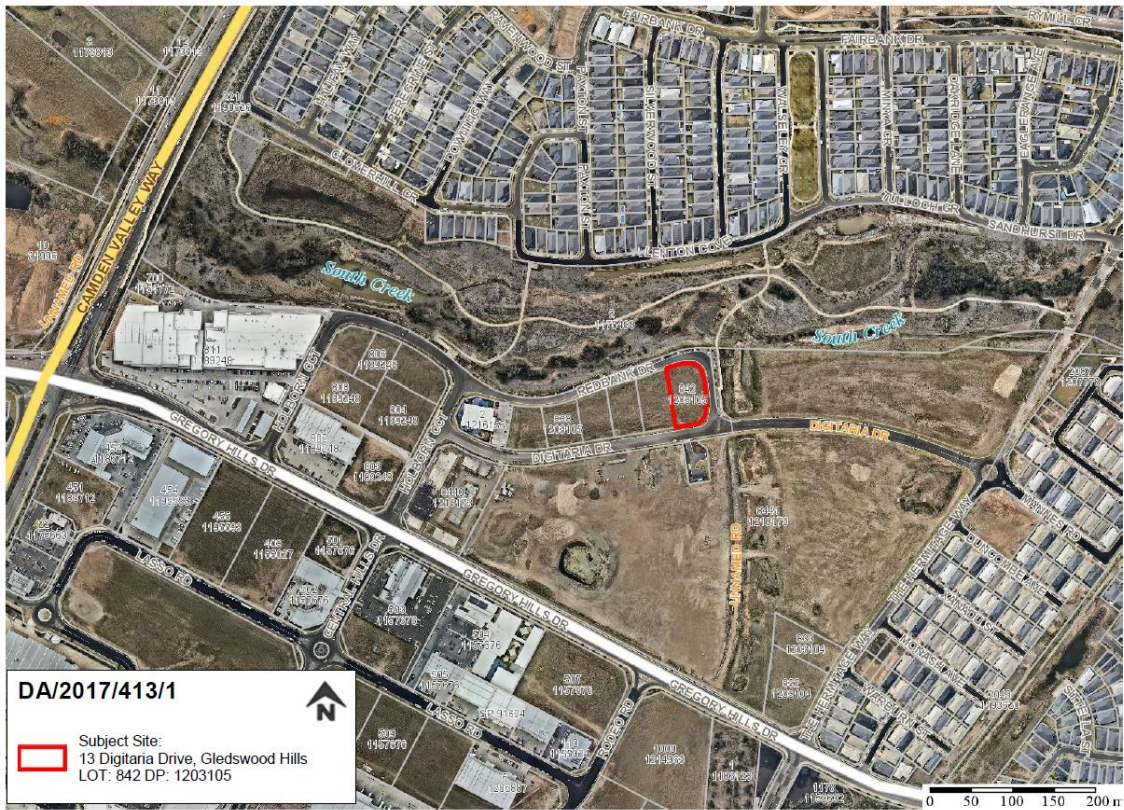
The site is known as 13 Digitaria Drive, Gledswood Hills and is legally described as Lot 842 DP 1203105.

The site has road frontage on three sides including approximately 30m to the south fronting Digitaria Drive, 40m to the north and 75m to the east fronting Redbank Drive. To the west of the site is a vacant lot zoned for Business Development with approval for four light industrial units with associated car parking and landscape works.

The site has an overall area of 2650m<sup>2</sup>, sloping downwards from the southwestern corner to the northeastern corner. The site is located within the Turner Road Precinct of the South West Growth Centre, the Turner Road Employment Area and within the developing Gregory Hills Corporate Park.

The surrounding area is generally characterised by business development and light industrial land uses often contained within multi-unit complexes together with their associated driveways, car parking spaces, landscaping, fencing and signage.

The southern part of the Turner Road Employment Area, the Central Hills Business Park, lies to the south of this area whilst to the east is the developing Gregory Hills residential suburb. To the north lies South Creek with the developing Gledswood Hills residential suburb beyond. To the west is Camden Valley Way with the developing Harrington Grove and Catherine Park residential developer estates located on the opposite side.



**KEY DEVELOPMENT STATISTICS**

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

State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006			
Clause	Requirement	Provided	Compliance
2.3 Zone objectives and land use table	Zone objectives and land use table	<ul style="list-style-type: none"> <li>Food and drink premises and medical centres are permissible with consent.</li> <li>The pharmacy is considered ancillary to the proposed medical centre given the association between the two uses, the relative size of the pharmacy compared to the medical centre and the requirement that the pharmacy may not operate until a medical centre use has been established on the site.</li> </ul>	Yes

State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006			
Clause	Requirement	Provided	Compliance
4.1E Shops – Turner Road Precinct	Maximum total area of 2,500m <sup>2</sup> used for shops in the B5 zone.	<ul style="list-style-type: none"> <li>No additional shops are proposed by the subject development.</li> <li>The proposed pharmacy is considered ancillary to the medical uses on the site and therefore does not count as additional 'shop' areas. This is consistent with other approved medical/pharmacy uses in the Gregory Hills Employment Area.</li> </ul>	Yes.
	Maximum total area of 500m <sup>2</sup> used for shops in any one development.	<ul style="list-style-type: none"> <li>No additional shops are proposed. As outlined above the proposed pharmacy is considered ancillary to the medical uses on the site and therefore will not count as additional 'shop' areas.</li> </ul>	Yes.
4.3 Height of Buildings	Maximum 15m building height.	<ul style="list-style-type: none"> <li>The proposed development's maximum building height is 14.8 m.</li> </ul>	Yes.
6.1 Public Utility Infrastructure	The consent authority is to be satisfied that essential public utility infrastructure is available or that adequate arrangements have been made to make that infrastructure available when required.	<ul style="list-style-type: none"> <li>A standard condition is recommended to ensure that essential public utility infrastructure will be available when required.</li> </ul>	Yes.
Camden Development Control Plan 2011			
Control	Requirement	Provided	Compliance
B5.1 Off Street Car Parking Rates/ Requirements	<u>Medical Centre</u>  Four spaces per 100m <sup>2</sup> of gross floor area (GFA)  $3183\text{m}^2 / 100 = 31.83$ $\times 4 = 127.32$ spaces	Total provided = 160 car spaces (including two loading spaces, ambulance parking, four disabled parking, garbage vehicle space).  In addition, the	<b>No, see Camden DCP Variation 1.</b>





State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006			
Clause	Requirement	Provided	Compliance
	<u>Pharmacy</u>  One space per 22m <sup>2</sup> GFA  $280\text{m}^2 / 22 = 12.7$ spaces  <u>Cafe</u>  One space per 30m <sup>2</sup> GFA  $180\text{m}^2 / 30 = 6$ spaces  <u>Restaurant</u>  One space per 30m <sup>2</sup>  $973 / 30 = 32.4$ spaces  <ul style="list-style-type: none"> <li>• <b>Total required = 178.4 spaces</b></li> </ul>	development proposes six bicycle spaces and two motorcycle spaces although these are not specifically required by the DCP for these land uses.	

#### DCP Variation 1 – Off-street Car Parking Provision

##### *DCP Control*

The DCP requires 178 off-street car parking spaces for the proposed development. The applicant proposes to provide 160 car parking spaces.

The applicant has submitted a detailed parking submission, prepared by a traffic engineer, in support of the DA.

##### *Variation Request*

The applicant has requested Council support a variation to this DCP control on the basis that the shortfall in car parking is mitigated as parking spaces required for the restaurant uses are not active at the same time as the professional suites as the hours of operation for the restaurant are after 5pm on weekdays. The restaurant will be able to utilise the vacant car spaces of the professional suites. The restaurant will therefore have access to over 100 car spaces for the staff and customers.

##### *Council Staff Assessment*

Council staff have reviewed this variation request and support it for the following reasons:

- The peak operating times of the uses are different which reduce the demand for car parking spaces at any one time;
- The clustering of multiple uses on the site will likely result in some patrons visiting more than one tenancy, thereby reducing the overall amount of vehicle trips to the site;
- It is noted that the Joint Regional Planning Panel approved DA 1326/2015 for the SOMA Health Services Hub which involved medical tenancies, restaurants, cafes, retail premises and a chemist. This DA relied on similar justification for reduced car parking.

Consequently it is considered that this variation to the Camden DCP is reasonable.

<b>Turner Road Development Control Plan 2007</b>			
<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
2.1 Indicative Layout Plan (ILP)	<ul style="list-style-type: none"> <li>• Development to be undertaken generally in accordance with the ILP.</li> </ul>	The proposed development is generally consistent with the ILP in that it proposes business development related land uses as identified for this site.	Yes
2.5 Hierarchy of Centres and Employment Areas	<ul style="list-style-type: none"> <li>• The Turner Road business development area is to provide for a range of business development type activities.</li> </ul>	The proposed development will provide a range of business development type activities.	Yes
	<ul style="list-style-type: none"> <li>• A maximum aggregate of 2,500m<sup>2</sup> of retail premises, excluding food and drink premises.</li> </ul>	No additional shop area is proposed as part of the proposed development. The pharmacy is considered ancillary to the proposed medical suites.	Yes
6.2 Flooding and Watercycle Management	<ul style="list-style-type: none"> <li>• Compliance with Council's Engineering Specifications.</li> </ul>	A standard condition is recommended to address this matter.	Yes
	<ul style="list-style-type: none"> <li>• Compliance with the environmental stormwater objectives listed in Table 9.</li> </ul>	The DA has demonstrated compliance with the environmental stormwater objectives listed in Table 9.	Yes
6.8 Contamination Management	<ul style="list-style-type: none"> <li>• A contamination assessment in accordance with Council's Management of Contaminated Lands Policy is required.</li> </ul>	<p>Previous site investigation concluded that the site is suitable for the proposed development.</p> <p>A standard contingency condition is recommended that requires if any</p>	Yes

Turner Road Development Control Plan 2007			
Control	Requirement	Provided	Compliance
		contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.	
6.10 Acoustics	<ul style="list-style-type: none"> <li>Compliance with Council's Environmental Noise Policy.</li> </ul>	An acoustic report has been submitted in support of the DA. The report sets criteria regarding mechanical plant sound power levels. Council staff agree with these recommendations and are satisfied that the proposed development can comply with Council's Environmental Noise Policy subject to conditions.	Yes
B3, 3.1 Land Uses (Figure 2)	<ul style="list-style-type: none"> <li>Development is to be undertaken generally in accordance with the Turner Road Precinct Indicative Layout Plan which identifies the site as part of light industrial recreation/function/education/trade services and business premises and nearby an active uses hub containing uses including cafes/restaurants, child care centres and community facilities.</li> </ul>	The proposed development is generally consistent with Turner Road Precinct Indicative Layout Plan (Figure 2) in that it proposes active uses suitably located in a central location within the Turner Road Employment Area.	Yes
B3, 3.4 Public Domain and Interface Areas	<ul style="list-style-type: none"> <li>The principle of Crime Prevention Through Environmental Design (CPTED) must be incorporated into the design of all development.</li> </ul>	The proposed development is generally consistent with CPTED principles and provides a high level of passive surveillance, territorial reinforcement and access control, the development was also referred to the Camden Local Area Command of the NSW Police Force who categorised it as a 'low risk' development.	Yes

Turner Road Development Control Plan 2007			
Control	Requirement	Provided	Compliance
B3, 3.5 Site Planning	<ul style="list-style-type: none"> <li>The following building setbacks are required:</li> <li>•</li> <li>• 3m to Digitaria Road.</li> <li>•</li> </ul>	Portions of the building at the site's north eastern and south eastern corners encroach by varying amounts up to a maximum 1.8m into the 3m setback.	<b>No, see Turner Road DCP Variation 1</b>
	<ul style="list-style-type: none"> <li>• Front setbacks are to be landscaped.</li> </ul>	All of the building setbacks along each of the three road frontages will be appropriately landscaped.	Yes
	<ul style="list-style-type: none"> <li>• Each site is to provide on-site stormwater detention.</li> </ul>	An appropriate on-site stormwater detention system has been proposed as part of this development.	Yes
B3, 3.6 Building Design	<ul style="list-style-type: none"> <li>• Scale and massing of buildings should reinforce the desired urban design character with larger buildings used to signify prominent corners.</li> </ul>	The development's proposed scale and massing is suitable for the desired character of this area. The prominent corner is articulated and emphasised by modulated building elements, a building entrance and landscaping.	Yes
	<ul style="list-style-type: none"> <li>• Facades visible from the public domain are to include a high proportion of glazing and be provided with architectural articulation.</li> </ul>	All of the facades visible from the public domain will contain a reasonable amount of glazing and be articulated through a variety of building heights, materials and landscaping.	Yes
	<ul style="list-style-type: none"> <li>• Blank building facades facing the primary street frontage are not permitted.</li> </ul>	No blank building facades are proposed.	Yes
	<ul style="list-style-type: none"> <li>• Glazing shall not exceed 20% reflectivity.</li> </ul>	A standard condition is recommended to address this matter.	Yes
	<ul style="list-style-type: none"> <li>• The use of metal cladding is discouraged unless it forms part of an architectural design solution in association with masonry, glazing and other high quality materials.</li> <li>•</li> </ul>	The use of some metal cladding is proposed however this is only a relatively minor element with the main building component being coloured masonry, glass and timber.	Yes



Turner Road Development Control Plan 2007			
Control	Requirement	Provided	Compliance
	<ul style="list-style-type: none"> <li>Buildings must incorporate effective sun-shading for west facing windows, articulated roof forms, emphasis of customer entries and the use of high quality materials and finishes.</li> </ul>	Timber screens have been proposed along the building's east and west elevations for sun-shading. The roof form is flat but it is shielded from view by a small parapet and the key customer entries are emphasised. High quality materials and finishes have been proposed.	Yes
	<ul style="list-style-type: none"> <li>Rooftop structures, where visible from the public domain, are to be incorporated into the design of the building to create an integrated appearance.</li> </ul>	A standard condition is recommended to address this matter.	Yes
B3, 3.7 Employment Operations	<ul style="list-style-type: none"> <li>Access, parking &amp; loading is to comply with Section B5.1 of the Camden DCP.</li> </ul>	The proposed development does not comply with Section 5.1 of the Camden DCP in relation to parking.	<b>No – Refer to Camden DCP Variation 1</b>
	<ul style="list-style-type: none"> <li>DAs must provide proposed operating hours, delivery details and lighting details.</li> </ul>	The DA has provided sufficient information regarding these matters.	Yes
B3, 3.9 On Site Landscaping	<ul style="list-style-type: none"> <li>Front setback areas are to be landscaped. Where parking is forward of the building line it must be softened by a 2m deep landscaped area.</li> </ul>	All of the proposed front setback areas will be landscaped. All proposed car parking is behind the building lines.	Yes
	<ul style="list-style-type: none"> <li>A concept landscaping plan is to be provided with the DA and native landscaping is to be used where possible.</li> </ul>	An appropriate concept landscaping plan has been submitted with the DA. Native landscaping has been utilised where possible.	Yes

#### Turner Road DCP Variation 1 – Site Planning (Street Setback)

##### *DCP Control*

The DCP requires a 3m building setback. However, lesser setbacks may be considered on merit having regard to the overall site layout, building form and design, landscaping, streetscape elements, signage proposals, etc. Proposals for lesser setbacks must address these and other relevant matters to the Council's satisfaction.

*Council Staff Assessment*

The setback encroachments are minor in relation to the development as a whole. The components of the building that encroach into the setback are mainly awnings and the terrace area of the restaurant rather than areas of the usable floor space (except for a small portion of Unit 19 at Level 2).

The DCP specifies that lesser setbacks than the 3m minimum may be considered on merit having regard to the overall site layout, building form and design, landscaping, streetscape elements, signage proposals, etc. Given that the proposed development's site layout, architecture and streetscape have been carefully designed and that the development does not propose any car parking forward of the building line, the setback encroachments are considered to be acceptable.

Finally, the encroachments into the 3m setback are offset by large areas of the façade being setback greater than the minimum requirement which allows for greater articulation of all three street frontages.

The setback encroachments are therefore considered acceptable.

**ASSESSMENT**

***Zoning and Permissibility***

Zoning	B5 Business Development under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP(SRGC)).
Permissibility	The proposed development is defined as a 'medical centre', 'food and drink premises' and 'restaurant' by the SEPP(SRGC) 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 33 - Hazardous and Offensive Development</u> Compliant with the condition recommended that requires the quantities of all dangerous goods to be stored on or transferred to/from the site to be kept below the SEPP's screening thresholds.</p> <p><u>SEPP 55 – Remediation of land</u> This site has been subject to a Phase 1 preliminary site assessment specifically for the site and a phase two detailed contamination assessment when the lot was created. These reports found that the site is considered to be suitable for the proposed commercial/industrial development in its current condition.</p>
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	<p>A standard contingency condition is recommended that requires if any contamination is found during construction it must be managed in accordance with Council's Management of Contaminated Lands Policy.</p> <p><u>SEPP (Sydney Region Growth Centres) 2006</u> Compliant with conditions.</p>
Local Environmental Plan – S79C(1)(a)(i)	None applicable.
Draft Environmental Planning Instrument(s) – S79C(1)(a)(ii)	<p><u>Draft Environment SEPP</u> The Draft Environment SEPP concluded exhibition on January 31 2018. The purpose of the SEPP is to consolidate seven (7) existing SEPP's into a consolidated document to simplify the rules for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is Deemed State Environmental Planning Policy No. 20 Hawkesbury-Nepean River.</p> <p>As the Draft Environment SEPP has only recently completed exhibition, it is considered not imminent or certain and accordingly, no significant weight to this proposed planning instrument has been given in this instance.</p>
Development Control Plan(s) – S79C(1)(a)(iii)	<p><u>Turner Road DCP 2007</u> Compliant with the exception of front setback requirements proposed as discussed in detail above.</p> <p><u>Camden DCP 2011</u> Compliant with the exception of car parking requirements proposed as discussed in detail above.</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)	One submission was received. This submission is discussed within the Submissions section of this report.
Public Interest – S79C(1)(e)	The development is in the public interest.

### **Submissions**

The DA was notified for 14 days in accordance with the DCP. The exhibition period was from 18 April 2017 to 1 May 2017. One submission was received, which objected to the proposed development. Council officers contacted the person who wrote the submission to advise of how their concerns had been responded to, however no response was received.

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

1. *Car parking deficit particularly given that the proposed kitchen size seems insufficient for a restaurant and more conducive to function centre usage (function centres incur a greater car parking requirement than restaurants).*

Officer comment:

The applicant has sought approval for use of the top floor level as restaurants, not function centres. According to the applicant, a tentative lease agreement for a restaurant has been signed for one of the top floor tenancies. Any change of use from a restaurant to a function centre would be subject to further approval through a DA that would assess the higher rate of car parking required.

The kitchen proposed is an indicative location for the kitchen rather than an approved layout. Each tenant will have to submit to the relevant consent authority a separate fit out and usage application which will provide kitchen details that they comply with the relevant Australian Standards for food safety and hygiene.

Hours of operation for the restaurants and the remainder of the development's medical suites have minimal overlap and therefore there is opportunity for shared car parking within the site.

2. *Landscaping proposed is insufficient and the proposed basement encroaches into landscaped setback.*

Officer comment:

The area of pavement along the Café frontage is directly over the area of basement which encroaches into the landscaped setback. This paving area allows for more public space and public interaction within the site.

In allowing the basement to encroach into the landscape setback, the remainder of the building is articulated and greater amounts of total deep soil landscaping are allowed. This was achieved with articulation to the building footprint rather than having a façade that followed the 3m setback line.

Sections of the basement have been decreased to allow for further deep soil zones within the landscape setback towards the north and eastern boundaries of the site. It is noted that the DCP only requires the 2m landscaped setback where car parking is proposed forward of the building line, in this instance no parking is proposed forward of the building line.

3. *There are encroachments into the 3m minimum setback to Digitaria Drive.*

Officer comment:

The encroachments are considered minor in relation to the development as a whole. The components of the building that encroach into the setback are mainly awnings and the terrace area of the restaurant rather than actual areas of the usable floor space (except for a small portion of Unit 19 at level 2).

The DCP specifies that lesser setbacks than the minimum may be considered on merit having regard to the overall site layout, building form and design, landscaping,



streetscape elements, signage proposals, etc. Given that the proposed development's site layout, architecture and streetscape have been carefully designed and that the development does not propose any car parking forward of the building line, the setback encroachments are considered acceptable.

Finally the encroachments into the 3m setback are offset by large areas of the façade which are setback greater than the minimum requirement which allows for greater architectural expression through articulation of all three street frontages.

4. *Traffic Generation (SIDRA Analysis should include other recently approved Developments nearby)*

Officer comment:

The applicant has updated their Traffic Assessment to include the forecast traffic generations for other approved development in this location. The traffic assessment used SIDRA modelling to determine the levels of service for the intersections. Levels of service are a standard measure of delay used to understand the operational performance of a road network and intersections. Level A is the highest and best with level F being the worst level.

The report found that the modelled intersections would maintain an adequate level of service at present traffic levels even taking into account other recently approved development nearby.

It is evident that by 2026 the intersection of Camden Valley Way and Gregory Hills Drive will suffer from a poor level of service whether or not the proposed development is approved. The proposed development may result in an inconsequential increased cumulative delay at the intersection that does not warrant the applicant undertaking any upgrade works. The modelled level of service at the intersection is an existing issue and not caused or significantly intensified by the proposed development.

It is noted that Camden Valley Way will eventually undergo a further upgrade by the State Government and that the intersection performance will be improved by the addition of extra traffic lanes.

Upgrade works for Camden Valley Way are funded by the State Government's Special Infrastructure Contribution that is levied on new development (including the subject development).

It is also noted that Council has advocated for the further upgrade of Camden Valley Way through separate submissions to the State Government.

5. *Bushfire Risk should take into account the hazard from the revegetation of South Creek Riparian Corridor,*

Officer comment:

The applicant has updated their Bushfire Hazard Assessment to include assessment of the revegetation outlined in the Hermitage South Creek Rehabilitation Vegetation Management Plan by Ecological. This revegetation is still considered to constitute 'woodland' vegetation and the recommendations of the applicant's Bushfire Hazard Assessment remain the same.

6. *Building Height was not shown on plans and must comply with the 15m development standard.*

Officer comment:

The height of the proposed building is 14.8m and is now indicated on the re-submitted plans. Accordingly, the proposal complies with the maximum height limit of 15m.

7. *Total Area for Shops is unclear and must comply with the relevant shops cap in the Precinct Plan and DCP.*

Officer comment:

The proposed development has removed the previously proposed retail premises from the development. The proposed pharmacy is considered ancillary to the medical uses on the site. This will be further reinforced by a condition of consent that prohibits the use of the pharmacy until medical uses have been established on the site.

Cafes and restaurants are not considered to be shops as they are separately defined in the Oran Park and Turner Road Precinct Plan. This is consistent with the approach adopted by Council in relation to other similar developments in the Turner Road Employment Area.

8. *Stormwater Detention must achieve compliant onsite detention and water sensitive urban design outcomes.*

Officer comment:

The proposed stormwater plans have been revised to include adequate onsite detention and water sensitive urban design measures which comply with the relevant planning controls.

9. *Excavation and disposal of material for basement will require a significant number of truck movements and no discussion of these impacts is found in the application's supporting documents.*

Officer comment:

These matters can be addressed by way of conditions of consent in relation to construction hours, erosion and sediment control and construction traffic management. Additionally the applicant has made a number of commitments regarding measures to limit the impact of trucks associated with the excavation and construction of the development.

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- These proposed construction truck management measures will be required to be included in the preparation of a detailed Construction Management Plan and Construction Traffic Management Plan by conditions of consent.

**FINANCIAL IMPLICATION**

This matter has no direct financial implications for Council.



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## 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 413/2017 is recommended for approval subject to the conditions attached to this report.

## 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 413/2017 is recommended for approval subject to the conditions contained in this report.

## RECOMMENDED

**That Council approve DA 413/2017 for the construction of a four storey mixed use development containing medical centres with ancillary pharmacy and food and drink premises and associated site works at 13 Digitalia Drive, Gledswood Hills, subject to conditions attached to this report.**

## ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Traffic & Car Parking Assessment Report
4. Bushfire Hazard Assessment Report
5. Public Exhibition & Submission Map - *Supporting Document*
6. Submissions - *Supporting Document*

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## ORDINARY COUNCIL

ORD04

**SUBJECT: DRAFT SUBMISSION ON PROPOSED GLEDSDOOD HILLS PUBLIC PRIMARY SCHOOL - C THE HERMITAGE WAY, GLEDSDOOD HILLS**

**FROM:** Director Planning and Environment

**TRIM #:** 18/27280

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a draft submission on a State significant development application (DA) for a new 1,000 place public Primary School at C The Hermitage Way, Gledswood Hills. The DA is currently being assessed by the Department of Planning and Environment (DPE).

### BACKGROUND

A State significant DA for a new 1,000 place public primary school in Gledswood Hills has been lodged with DPE by the NSW Department of Education. The proposed development will provide an additional school for the Turner Road Precinct and will not replace the existing primary school site that is planned for development in Gregory Hills.

The proposed development is classed as State significant development pursuant to Cause 15(1), Schedule 1 of State Environmental Planning Policy (State and Regional Development) 2011 as it involves the development of a new school. The Minister for Planning is therefore the consent authority and DPE are undertaking the assessment of the DA.

On 12 March 2015, a works in kind agreement (WIKA) was made between DPE and the developer (SH Camden Valley Pty Ltd). This WIKA required SH Camden Valley Pty Ltd to dedicate this site for the development of a future public Primary School. The land dedication would be used to partially fulfill the developer's Special Infrastructure Contribution (SIC) obligations to the State government for surrounding residential development.

On 2 February 2017, Council staff held a pre-DA meeting with the applicant's project managers to discuss the development of a school on the site. Following the meeting Council officers issued a pre-DA advice letter.

The key issues raised in the advice letter were:

- The need to provide off-street car parking and drop-off/pick-up areas fully compliant with Camden Development Control Plan 2011 (Camden DCP);
- The separation of the proposed on-street drop-off/pick-up areas from the main site entries; and
- The proposed development's bulk, massing and articulation.

On 7 April 2017, DPE wrote to Council requesting input into Secretary's Environmental Assessment Requirements (SEARs) for the proposed development. SEARs provide a



detailed list of issues that must be addressed and technical reports that must be submitted to DPE with a State significant DA. On 3 May 2017, Council staff wrote to DPE raising a number of issues to be addressed in the future DA. The issues raised were consistent with the issues communicated to the applicant in Council officers' pre-DA advice letter.

On 18 September 2017 Council staff met with the applicant to further discuss the proposed development.

In January 2018, the applicant lodged the DA with DPE. DPE publicly exhibited the DA from 18 January to 16 February 2018 and invited Council to comment on the proposed development. Council staff advised DPE that a formal submission could not be provided until 2 March 2018 however did provide informal comments on 16 February 2018. The informal comments are consistent with the draft submission provided as an attachment to this report.

A copy of Council officers' draft submission is provided as an **attachment** to this report.

**MAIN REPORT**

*Aerial Photo*



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### *The Site and Surrounding Area*

The site is known as C The Hermitage Way, Gledswood Hills and legally described as Lot 3 DP1227491. The site is irregular in shape and has a frontage of 111m to The Hermitage Way, a maximum depth of 205m and an area of 2.485ha. The site falls from north east to south west by up to 10.5m over 151m and is vacant except for some scattered vegetation. The site is located within the Turner Road Precinct of the South West Growth Area.

The surrounding area is characterised by developed and developing greenfield residential subdivision and detached dwelling houses. New public roads are currently under construction along the north western and south eastern boundaries of the site respectively. An indented bus bay exists along the site's The Hermitage Way frontage. To the west is the Turner Road Precinct's planned 'Entertainment Precinct' which is anticipated to be developed for a mix of residential apartments, commercial, retail, community and entertainment land uses. The Country Club Gledswood Hills is located to the south west of site.

To the north and east is the developing Gledswood Hills residential suburb and Water NSW's Upper Canal (a State heritage item). To the south are South Creek and the Turner Road Business Development Area. To the west is Camden Valley Way and the Catherine Fields Precinct of the South West Growth Area.

Turner Road Indicative Layout Plan

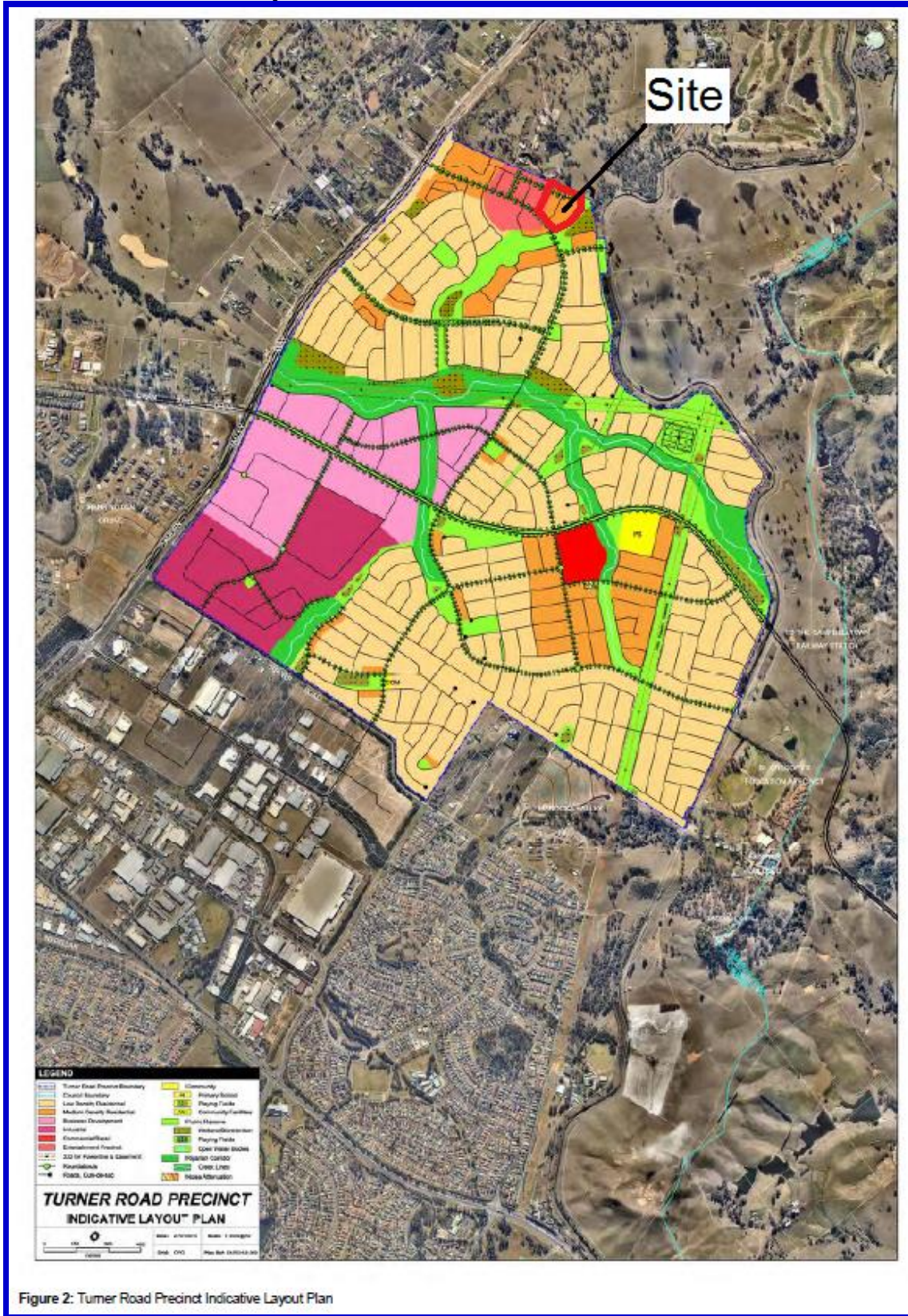
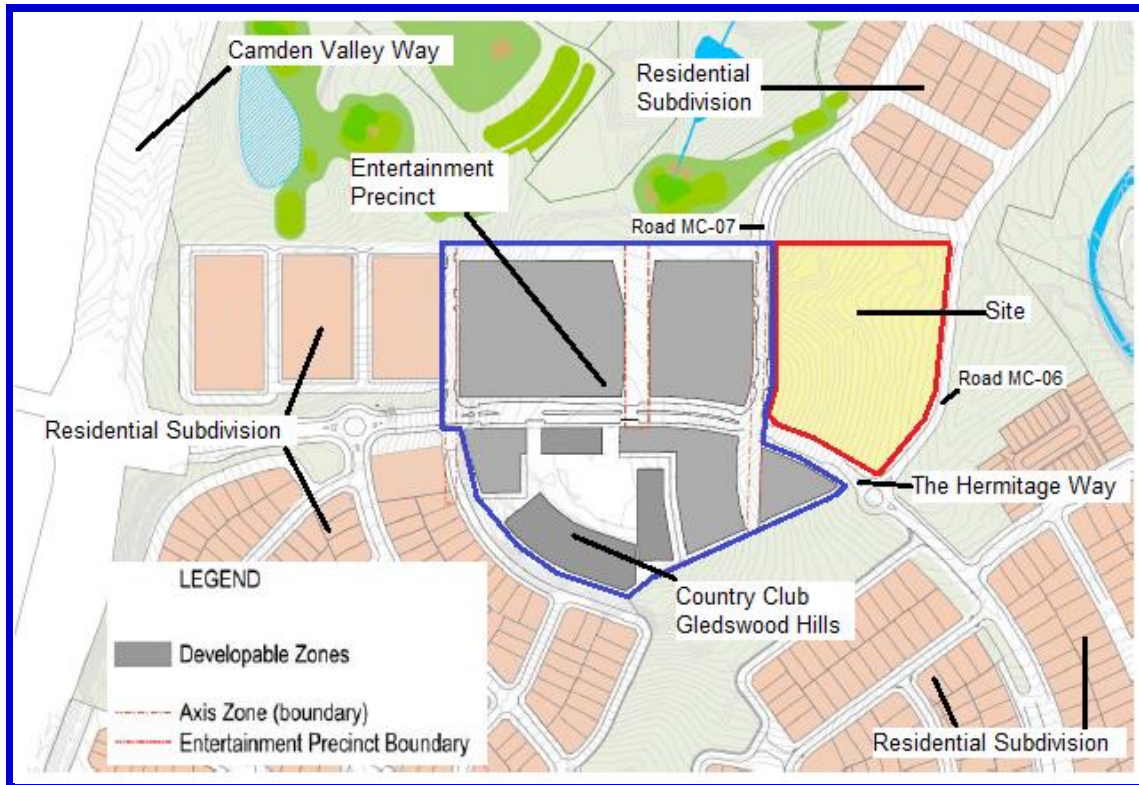


Figure 2: Turner Road Precinct Indicative Layout Plan

*Site and Surrounding Context*



*The Proposal*

The DA seeks approval for the construction of a new 1,000 place public primary school.

Specifically the proposed development involves:

- Removal of 22 trees (19 Red Ironbarks, one Grey Ironbark and two Forest Red Gums),
- Construction of two to three storey school buildings accommodating classrooms, offices, a library, amenities and storage. The buildings will be constructed of a mix of brickwork, colorbond metal and glazing elements. The buildings' maximum height will be 14.4m above ground level (existing).

The school will be built in two stages and provide up to 600 student places in Stage 1 before expanding to approximately 1,000 places in Stage 2,

- Construction of a multi-use school hall that will accommodate out of school hours care facilities, school and community activities/events,
- Construction of an outdoor hard surface sports court, a covered outdoor learning area and a free play area,
- Construction of 75 off-street car parking spaces in two car parks (fully compliant with the Camden DCP) and provision of bicycle racks for 60 bicycles,

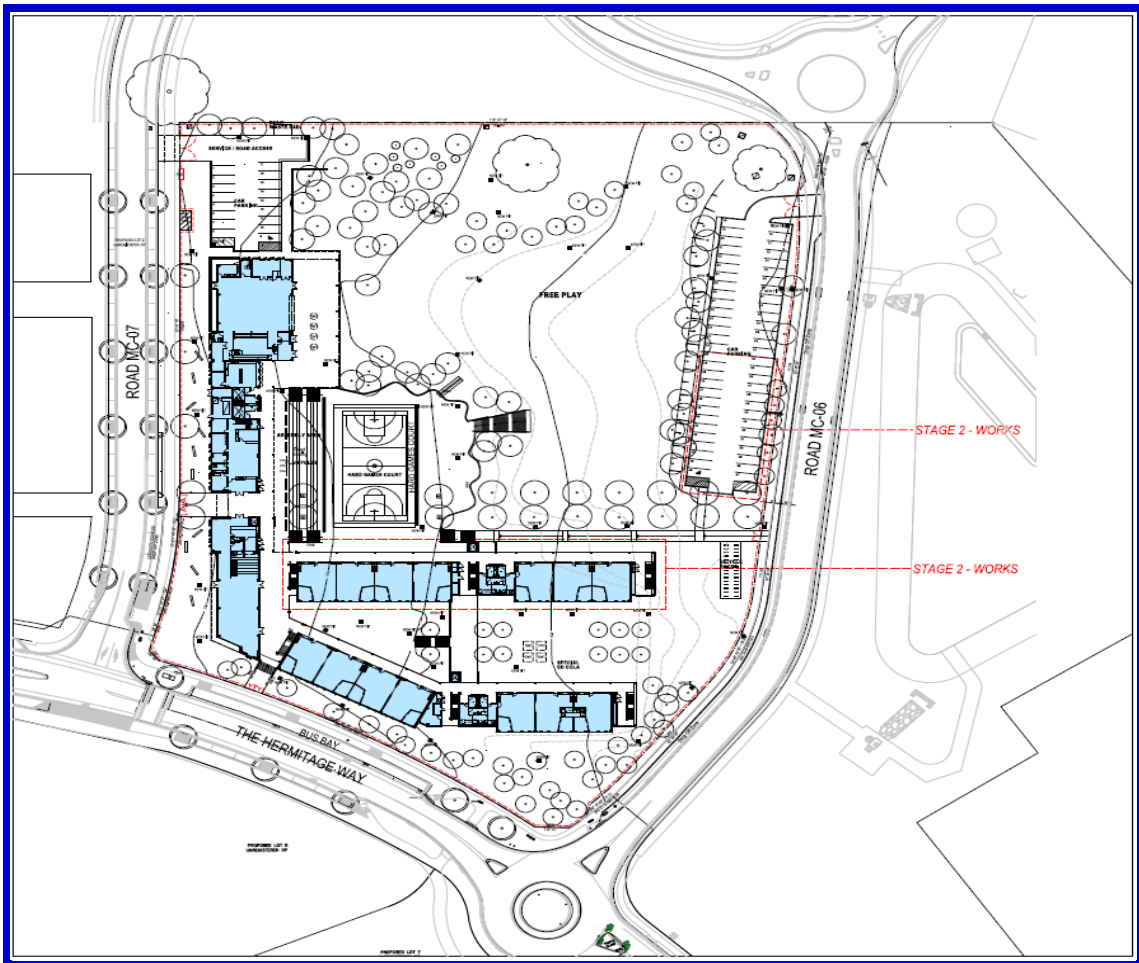


- Provision of an on-street drop-off/pick-up area that will border the south eastern boundary of the site,
- Provision of an accessible bus stop that will border the north western boundary of the site,
- Display of one business identification sign with the school name “Gledswood Hills Public School,”
- Associated site works including earthworks, drainage, service connections, fencing and landscaping, and
- Operating hours of 7am-9pm, Monday to Friday. It is noted that some activities in the multi-use hall may operate up to 10pm.

The proposed development has a capital investment value (CIV) of \$41,311,067.

The school is intended to be completed by 2020 to enable student enrolments commencing in 2021.

#### Site Plan



## Streetscape Views



### Key Draft Submission Issues

Council officers have reviewed the DA against the relevant planning policies and controls, along with officer advice provided during the pre-DA discussions. Council officers have prepared a draft submission identifying a number of issues, however it is not recommended that a formal objection be made to the DA.

The key issues raised in the draft submission are:

#### Urban Planning

1. The maximum building height development standards for the site are 9.5m and 18m. The proposed development will have a maximum height of 14.4m. This represents a significant height variation of up to 4.9m (a 51.6% variation). The merits of this variation and its impacts upon the surrounding area must be carefully assessed by DPE.
2. It is noted that that the proposed development will be undertaken in two stages. The required facilities for each stage must be provided upon the development of each stage, e.g. sufficient off-street car parking in accordance with Camden Development Control Plan 2011, disabled access to all developed areas of the site, etc.
3. The DA makes reference to the school having capacity for approximately 1,000 students. It is recommended that the maximum number of students for the school be capped at 1,000 to ensure that the proposed car parking provision and other impacts assessed by the DA are accurate.

#### Traffic/Car Parking

1. Following consideration of the proposed plans and traffic report, the following amendments to the proposed development are recommended:



- Council notes that 75 off-street car parking spaces are required for the school under the Camden Development Control Plan 2011 and that 75 spaces have been proposed. Council maintains that a separate off-street drop-off/pick-up area within the site should be provided. This was also requested in Council's response to the draft Secretary's Environment Assessment Requirements dated 3 May 2017.

It is recommended that an off-street drop-off/pick-up area, including a one-way travel lane, is provided behind the car park off road MC-07. A pedestrian path should connect this area to the main pedestrian travel path through the site. The access to this car park should be modified to incorporate a one way entry/exit arrangement to facilitate the new drop-off/pick-up area.

- Council is concerned that the on-street drop-off/pick-up area on road MC-06 will be under-utilised. This is due to much of its length being past the pedestrian entry/exit gate (approximately 81m), separation from many of the school buildings, the sloping topography of the site and the lack of wet weather protection for children entering the school at this location. It is considered likely that parents will seek to park closer to the school buildings on the northern western side of the site irrespective of the on-street drop-off/pick up area on road MC-06.

Consequently it is recommended that an additional on street drop-off/pick-up area is formalised along road MC-07 to provide additional capacity nearer to the school buildings. It is also recommended to convert some of the drop-off/pick up area on road MC-06 past the pedestrian entry/exit gates to unrestricted parking.

There may be the potential to provide an additional on-street drop-off/pick-up area on the south eastern side of road MC-06. This should be considered, however any impact on the adjoining public open space would need to be assessed against the requirements of the Gledswood Hills Voluntary Planning Agreement.

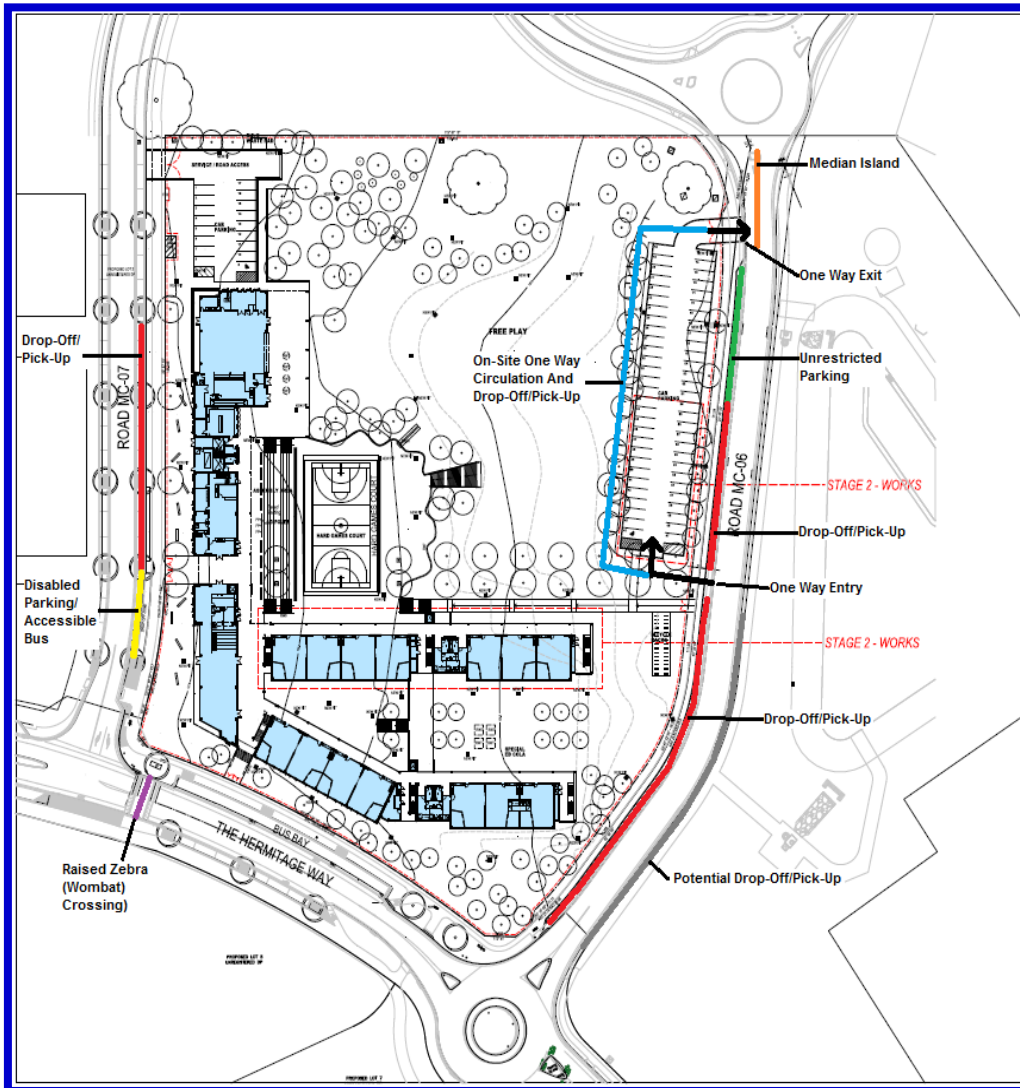
All on-street car parking must be designed to comply with AS 2890.

- The proposed accessible bus parking area on road MC-07 should be modified to be a general disabled car parking area that is available for both the accessible bus and disabled car parking. The accessible bus parking times should be staggered to ensure they do not conflict with general disabled parking for the school.

The special education components of the school should be located in close proximity to the accessible bus parking area.

- A median island should be provided in front of the access to the car park on road MC-06 and adjacent to the future roundabout to the north. The purpose of this is to ensure that vehicle movements into and out of this car park are restricted to left in/left out only.
- The existing speed hump on The Hermitage Way frontage should be converted to a raised zebra (wombat) crossing.

The aforementioned amendments are shown in the marked-up plan below:



2. The proposed development should provide capacity to accommodate five buses. This is in consideration of similarly sized schools in the Camden LGA and their bus accommodation capacity/needs. Reliance upon staggered bus arrivals is not supported as a means of addressing bus capacity issues

On-street bus bays must be designed in accordance with the applicable schools facilities standards.

3. Children’s crossings must be provided along roads MC-06 and MC-07 at suitable locations.
4. Some bicycle parking should be provided on the site near road MC-07 for staff and students.

The draft submission also raises a number of other issues relating to engineering design, noise, waste management and accessibility that should also be addressed if development consent were to be granted.



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## **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

## **CONCLUSION**

The DPE has publicly exhibited a State significant DA for a new public primary school at C The Hermitage Way, Gledswood Hills. Council staff have prepared a draft submission for Council's consideration and endorsement.

## **RECOMMENDED**

**That Council:**

- i. endorse the draft submission;**
- ii. forward the submission to the Department of Planning and Environment for consideration as part of its assessment of the Development Application; and**
- iii. forward a copy of Council's submission to Chris Patterson MP, Member for Camden.**

## ATTACHMENTS

1. Proposed Plans
2. Submission - *Supporting Document*

## ORDINARY COUNCIL

**ORD05**

**SUBJECT: DECEMBER REVIEW OF THE 2017/18 OPERATIONAL PLAN (BUDGET)**  
**FROM: Director Customer & Corporate Strategy**  
**TRIM #: 18/5488**

### PURPOSE OF REPORT

This report presents the December 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 December Review represent a projected budget surplus for the 2017/18 financial year of \$29,738.

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 through growth.

### ALLOCATION OF THE 2017/18 BUDGET SURPLUS

It is recommended that the projected surplus of \$29,738 be allocated as follows.

<b>Budget surplus allocation</b>		
<b>Budget Surplus Available for Allocation</b>		<b>\$29,738</b>
Less: Transfer to Capital Works Reserve	\$29,738	
<b>Total - Allocation of Budget Surplus</b>		<b>\$29,738</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: Quarterly Budget Surplus Transfers	\$1,453,225
Add: Proposed December Quarterly Surplus Transfer	\$29,738
<b>Proposed Balance of Reserve</b>	<b>\$10,439,714</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	(\$3,175,000)
Less: Council contribution towards the 2018/19 Active Transport Program. Council Resolution – 219/17 - 26/9/17	(\$20,000)
Less: Proposed (Replacement of the Roof and Electricals) Camden Sports Club Repairs	(\$150,000)
Less: Proposed Bio-diversity Stewardship Agreement	(\$36,000)
<b>Total Allocated</b>	<b>(\$9,032,807)</b>
<b>Uncommitted Balance – Capital Works Reserve</b>	<b>\$1,406,907</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- DECEMBER 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 December Review for 2017/18 which have led to a projected budget surplus of \$29,738.

December review of the 2017/18 budget proposed variations	Budget Impact Increase / (Decrease)
<b>Income adjustments</b>	
<i>Note: Increase in income is an increase to the budget</i>	
<i>Shortfall in income is a decrease to the budget</i>	
1. Rates & Charges Income Increase	\$580,000
2. Interest on Investment Income Increase	\$50,000
3. Library Subsidy Grant Income Increase	\$21,980
Transfer from Capital Works Reserve – Camden Sports Club repairs	\$150,000
Transfer from Capital Works Reserve – Bio-diversity Stewardship Agreement	\$36,000
<b>Sub Total - Income Adjustments</b>	<b>\$837,980</b>
<b>Expenditure adjustments</b>	
<i>Note: Increase in expenditure is a decrease to the budget</i>	
<i>Saving in expenditure is an increase to the budget</i>	
4. Transfer to Working Funds Reserve Expense Increase	(\$500,000)
5. Camden Sports Club Repairs Expense Increase	(\$150,000)
6. Biodiversity Stewardship Agreement Expense Increase	(\$36,000)
7. Australia Day Security Measures Expense Increase	(\$34,200)
Variations under \$15,000 - Various Expense Increases	(\$18,300)
<b>Sub Total - Expenditure Adjustments</b>	<b>(\$738,500)</b>
<b>Council Approved Variations – Expenditure Increase</b>	
Additional Funding for Community Sponsorship Program (Council meeting 12/12/2017)	(\$23,142)
Additional Funding for ANZAC Day Event (Council Meeting 13/2/2018)	(\$46,600)
<b>Sub Total – Council Approved Variations – Expenditure Increase</b>	<b>(\$69,742)</b>
<b>TOTAL - proposed variations to budget</b>	<b>\$29,738</b>

**1. Rates and Charges Income – Increase in Income of \$580,000**

Supplementary rate income is received upon the rezoning 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 second 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.





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2. **Interest on Investment Income – Increase in Income of \$50,000**  
Interest on Council's Investments is expected to be higher in 2017/18. The primary reason for this is Council's investment portfolio is higher than originally budgeted.
  3. **Library Subsidy Grant Income Increase – Increase in Income of \$21,980**  
Additional income has been realised as part of Library Subsidy Grant in 2017/18 primarily due to Camden's growth.
  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 December 2017 Quarterly Budget Review surplus 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 \$1.5 million being transferred to reserve to fund future expenditure in the 2017/18 - 2020/21 major capital works program.

5. **Camden Sports Club Repairs – Expense of \$150,000**  
A recent building inspection of the Camden Sports Club by Council and a contractor identified the need for the roof to be replaced and the electrical house to be repaired and upgraded. Although the Camden Sports Club is leased Council remains the owner of the property. Without the works permanent damage to the internals of the property could occur. It is proposed to fund this work from the Capital Works Reserve.
6. **Bio-diversity Stewardship Agreement – Expense of \$36,000**  
Forward funding is required to assess Council Reserves (Spring Farm, Kings Bush, Elizabeth Macarthur Reserve and Camden Golf Course (incl Parrots Farm)) in order to qualify for a Bio-diversity Stewardship Agreement. The request for additional bio-diversity assessments was raised by Councillors when endorsing the application for bio-banking of Gundungurra Reserve North and South. The amount will be repaid back to the reserve once an agreement is formalised. It is proposed to forward fund this from the Capital Works Reserve.
7. **Australia Day Security Measures – Increase in Expense of \$34,200**  
NSW Police requested that Council increase its security measures for the 2018 Australia Day event. This request follows the Australian and New Zealand Counter-Terrorism Committee (ANZCTC) having recently developed the Australian Strategy for Protecting Crowded Places from Terrorism. This Strategy identifies Local Government as a key partner in ensuring the safety of the community through protecting our public spaces. The Australian Local Government Association acts as a key conduit between ANZCTC and local government across Australia, in support of the new security guidelines for events in public places. Increased security at our events is key to ensuring the safety of our community from acts of terrorism. As this increase in security was unknown at the time this budget was prepared additional funds are required. This report also recommends

that the increase to the budget for security measures at Australia Day events be made recurrent.

**COUNCIL AUTHORISED VARIATIONS**

Council has authorised 5 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)
Additional Funding for Community Sponsorship Program. Council Resolution -317/17, 12/12/2017	\$23,142		\$23,142
Police Citizens Youth Club's (PCYC) - Amenities Building (funding reversal). Council Resolution -316/17, 12/12/2017	(\$2,100,000)	2,100,000	\$0
Sportsground Fergusons Land Council Resolution -316/17, 12/12/2017	\$1,100,000	(\$1,100,000)	\$0
BMX / Skate Park Council Resolution -316/17, 12/12/2017	\$1,000,000	(\$1,000,000)	\$0
Additional Funding for ANZAC Day Event. Council Resolution - 15/18, 13/2/2018	\$46,600		\$46,600
<b>TOTAL - Council approved variations</b>	<b>\$69,742</b>	<b>\$0</b>	<b>(\$69,742)</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 October 2017 to 31 December 2017, a number of contra adjustments have taken place amounting to a total of \$571,200. A detailed list of the adjustments is an **attachment to 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 \$29,738 as advised in this report.



## SUMMARY OF DECEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 December 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>
<b>2017/18 September Review Adjustments</b>	<b>\$10,478,783</b>	<b>\$10,478,783</b>	<b>\$0</b>
<b>2017/18 December Review Adjustments</b>			
NOTE 1: Proposed Variations	\$738,500	\$837,980	\$99,480
NOTE 2: Authorised Variations	\$69,742	\$0	(\$69,742)
NOTE 3: Contra Adjustments	(\$571,200)	(\$571,200)	\$0
<b>TOTAL - December Review Adjustments</b>	<b>\$10,715,825</b>	<b>\$10,745,563</b>	<b>\$29,738</b>
<b>TOTAL available working funds (uncommitted cash)</b>			<b>\$29,738</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 31 December 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 31 December 2017, Council had processed 35 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.

## CONCLUSION

The December Budget Review surplus is \$29,738. Council has continued to benefit from increased income through additional rates.

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 \$29,738 as follows; and**

<b>Budget surplus allocation</b>		
<b>Budget Surplus Available for Allocation</b>		<b>\$29,738</b>
Less: Transfer to Capital Works Reserve	\$29,738	
<b>TOTAL - Allocation of Budget Surplus</b>		<b>\$29,738</b>
<b>Budget Surplus Balance After Allocation</b>		<b>\$0</b>

- iii. approve the increase of \$34,200 for the Australia Day event be made recurrent and increased by CPI annually for the purposes of enhanced security at future Australia Day events.**
- iv. approve the repayment of \$36,000 to the capital works reserve upon income being realised from the proposed bio-diversity agreement.**

**ATTACHMENTS**

- 1. 2017-18 December Review - Budget Appendix
- 2. 2017-18 December Review - QBRS Statement



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## ORDINARY COUNCIL

ORD06

**SUBJECT: INVESTMENT MONIES - JANUARY 2018**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 18/34162

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### PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 31 January 2018 is provided.

### MAIN REPORT

The weighted average return on all investments was 3.00% p.a. for the month of January 2018. The industry benchmark for this period was 1.85% (Ausbond Bank Bill Index).

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

The Responsible Accounting Officer is the Chief Financial Officer.

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

### RECOMMENDED

**That Council:**

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy;**
- ii. note the list of investments for January 2018; and**
- iii. note the weighted average interest rate return of 3.00% p.a. for the month of January 2018.**

### ATTACHMENTS

1. Investment Report - January 2018

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## ORDINARY COUNCIL

ORD07

**SUBJECT: ROADS AND MARITIME SERVICES 2017/18 FUNDING - ANDERSON ROAD ONTO CAMDEN VALLEY WAY, SMEATON GRANGE**

**FROM:** Director Community Assets

**TRIM #:** 18/36824

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### PURPOSE OF REPORT

To seek Council acceptance of grant funding of \$50,000 (excl. GST) by Roads and Maritime Services (RMS) to undertake design work at the intersection of Anderson Road and Camden Valley Way, Smeaton Grange.

### BACKGROUND

The RMS invites Councils to undertake works to improve the operation of the overall traffic and transport network operation. In this case, Council has been successful under the 2017/18 Network Planning Program for \$50,000 (excl. GST) to undertake the investigation for the design of dual right turn lanes from Anderson Road onto Camden Valley Way.

### MAIN REPORT

The NSW Government offers funding under the Network Planning Program for projects to upgrade infrastructure to improve traffic flow on the network.

Council has recently been advised by RMS on behalf of the NSW Government that the following project has been successful in the 2017/2018 financial year:

- Anderson Road onto Camden Valley Way, Smeaton Grange – Investigate the provision and prepare strategic design of dual right turn lanes (as shown in the **Attachment**).

Funding Offered                      \$50,000 (excl. GST)

### FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

### CONCLUSION

Council has been successful in securing grant funding under the following programs:

- 2017/18 Network Planning Program – \$50,000 (excl. GST)

The grant funding will enable the investigation and design for the improvement of traffic flow at the intersection of Anderson Road and Camden Valley Way, and it is recommended that the grant funds be accepted for this purpose.



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## **RECOMMENDED**

### **That Council:**

- i. accept Roads and Maritime Services (RMS) funding of \$50,000 (excluding GST) under the Network Planning Program for the Anderson Road/Camden Valley Way intersection design; and**
- ii. write to The Hon. Melinda Pavey MP, Minister for Roads, Maritime and Freight, and Mr Chris Patterson MP, State Member for Camden, thanking them for their support.**

### **ATTACHMENTS**

- 1. Aerial View - Anderson Road at the Intersection of Camden Valley Way**

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## ORDINARY COUNCIL

ORD08

**SUBJECT: NSW STATE GOVERNMENT SPECIAL INFRASTRUCTURE  
CONTRIBUTION (SIC) - RABY ROAD UPGRADE**

**FROM:** Director Community Assets

**TRIM #:** 18/41454

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### PURPOSE OF REPORT

To seek Council acceptance of grant funding of \$2.9M (excl. GST), by the NSW Government from Special Infrastructure Contributions (SIC), to advance the planning and design required for the future upgrade of Raby Road from the completed works at the Emerald Hills development (Camden Local Government Area) to Thunderbolt Drive, Raby (Campbelltown Local Government Area).

### BACKGROUND

SIC are levied by the State Government on developers to help fund the delivery of some of the key sections of state and regional infrastructure required to support a growing population.

Correspondence has been received from the Department of Planning and Environment (DPE) confirming a funding offer of \$2.9m (ex GST), to fund the design of the widening of Raby Road between Emerald Hills (Camden LGA) and Thunderbolt Drive (Campbelltown LGA).

### MAIN REPORT

Raby Road is a regional road that connects the South West Growth Area within the Camden Local Government Area between Camden Valley Way and the M5 Freeway, and is one of the major east-west links between Camden and Campbelltown.

The upgrade of Raby Road is not funded from Section 94 Developer Contribution Funds but is proposed to be funded from the NSW State Government's SIC.

DPE proposes that Camden Council project manage the upgrade of the remaining 2 lane rural section of Raby Road between the completed works at the Emerald Hills development (Camden LGA) to Thunderbolt Drive, Raby (Campbelltown LGA).

Correspondence received from DP&E outlines the proposed provision (subject to approval) of an allocation of \$2.9M (excl. GST), to be issued in 2 stages:

- Stage 1: Concept Design and Strategic Business Case (\$700,000);
- Stage 2: Detailed Design and Final Business Case (\$2,200,000).

After each stage, Council will be required to submit a formal Project Plan for future funding.

Whilst both Camden and Campbelltown Councils will work jointly on components of this project, Camden Council will project manage the overall project and tender process.





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## **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

It is proposed that a portion of the Stage 1 funding of \$100,000 will be accepted within the 2017/18 budget year, and the balance of Stage 1 funding and Stage 2 funding of \$2,800,000 will be accepted in the 2018/19 budget year, to match the delivery program for this project.

## **CONCLUSION**

The SIC provides a funding source for essential infrastructure in the South West Growth Area to support the delivery of residential and employment areas within the Camden LGA.

The NSW Government has approved an allocation of \$2.9M (excl. GST) to fund the design of the upgrade of Raby Road.

It is recommended that Council accept the funding offer.

## **RECOMMENDED**

**That Council:**

- i. accept the offer from NSW Government for the funding of \$2.9M (excl. GST) for the design of Raby Road;**
- ii. include the funding within Council's Operational Plan (budget) as follows;**
  - a. \$100,000 in 2017/18;**
  - b. \$2,800,000 in 2018/19; and**
- iii. write to The Hon. Mr Anthony Roberts, Minister for Planning, and Mr Chris Patterson MP, State Member for Camden, thanking them for their support.**

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## ORDINARY COUNCIL

ORD09

### NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - GAMBLING HARM PREVENTION**  
**FROM: Cr Campbell**  
**TRIM #: 18/47862**

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“I, Councillor Eva Campbell, hereby give notice of my intention to move the following at the Council Meeting of 27 February 2018:

That Council research and develop a policy to integrate gambling harm prevention into Council policies and land use planning to promote the health and wellbeing of our community and establish an ongoing commitment to a fairer society through a balanced recognition of the social and economic harm associated with the gambling industry.”

### RECOMMENDED

**That Council research and develop a policy to integrate gambling harm prevention into Council policies and land use planning to promote the health and wellbeing of our community and establish an ongoing commitment to a fairer society through a balanced recognition of the social and economic harm associated with the gambling industry.**



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## ORDINARY COUNCIL

ORD10

### NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - NOTIFICATION OF APPLICATIONS TO INCREASE GAMING MACHINES**

**FROM:** Cr Campbell

**TRIM #:** 18/47893

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“I, Councillor Eva Campbell, hereby give notice of my intention to move the following at the Council Meeting of 27 February 2018:

That Councillors be notified of any application, by a hotel or club, to the NSW Independent Liquor and Gaming Authority for any increase in electronic gaming machines (EGM's) in the Camden Local Government Area.”

### RECOMMENDED

**That Councillors be notified of any application, by a hotel or club, to the NSW Independent Liquor and Gaming Authority for any increase in electronic gaming machines (EGM's) in the Camden Local Government Area.**

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## ORDINARY COUNCIL

ORD11

### NOTICE OF MOTION

**SUBJECT: NOTICE OF MOTION - SUBMISSION TO NSW INDEPENDENT LIQUOR AND GAMING AUTHORITY**  
**FROM: Cr Campbell**  
**TRIM #: 18/47903**

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“I, Councillor Eva Campbell, hereby give notice of my intention to move the following at the Council Meeting of 27 February 2018:

That Council make a submission to the NSW Independent Liquor and Gaming Authority on applications by a club or hotel which seeks increase accessibility to electronic gaming machines (EGM's) in to the Camden LGA.”

### RECOMMENDED

**That Council make a submission to the NSW Independent Liquor and Gaming Authority on applications by a club or hotel which seeks increase accessibility to electronic gaming machines (EGM's) in to the Camden LGA.**



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## ORDINARY COUNCIL

## ORD12

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 18/48716

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

- Western Sydney City Deal

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

- 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 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 matters directly the subject of the report and no other matters 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:**

- 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**
- close the meeting to the media and public to discuss a report about commercial information in accordance with the provisions of Sections 10A(2)(d)(i), of the Local Government Act, 1993.**