



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**14 February 2012**

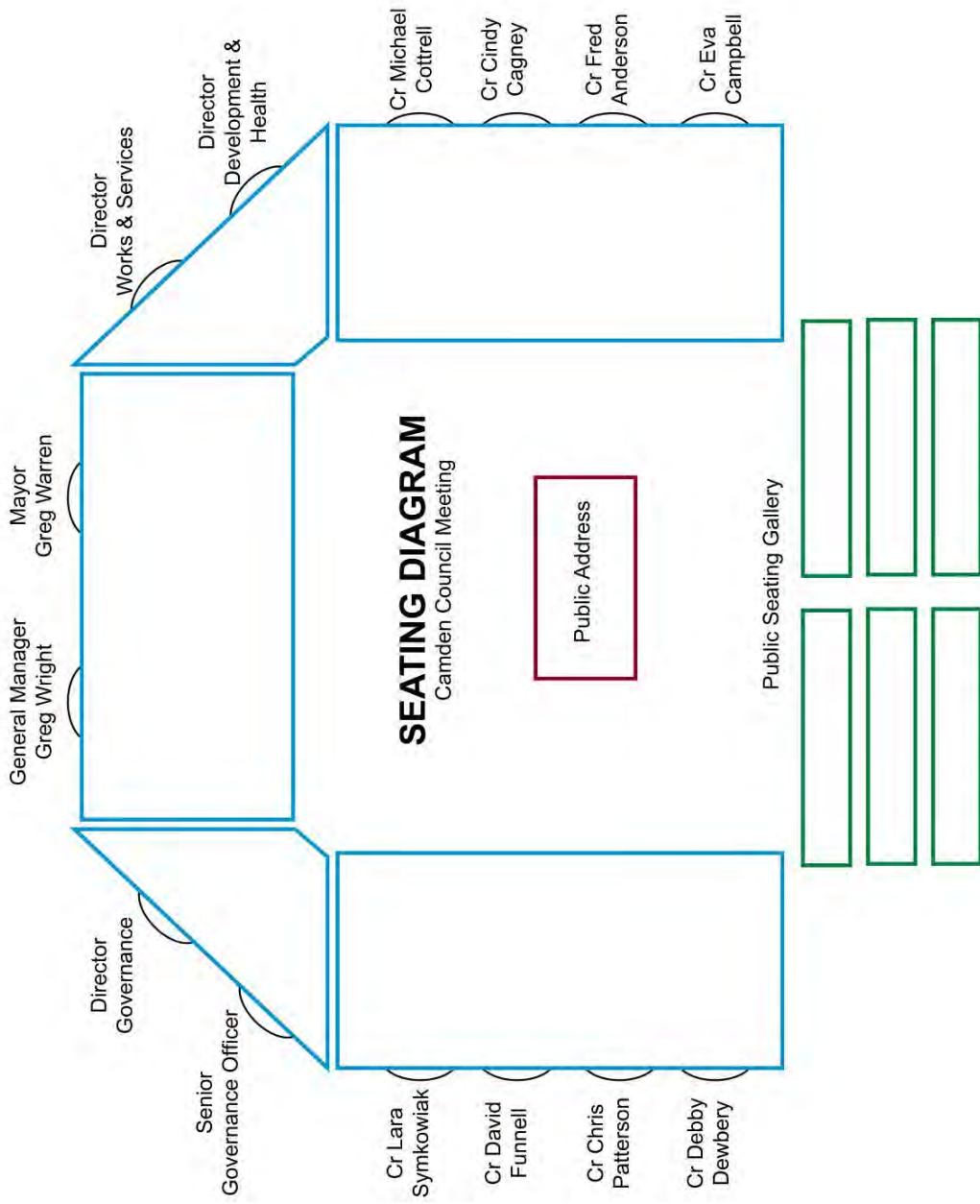
---

**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## COMMON ABBREVIATIONS

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



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



---

# ORDINARY COUNCIL

## ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer		
Apologies.....	4	
Declaration Of Interest.....	5	
Public Addresses.....	6	
Confirmation Of Minutes.....	7	
ORD01	Site Inspection - Subdivision to Create 10 Lots, a New Road, Drainage and Landscaping at No 181 Camden Valley Way, Kirkham (Yamba).....	8
ORD02	NSW Planning System Review.....	9
ORD03	Authorise Expenditure for the Purchase of Two Side Load Recycling Trucks.....	30
ORD04	Tender for the Supply and Delivery of Combination Vacuum and Jetting Drainage Truck, Tender No. T105/2012.....	32
ORD05	Councillor's Attendance at The UDIA Conference.....	36
ORD06	Planning Proposal - Emerald Hills, 1100-1150 Camden Valley Way Leppington.....	38
ORD07	Review of Camden DCP 2011.....	75
ORD08	Integrated Planning and Reporting Compliance - Feedback from the Division of Local Government.....	116
ORD09	Code of Meeting Practice Amendments.....	122
ORD10	Lease Agreement - Illawarra Children's Services - Jumbunna Centre at 85 Richardson Road, Narellan.....	152
ORD11	Establish Floodplain Risk Management Committee.....	155
ORD12	Closure of the Meeting to the Public.....	173
Diary.....		174



---

## ORDINARY COUNCIL

**SUBJECT: APOLOGIES**

---

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

**RECOMMENDED**

**That leave of absence be granted.**



---

## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

---

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**

---

## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

---

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

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

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

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

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. A copy of the recording may be available to third parties (in certain circumstances).

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person.

### **RECOMMENDED**

**That the public addresses be noted.**



---

## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

---

Confirm and adopt Minutes of the Ordinary Council Meeting held 31 January 2012

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 31 January 2012, copies of which have been circulated, be confirmed and adopted.**





**ORD01**

## **ORDINARY COUNCIL**

**ORD01**

**SUBJECT:** SITE INSPECTION - SUBDIVISION TO CREATE 10 LOTS, A NEW ROAD, DRAINAGE AND LANDSCAPING AT NO 181 CAMDEN VALLEY WAY, KIRKHAM (YAMBA)  
**FROM:** Director, Development and Health  
**BINDER:** Development Applications 2011

---

A report was submitted to the Council meeting of 31 January 2012. At that meeting Council resolved to defer the decision pending a site inspection, further negotiations with Roads and Maritime Services, discussions with the developer and a Councillor workshop.

A site inspection is to be held prior to the matter going before Council. Councillors are to meet in the Council car park at 4.45pm or on-site at 5.00pm.

### **RECOMMENDED**

**N/A**



## ORDINARY COUNCIL

ORD02

ORD02

**SUBJECT:** NSW PLANNING SYSTEM REVIEW  
**FROM:** Director, Development and Health  
**BINDER:** Government & Relations / NSW State Government

---

### PURPOSE OF REPORT

The purpose of this report is to inform Council of the NSW Planning System Review which is currently being undertaken by the Department of Planning and Infrastructure (DPI). This report also seeks Council's endorsement of a draft submission prepared by Council staff on the review's issues paper (the paper) including a response to the feedback questions listed in the paper.

### BACKGROUND

The DPI is reviewing the State's main planning law, known as the *Environmental Planning and Assessment Act 1979*.

Between August and November 2011, various community forums and key stakeholder meetings were held throughout NSW. At these meetings, members of the public were invited to raise for discussion any issues with the current planning system which they considered should be reviewed. Camden Council staff attended one of the community forums and made a written submission to the DPI during this time.

On 6 December 2011, an issues paper for the NSW Planning System Review, entitled, "*The way ahead for planning in NSW?*" was released for public comment. This document outlines the key issues raised during the listening and scoping consultation phases of the review.

Council now has the opportunity to respond to the paper and its associated review feedback questions by 17 February 2012, to help the DPI develop policy options which will be released later this year.

At the Councillor workshop held on 31 January 2012, a presentation was made to Councillors which introduced the NSW Planning System Review, including some examples of the types of questions raised in the paper. The feedback that Councillors provided at the workshop has been incorporated into the draft submission.

### MAIN REPORT

The issues paper is broken down into the following six components:

- (a) Introduction;
- (b) Key elements, structure and objectives of a new planning system;
- (c) Making plans;
- (d) Development proposals and assessment;
- (e) Appeals and reviews; enforcement and compliance; and
- (f) Implementation of the new planning system.

A number of questions are listed in each component of the paper and Council staff has drafted a response to each. **A copy of the feedback questions and response is provided at the end of this report (Attachment 1).**

In relation to the matters raised at the recent Councillor workshop, the submission reflects Council's view that the planning legislation should:

- Allow local councils to determine the form of community consultation undertaken on planning matters.
- Not require all JRPP matters to be reported to Council as this could delay the processing of applications. Council is generally satisfied with the current JRPP processes.
- IPART should not be involved in the decision making process in the provision of local infrastructure through development contributions.

**A copy of Council staff's draft submission is provided at the end of this report (Attachment 2).**

### **CONCLUSION**

The DPI has publicly exhibited an issues paper regarding the NSW Planning System Review. Council staff have reviewed the paper and its associated feedback questions and prepared a draft submission on its contents.

The concept of reviewing the NSW planning system is supported, and the importance of providing more streamlined planning processes and simplified policies is acknowledged. It is also considered that the broad range of questions raised in the issues paper is a positive step towards rewriting planning legislation across the State.

Consequently it is recommended that Council endorse Council staff's draft submission on the paper and that it be forwarded to the DPI for consideration.

### **RECOMMENDED**

**That Council:**

- endorse the draft submission on the Issues Paper, and**
- the submission be forwarded to the Department of Planning and Infrastructure for consideration.**

### **ATTACHMENTS**

1. Feedback Questions and Response
2. Council's Submission Covering Letter

Question No.	Question	Camden Council Comment
A1	What should the objectives of new planning legislation be?	General objectives should include/address: <ul style="list-style-type: none"> <li>- Orderly development of land;</li> <li>- Safeguarding/protection/conservation of any environmentally sensitive land (including heritage, national parks etc.);</li> <li>- Community consultation and public participation.</li> </ul>
A2	Should any overarching objectives be given weight above all other considerations?	No. All objectives should be equally important; however not all objectives may be relevant to every development.
A3	Should there be strict controls in plans?	Every development application should be assessed on its merits and there should be room for variations where appropriate and adequately justified.
A4	Should applications that depart from development controls be permitted?	Yes, subject to a merit assessment.
A5	What should the test be for a proposed variation?	Whether the development complies with the relevant objectives of all applicable environmental planning instruments and development control plans.
A6	Should new planning legislation provide a framework for regional strategic planning processes? If so, how should appropriate regions be determined for strategic planning?	Yes. Regions need to be based on the ROCs with a strong relationship between Council's Community Strategic Plan and the State Plan.
A7	Should strategic plans be statutory instruments with greater weight?	Yes.
A8	How should implementation of strategic plans be facilitated?	There needs to be a strong public consultation process incorporated.
A9	In a new planning system, how can we improve community participation opportunities? How can we improve consultation processes for plan making and development assessment?	Community participation opportunities in local plan making could be improved by: <ul style="list-style-type: none"> <li>- Tailoring the exhibition period for Planning Proposals and new strategies and policies based on their scope and expected impact.</li> <li>- Utilising community workshops and encouraging involvement by the community where possible, particularly for place based planning decisions such as rezonings.</li> </ul>
A10	How should levies to pay for local and state community infrastructure be set?	There needs to be appropriate criteria established for the provision of both local and state infrastructure. There also needs to be a commitment from the state government at the outset to address funding shortfalls.
A11	What alternatives to – or additional funding sources for – such infrastructure should be considered?	Seed funding by state government where it can be demonstrated that infrastructure provision is critical to commence essential development.
A12	Who should decide regionally significant development and local development applications?	Council has had no negative experiences with the JRPP, however local development applications should be determined by council.
A13	Should Joint Regional Planning Panels decide development applications? If so, which applications should the panels decide? Who should identify these?	Yes, current thresholds are adequate. Where areas have undergone extensive (and current) regional planning, such as in the growth centres, there should be an option to opt out of the JRPP process.
A14	Should councils be able to apply to be exempt from the Joint Regional Planning Panel process?	Where areas have undergone extensive (and recent) regional planning, such as in the growth centres, there should be an option to opt out of the JRPP process, ie where development fully complies with planning instruments.

Question No.	Question	Camden Council Comment
ORD02	A15	Should any changes be made to complying development and the process of approving it?  The complying and exempt development process could be made more user-friendly by creating a plain English, self-assessment system online, with a printable certificate provided at the end, if the development's details meet the relevant criteria.  This process could be similar to the web-based BASIX assessments and be modelled around a multiple choice questionnaire (with the answer to each question selected by the applicant leading to further relevant questions).
	A16	What changes should be made to the private certification system?  The role and responsibilities of accredited certifiers should be clarified. The potential for corruption by private certifiers could be reduced by: <ul style="list-style-type: none"> <li>- increasing penalties (greater fines and longer suspensions of accreditation);</li> <li>- easier process to challenge certifiers (rather than lengthy court proceedings);</li> <li>- an opportunity to rescind certificates issued in error.</li> </ul>
Attachment 1	A17	How can private certifiers be made more accountable?  As above – more fines and penalties for misconduct.
	A18	Should there be a right of review or appeal against a council decision concerning the zoning of a property?  No
	A19	Should there be any distinction between a council decision to change a zoning and a council refusing an application to change the zoning?  Only where Council is the owner of the land and where the re-zoning will deliver a financial gain to Council.
	A20	If there is to be a right of appeal or review of a council zoning decision, who should decide that appeal or review?  Not applicable.
	A21	What are appropriate measures that might be implemented in a new planning system to create public confidence in the integrity of environmental impact statements (and their supporting studies) for major development projects?  Major developments should continue being assessed by an independent assessment panel (such as PAC or JRPP).  Additionally, the contracts/tenders for consultants to prepare EIS's should also be coordinated by an independent body to help ensure consultants do not prepare biased reports for their clients.
B1	What should be included in the objectives of new planning legislation?  See answer to Question A1 above.	
B2	Should ecologically sustainable development be the overarching objective of new planning legislation?  No. Ecologically sustainable development should be included as an objective to consider; however it should not override all other objectives.  Each application should be assessed on its merits. Some developments may have positive impacts other than being ecologically sustainable (for example, employment generating) which deem it worthy of approval.	
B3	Should some objectives have greater weight than others?  No, see answer to Question A2 above.	
B4	Should there also be separate objectives for plan making and development assessment and determination?  Yes, objectives for local plans should be more specific and relevant to a particular LGA.	
B5	Should the objectives address the operation of the new planning legislation?  Yes, the objectives of all plans should generally reflect the operation and intent of the new planning system.	

Question No.	Question	Camden Council Comment
B6	Are the current definitions in the Act still relevant or do they need updating?	The current EP&A Act definitions could be reviewed and updated to be more aligned the latest Macquarie Dictionary definitions.
B7	Does the present definition of 'development' need to be rewritten? If so, in what respect?	<p>It is current practice to rely on the broad definition of "development" for proposals that are undefined by an LEP or DCP in order to determine whether they need development consent, for example special events.</p> <p>A re-written definition of development should be more descriptive to prevent everything potentially being classed as "development" and requiring consent.</p>
B8	Should there be a definition of 'minor'? If so, what should it say?	No, the term minor depends on the context of each application therefore this cannot be generically defined.
B9	Should 'public interest' be defined? If so, what should it say?	No, it should not be defined but could be objective based, for example, "public interest <u>may</u> include....x, y, z".
B10	Should there be one act or separate acts for different elements of the planning system?	One consolidated act would make it much easier to determine which legislation applies to any development; however this would result in a large amount of information clustered together, so the act would need to be written very clearly and be more user friendly than the current act and regulations. Separate legislation for building certification could improve the quality of construction and accountability of building professions.
B11	What should be in regulations?	Regulations should reflect the form and content of the new act and describe the controls/procedures to be followed to ensure the practical implementation of the act. Again, they should be written very clearly and be user friendly.
B12	Should there be a statutory requirement to review legislation periodically? If so, at what interval?	Yes. Every 5 years
B13	Should there be requirements to periodically review other planning instruments and maps?	Yes. Every 5 years or 4 years if it is aligned with the Council's electoral cycle.
B14	Should the information available about land on a central portal be able to be legally relied upon, if there is to be certified for accuracy?	Yes
B15	Would this be able to replace section 149 Planning Certificates?	Current practice for 149 Certificates allows Council staff to review certificates and correct any errors before they are provided to the public as legal documents. An online land information portal available to the public 24 hours a day would need to be kept 100% accurate at all times, with no lag time for updates by any external bodies, for example the Rural Fire Service or LPMA.
B16	What provisions should there be for independent decision making?	Independent assessment panels such as JRPPs should be retained to make final determinations for significant developments.
B17	What should be the role of the Minister in a new planning system?	The Minister's role should be to establish the broad policy direction for planning in NSW and work with other State agencies to facilitate the delivery of good planning outcomes in a timely manner.
C1	Should there be an independent State Planning Commission to undertake strategic planning? Or should there be an independent Planning Advisory Board?	Strategic planning at a state level should be undertaken by the state government in consultation with local government.
C2	Should regional organisations of councils be recognised in new planning legislation?	Yes

Question No.	Question	Camden Council Comment	
<b>ORD02</b>	C3	Should new legislation prescribe a process of community participation prior to the drafting of a plan?	Community consultation about a plan prior to any draft being prepared may not be as productive as putting a draft plan on exhibition then receiving feedback and comments about it following exhibition.
	C4	Should there be required consideration of the 'public interest' in the plan making process?	Yes.
	C5	Should there be a definition of what constitutes the 'public interest'? And what should it say?	No, there is a huge range of issues which could be deemed to be in the "public interest", depending on the context and individual circumstances of each application; however as noted in Question B9, examples of some public interest issues could be listed, for example, employment generation, traffic impacts, community safety (CPTED) issues etc.
	C6	Should plans and associated maps have prescribed periodic reviews?	Yes, as documents and maps become out of date quickly, especially in growth centre areas such as Camden.
<b>Attachment 1</b>	C7	At what suggested intervals should such reviews occur?	LEPs should be reviewed every 4 years. DCPs should be reviewed more frequently, such as every 2 years to ensure detailed, practical, controls are aligned to local development, and that controls respond to local changes over time.
	C8	How can new planning legislation co-ordinate with council planning under the Local Government Act?	Each instrument should be amended to reduce the amount of overlaps in certain Clauses; or if overlaps remain, each instrument should clearly state which one overrides (without Councils having to rely on legal precedents to determine this).
	C9	What information and data should be used when preparing plans?	This will depend on the nature of the plan
	C10	Should there be a requirement to make it publicly available?	Yes
	C11	Should there be a requirement for plans to address climate change?	Yes, if applicable
	C12	Should biodiversity and environmental studies be mandatory in the preparation of plans?	This is very much dependant upon the nature of the site and development.
	C13	How should landscapes of Aboriginal cultural heritage significance be identified and considered in plan making?	No comment
	C14	Should new planning legislation provide a statutory framework for strategic planning?	Yes
	C15	Should strategic plans be statutory instruments that have legal status?	Yes
	C16	How can the implementation of strategic plans be facilitated?	Signed of by the planning minister
	C17	To which geographical regions should strategic plans apply – catchments or local government areas?	They could cover ROCs however they must be reflective of both the State Plan and the local council community strategic plans to ensure community endorsement.
C18	Should there be State environmental planning policies? If so, should they be in a single document? Or should they be provisions in a local environmental plan?	Yes. State policies provide consistency for applicants and councils. They should be in a single document and be reflected in or refer to LEPs if applicable.	
C19	Should there be statutory public participation requirements when drafting SEPPs?	Yes this is essential	
C20	Should a SEPP be subject to disallowance by Parliament?	No comment	
C21	Should there be a review process to deal with issues arising between the Department and councils that relate to the preparation of local environmental plans?	Yes as there is often a disconnect between the regional office and Bridge Street.	

Question No.	Question	Camden Council Comment
C22	Should there be a legislative provision to establish this?	No.
C23	How should rezonings (planning proposals) be initiated?	Either by council or a proponent as per the current situation.
C24	How can amendments to plans be processed more quickly?	A more streamlined process needs to be established. The role of Gateway needs to be reviewed. There needs to be an opportunity to fast track simple amendments.
C25	Should there be a right of appeal or review for decisions about planning proposals?	No.
C26	Should there be a right for a landholder to seek compensation for the consequences of a rezoning of their land?	No unless there is an opportunity for a betterment tax to be implemented.
C27	When local environmental plans are being made or amended, how can transparency and opportunities for negotiation be improved during consultation with government agencies?	The opportunity for negotiation and independent arbitration could assist with transparency. Government agencies should also be required to work to pre determined timeframes.
C28	Should some individual rezonings not require any merit consideration at a state level?	Yes where it is demonstrated that it is a simple amendment.
C29	What should be the processes prior to listing an item of local heritage in an LEP?	A thorough heritage investigation and consultation with the owners must be undertaken prior to a heritage listing.
C30	Should student housing be included as affordable housing?	Some specific controls should be made to encourage and enable the provision of affordable student housing; however student housing should be given its own prescriptive controls rather than rely on the existing controls for affordable housing. For example, planning principles to be achieved should suit a student lifestyle, such as common recreation and social areas. SEPP No. 65 (RFBs) might be an appropriate model for student housing legislation.
C31	How can abuses of 'student housing' be prevented?	<p>Development consents need to be conditioned accordingly (i.e. permitting only student residents).</p> <p>Compliance/policing procedures (such as inspections of premises) could be undertaken periodically by the Department of Education to ensure student housing is indeed being provided for students, rather than general members of the public.</p> <p>Sensible student housing catchment areas could be prescribed in local plans (such as LEPs or DCPs) to ensure that this type of accommodation is only approved within an appropriate distance of any educational establishments, access to public transport etc.</p>
C32	What should be the legal status of a DCP?	Remain as is.
C33	Should there be a standard template for DCPs?	No. However there could be some general guidelines established.
C34	How should new planning legislation facilitate cooperative cross-border planning between councils?	Planning legislation should make reference to cross-border issues and make provisions which enable adjoining Council's to administer planning proposals, development applications, section 94 matters etc. in a cooperative and efficient manner.
C35	Should a program be developed to integrate Aboriginal reserves properly into a new planning system and, if so, how should that program be developed and what timeframe could be targeted for its implementation?	This matter is not particularly pertinent for the Camden LGA, however it might be appropriate that existing controls and new programs relating to Aboriginal reserves be implemented, subject to community consultation.



Question No.	Question	Camden Council Comment
ORD02	C36	Should developers of greenfield residential land release areas be required to make provision for a registered club and associated facilities?  No, the requirement for all types of recreational facilities required to be implemented in the development of greenfield sites should be dependent upon the demographics of the area. Should such demographics reflect a particular demand for registered clubs and facilities, local planning instrument controls and Section 94 Contributions Plans should be written accordingly. As important are other uses, such as cemeteries, education facilities etc.
	C37	Who should have responsibility for planning in the unincorporated area of the State?  Developments which do not directly impact upon the other LGAs of NSW should continue being determined by the Commissioner; however larger proposals such as energy production (renewable and non-renewable) which will directly impact upon residents in other LGAs should be determined by the Minister.  The DOP should ultimately have responsibility for regional plans applying to unincorporated land.
Attachment 1	D1	How should development be categorised?  Current categorisations of local, major, designated and state significant development remains appropriate; however distinction between integrated and nominated integrated could be streamlined (i.e. just having integrated development).
	D2	What development should be designated as State significant and how should it be identified? Should either specific projects or types of development generally be identified as State significant?  Emphasis should be on "State significant" development, i.e. development which impacts the <u>whole state or multiple regions</u> , not just large developments which affect a particular region, as these could be determined by a PAC or JRPP rather than the Minister.
	D3	What type or category of development, if any, should be identified as regionally significant and be determined by a body other than the council?  As above, developments that impact on multiple local areas, for example large schools or developments that cross the boundaries of 2 or more LGAs.
	D4	What development should be exempt from approval and what development should be able to be certified as complying?  Current Codes SEPP does a reasonable job of capturing the majority of land uses and developments which have minor impacts. Codes should be expanded where possible over time, to allow additional types of development to be permitted as exempt, such as first use fit outs of commercial or industrial buildings.
	D5	How should councils be allowed local expansions to any list of exempt and complying development?  If local Council's are given the power to request local exceptions (or vice versa <i>prohibitions</i> ) of developments in the Codes SEPP, the process should be made streamlined to avoid lengthy SEPP amendments.
	D6	Should there be a public process for evaluating complying development applications?  Yes. Refer to answer in question A15.
	D7	Should there be an absolute right to develop land for a purpose permitted in the zone subject only to assessment of the form proposed?  This depends on the type of development. Development of a certain scale should be subject to a policy and merit assessment, which may reveal that although a development is permissible in a zone, numerous site specific conditions (other than built form) may render it unsuitable.
	D8	Should there be an automatic approval of a proposal if all development standards and controls are satisfied?  In some instances, the context of the surrounding development needs to be considered, as discussed above.
	D9	Should conceptual approvals be available for large scale developments with separate components?  Yes. Staged/"concept" DAs have their place as they can provide a level of certainty to developers about a development before too much investment occurs in the project.

Question No.	Question	Camden Council Comment
D10	Should a new planning system reinstate the ability to convert one nonconforming use to another, different nonconforming use?	Yes, but only for similar non-conforming uses. For example amending an existing hotel to a smaller hotel with function facilities. There should be a direct link/nexus between the existing use and the proposed new non-confirming use.
D11	Should existing nonconforming uses be permitted to intensify on the site where they are being conducted (subject to a merit assessment)?	Not as a right. However, prohibited development should be considered, where the development meets specified zone objectives and controls, and where council would ordinarily support an LEP amendment.
D12	Should existing nonconforming uses be permitted to expand the boundaries of their present site (subject to a merit assessment)?	Not as a right. However, prohibited development should be considered, where the development meets specified zone objectives and controls, and where council would ordinarily support an LEP amendment.
D13	Should properties with existing nonconforming uses have access to exempt and complying development processes?	Yes, but access should be restricted to certain exempt and complying developments. For example, certain internal partitions and amendments may not necessarily require a DA; however changes of use should require a merit assessment by Council.
D14	When there is a change in zoning of the land, should an application be able to be made to a council for a declaration of the nature and extent of an existing use?	Yes, this would confirm the approval of the existing use to current and future land owners. However, there should be a formalised process for Council to do this in the Regulations, with attached fees to cover resources required to do this following re-zoning.
D15	Should there be a system of transferable dwelling entitlements to permit owners of an agricultural holding to: – transfer a dwelling entitlement from that land to another parcel of land?	No, existing use rights should not be transferred to other parcels of land.
D16	– extinguish that dwelling entitlement on the original agricultural landholding?	Yes, flexibility should be available for current land owners.
D17	Should it be possible to apply for approval for development that is prohibited in a zone?	Yes, in some limited circumstances – where the development meets specified objectives and controls, and where council would ordinarily support an LEP amendment.
D18	Should there be a single application to the council to obtain permission to use an unauthorised structure?	Whilst we should not encourage unauthorised structures, the planning legislation needs to be improved to clarify how unauthorised structures should be managed in the planning system, including as built variations to approved DAs and CCs.
D19	Where a small scale proposal requires an environmental impact statement, should it be possible to seek a waiver?	Yes, flexibility should be provided subject to set thresholds and depending on the context and level of impact expected to arise from the development. DOP should have the power to waive on a case by case basis.
D20	Should dual service connections be permitted for residences in greenfield residential developments?	Providing costs are borne by the developer.
D21	What provisions, if any, should be made for pre-lodgement processes?	DAs for certain types of development should require <u>mandatory</u> pre-DA meetings with standard fees set by DOP.
D22	How should Director-General's requirements fit in the planning process?	The current processes are adequate.
D23	How can the application process be simplified?	<ul style="list-style-type: none"> <li>- Mandatory pre-DA meetings to reduce number of non-compliances having to be resolved during assessment;</li> <li>- simplified legislation and policies;</li> <li>- clearer definitions in the Act.</li> </ul>

Question No.	Question	Camden Council Comment	
<b>ORD02</b>	D24	Should there be standard development application forms that have to be used in all council areas?	Yes, but communication between the DOP and Council's should be undertaken to discuss the content. New legislation should also provide opportunity for regular reviews of standard forms. Council's should be able to apply to seek minor variations where local conditions may warrant them.
	D25	What public notification requirements should there be for development applications?	Councils should retain delegation to set notification requirements.
	D26	How can the community consultation process be improved?	As above, this is a matter for local delegation.
	D27	Should deemed approvals take the place of deemed refusals for development applications?	No.
	D28	Should councils be able to charge a higher development application fee in return for fast-tracking assessment of a development proposal?	Yes, but if such as system were permitted to be implemented it should remain under local Council delegation to set requirements.
	D29	If an application partially satisfies the requirements for complying development, should it be assessed only on those matters that are non-complying?	No, the whole application should still be assessed.
	<b>Attachment 1</b>	D30	How can unnecessary duplication of reports and information seeking be eliminated from the development process?
D31		How should State significant proposals be assessed?	Independent PAC system for significant developments that directly affect a region, however most complex applications to be assessed by the Minister (e.g. power plants).
D32		Should the Crown undertake self-assessment?	Subject to clear and transparent procedures.
D33		Should the Crown undertake self-determination?	Subject to clear and transparent procedures.
D34		Should councils undertake self-assessment?	Subject to clear and transparent procedures.
D35		Should councils undertake self-determination?	Subject to clear and transparent procedures.
D36		How can the integrity of an environmental impact statement be guaranteed?	Refer to answer for Question A21.
D37		Should new planning legislation make provision for councils to appoint architectural review and design panels?	Yes, provision should be made for this.
D38		What changes, expansions or additions should be made to the present assessment criteria in the Planning Act?	The present Section 79C assessment criterion covers most things. Headings should be kept broad to allow assessment of a wide range of issues, for example CPTED (safer by design) principles can currently be addressed under the likely impacts or public interest sections.
D39		Should the economic viability of a development proposal be taken into account in deciding whether the proposal should be approved or in the conditions for approval?	No. Economic impacts on surrounding developments should be considered during the assessment of an application, but the economic viability of a proposed development or business should remain subject to free market conditions, and at the applicant's own risk.
D40		Sometimes there are changes that would rectify problems with a proposal and thus permit its approval. Should it be mandatory during an assessment process for the consent authority to advise of this?	Yes, Council's should already be doing this. However they should advise that making the required changes may improve the chances of the application being approved, but cannot guarantee it will be approved as there may be other reasons which deem refusal.

Question No.	Question	Camden Council Comment
D41	Should a new planning system permit adverse impacts on the value of properties in the vicinity of a proposed development to be taken into account when considering whether a development should be approved?	The impact of a proposal on the viability of a local region or whole community should be considered (for example the impact of a new mega-mall on the viability of a local high street); however the impact of a development on the value of individual's properties should not be used as a reason to refuse developments.
D42	Should local development controls be allowed to preclude high-quality, environmentally sustainable, residential designs on the basis that they are inconsistent with the existing residential development in the vicinity?	No. Local controls should encourage high-quality, environmentally sustainable, residential designs – however there should be more emphasis on quality of construction. Quality design does not always translate into quality construction.
D43	How can the planning system ensure that the impact of development that is remote from but directly affecting a community is taken into account in the assessment process?	The current system (including determination by DOP PAC, JRPP etc for significant development) already caters for this and should continue to act in a similar way.
D44	Should a consent authority be required to consider any cumulative impact of multiple developments of the same general type in a locality or region? Should this be a specific requirement in assessment criteria?	Yes, this could be added in conjunction with consideration of the existing surrounding context of the site.
D45	As part of the assessment process for some classes of development projects, should there be a mandatory requirement in a new planning system for full carbon accounting to be considered?	Yes, for some classes of development only. For example, highly polluting industrial activities.
D46	Should the broader question of the public benefit of granting approval be balanced against the impacts of the proposal in deciding whether to grant consent?	Yes.
D47	Should a consent authority be able to take into account past breaches of an earlier development consent by an applicant in considering whether or not it is reasonable to expect that conditions attached to any future development consent would be obeyed?	Yes.
D48	Should objections to complying with a development standard remain?	Yes, however adequate justification should be provided by the applicant when addressing the control.
D49	Should an 'improve or maintain' test be applied to some types of potential impacts of development proposals?	Consideration of the test and impacts of a development should be given to all applications but the test should not necessarily determine whether or not an application should be approved.
D50	If so, what sorts of potential impacts should be subject to this higher test?	Larger developments which have a range of negative and positive impacts.
D51	Should there be a specific assessment criterion that requires risk of damage as a consequence of either short-term natural disasters or long term natural phenomenon changes to be included in development assessment?	Yes, however there already is criterion that assesses risks of natural disasters, including bushfire, flood, mine subsidence etc.  Provision should be made in new planning legislation to add new criterion as local environmental risks become apparent.
D52	What water issues should be required to be considered for urban development projects?	Flooding, stormwater quality and quantity, loss of drinking water from catchments.
D53	When development is proposed that has an impact on an existing, nonconforming residential use, should any special assessment criterion be required to take account of the residential use?	Yes, but balance is required.

Attachment 1

Question No.	Question	Camden Council Comment	
ORD02	D54	Should new planning legislation fix a time at which a council assessment report concerning a development application is to be made available for access? If so, when should that be?	No, Council's local delegations should be permitted to set this.
	D55	When should an amended application be re-exhibited and when is a new application required?	Council's local delegations or DCPs should state which amended applications require re-exhibition. A new application should be required if the development is not substantially the same.
	D56	What are appropriate performance standards by which council efficiency can be measured in relation to development assessment?	Development assessment times and number of appeals.
	D57	Should there be random performance audits of council development assessment?	Yes.
	D58	How should concurrences and other approvals be speeded up in the assessment process?	Reduce the number of referrals required, strict timeframes to be complied with and approval bodies to face penalties if referral not received by Council on time, or deemed concurrence.
Attachment 1	D59	What approvals, consents or permits required by other legislation should be incorporated into a development consent?	None. Consents are large enough from planning legislation alone. Keeping approvals required by other legislation separate gives applicant's flexibility to obtain them at a later stage of the development's progress. If development doesn't go ahead, money paid for all approvals would be wasted.
	D60	Should a council be able to delegate to a concurrence authority power to impose conditions on a development consent after the council approves the proposal?	No.
	D61	Should there be some penalty on a council if a referral to a concurrence authority has not been made in a timely fashion?	No. It is already in the assessing officer's best interest to coordinate referrals as soon as possible. Waiting on additional information from the applicant often delays referrals; Council should not be penalised for this.
	D62	Who should make decisions about State significant proposals?	Refer to answer for Question B17.
	D63	What concurrence decisions should be able to be delegated?	All concurrence decisions should be able to be delegated, subject to agreement by both parties.
	D64	Should there be a model instrument of delegation?	No, each Council should set their own delegations.
	D65	What decisions should the Planning Assessment Commission make? Should the Commission's processes be inquisitorial or adversarial?	Refer to answer for Question B17. Processes should be inquisitorial.
	D66	What should be the processes required for hearings of Planning Assessment Commission panels?	Processes should be as streamlined and efficient as possible with good turnaround times.
	D67	Should a local member be on any Planning Assessment Commission panel considering a proposed development?	The current procedure is adequate.
	D68	If so, should this be mandatory for all commission panels?	The current procedure is adequate.
	D69	Should the development assessment criteria for the Planning Assessment Commission be the same as for any other development assessment process?	Assessment criteria for the PAC should depend on the type of development being assessed (e.g. state significant). Key elements should be the same and all processes should be as streamlined and efficient as possible.
	D70	Should a new planning system include Joint Regional Planning Panels?	Yes.
D71	What should be the composition of a Joint Regional Planning Panel?	Same as current composition.	
D72	What should be the hearing processes for a Joint Regional Planning Panel?	Same as current processes.	

Question No.	Question	Camden Council Comment
D73	Should a council be able to refer a matter to a Joint Regional Planning Panel for determination even if the matter would not ordinarily fall within the jurisdiction of such a panel?	Yes, if the Council deems it out of their capacity.
D74	Should State nominated members of a Joint Regional Planning Panel be precluded from taking part in any decision concerning the local government area in which they reside?	No, but normal conflict of interest rules should apply. The only difference between a State member on a JRPP making decisions about development in their area and a Council member doing the same is that the Council member is elected by the community and may better represent a group of people's interests.
D75	If a proposed development is recommended for approval by council staff, has no public submission objecting to it and is not objected to by the Department, should it be determined by the council?	Yes, local delegation should apply where possible.
D76	Should it be possible to constitute a Joint Regional Planning Panel with a single representative of each of the affected councils to consider and determine a significant development proposal that extends across the boundary between two local government areas?	Yes.
D77	If located entirely within one local government area, should a significant development proposal that is likely to have a significant planning impact on an adjacent local government area be determined by such a two council panel?	Potentially.
D78	Should a council should be able to apply to the Minister to be exempt from a JRPP?	Yes, the option should be available.
D79	Should aggregation of multiple proposals to bring them within the jurisdiction of a Joint Regional Planning Panel be banned if, separately, they would not satisfy the jurisdictional threshold?	No, if there is a direct nexus between each of the proposals they should be grouped together as one application and sent to the JRPP (assuming thresholds met). The JRPP should then have the option to delegate back to Council if necessary.
D80	Should an elected council have the right to pass a resolution to supplement or contradict the assessment report to a Joint Regional Planning Panel?	The planning legislation should not require all JRPP matters to be reported to council. However, council should have the right to comment on a proposal. In this respect, the current JRPP processes are considered satisfactory.
D81	Should the Central Sydney Planning Committee be established under legislation for a new planning system or should it remain established by a provision of the City of Sydney Act?	No comment
D82	Should elected councillors make any decisions about any development proposals?	Yes.
D83	What should be the requirement for a decision making body to give reasons for decisions – in particular as to why objections to a proposal have not been accepted?	The current requirement to address public submissions under S79C of the EP&A Act (or similar replacement) should continue.
D84	If a council resolves to approve a development proposal where the assessment report recommends rejection, should the council be obliged to provide reasons for approval of the development?	Yes, this generally occurs already during the discussions and debate of the proposal by Councillors.
D85	Should approval of development proposals for quarries be removed from councils?	No, but clear thresholds should be set for designated developments (only very large quarries should be designated development).
D86	Should there be a range of standard conditions of consent to be incorporated in development approvals?	Yes, some standard conditions could be the same across all Councils (e.g. approved plans, hours of operation etc.); however the ability to have ad-hoc conditions where necessary should remain.

Question No.	Question	Camden Council Comment	
<b>ORD02</b>	D87	Should new planning legislation make it possible for public interest conditions to be imposed that go beyond the conditions that immediately relate to a particular development?	All conditions should directly relate to the approved development. Some conditions indirectly protect the public interest in any case, such as trial periods, hours of operation etc.
	D88	Should nominated conditions of consent be able to be reviewed at regular, specified intervals?	Yes, all conditions should be regularly reviewed.
	D89	Should it be possible to grant a long-term time-limited development consent for developments that are potentially subject to inundation by sea level rise caused by climate change?	Yes, it should be possible, subject to further research and the individual circumstances of each development. Thresholds should be set by legislation.
	D90	Should consent authorities be prohibited from requiring public positive covenants as part of development approvals, if the matter could be dealt with by a condition of consent?	Yes, but powers need to be provided to Council's to enforce those conditions.
<b>Attachment 1</b>	D91	Should new planning legislation make it possible to impose performance bonds or sureties unrelated to the protection of public assets?	Yes, for example landscaping elements for sites such as residential units (strata) or industrial sites.
	D92	If so, should there be any restrictions on the reasons for which such bonds or sureties could be required?	Yes, there should be set criteria for which elements can be bonded.
	D93	Should a new planning legislation system permit a council to impose a condition that requires payment of charges that would fall due under the Local Government Act?	No. However whilst development consents should not be the primary tool to enforce other legislation, some advisory notes ie. on CDCs are useful.
	D94	If there is to be a more concept based development application process, should councils have the power to impose conditions on construction approvals?	Yes.
	D95	Should IPART be given a general reference to examine and make recommendations about how any shortfall in development contributions plans for necessary community infrastructure should be funded?	It is Council's position that IPART should not be involved in the examination of contribution plans.  Council considers that the Department of Planning & Infrastructure should provide guidelines for preparation of contribution plans which could be based on criteria provided by IPART. It is felt that IPART's input into the process is adding delay and uncertainty to the process. This is especially the case in the Camden LGA.
	D96	Should IPART be given a reference to make recommendations about what should be the extent, standard and nature of community infrastructure works that should be included in contributions plans?	
	D97	In light of the particular circumstances that might apply to the area covered in a contributions plan, should IPART be given a standing reference to enable councils to apply for variation to the cap on community infrastructure contributions?	
	D98	Is it reasonable to require IPART to undertake a detailed analysis of each contributions plan developed by councils?	
	D99	Would it be preferable to give IPART a general reference to develop an appropriate plan preparation methodology and approach to construction costing for community infrastructure contributions plans?	
	D100	Should IPART be given a reference to make recommendations as to when community infrastructure contributions should be available? Should this include recommendations as to whether a delayed payment system should apply and, if so, at what development stages payment should be made?	

Question No.	Question	Camden Council Comment
D101	Should there be a requirement for councils to publish a concise, simply written, separate document on community infrastructure funds collected and their proportionate contribution to individual elements in the council's contributions plan?	No – this is already carried out to an extent by the Section 94 Plans and Financial Plans by way of Works Schedules and budgets. The calculation on such small part of infrastructure would be a cumbersome process with little gain in transparency.
D102	Should IPART be given a reference to consider whether or not guidelines and/or mandatory requirements should be set for councils about community infrastructure prioritisation and levels of community infrastructure funds permitted to be available?	No
D103	Should new planning legislation make provision for voluntary planning agreements to permit departure from numerical limits that would otherwise apply to a development?	No, this could quite easily be viewed by the Community as being inappropriate as agreements related to the former Part 3A were viewed and disposed of by courts. Plan making should be based on proper planning grounds and desired outcomes rather than financial gains or otherwise to Council.
D104	Should any appeal be allowed against the reasonableness of a development contribution, if it has been approved by the Independent Pricing and Regulatory Tribunal?	No. Although Council does not agree with the IPART involvement in plan making and contributions planning, appeals should not be permitted as there has already been an independent process carried out. Councils should not be required to fund defence of these conditions when they are based on contributions that have already been restricted and imposed on by IPART.
D105	Should developer contributions apply to modifications of approved development?	Yes, if there is a change to the demand or needs then changes in contributions should naturally follow.
D106	Should regional joint facilities funded by developer contributions shared between councils be encouraged?	Yes, where appropriate, such as large centres sharing local government areas and where shared financial administration is feasible. The legislation needs to be updated to set out how this can be achieved and ensures probity and fairness.
D107	What should be the permitted scope of modification applications?	The current scope is adequate (i.e. the "substantially the same development" test) and S96(1), S96(1A) & S96(2) classifications.
D108	Should there be a limit to the number of modification applications permitted to be made?	No, there is nothing to stop developments evolving over time and modification applications ensure continuity of files and documentation for assessment.
D109	Should any modification be able to be approved retrospectively after the work has been done?	Yes, this is the only way to approve illegal work and obtain consent for a use.
D110	If so, should retrospective approval be confined only to minor changes and not more substantial ones? Should this be the case even if major changes leave the development substantially the same development as the one originally approved?	Yes, if the development is substantially the same.
D111	Should minor modification applications made to the Planning Assessment Commission or Joint Regional Planning Panel approvals be decided without a public hearing?	Yes, if they're only minor modifications. Substantial modifications should go back to the higher consent authority.
D112	Should councils be able to deal with minor modification applications to major projects?	Yes, but if DOP approved a development all modifications should go back to them in the first instance. DOP could then delegate the modification back to Council if necessary.
D113	Development applications that propose breaches to (or increases in breaches to) numerical limits in local environmental plans are subject to special tests. Should modification applications be subject to these same special tests?	Yes. The current loophole for S96s containing LEP variations should be abolished.



Question No.	Question	Camden Council Comment	
<b>ORD02</b>	D114	Should the 'substantially commenced' test for ensuring the ongoing validity of development consent be retained?	Yes, it should be retained however the thresholds for what constitutes a "commenced" development should be reviewed and clearly stated in any future policy so there is no ambiguity. In addition, the planning legislation could allow for a consent to lapse, even if commenced, if no work is undertaken within a specified timeframe.
	D115	If the present test was not retained, what new test should replace it?	Refer to above answer for Question D114.
	D116	How long should development consents last before they lapse?	The current 5 year period is adequate; however Council's should have the power to reduce lapsing periods to keep developments current with local policy changes (e.g. DCPs).
	D117	Should private certifiers have their role expanded and, if so, into what areas?	No. The only areas in which their powers could be expanded are subdivision and DAs. These developments/processes usually have significant public interests and infrastructure and should therefore remain in the power of local Councils.
<b>Attachment 1</b>	D118	Should private certifiers be permitted, in effect, to delegate certification powers to other specialist service providers and be entitled to rely, in turn, on certificates to the certifier from such specialist professions?	Yes, for certain trades or specialist professions; however private certifiers should continue to be required to attend critical stage inspections, provide final certification and be liable until a final occupation certificate is issued.
	D119	Should certifiers be required to provide a copy of the construction plans that they have certified (as being generally consistent with the development approval) to the council to enable the council to compare the two sets of plans?	Yes, certifiers should have to provide a copy to Council as this will ensure useful recordkeeping, should the PCA change to Council in the future; however, it should not be mandatory for Council's to check the consistency of all CC plans with DAs as this is the certifier's responsibility.
	D120	Should there be a requirement for rectification works to remove unacceptably impacting non-compliances when these are actually built rather than leaving an assessment of such non-compliances to either a modification application assessment or to the Court on an appeal against any order to demolish?	No, there should be a formal re-assessment of illegal works via a DA or modification application to conclusively determine the impacts rather than an immediate requirement for rectification works.
	D121	What statutory compensation rights, if any, should neighbours have against a certifier who approves unauthorised works that have a material adverse impact on a neighbouring property?	None. These matters should continue to be reported to Council or a higher authority to issue orders and report the certifier to the BPB.
	D122	Should construction plans be required to be completely the same as the development approval and not permitted to be varied by a private certifier for construction purposes?	No, minor construction variations are inevitable, however clear guidelines as to what constitutes the definition of "minor" in this context should be provided. The legislation should acknowledge construction variations and establish a clear procedure within the certification system for considering them.
	D123	Should developers be permitted to choose their own certifier?	Yes, but penalties for the misconduct of certifiers should be increased.
	D124	What should the Department's compliance inspection role be?	The DPI's compliance inspection role should be limited to developments that the DPI have approved. The DPI should also be able to delegate compliance inspections to local Councils; so long as appropriate funding and resources are allocated to Council's to provide this service.
	D125	Should Interim Occupation Certificates have a maximum time specified and, if so, how much should this be?	No, establishing a maximum time frame is difficult – costs may preclude completion. However the planning legislation should provide criteria for how and when interim occupation certificates should be issued.

Question No.	Question	Camden Council Comment
D126	Should a certifier issuing a Final Occupation Certificate be required to certify that the completed development has been carried out in accordance with the development consent?	This is not considered to be achievable, as the certifier is not on site every day. The certifier should ensure the building is safe.
D127	What might be done to have power delegated by the Commonwealth to State authorities or councils to give approval under the Commonwealth Act?	Power transfers should be reviewed.
D128	Should there be a guide prepared to explain to councillors what their roles are in the development proposal assessment and determination process and how it is appropriate that they fulfil that role?	Yes.
D129	If there were to be such a guide prepared, who should have the responsibility for its preparation and what participation and consultation processes should be undertaken in its development?	State government should prepare the guide, but local Councils should be consulted during its preparation and there should be opportunity for community consultation/public participation.
D130	Is it appropriate to consider, in legislation for a new planning system, providing a statutory basis for spreading the cost of a necessary rehabilitation or stabilisation measure across all property ownerships benefited by such a measure?	No, this should not be included as part of planning legislation but should be addressed in other legislation.
D131	Should there be specific statutory obligation to require the establishment of (and the procedures for) community consultation forums to be associated with major project developments?	Yes, but if these types of developments continue to be assessed by PAC or DOP (including the Minister) then this is a matter for them rather than Councils.
D132	Should a quantity surveyor's report be required to accompany applications for large projects?	Yes, once the development meets a prescribed CIV threshold.
D133	What fees should councils receive for development applications?	Fees should be reviewed and could be calculated based on the type of application and level of work/procedures involved in the assessment process. E.g. applications with external referrals and notification generally require more staff time and resources in preparing correspondence and trying to resolve submissions. Breaking the DA fee up like this would also make it easier to calculate how much fees should be refunded if a development is withdrawn.
D134	When and how should council development application fees be reviewed?	Annually by DOP in consultation with local Councils. DA fees should take into account the cost to council of undertaking the assessments.
E1	What appeals should be available and for whom?	Current appeal process is adequate. Third party appeals should not be permitted and objectors should be permitted to appeal based on procedural errors, but not necessarily on the merits of a development. However, merit appeals by all parties should continue for major or state significant developments.
E2	Should anyone be able to apply to the Court to restrain a breach of the Act?	Yes, however there should be criteria as to which breaches can be appealed to avoid an influx of appeals for minor mistakes by a consent authority.
E3	In what circumstances should third party merit appeals be available?	None.
E4	Should approval bodies or concurrence authorities be the respondent to some appeals?	Yes, where approval bodies have provided specialist referrals during the assessment of the application they should explain why something was/was not supported.
E5	What should be the time limit for any appeal about local environmental plan provisions?	6 months.
E6	Should the Court have absolute discretion as to costs orders? Or should the Court's discretion be limited and, if so, in what respects?	Yes, the Courts should continue to have absolute discretion as to costs, as there are few other authorities that could administer this without bias.

Question No.	Question	Camden Council Comment
ORD02	E7	Should any appeal be allowed against the reasonableness of a development contribution if it has been approved by the Independent Pricing and Regulatory Tribunal?
	E8	What sort of reviews should be available?
	E9	Who should conduct a review?
	E10	What rights should third parties have about reviews? And what provisions should apply regarding the costs of the review?
	E11	How might recommendations by the Planning Assessment Commission be reviewed?
Attachment 1	E12	Do some present penalties need to be increased?
	E13	What new orders should there be or what changes are needed to the present orders?
	E14	How can enforcement be made easier and cheaper for consent authorities?
	E15	Should councils have a costs or other remedy against private certifiers in certain circumstances?
	E16	Should monitoring and reporting conditions be reviewable?
	E17	Should there be an appeal right for third parties in proceedings against private certifiers?
	E18	Should a consent authority have a wider right to revoke a development consent?
	E19	Should councils have a statutorily created 'best endeavours' defence?

Question No.	Question	Camden Council Comment
E20	Should council compliance officers be given rights of entry and inspection and of access to official databases for compliance and enforcement inspections under planning legislation on the same basis as they have such rights under the Local Government Act?	<p>Yes. This would avoid the requirement for search warrants when owner's refuse right of entry to property by Council compliance officers, and would prevent offenders from hiding evidence before action can be taken.</p> <p>Access to databases (for example records of sales from the offending business) would provide more evidence of non-compliance.</p>
F1	What should be the role of the Department in implementing a new planning system? Should the role and resourcing of regional offices be embraced? And, if so, in what respects?	<p>The Department has a major role to play however it should be in conjunction with stakeholders with councils playing a critical role.</p> <p>Regional offices need to play a greater role in the planning system. There also needs to be clearer guidance from Bridge Street and more appreciation given to council's understanding of local issues.</p>
F2	What should be the role of councils in implementing a new planning system?	Councils are an essential partner with state government therefore they should be involved throughout the process.
F3	What can be done to ensure community ownership of a new planning system?	It is essential that the state government recognises the community structure plan process and the need for these plans to align with the state plans.
F4	What actions can be undertaken by bodies preparing strategic plans to increase community engagement with the planning system?	The communities need to be engaged as early as possible. It is acknowledged that there are state matters which are may conflict with local interests however these must be identified and made clear.
F5	What changes can be put in place to ensure more effective cooperation between councils, government agencies, the community and developers within the planning system?	There must be open discussion as early as possible with the state government clearly outlining its policy framework.
F6	What checks and balances can be put in place to ensure probity in the planning system?	Everything must be open and transparent. It is acknowledged that the ultimate decision is with the state government.
F7	How can information technology support the establishment of a new planning system?	The current information system is good however there needs to be better IT and support from the Department. especially with regard to the mapping system which is cumbersome at best and it responsible for considerable delays
F8	Should the new planning system contain mechanisms for reporting on and evaluating objectives of the legislation?	Yes
F9	How should information about the planning system be made more accessible in a multicultural society?	Communication and education strategy. The planning system is complex and user friendly consumer information should be available to the entire community.

ORD02

17 February 2012

NSW Planning System Review  
GPO Box 39  
SYDNEY NSW 2001

Dear Sir/Madam,

### **Submission of the NSW Planning System Review Issues Paper**

Thank you for the opportunity to provide feedback on the questions raised in the NSW Planning System Review Issues Paper. Council looks forward to future opportunities to provide further comment on the upcoming release of policy options and draft legislation.

At its Ordinary meeting on 14 February 2012, Council endorsed the attached submission on the issues paper which is provided for your consideration. In addition to the attachment, Council requests that the review take into the following comments:

#### Section 94 & development contributions

A review of the development contributions system is required that accounts for all required infrastructure and details how and when infrastructure will be delivered. The current system results in an under provision of infrastructure and is problematic where partnerships with developers and government agencies are unable to be satisfactorily formed.

#### Plan making

The following measures could improve plan making process to enable effective and timely decision making:

- Open the Gateway Determination Panel to allow Council representatives to be on hand to provide advice to negate the need to formally ask for advice and delay the process;
- Allow Section 73A to be used for Planning Proposals of a minor nature, rather than only to correct grammatical errors.
- Ensure that clear parameters are set upfront for the Department's requirements, such as for mapping data to ensure that it can be presented to the Department upfront in the correct format, removing the need for the current exchange and updating of mapping required under the current system.

#### Development in growth areas

The planning legislation should provide for detailed planning assessment at the plan making stage and should facilitate a streamlined development application process for growth areas once detailed plans are adopted.

Attachment 2

For any additional information or assistance please do not hesitate to contact the undersigned on (02) 4654 7721.

Yours sincerely,

**Nicole Magurren**  
**DIRECTOR DEVELOPMENT AND HEALTH**

encl/s

**ORD02**

**Attachment 2**



ORD03

## ORDINARY COUNCIL

ORD03

**SUBJECT: AUTHORISE EXPENDITURE FOR THE PURCHASE OF TWO (2) SIDE LOAD RECYCLING TRUCKS**

**FROM:** Director, Development and Health

**BINDER:** E&H/Waste Management/Tendering/Contracts/Waste Management Contracts

---

### PURPOSE OF REPORT

The purpose of this report is for Council to consider a budget variation to allow the purchase of two replacement recycling vehicles, which are now anticipated to be 9.5% higher in price than provided for in the 2011/12 budget.

### BACKGROUND

Council's 2011/12 Waste Management Plant purchase budget allows \$680,000 for two vehicle replacements (\$340,000 each).

In November 2011, Council engaged Local Government Procurement to seek submissions for the purchase of two side loading waste management vehicles for the Camden Council recycling application.

Local Government Procurement is a wholly owned subsidiary of the Local Government and Shires Associations of NSW and is a 'Prescribed Provider' authorised under the provisions of Clause 163 of the Local Government Regulation 2005 to act on behalf of Councils throughout NSW and are able to undertake the tendering process.

### MAIN REPORT

Five suppliers provided compliant submissions to Local Government Procurement who then forwarded those submissions to Council for further evaluation.

The features and benefits of each vehicle and compactor body combination varied between \$362,411 to \$373,396 per vehicle, a range of \$10,985.

A detailed evaluation process by Council officers on the Evaluation Committee has recommended that the vehicles that are most suited to Council's application and represent the best value for money over the life of the vehicles are priced at \$373,396 each, a combined total of \$746,793.

The Waste Management Plant budget allocation for 2011/12 was \$340,000 per vehicle (\$680,000 in total).

If the vehicles recommended by the Evaluation Committee are purchased, it will represent a budget shortfall of \$66,793. There is sufficient funding in the Waste Management Plant Reserve to fund the budget shortfall of \$66,793.

Whilst these vehicles are replacement vehicles, they have additional capacity compared to the vehicles they are replacing. The vehicles will enable the operator to minimise recycling compaction and collect more bins per load, so that the growth in

recycling material within the LGA can be accommodated without the need to acquire additional resources beyond current numbers.

It is anticipated that any order placed for waste management compaction trucks will require up to nine months before Council can expect delivery. It is advantageous to Council that these vehicles are ordered this financial year, but the capital expenses will be the subject of a revote into the next financial period due to the delivery timeframe.

### **CONCLUSION**

The waste reserve has the capacity to fund the additional cost for the acquisition of the two vehicles required to be replaced in the coming months. However, the cost of the replacement vehicles exceeds the current approved budget.

The impact of not ordering the two vehicles in this financial year is likely to place additional stress on the current recycling fleet to deal with workloads over the next 18 months.

### **RECOMMENDED**

#### **That Council:**

- i. authorise the expenditure of \$746,793 from the Waste Management Budget for the purchase of two side loading recycling trucks;**
- ii. authorise an amount of \$66,793 to be transferred from the Waste Management Plant Replacement Reserve to fund the budget shortfall; and**
- iii. that the budget allocation of \$746,793 be revoted into the 2012/13 budget.**



## ORDINARY COUNCIL

ORD04

**SUBJECT:** TENDER FOR THE SUPPLY AND DELIVERY OF COMBINATION VACUUM AND JETTING DRAINAGE TRUCK, TENDER NO. T105/2012  
**FROM:** Director Works & Services  
**BINDER:** Tender 2012/105 Supply and Delivery of Combination Vacuum and Jetting Drainage Truck

---

### PURPOSE OF REPORT

To provide details of tenders received for Contract T105/2012, being the supply and delivery of a combination vacuum and jetting drainage truck and to recommend that Council accept the tender submitted by Vacjet Pty Ltd.

The vehicle being supplied is to be used for drainage maintenance works for cleaning gross pollutant traps (GPTs), cleaning stormwater pits and pit baskets, and the unblocking of stormwater drains.

### BACKGROUND

Council has been heavily relying on services provided by various contractors for the maintenance of many of its drainage systems. Some of this work has been done using attachments to Council's streetsweeper, but only a limited range of maintenance is able to be done with this equipment. The cost of utilising the contractors is approximately \$255,000 per year.

Due to the increasing number of new development areas, it will be more economical and efficient for Council to own this equipment and carry out a large part of the work in-house.

Tenders were called for the supply and delivery of a combination vacuum and jetting drainage truck. The purchase of this truck will be funded from the Plant Capital Expenses budget and this vehicle would be an addition to Council's existing fleet.

### MAIN REPORT

Tenders, undertaken through eTendering, closed at 2.00pm on Friday 16 December 2011. Through this process, submissions were received from the following four (4) companies:

UD Trucks – Volvo Commercial Vehicles Australia, Chullora NSW  
Sydney Truck Centre, Smeaton Grange NSW  
KOR Equipment Solutions, Mulgrave VIC  
Vacjet Pty Ltd, Bendigo East VIC

**A summary of the tenders received is provided as a supporting document to this report.**

## Tender Evaluation

The aim of the tender evaluation is to assess the capability of the supplier to supply and support the equipment, and for the equipment to be suited to the required tasks, so that Council achieves the best value over the life of the equipment, and then to recommend the preferred tenderer.

In accordance with the tender documents, the tender evaluation process was based on the following criteria:

- a) past performance and experience of the Tenderer;
- b) conformance with specifications;
- c) equipment & material proposed;
- d) degree of compliance with the tender;
- e) proposed delivery program; and
- f) suitability of price.

The tender submitted by Sydney Truck Centre is considered non-conforming. Its alternate offer utilising a 6x4 cab chassis, in lieu of the specified 4x2 configuration, reduces the ability to access a number of GPT's for cleaning. In addition, this vehicle is not designed for drainage cleaning, included undersized vacuum unit and water tank, did not provide remote controls as sought, was of less durable construction and fell short in a number of other features. Therefore, Sydney Truck Centre's tender was not included for further consideration.

Detailed evaluation has been undertaken of the 2 lowest priced vehicles, from KOR Equipment Solutions and Vacjet Pty Ltd, as their prices are substantially less than that from UD Trucks.

### KOR Equipment Solutions

The truck and body package offered by KOR Equipment Solution is imported as a complete unit from Italy. The unit generally complies with the technical specifications except for tank volume size, minor variances in pressure and vacuum ratings and lack of an automatic transmission.

The vehicle includes Loadman load scales valued at an estimated \$8,500, which is a necessary tool to have on board to minimise the risk of overloading, which can lead to fines for drivers and operators.

Currently there is no unit of this size operating within Australia available for inspection. Only units of larger sizes have been supplied to Brisbane City Council and other contractors.

The full range of spare parts is not currently available but should improve as more vehicles are introduced into service. However, the risk of greater 'downtime' and/or additional costs to expedite spares has been considered. Servicing can be made available through Sydney agents.

The tender is based on a foreign currency exchange rate – Australian Dollars to Euro (AUD/EUR) - rate of \$0.74 and the final price is subject to the exchange rate applying on the day of the letter of tender acceptance.

Delivery time for the cab/chassis and body is within 28 to 32 weeks

Options offered are:

- Increased jetting pump volume and pressure - additional \$2,800
- Overhead vacuum hose reel with 20m x 150mm suction hose - additional \$20,400

The option of additional jetting pump volume and pressure is considered necessary to undertake the drainage maintenance works. Total price for this vehicle, including the above options, is EUR335,072 (AUD452,800 @ 0.7400).

#### Vacjet Pty Ltd

The truck and body package offered by Vacjet Pty Ltd complies with the tender specifications. The body is made in Bendigo, Victoria. The company has been building this type of body for the past 5 years. It is considered suitable for Council's maintenance needs.

Vacjet Pty Ltd has supplied approximate 25 bodies of this size and larger to local councils, private contractors and hire companies, with these entities reporting a good track record.

Vacjet Pty Ltd carries 95% of spare parts for the body and offers servicing of the vehicle through Sydney agents.

Options offered by Vacjet Pty Ltd are:

- Elphinstone load scales - additional \$12,500
- AccuWeigh load scales - additional \$6,500
- Cutting and blasting heads for tree roots and silt removal - additional \$15,480

Options of the AccuWeigh load scales and cutting and blasting heads are considered necessary to undertake the drainage maintenance works.

Total price for this vehicle, including the above recommended options, is \$486,980.

Delivery time for the cab chassis and body is within 12 to 14 weeks.

#### **Relevant Legislation**

The tender has been conducted in accordance with the Local Government Act 1993, the Local Government Regulations (2005) and the Council Purchasing and Procurement Policy.

#### **Comments**

KOR Equipment Solution offers the lowest tendered price, but with a qualification the final tender price is based on a foreign exchange rate AUD/EUR of 0.7400. Council is at risk of a higher final price if the exchange rate changes dramatically. With recent movements in exchange rates, the cost of the KOR Equipment vehicle has reduced in AUD terms (\$431,300 @ AUD/EUR rate of 0.7769 – the rate at the time of preparation of this business paper). Delivery time is extended, at up to 32 weeks from order.

Vacjet Pty Ltd offers a delivery time of 13 to 14 weeks which is a more reasonable time despite the equipment's complexity. The number of similar models already in operation proves the design is performing well and, being locally produced, the vehicle has better availability of spare parts and servicing.

The selection panel is of the opinion the offer from Vacjet Pty Ltd provides Council with the best value, certainty in delivery and availability of spare parts.

### **Budget**

The provision made in the plant budget for the purchase of a new combination vacuum and jetting drainage truck is \$375,000. Additional funding of \$111,980 required is able to be sourced from budget savings.

### **CONCLUSION**

Council currently hires combination vacuum and jetting drainage trucks from various companies and spends in the order of \$255,000 per annum for GPT cleaning, using contract plant. This figure continues to increase, and as more urban development takes place, it will be more economical for Council to own and use its own equipment.

The tender offered by Vacjet Pty Ltd represents the best option as, although it is more expensive initially, the equipment is locally produced with full back up service readily available. A number of Vacjet vehicles are in operation in Australia with good performance being reported. Based on this information, the Vacjet combination vacuum and jetting drainage truck is the recommended choice to satisfy this tender.

### **RECOMMENDED**

#### **That Council:**

- (i) accept the tender from Vacjet Pty Ltd, including options but excluding registration fees, for the full outright purchase price of \$486,980 excluding GST; and**
- (ii) authority be granted for the relevant documentation to be completed under the Seal of Council.**

#### **ATTACHMENTS**

1. Summary of Tender Prices - *Supporting Document*



ORD05

## ORDINARY COUNCIL

ORD05

**SUBJECT: COUNCILLOR'S ATTENDANCE AT THE UDIA CONFERENCE**  
**FROM:** Director, Development and Health  
**BINDER:** Employee Relations/Training & Development/Conferences

---

### PURPOSE OF REPORT

The purpose of this report is to recommend that Council approve attendance at the Urban Development Institute of Australia (UDIA) conference in view of the information and education offered in relation to development of new release areas and other relevant local government planning and development issues.

### BACKGROUND

The UDIA hold an annual national conference which provides an opportunity for practitioners, local government Councillors and staff, the development industry and other interested parties to gain an understanding of current issues associated with planning and development. Past conferences have been well conducted and have offered a range of interesting speakers from Australia and overseas.

### MAIN REPORT

The conference will be held in Perth from 6 March to 9 March 2012 and its theme is "Striving for Excellence". Speakers will be from both Australia and overseas.

The UDIA is an industry group which attempts to ensure good development occurs and its conferences have provided valuable insight into best practice. It is usual that site visits showcasing planning excellence are incorporated into the event.

### Costs

Allowing for accommodation and airfares, it is likely that the cost for each delegate would be approximately \$3,500, with staff who are members of each group entitled to further discounts. These costs are estimates only and are based on airfares available at the time of writing the report.

Appropriate staff will attend and be funded from the staff training and development allocations.

### CONCLUSION

The conference will offer Councillors and staff exposure to current planning and development issues and should provide valuable learning experience for those who attend. They are particularly relevant to major growth issues facing Camden.

With the rapid growth facing Camden, it is imperative that its officers and Councillors are familiar with best practice initiatives in the development field and this conference provides an opportunity to learn about and see leading edge developments and practices.



---

In order that any Councillors wishing to attend the conference can take advantage of the savings offered by early registration and making flight bookings in advance, a decision on attendance is required at this meeting. Councillors should note that limited refunds are available for cancellations.

**RECOMMENDED**

**That Council: determine any appropriate Councillor attendance.**

**ORD05**



ORD06

## ORDINARY COUNCIL

ORD06

**SUBJECT: PLANNING PROPOSAL - EMERALD HILLS, 1100-1150 CAMDEN VALLEY WAY LEPPINGTON.**

**FROM:** Director Governance

**BINDER:** Emerald Hills

---

### PURPOSE OF REPORT

The purpose of this report is to consider the Planning Proposal received for the property at 1100-1150 Camden Valley Way Leppington, to rezone the land for urban purposes. The submitted Planning Proposal is **Attachment 1 to this report**.

### BACKGROUND

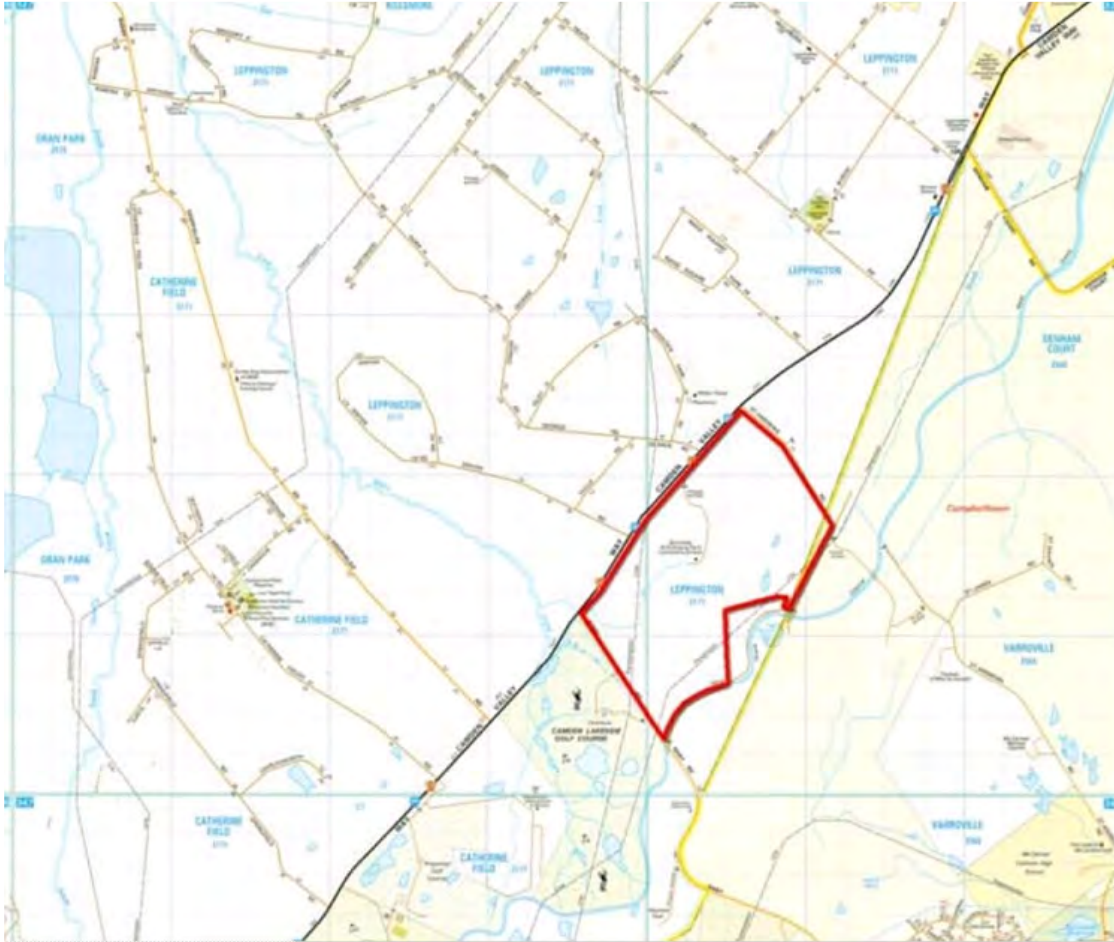
The subject site adjoins, but is not part of the South West Growth Centre. As reported to Council at its meeting of 31 January 2012, the land was nominated for inclusion as an urban development site as part of the Housing Land Review being undertaken by the Minister for Planning.

In addition to nominating the site as part of the Housing Land Review, the proponent has also submitted this Planning Proposal to Council. The proponent has indicated its preference to work with Council in pursuing the Planning Proposal compared to the Housing Land Review process. As part of the initial discussions with the proponent, a financial offer to fund the proposal, including technical studies, Development Contributions Planning and staff resourcing has also been made to Council.

### MAIN REPORT

The planning proposal submitted is for the property at 1100-1150 Camden Valley Way, Leppington. The property is known as Lot2 DP 650698, Part Lot 1 DP 301830 and Part Lot B DP 418632. The site is located at the north eastern corner of Raby Road and Camden Valley Way. The site is also bounded by St Andrews Road to the North and the Sydney Water Supply Upper Canal.

A map is provided below:



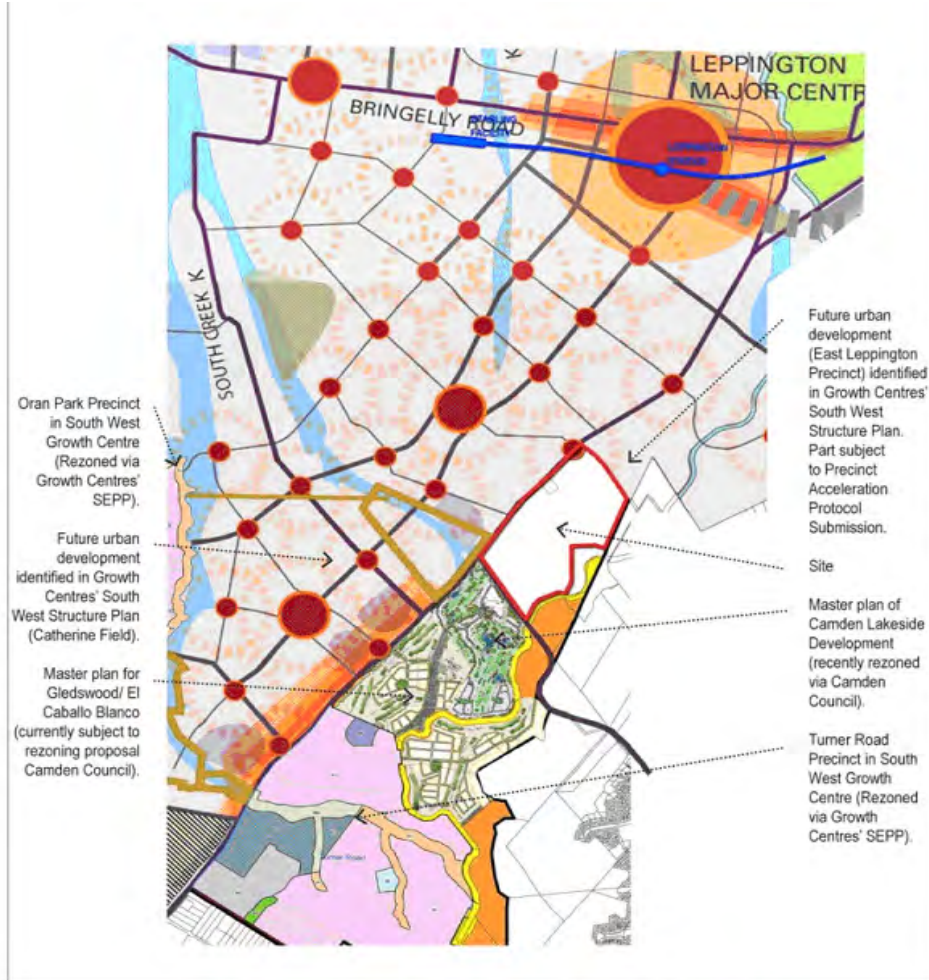
The site is currently used for cattle grazing. Previous uses include an institution for youth and other religious activities. The site is mostly cleared, with scattered pockets of vegetation, except along the frontage of St Andrews Road, where the site is moderately to heavily vegetated with remnant native vegetation and regrowth. The subject property, at its north eastern corner, extends into the Campbelltown LGA. Following joint discussions between the proponent and both Councils, the portion of land within the Campbelltown LGA has been excluded from the proposal.

The Planning Proposal at **Attachment 1 to this report** seeks to rezone the property to permit a mix of urban uses on the site, including residential development, a commercial centre of approximately 10,000 square metres, large residential and environmental living properties and open space and riparian areas. A Draft Masterplan outlining a possible development outcome is included at Page 14 of the attached proposal.

#### The Planning Context of the site:

The subject site is bounded by the South West Growth Centre (SWGC) to the north and west. Rural land lies to the east and the Lakeside and El Caballo/Gledswood proposals to the south. The context of the site in relation to the proposed surrounding development is illustrated below:





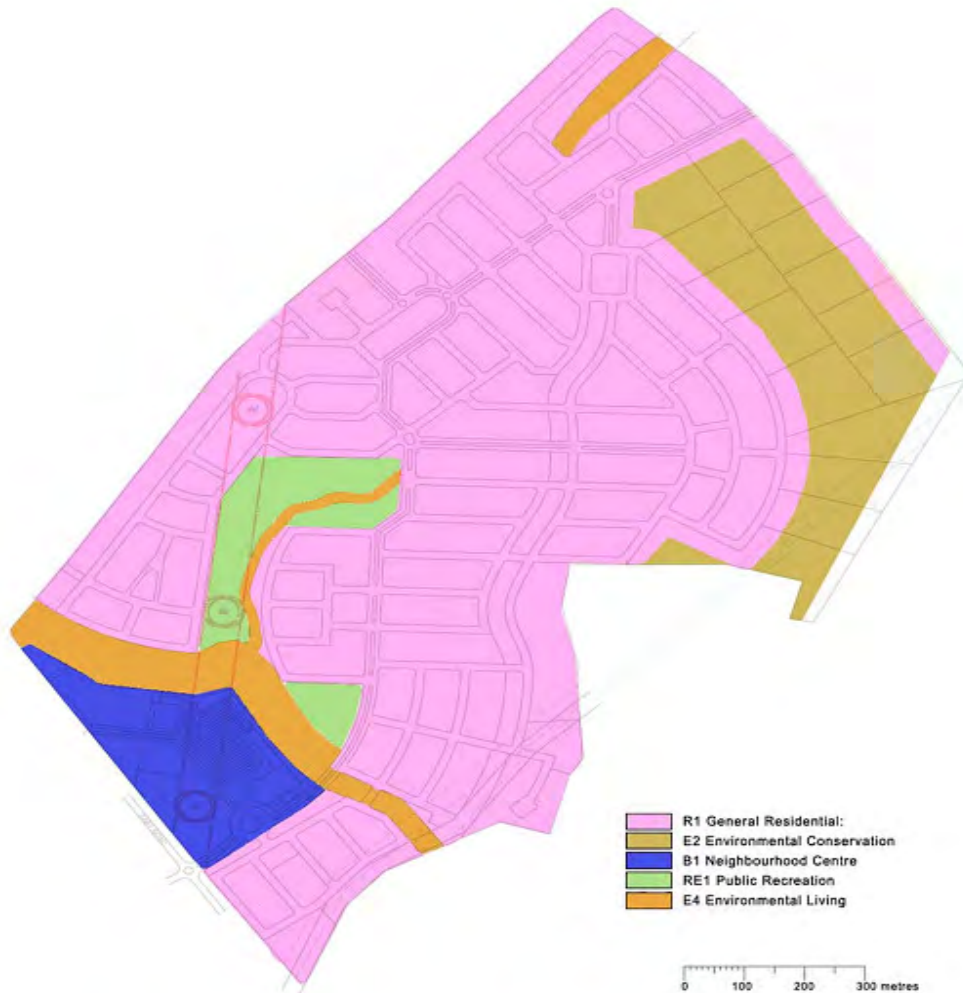
> Map showing location of site and the proposed urban development surrounding the site

As shown on the figure above, the subject site could be considered to be the missing link between the either approved or current development releases on the eastern side of Camden Valley Way.

Proposed rezoning

The proposal seeks to rezone the subject site for a mix of urban and environmental purposes. The majority of the site is proposed to be zoned R1 General Residential. Most of the northern section of the property, in the proposal is to be E2 – Environmental Conservation, with a sliver of residential fronting St Andrew’s Road. A Business zoning is proposed for part of the southern portion of the site, to permit a neighbourhood shopping centre. Open space and riparian areas are also to be provided.

A map showing the proposed zones is shown below:



> The Requested Zoning of the Site in this Planning Proposal

The proposed rezoning, if it proceeds, would result in the following typical development outcome as shown in the draft masterplan:

- 78 hectares of detached dwelling housing lots resulting in approximately 1200 dwellings, inclusive of small lots;
- 3.7 hectares of Hill Side allotments (min 2,000 square metres);
- 28.3 hectares of larger environmental allotments (2,000 to 6,000 square metres); and
- 8.1 hectares of Local Neighbourhood Centre
- Minimum lot size of 125 square metres in higher density areas (consistent with the Growth Centre precincts)
- A range of minimum lot sizes providing for larger lots in sensitive locations in between 2,000 and 6,000 square metres.

---

## Key Planning Issues

The advancement of the proposed rezoning would require the assessment of several planning issues. The key matters include servicing of the site, protection of Native Vegetation, traffic generation and justifying the need for the proposed neighbourhood centre. Other matters include the protection of riparian areas and the Scenic Hills as viewed from the east and any impact upon the Sydney Water Supply Canal.

Each of these matters is briefly considered below:

### **Servicing**

The site is not currently serviced by any of the required infrastructure, including water, sewer and sufficient electricity. The proponent has carried out a Preliminary Servicing Review that is included in the Planning Proposal documentation at **Attachment 1**.

The review indicates that water is likely to be provided from the water mains that are located along Camden Valley Way or one main that traverses the site. Many options have been investigated for the provision of sewer. Two main options are currently being investigated and both require the construction of a new pumping station at the south western corner of the site. One option is for a new rising main of approximately 6 kilometres in length to Kearns, feeding into the Glenfield system. A similar length main forms part of the other option, linking up to the West Camden system through the pumping station at Gregory Hills. This is a critical matter that must be satisfied if the planning proposal is to proceed. Should a favourable Gateway Determination be received then it is recommended that the applicant undertake a servicing strategy for the site. Sydney Water will be invited to provide comment on the proposal and to sign off on the provision of sewer to the development.

### **Protection of Native Vegetation**

From the information provided in the Planning Proposal, along with a review of aerial photos and a site inspection, it can be seen that there is a significant stand of Native Vegetation at the northern portion of the site. The proposed rezoning incorporates a strip of residential land along St Andrews Road and an Environmental Conservation zone immediately to the south. Such a zone arrangement is not considered to be appropriate, particularly if the development is to be carried out generally consistent with the draft masterplan.

There are two main concerns with the current arrangement in this area. Firstly, if there is to be fragmented ownership in this locality and an Environmental Conservation zone imposed over the lots, there may be pressure for the acquisition of the land by Council as the zone is considered to be reserving land for a public purpose. Secondly, whether fragmented ownership of the stand of native vegetation is appropriate is also to be tested. Fragmented ownership will make management of the vegetation difficult and may lead to a degradation of the same. There is merit in not considering any development of this area.

Should the Planning Proposal be supported by Council and receive a favourable Gateway Determination then a study of the native vegetation, outlining the importance of the stand and the best management arrangement for it must be carried out. The Office of Environment and Heritage will also be consulted.

## **Traffic Generation**

The creation of 1200 dwellings and a neighbourhood centre will generate significantly more traffic than the current situation. A Traffic Study must be carried out as part of the rezoning process. The Study should focus on the impacts of the development on the service levels of Camden Valley Way and Raby Road. Consideration of the possible creation of through traffic routes through the development will also need to be carried out.

## **Shopping Centre**

A Shopping Centre is proposed to be provided near the Raby Road frontage of the site. The centre is proposed to serve a neighbourhood function, although its size of 10,000 square metres is not considered to be small as outlined in the Planning Proposal and a Retail Needs and Demand Analysis will be required. This should be carried out as part of further planning for the site, particularly considering the existing and proposed neighbourhood and town centres in the vicinity of the site and the detailed structure planning that has been carried out in the adjoining Growth Centre area.

## **Riparian Areas**

The site has a limited amount of riparian areas which are concentrated in the southern portion of the site. The riparian areas are currently proposed to be located in the Environmental Living zone, although no details on how they will form part of a private landholding or other management regime has been provided at this stage. This will need to be further explored as part of the detailed studies to be carried out.

## **Scenic Hills & the Water Supply Canal**

The site is located adjacent to the Sydney Water Supply Canal, which is listed on the State Heritage Register and the Ingleburn Dam. Importantly, there are water security issues, along with heritage impact, that will need to be addressed as part of the planning process. Being located adjacent to the Scenic Hills area in Campbelltown, the proposal will be notified to Campbelltown Council for comment. The site is also visible from the west as a result of its elevation and there will be a need to consider appropriate solutions to impacts on valuable landscapes as part of any rezoning of the site.

## **Height of Buildings**

The Planning Proposal seeks to permit buildings of 18 metres in height in the medium density areas. This height limit is significantly greater than that allowed elsewhere in the Camden LGA. Most of the medium density sites subject to the Camden LEP 2010 have a height limit of 9.5 metres, whilst Oran Park and Turner Road precincts, by way of the relevant SEPP, permit heights of 9.5 metres and 16 metres for Residential Flat Buildings. Accordingly, it is recommended that prior to the Planning Proposal being forwarded to the Department of Planning for a Gateway Determination that the proposed height limit be removed for residential areas.

## Consistency with State and Local Strategies

The proposed rezoning is generally consistent with the following State and Local Government strategies:

-

- The NSW State Plan 2021;
- The Metropolitan Plan for Sydney 2036;
- The draft South West Sydney Subregional Strategy;
- The South West Growth Centre Structure Plan and Development Code
- Camden 2040.

#### The Process from Here

If Council determines to proceed with the Planning Proposal, it will be sent to the Department of Planning and Infrastructure (DPI) for Gateway Determination. Based on previous experience it is expected that a response would be received from DPI within six (6) weeks, although there are no time guidelines.

As part of Gateway Determination, there may also be recommendations to send the Planning Proposal to other public authorities or government departments. A further report will be submitted to Council following the consideration of any further studies and comments that may arise from Council staff and Government Departments.

#### CONCLUSION

The Planning Proposal seeks to amend Camden LEP 2010 to permit residential development on the site. As outlined in the report above, the proposed changes are considered to be appropriate and will achieve an appropriate development outcome for the site subject to further investigations.

#### RECOMMENDED

##### **That Council:**

- i. support the Planning Proposal to amend the Camden Local Environmental Plan 2010 as outlined in this report;**
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for Gateway Determination;**
- iii. upon receipt of a favourable Gateway Determination:**
  - a. obtain written agreement from the proponent to fund all the costs associated with the Planning Proposal,**
  - b. consult relevant Public Authorities in accordance with the terms of the Gateway Determination;**
- iv. subject to (iii (a)) above and following the conclusion of further studies and technical advice, prepare a further report to Council prior to the public exhibition period.**

#### ATTACHMENTS

1. Planning Proposal - Emerald Hills December 2011



## PLANNING PROPOSAL

Draft Local Environmental Plan

Emerald Hills, 1100 – 1150 Camden Valley Way, Leppington

- Part Lot B in DP418632;
- Part Lot 1 in DP301830; and
- Lot 2 in DP 650698.

Prepared for:  
Emerald Hills Estate

01 December 2011

Emerald Hills  
Inspire

ORD06

Attachment 1

ORD06

Attachment 1

PLANNING PROPOSAL: 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

## TABLE OF CONTENTS

Executive Summary	3
Introduction	5
1 Background	5
2. Site Details	9
3. Development Vision	11
Part 1 - Objectives or Intended Outcomes	12
Part 2 - Explanation of Provisions	13
Part 3 – Justification	16
SECTION A – NEED FOR THE PLANNING PROPOSAL	16
SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	17
SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	22
SECTION D – STATE AND COMMONWEALTH INTERESTS	23
Part 4 – Community Consultation	24

## APPENDICES

1. Achievement of State Plan 2021 Goals and Strategies.
2. Achievement of Metropolitan Plan 2036 Strategic Directions, Objectives and Actions.
3. Achievement of Metropolitan Plan Sustainability Criteria.

Copyright © 2011, Inspire Urban Design + Planning Pty Ltd - All rights reserved. Except as permitted by the Copyright Act 1968, no part of this document may in any form or by digital, photocopying, recording, or any other means be reproduced, stored in a retrieval system or be distributed without the prior permission of Inspire Urban Design + Planning Pty Ltd

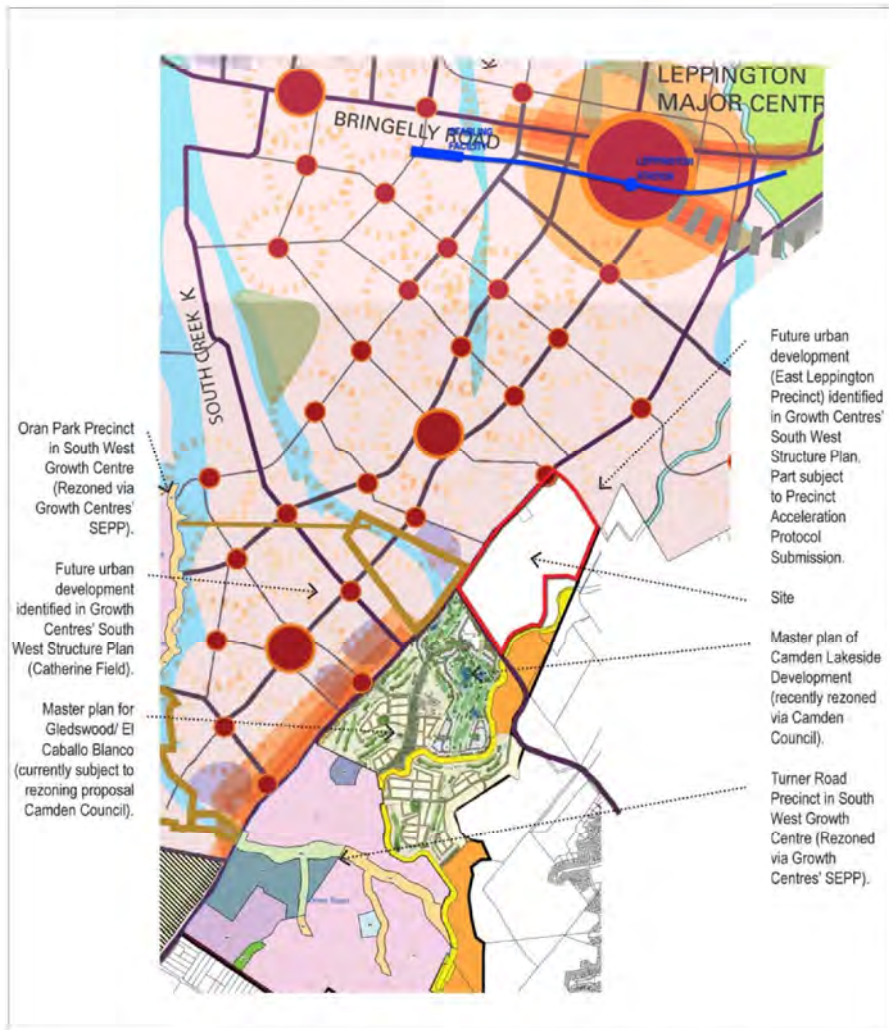
Inspire Urban Design + Planning Pty Ltd, PO Box 7277 South Sydney Business Hub NSW 2015  
T. 0411 486 768 W. [www.inspireplanning.com](http://www.inspireplanning.com)



### Executive Summary

Emerald Hills comprises 151 hectares of land at No. 1100 – 1150 Camden Valley Way in Leppington. It is located 3.2 kilometres from the Leppington Town Centre. It adjoins the South West Growth Centre and lands subject to recent rezoning for urban purposes on Camden Valley Way, Leppington.

It is located in the heart of a committed development corridor in the Camden Local Government Area in South Western Sydney that is being transformed by new residential communities, infrastructure construction and employment precincts.



> Map showing location of site and the proposed urban development surrounding the site



There is significant un-met demand for new housing in the Sydney Metropolitan Area. The property is generally cleared, unconstrained and unencumbered and preliminary planning suggests that it can deliver approximately 1200 dwellings. This yield will meet the 15 dwellings per hectare benchmark density sought by Government. Evolving market preferences that indicate greater acceptance of smaller lots suggest that there is potential scope to achieve a higher density than this benchmark.

Importantly, the property has extensive frontage to Camden Valley Way and Raby Road. Both roads are proposed to be upgraded. Recently, ramps to the Hume Highway / M5 were added to Raby Road to enable direct northbound access onto the M5/M7. The ramps are 5 kilometres from Emerald Hills.

Thus the site can easily be serviced by existing road and bus based public transport and is located only 3.2 kilometres from the new Leppington Station, when construction finishes in 2016. It can also be efficiently serviced by sewer, water and power.

With these foundations it presents a new opportunity to augment the supply of affordable housing in South West Sydney. It also provides a new opportunity to assist in the funding of infrastructure and income via rates to contribute to ongoing maintenance of community assets.

Development of the site can be served by a full range of education, community, recreation and retail and commercial services (and associated local employment) within existing neighbouring centres and the future Leppington Town Centre. Adoption of contemporary technologies and design can ensure water quality objectives and other environmental considerations can be met.

In this context, the current rural zoning of the property is an anomaly. The zoning is clearly not the highest and best use for the land. Furthermore, the property remains the only land on the eastern side of Camden Valley Way not identified, or zoned, for urban development in the future.

There is significant strategic support for the proposed rezoning of the property to urban purposes. Specifically:

- The Strategic Directions of the Metropolitan Plan for Sydney 2036 and the Draft South West Sub-regional Strategy both recognise that an adequate supply of land for residential purposes is required to meet Sydney's growth. Sites for new homes should be within 30 minutes by public transport to jobs and services in a major centre and should be located where there is available or planned public transport capacity. The location of the site meets these directions; and
- Both Strategies apply the Sustainability Criteria of the Metropolitan Strategy 2005 to test the appropriateness of locations for new urban development. The proposed rezoning of the property is assessed against the criteria and found to achieve the criteria in all respects.

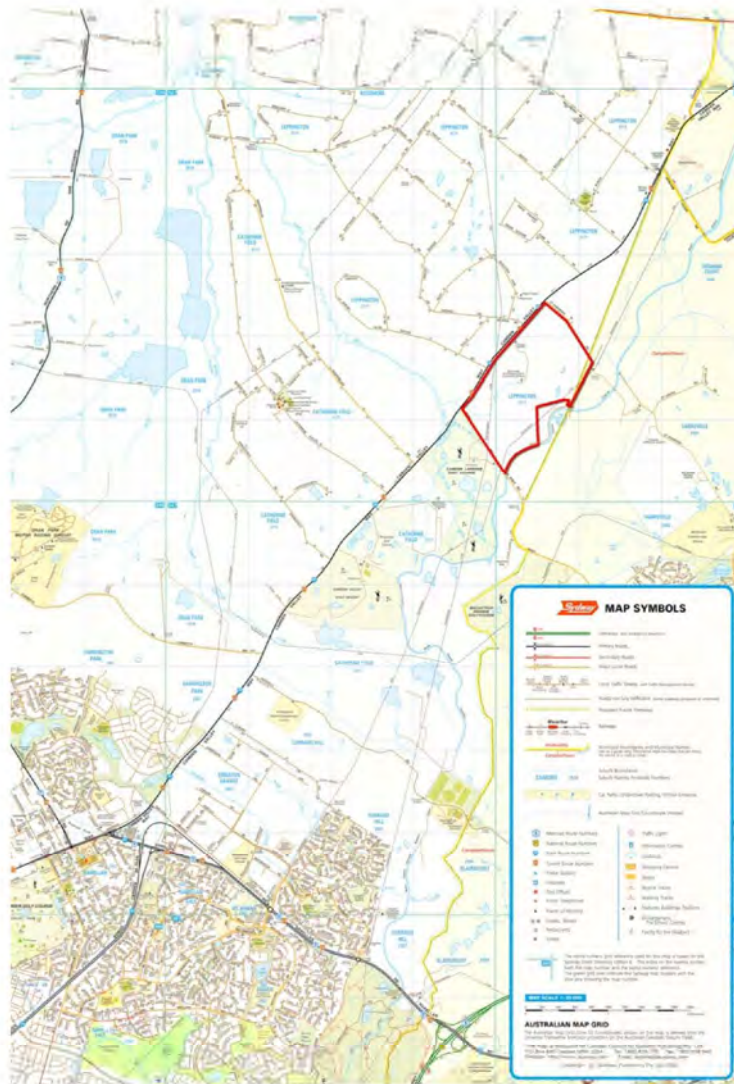
In recognition of the opportunity, Emerald Hills Estate has embarked on a Gateway Rezoning Proposal to amend the zoning of the property to enable urban development. A Planning Proposal report has been prepared in accordance with the Department of Planning's Guidelines and is supported by a positive assessment of the proposal against the Sustainability Criteria in the Metropolitan Strategy 2005.

The ability of the property to achieve State Government objectives and deliver significant public benefits with minimal environmental and economic impacts is the genesis of the draft LEP amendment contained in this Planning Proposal and support for the rezoning proposal is requested.

### Introduction

#### 1. Background

Emerald Hills, No. 1100 - 1150 Camden Valley Way, is located in the suburb of Leppington in the Camden Local Government Area in south west Sydney. A small part of the site in the north east corner is also located within the Campbelltown LGA. However it does not form part of this proposal.



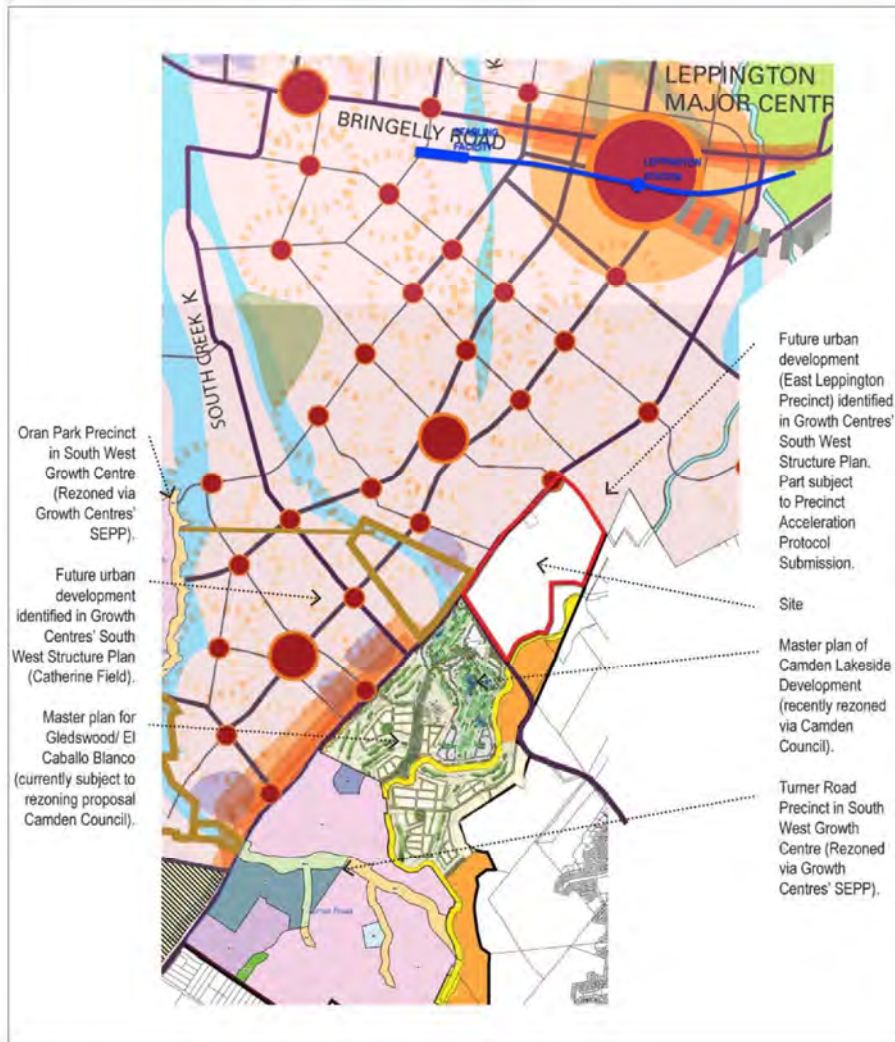
> The Site on Camden Valley Way in the Camden LGA

ORD06

Attachment 1

PLANNING PROPOSAL 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

Emerald Hills is located 3.2 kilometres from the future Leppington Town Centre. It lies on the eastern edge of the South Creek Valley on Camden Valley Way in Leppington. It is located in the heart of a committed development corridor in the Camden Local Government Area in South Western Sydney that is being transformed by new residential communities, infrastructure construction and employment precincts. The lands to the north and west of the site are located in the South West Growth Centre and are earmarked to be rezoned for urban development in the near future. Land to the south has recently been rezoned for urban development and subdivision development applications have been approved to commence development.



It has extensive frontage to Camden Valley Way (1.7 km) and Raby Road (0.85 km). Camden Valley Way is subject to proposals for its upgrading by the RTA in the near future. Raby Road is also proposed to be upgraded as part of the development of the South West Growth Centre. Recently, ramps to the Hume Highway / M5 were added to Raby Road to enable direct northbound access onto the M5/M7. The ramps are 5 kilometres from Emerald Hills.

The property is generally cleared, unconstrained and unencumbered. Preliminary planning suggests that the site can deliver approximately 1200 dwellings. This target will meet the 15 dwellings per hectare benchmark density sought by Government. The density promotes sustainable development underwritten by a viable and convenient public transport service. Evidence from recent market preferences from sales at nearby Oran Park and Gregory Hills indicate that smaller lots are enjoying greater acceptance. This, in turn, suggests that there may be potential scope to exceed the 15 dwellings per hectare density target.

Thus the site will provide new opportunities for, and additional supply of, affordable housing in South West Sydney. It also provides new opportunities to assist in funding of infrastructure and income via rates to contribute to ongoing maintenance of infrastructure.

However, with its remarkable position, elevation and distinctive landscape character, the site can not only increase supply of housing but also increase the choice in housing types and living environments available to households in South West Sydney.

Development of the site can be served by a full range of education, community, recreation and retail and commercial services (and associated local employment) within existing neighbouring centres and the future Leppington town Centre. Adoption of contemporary technologies and design can ensure water quality objectives and other environmental considerations can be met.

The site can easily be serviced by existing road and bus based public transport and is located only 3.2 kilometres from the new Leppington Station, when construction finishes in 2016. It can efficiently be serviced by sewer, water and power. Construction of the upgrading of Camden Valley Way from a two lane rural road to a four lane highway is to commence shortly.

In this context, the current rural zoning of the property is an anomaly. The zoning is clearly not the highest and best use for the land. Furthermore, the property remains the only land addressing, and on the eastern side of, Camden Valley Way not identified, or zoned for urban development in the future.

Therefore it is a leading candidate for rezoning to urban purposes.



### 2. Site Details

Emerald Hills Estate is a Partnership comprising the Directors of D&AI Pty Ltd that owns the land.

The Site comprises an irregularly shaped rectangular parcel of land generally situated along a SW to NE alignment. It has a total area of 151.1 ha and is bounded by Camden Valley Way to the west, Raby Road to the south and St Andrews Road to the north (much of which is an unmade road comprising a gravel track). The eastern side of the site generally follows the alignment of the water canal owned by Sydney Water Corporation.



> Copy of Survey and Aerial View of Site Looking North East

PLANNING PROPOSAL: 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

It is legally described as:

- Part Lot B in DP418632;
- Part Lot 1 in DP301830; and
- Lot 2 in DP 650698.

The survey plan indicates a number of existing easements on the title including two aligned roughly along the eastern boundary for a 132kV electrical transmission line and a gas pipeline and a major 60 metre wide easement for a 330 kV Transgrid power line that crosses the south west corner of the site, which must be considered in any master planning. There is an opportunity to realign the 132kV easement with the gas pipeline easement.

The landowners have undertaken a number of studies:

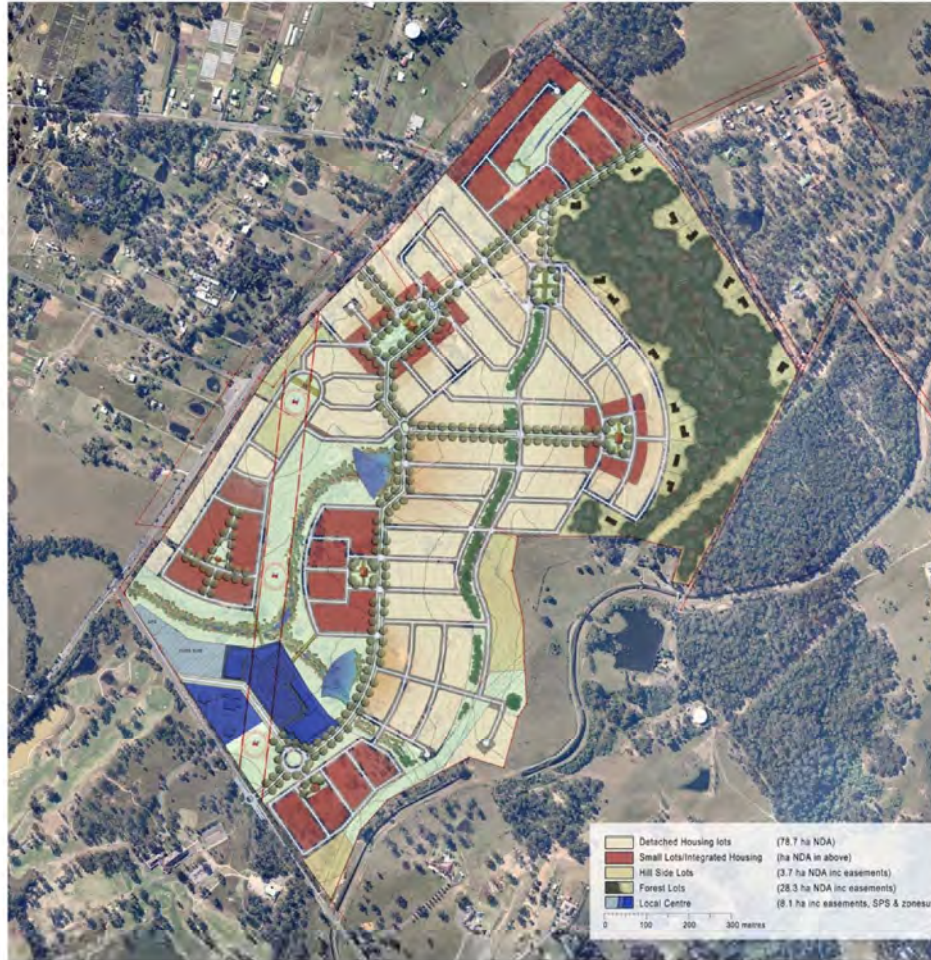
- Ecological investigation confirms the presence of Cumberland Plain Woodland on site in the north east corner. It will need to be protected;
- Lean Lackenby and Heyward investigation confirms infrastructure is available;
- Creek corridors and classifications have been mapped;
- The RTA is to upgrade Camden Valley Way in stages. It will improve the road access and provide a new bus based public transport corridor adjoining site;
- Camden Council investigations as part of preparation of its new LEP 2010 show no heritage or significant flooding;
- Some Bushfire Hazard is expected at the Cumberland Plain woodland interface;
- There is no known contamination and none expected.

Generally the site is cleared and unencumbered, with good access and proximity to services and facilities.

Existing use is a working farm and previously it also included a boy's home. A number of former school buildings constructed in the 1960-70s remain on the site.

### 3. Development Vision

The development vision for Emerald Hills comprises an integrated residential development of nine mini neighbourhoods oriented around parkland with a local shopping centre and encircled by public open space. It provides for a mix of dwellings and includes retention of large areas of land for environmental protection, riparian corridor improvement and landscape protection.



> The Urban Design Vision for the Site

The proposed urban development is consistent with the form, density and character being supported in other neighbouring greenfield land releases such as Oran Park and Turner Road in South West Sydney.

PLANNING PROPOSAL: 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

The Vision is described in detail in the report that accompanies this Planning Proposal. Key elements comprise:

- A Plan that adopts, as a guide, the Growth Centres Development Code to inform the layout of land uses and character and configuration of access, public transport service, and the configuration and preservation of areas with environmental value;
- An indicative yield of 1200 dwellings and a minimum density of 15 dwellings per hectare net developable area (NDA as defined in the Code); and
- Neighbourhood retail focussed in a local centre to serve residents.

Master planning indicates that the development vision can be achieved without offending the environmental and landscape values of the area. It can also be achieved whilst minimising amenity impacts (traffic, access to services etc.). Traffic and access issues can be addressed by providing direct access to Camden Valley Way via Raby Road and St Andrews Road.

The proposed release of the land for urban development satisfies State Government housing supply and metropolitan planning objectives with regard to appropriately located and serviced land for new housing.

It is these opportunities to achieve State Government objectives and deliver a significant public benefit (cost effective supply of serviceable land for housing) with minimal environmental impacts that are the genesis of the draft LEP contained in this planning proposal.



ORD06

Attachment 1

PLANNING PROPOSAL 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

### Part 1 - Objectives or Intended Outcomes

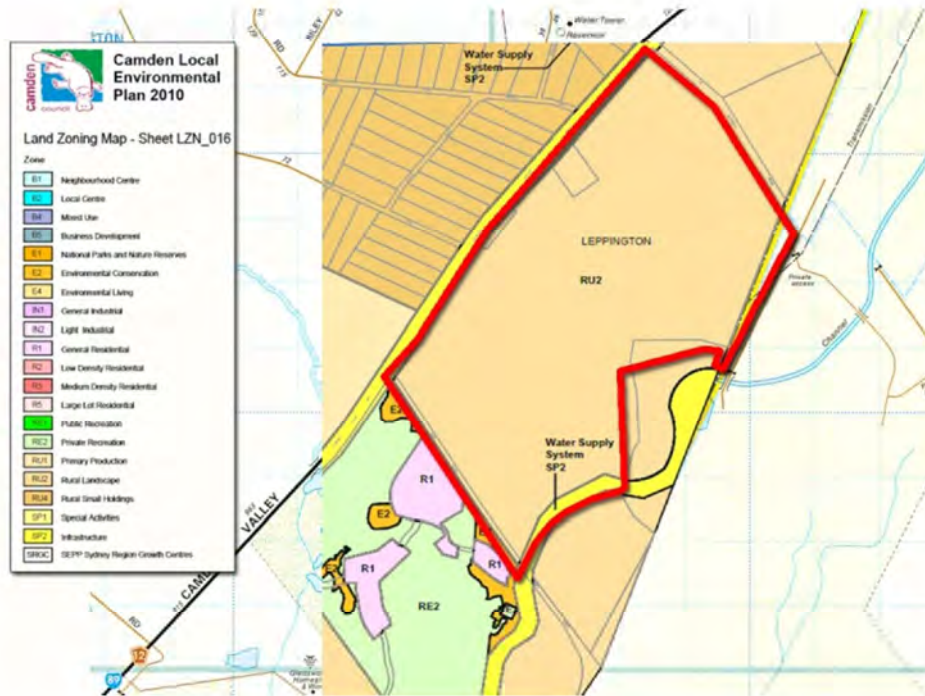
The intended outcome of this proposal is the development of a large parcel of land on the east side of Camden Valley Way for a mix of residential, retail, open space and environmental protection purposes.

The objectives of the development are:

- To satisfy State Government objectives in the Metropolitan Plan for Sydney 2036 to locate the majority of new housing within walking catchments of centres and enable residential growth in areas where there is good public transport service;
- To satisfy State Government priorities in the NSW State Plan to increase housing supply; and
- To achieve compliance with the NSW State Government's current Sustainability Criteria contained in the 2005 Metropolitan Strategy (Table G2), pending their replacement with new criteria in accordance with the Delivery Plan in the Metropolitan Plan 2036 (Action I 6.4).

Part 2 - Explanation of Provisions

The current zoning map is reproduced below.



> The Current Zoning of the Site

The site is subject to zoning by Camden LEP 2010. It zones the majority of the land "RU2 Rural Landscape."

The objectives of the Camden RU2 zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To maintain the rural landscape character of the land.
- To provide for a range of compatible land uses, including extensive agriculture.
- To protect and enhance areas of scenic value by minimising development and providing visual contrast to nearby urban development.
- To maintain the visual amenity of prominent ridgelines.
- To permit non-agricultural uses which support the primary production purposes of the zone.

ORD06

Attachment 1

PLANNING PROPOSAL: 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

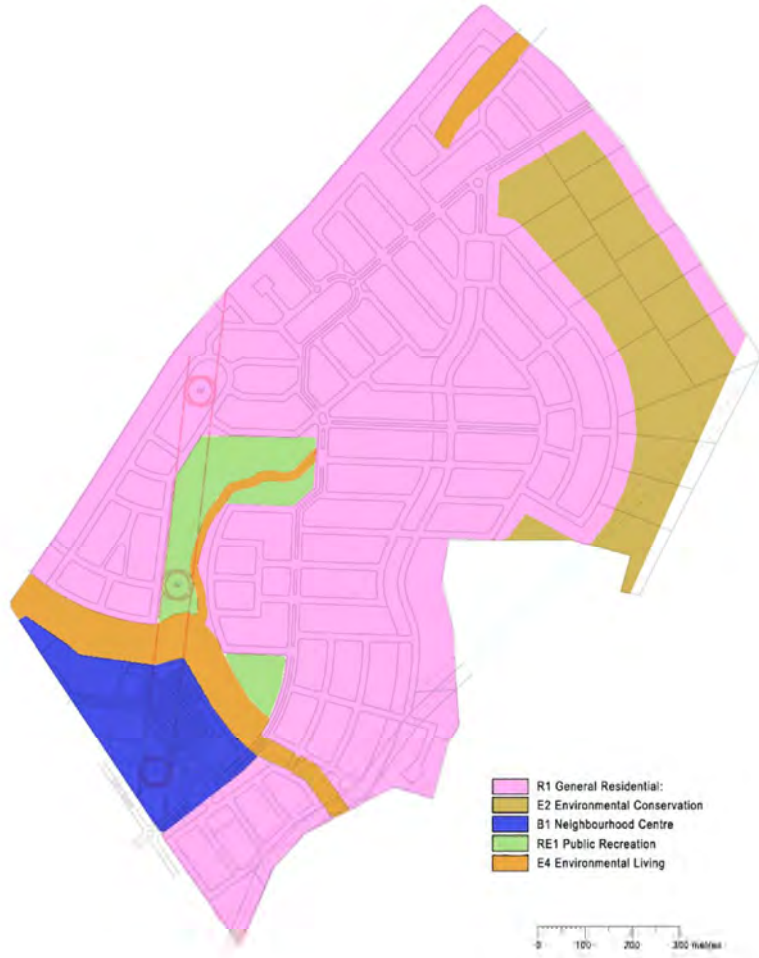
The zone is limited in terms of the range of permissible land uses and subdivision that may take place. Urban subdivision and development is prohibited in the zone.

None of the existing planning controls facilitate the achievement of the objectives and outcomes listed in Part 1 of this proposal.

The Planning Proposal seeks, therefore, to amend the LEP for the site based on the Urban Design Vision in the accompanying document that:

1. Introduces a height control map that specifies a maximum height of 18 metres across the site including the local centre and higher density areas;
2. Rezones the site as follows (as generally indicated in the plan on the following page):
  - Residential areas to 'R1 General Residential';
  - The forest residential area to 'E2 Environmental Conservation';
  - The local centre to 'B1 Neighbourhood Centre';
  - The parkland areas to 'RE1 Public Recreation'; and
  - The riparian corridors to 'E4 Environmental Living'.
3. Introduces a floor space control clause that specifies a maximum floor space of 10,000 sqm gross floor area for retail premises for buildings in the land zoned B1 Neighbourhood Centre; and
4. Introduces a minimum lot size map that: (1) applies a minimum lot size of 125 sqm over the majority of the R1 zoned land; and (2) an average lot size based on a maximum of 2.5 dwellings per hectare with a minimum of 2,000 sqm and a maximum of 6,000 sqm in the following locations:
  - Visually prominent R1 zoned land in the south east corner of the site (the hillside lots) and;
  - Land within and immediately adjoining the E2 zoned land in the north east corner of the site.

PLANNING PROPOSAL: 1100 - 1150 CAMDEN VALLEY WAY, LEPPINGTON



The Requested Zoning of the Site in this Planning Proposal

## Part 3 – Justification

### Section A – Need for the planning proposal

#### 1. Is The Planning Proposal a Result of any Strategic Study or Report?

The proposal itself has not been the result of a specific strategic study or report. However the existing zoning of the site does not reflect a number of State Government strategic initiatives that will impact on the potential future use of the site, and the planning proposal responds to these initiatives. These strategies are discussed in Section B below.

#### 2. Is The Planning Proposal The Best Means of Achieving The Objectives or Intended Outcomes, or is There a Better Way?

Yes. The planning proposal is the most appropriate method to enable development applications to be submitted for development within the site. Other methods investigated will not achieve the intended result that is sought.

Other options identified:

*(i) A site specific provision enabled by inclusion of the site in Schedule 1 of Camden LEP 2010*  
This option was considered. However, due the geographical size of the area and the precedent such an approach would set, the approach advocated in the Planning Proposal was considered to be the most appropriate method.

*(ii) A Planning Proposal to amend the boundaries of the South West Growth Centre shown in the maps of State Environmental Planning Policy (Sydney Region Growth Centres) 2006*  
This option was not considered viable. The amending process would have been significant, and would have exceeded generally accepted parameters for the consideration of such matters.

*(iii) Await a review of the Growth Centre Boundaries in the future.*  
This option was considered. However, the process whereby the landowner awaits a review at an unknown time introduces too much uncertainty in terms of timeframe and outcome. The uncertainty jeopardise the opportunity for the achievement of the objectives identified in Part 1 above in the short term.

Rather, it is considered that the progress of this Planning Proposal is the most suitable mechanism to achieve the objectives in Part 1.

#### 3. Will The Net Community Benefit Outweigh The Cost of Implementation and Administering The Planning Proposal?

Yes. The outcome of the Planning Proposal will be an increase in the supply of new housing in the Camden LGA. New residents will be able to support existing and proposed public investment in public transport, road and service infrastructure.



Residents will also support the Government's recent commitment to commence, and invest public monies in, the Leppington Town Centre by increasing the number of households within the Centre's catchment.

The increased demand on new infrastructure generated by the additional population is negligible and can be achieved without costly augmentation of existing services, or provision of new services. Rather it will facilitate the viability of, and supports the investment in, infrastructure in the locality.

Thus the net community benefit is considered to far outweigh the cost of implementing the proposal.

## Section B – Relationship to Strategic Planning Framework

### 4. Is The Planning Proposal Consistent with the Objectives and Actions Contained Within the Applicable Regional or Sub-Regional Strategy (Including The Sydney Metropolitan Strategy and Exhibited Draft Strategies)?

Yes. There are a number of State Government Strategies and Policies that provide the strategic context for the development of the Precinct. They comprise:

- The NSW State Plan; and
- The Metropolitan Plan for Sydney 2036 (The new 'Metro Strategy'); and
- The Draft Subregional Strategies

#### The NSW State Plan

The NSW State Plan 2021 was recently released. It replaces the previous Plan of 2010 as "the NSW Government's strategic business plan, setting priorities for action and guiding resource allocation" (p.2). The rezoning and development of the site is consistent with many of the 32 goals in the five strategies of the Plan; particularly with regard to improving the NSW economy, growing patronage on public transport, and placing downward pressure on the cost of living. This is detailed in Appendix 1.

#### The Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 was released on 16 December 2010. It comprises the "new" Metropolitan Strategy for Sydney and replaces the previous "City of Cities – a Plan for Sydney's Future" prepared in 2005 (Metropolitan Strategy 2005).

Of relevance to the Proposal:

- It's policy settings reinforce the targets of the State Plan including the enabling of residential and employment growth in areas where there is available or planned public transport capacity;
- It advises that the current sustainability criteria (contained within the Metropolitan Strategy 2005) will be replaced with new criteria to help assess land release options outside the Growth Centres

during the annual land supply assessment. Government will consult stakeholders on the new criteria before they are adopted. The criteria will aim to:

- > maintain the integrity of urban containment;
- > achieve efficient use of land and cost effective development;
- > ensure the continuity of significant rural and resource activities;
- > avoid use of biodiversity rich land and high risk areas; and
- > provide certainty about delivery of dwellings in the short term.

The rezoning and development of the site contributes to the achievement of a number of the Plan's strategic directions and objectives. This is detailed in Appendix 2. Rezoning and Development is also consistent with the current sustainability criteria as summarised in the table in Appendix 3.

#### Draft South West Subregional Strategy

The site is located in the Draft "South West Subregional Strategy." The aim of the Subregional Strategy is to translate the objectives of the NSW Government's Metropolitan Strategy 2005 and State Plan to the local level.

The Draft Strategy remains a draft document and will be superseded/updated by new investigations required as part of the Metropolitan Plan 2036. Notwithstanding this, it remains today the only document that provides any published advice on State Government objectives at a local level.

Of relevance to this proposal, the Subregional Strategy:

- Seeks to ensure adequate supplies of land and sites for residential development and applies the Sustainability Criteria of the Metropolitan Strategy 2005 for new urban development; and
- Seeks to focus residential development around centres, town centres, villages and neighbourhood centres.

In summary, the Strategy seeks increased housing supply in the subregion on well-located sites. The Planning Proposal is consistent with the Strategy as it can contribute to the achievement of all of these goals.

#### 5. Is The Planning Proposal Consistent with The Local Council's Community Strategic Plan, or Other Local Strategic Plan?

Yes. There is one relevant principal Strategic Plan:

- The Camden Residential Strategy 2008.

The Camden Residential Strategy 2008 aims to "guide the form and character of housing in Camden into the future" (p.7). It supersedes the Residential Strategy for Camden, undertaken in 1997. The 2008 Strategy outlines the challenges facing Camden today and in the future and responds to these challenges by identifying a "New Model for Change" and presenting a series of recommendations to implement the approach.

PLANNING PROPOSAL: 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

The proposed rezoning and development of the site advocated in the Urban Design Vision achieves the recommendations of the Strategy and is consistent with The Strategy's intent as illustrated in the table below.

Strategy Recommendation	Comment on Planning Proposal
That Council further promote, in appropriate locations, alternative and affordable housing forms.	The development proposed in the rezoning of the site achieves this recommendation by offering the potential for a range of housing types appropriately located within walking distance of a local centre, open space and public transport. Furthermore, by increasing supply and choice of housing, affordability is assisted via improvements to the housing demand and supply equation.
That Council include within its development control framework appropriate locational criteria for housing redevelopment as outlined in this Strategy.	The proximity of the site to public transport, the Leppington Town Centre and existing and future employment and commercial areas satisfies locational criteria.
That Council consider the inclusion of appropriate adaptable housing controls in the Camden DCP 2006.	Development in the site would comply with the controls in the Camden DCP.
That Council explore appropriate mechanisms for any necessary upgrading of public domain areas adjoining redevelopment sites.	The Urban Design Vision seeks the development of high quality public domain areas and the proponent of the Planning Proposal would support such endeavours.
That Council investigate alternative methods, for the provision of alternative and affordable housing.	As noted above, by increasing supply, the proposed rezoning facilitates affordable housing.
That Council adopt the new model for housing change as outlined in this Strategy, by: <ul style="list-style-type: none"> <li>Supporting housing diversity through a review of planning controls;</li> <li>Supporting a greater distribution of diverse housing in appropriate locations through a review of LEP and DCP controls;</li> <li>Supporting fine-grained planning of existing residential areas, where redevelopment is proposed, by requiring site-specific controls to be developed in accordance with the locational criteria;</li> <li>Supporting improved local character as a result of housing redevelopment, by the development of high quality housing and landscaping controls and the development of appropriate mechanisms for the funding of public domain improvements.</li> </ul>	<p>The Urban Design Vision supports these recommendations through the design approach advocated for master planning and public domain establishment.</p> <p>In particular, the careful placement of open space areas and revegetation of prominent hillsides is intended to preserve and improve the recognised character of Camden along the Camden Valley Way streetscape and from further afield at vantage points that offer views to the ridgeline.</p>
That Council encourage mixed use development, including residential-commercial development, within town centres.	While not providing for vertical mixed use development, the Urban Design Vision seeks a mix of uses by the placing of higher density residential with retail and commercial uses in close proximity (within comfortable walking distance).
That Council encourage a range of housing opportunities for seniors, from independent living in retirement villages through to nursing homes, in appropriate locations.	These housing forms could be accommodated within the development of the site, and are not excluded by the Urban Design Vision.
That Council, when considering any applications for rezoning of land to permit rural residential or large-lot residential development, have regard to the on-going viability of Camden's rural landscapes and economy.	The Urban Design Vision seeks a density of a minimum of 15 dwellings per hectare to satisfy Government Sustainability Criteria. As part of this approach it seeks to preserve the landscape and visual character of the environs of the site, due to its visually prominent location (elevated character and frontage to major arterial roads).



ORD06

Attachment 1

PLANNING PROPOSAL: 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

**6. Is The Planning Proposal Consistent with Applicable State Environmental Planning Policies?**

The following State Environmental Planning Policies are relevant to the planning proposal:

SEPP	Requirement	Planning Proposal	Consistent
No. 19 - Bushland in Urban Areas	The making of LEPs must consider the aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland	The planning proposal is consistent with SEPP 19 by seeking to reserve remnant vegetation, riparian corridors and associated areas of environmental significance.	Yes
No. 55 – Remediation of Land	Introduces state-wide planning controls for the remediation of contaminated land. If the land is unsuitable, remediation must take place before the land is developed. Clause 6 of the SEPP requires consideration of contamination in any change in use that may permit residential use.	The known history of the use of the lands in the site suggests that they have not contained any activities that would have generated any unreasonable contamination that cannot be readily remediated.	Yes
No. 65 – Design Quality of Residential Flat Development (BASIX) 2004	This Policy aims to improve the design quality of residential flat development in New South Wales. Aims to encourage sustainable residential development. SEPP relates to certain kinds of residential development which must be accompanied by a list of commitments by the applicant as to the manner in which development must be carried out.	Detailed compliance with SEPP 65 will be demonstrated at the time of making an application for development should any development trigger consideration of the SEPP. Detailed compliance with BASIX will be demonstrated at the time of making an application for development consent.	Yes
(Exempt and Complying Development Codes) 2008	The Exempt and Complying SEPP applies to the site and permits development of minor environmental significance without the need for development consent. The SEPP lists developments that are exempt development and do not require consent and some developments which are complying development for the purposes of the EP&A Act.	The provisions of the SEPP in permitting developments of minor environmental significance without the need for development consent will be considered in future development of the site.	
(Housing for Seniors or People with a Disability) 2004	The SEPP aims to increase the supply and diversity of residences suitable for seniors or people with a disability while making efficient use of existing infrastructure and services.	Any future applications for seniors' housing projects on the site will be made with consideration of the provisions of the SEPP. Criteria and standards relating to such developments will be addressed in the relevant development application.	
(Affordable Rental Housing) 2009	The SEPP facilitates the delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards. It also facilitates an expanded role for not-for-profit providers of affordable rental housing.	Any future applications for affordable housing projects on the site will be made with consideration of the provisions of the SEPP.	
(Infrastructure) 2007	The relevant matters for consideration include the requirement to address traffic impact and acoustic impact	Detailed compliance with the SEPP will be demonstrated at the time of making an application for development consent. In particular, the impact from noise generated by traffic on Camden Valley Way will be required to be addressed in detailed subdivision and building design.	Yes
Sydney Region Growth Centres 2006	The lands to which the policy applies do not encompass the site. However the neighbouring South West Growth Centre has an influence on the development within the site, which can contribute to the achievement of the SEPP's aims.	The SEPP does not apply to the site. However development within the site can contribute to the SEPP's aim of: “(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity.”	Yes

PLANNING PROPOSAL: 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

**7. Is The Planning Proposal Consistent with Applicable Ministerial Directions (S.117 Directions)?**

The S.117 Directions that are relevant to a Planning Proposal lodged under the LEP Gateway are:

S.117 Direction	Contents	Planning Proposal	Consistent
3.1 Residential Zones	Planning proposals must broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, reduce consumption of land on the fringe, and are of good design.	The Planning Proposal provides a new opportunity for increased housing choice, efficient use of infrastructure and services, reduces consumption of land on the fringe by seeking higher residential densities, and can provide good urban design to improve the locality.	Yes
3.4 Integrating land use and transport	Planning proposals must be consistent with DUAP publications "Improving Transport Choice" and "The Right Place for Business and Services".	The Planning Proposal is consistent with these documents in providing an opportunity for development of a new community in close proximity to the Leppington Town Centre in an area well served by existing infrastructure, transport and services.	Yes
4.1 Acid Sulphate Soils	The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulphate Soil Risk Maps prepared by the Department of Natural Resources.	The elevated character of the site and its landform is such that it is considered that there will be a low probability of the presence of acid sulphate soils.  Detailed investigation will be undertaken at the time of making an application for development consent.	Yes
4.3 Flood Prone Land	LEP provisions to ensure that development on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Only a minor part of the site in the creek corridor is understood to be flood affected. Development is located away from this area and would have no impact on hydrological regimes.	Yes
4.4 Planning for Bushfire Protection	The objectives of this direction are to protect from bush fire hazards, by discouraging the Establishment of incompatible land uses in bush fire prone areas, and encourage sound management of bush fire prone areas.	The configuration of land uses, roads and access in the Urban Design Vision considers bushfire hazard and protection from bushfire events.	Yes
6.2 Reserving Land for Public Purposes	Planning proposals (where relevant) are to facilitate the provision of public services and facilities by reserving land for public purposes.	The Proposal does not reduce the area of land reserved for public purposes. Rather, it improves the use of and access to this land adjoining and within the site.	Yes
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The proposed LEP zoning, height and FSR standards are not considered to be particularly restrictive and therefore are consistent with this Direction.	Yes
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	The Planning Proposal is considered to be consistent with the Plan as described in Part 3B above.	Yes

## Section C – Environmental, social and economic impact

8. Is There any Likelihood That Critical Habitat or Threatened Species, Populations or Ecological Communities, or Their Habitats, Will Be Adversely Affected as a Result of The Proposal?

Ecological investigation confirms the presence of Cumberland Plain Woodland on site in the north east corner. Given the modified character of the remainder of the site, and the proposal to preserve and protect the vegetation that has been identified by consultants as having environmental value, it is considered that there is no critical habitat, and no threatened species, populations or ecological communities or their habitats on the lands that will be adversely affected as a result of the proposal.

9. Are There any Other Likely Environmental Effects as a Result of The Planning Proposal and How are They Proposed to be Managed?

The proposed development of the precinct in accordance with the Vision will require consideration of the following potential environmental impacts:

- noise;
- Access, traffic and parking;
- Visual;
- built character;
- streetscape and public domain;
- Safety and security; and
- Environmental protection.

The Vision contained in the document that accompanies the proposal considers that all potential impacts are minor and manageable. In particular:

- Noise: subdivision and building design will ensure that the noise standards for internal rooms are achieved, particularly for dwellings adjoining Camden Valley Way;
- Access, Traffic and Parking: Access to the site will be achieved via upgraded intersections to Camden Valley Way and Raby Road already identified and/or agreed. These roads are planned to be upgraded as part of the development of the Growth Centre and the additional traffic generated by the increase in housing in the site is considered to be negligible and manageable;
- Visual: The layout of roadways within the site will celebrate and promote local landmarks, recreation and amenity features and elevated land. These considerations will contribute to a development with high visual quality. Where land is elevated along the ridgeline a woodland corridor is proposed in order to retain a green treed canopy along the edge of both the site (for internal local views) and South Creek Valley (for more distant views);
- Built Character: Building guidelines to be incorporated within a site specific part of Camden DCP 2010 will provide the mechanism to promote buildings with architectural character;

- Streetscape and Public Domain: Attention to streetscape public domain works (trees, noise attenuation measures, relationship to open space design and siting etc.), particularly along Camden Valley Way to address noise, and internally to promote a high level of neighbourhood amenity, will reinforce the visual contribution of the site to the character of the Camden LGA;
- Safety and Security: Subdivision and building design (guided in the site specific DCP) will adopt the principles of Crime Prevention Through Environmental Design (CPTED), particularly with regard to the layout and design of roads, parks and other public domain areas, as well as the non-residential buildings within the local neighbourhood centre; and
- Environmental Protection: All areas with recognised environmental value (existing woodland areas and riparian corridors) are proposed to be protected and kept free from development. Protection will comprise a mix of measures already adopted and used in the Growth Centre including physical rehabilitation and improvement of key areas and preservation by the application of appropriate zones and subdivision controls.

A thorough assessment of the environmental impacts will be undertaken in accordance with S.97C of the Environmental Planning and Assessment Act following lodgement of the development applications for subdivisions and development, should the proposal be supported and published.

#### 10. How Has The Planning Proposal Adequately Addressed any Social and Economic Effects?

A successful planning proposal will:

- Satisfy demand for increased housing supply and housing choice in Metropolitan Sydney (and resulting construction multiplier effects) providing positive social and economic benefits;
- Facilitate the integration of land use and transport satisfying sustainability criteria; and
- Facilitate monetary contributions and works in kind public benefits achieved through a Voluntary Planning Agreement, thus providing positive social and economic benefits.

In accordance with recognised planning strategies, the proposal will provide convenient access to public transport and encourage walking and cycling. It will, thereby, reduce dependence on private vehicles, provide opportunities for healthy lifestyles and enhance and provide improved access by the community to public open space and recreation facilities in the Camden LGA.

#### Section D – State and Commonwealth interests

##### 11. Is There Adequate Public Infrastructure for the Planning Proposal?

Public Infrastructure encompasses:

- Public transport;
- Civil Infrastructure (sewer, stormwater, power, potable water, gas);
- Emergency Services; and
- Road Access.

**Public Transport**

Currently existing services are underutilised and level of service reflects the low patronage. However, as the South West Growth Centre progresses, particularly the neighbouring suburbs of Oran Park and Gregory Hills (and their respective employment centres) in the short term, and the Leppington Town Centre and Railway Station to the north in the longer term, public transport networks servicing the Camden LGA will improve to meet the new demands placed upon them by new residents and activities. In this context development of the site can capitalise on (and assist justification in) Government investment in improvements in transport infrastructure.

**Civil Infrastructure**

All civil infrastructure networks can serve the site. This is discussed in detail in the Vision Document that accompanies the proposal. The proposed development within the site can connect to these networks. Augmentation of services will require resolution via discussion with relevant agencies and corporations.

**Emergency Services**

Existing fire and police emergency services are located in Narellan and can effectively service the site.

**Road Access**

The site is bound on all three sides by roads and the upgrading of Camden Valley Way is to commence in the near future. Amendments and improvements to the existing and approved intersections to accommodate the increased volumes of traffic accessing and egressing the site are expected. This will require liaison with, and concurrence of, the RTA.

**12. What are The Views of State and Commonwealth Public Authorities Consulted in Accordance with The Gateway Determination?**

As part of the Gateway rezoning process Council will consult with a range of government agencies that are relevant. No consultation with Commonwealth authorities has been undertaken to date on the Planning Proposal.

**Part 4 – Community Consultation**

The rezoning will be the subject of reporting to Council and endorsement by Council for exhibition in accordance with the Act and Regulation.

PLANNING PROPOSAL 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

## Appendix 1:

## Achievement of State Plan 2021 Goals and Strategies

Strategy and Goal	Contribution to Achievement	Comment
<b>Rebuild the Economy</b>		
1. Improve the performance of the NSW economy	Yes	Rezoning in accordance with this planning proposal will be the catalyst for significant investment by the private sector in development and construction. Construction that responds to the rezoning of the site will provide access to increased locally based employment and potential 'on-the-job' and apprenticeship training opportunities. Furthermore, there will be enhanced investment and economic benefits achieved by the multiplier effects of the injection of wages into the economy and the increased business confidence and certainty that may emerge in undertaking investment in South West Sydney and the Camden LGA.
2. Rebuild state finances		
3. Drive economic growth in regional NSW		
4. Increase the competitiveness of doing business in NSW		
5. Place downward pressure on the cost of living		
6. Strengthen the NSW skill base		
<b>Quality services</b>		
7. Reduce travel times	Yes	Due to the close proximity of the Leppington Town Centre, and siting of higher density residential environments adjoining a proposed local centre within the site, trip generation and travel times for access to local and wider services will be reduced. The attractiveness and viability of public transport that serves the Leppington Centre for local trips due to the diminished need to commute out of the area to gain access to services and employment will also be enhanced.
8. Grow patronage on public transport by making it a more attractive choice		
9. Improve customer experience with transport services		
10. Improve road safety		
11. Keep people healthy and out of hospital	Yes	Rezoning of the site provides greater opportunities for active, healthy lifestyles by the promotion of healthy planning principles in urban design.
12. Provide world class clinical services with timely access and effective infrastructure	n/a	
13. Better protect the most vulnerable members of our community and break the cycle of disadvantage		
14. Increase opportunities for people with a disability by providing supports that meet their individual needs and realise their potential	n/a	
15. Improve education and learning outcomes for all students		No impact.
16. Prevent and reduce the level of crime	Yes	Contemporary urban design will incorporate 'Crime Prevention Through Environmental Design' (CPTED) design principles offering improved performance in reducing the propensity for crime.
17. Prevent and reduce the level of re-offending		
18. Improve community confidence in the justice system		No impact.
<b>Renovate infrastructure</b>		
19. Invest in critical infrastructure	Yes	Development undertaken in response to the rezoning in this planning proposal will: <ul style="list-style-type: none"> <li>Result in more efficient use of existing infrastructure; and</li> <li>Justify and support Government investment in road and public transport infrastructure, and other costs to investments to support planned urban growth in the Camden LGA and South West Growth Centre.</li> </ul>
20. Build liveable centres	Yes	Increased patronage in the catchment of the Leppington Town



ORD06

Attachment 1

PLANNING PROPOSAL: 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

Strategy and Goal	Contribution to Achievement	Comment
		Centre will encourage a wide range of conveniently accessible, locally based services, reducing travel times, enhancing personal and household quality of life and improving the functionality and attractiveness of urban areas.
21. Secure potable water supplies	Yes	Contemporary development will incorporate water saving and other 'green building' measures.
<b>Strengthen our Local Environment and Communities</b>		
22. Protect our natural environment	Yes	Contemporary urban design will incorporate measures that seek to protect areas with recognised environmental value.
23. Increase opportunities for people to look after Their own neighbourhoods and environments	Yes	Development undertaken in response to the rezoning in this planning proposal will provide greater opportunities for social interaction and community pride by providing a range of local meeting places focused on open space and local neighbourhood centre.
24. Make it easier for people to be involved in their communities		
25. Increase opportunities for seniors in NSW to fully participate in community life		
26. Fostering opportunity and partnership with Aboriginal people		Will not hinder achievement of goal.
27. Enhance cultural, creative, sporting and recreation opportunities	Yes	Development undertaken in response to the rezoning in this planning proposal will provide greater opportunities for social interaction and community pride by provision of a range of passive recreation opportunities.
28. Ensure NSW is ready to deal with major emergencies or natural disasters		Will not hinder achievement of goal.
<b>Restore Accountability to Government</b>		
29. Restore confidence and integrity in the planning system	Yes	The Gateway Rezoning Process is a transparent and accountable process. Emerald Hills Estate has been liaising with both Camden Council and the NSW State Government prior to the lodgement of the proposal.
30. Restore trust in State and Local Government as a service provider		
31. Improve government transparency by increasing access to Government information		
32. Involve the community in decision-making on Government policy, services and projects	Yes	The rezoning proposal, should it receive preliminary support by Council and the State Government will be placed on public exhibition for community comment prior to any decision being. Community comments will be considered in the assessment of the rezoning proposal.

Appendix 2:  
Achievement of Metropolitan Plan 2036 Strategic Directions,  
Objectives and Actions

Strategic Directions, Objectives and Relevant Actions	Contribution to Achievement	Comment
<b>C: Transport for a Connected City</b>		
Objective C2: To Build on Sydney's strengths by further integrating transport and land use planning and decision-making to support increased public transport mode share.	Yes	The density of development proposed, coupled with the proximity of the Leppington Town Centre (3.2 km from the site) will enhance the attractiveness and viability of public transport that serves the centre for local trips.
<b>D: Housing Sydney's Population</b>		
Objective D1: To ensure an adequate supply of land and sites for residential development.	Yes	The dwelling target for the South West Subregion is 155,000 dwellings, of which only 83,000 are identified within the South West Growth Centre. The development of the site will provide an additional well located opportunity to assist in the achievement of the target.
Objective D3: To improve housing affordability.	Yes	The proposal meets this objective by providing for the development of lands for new housing, therefore increasing supply and providing the mechanism for improved affordability by reducing the scarcity of land and providing greater competition between land and housing developers that provides greater potential to lower prices or restrain price increases.
<b>E: Growing Sydney's Economy</b>		
Objective E4: To provide for a broad range of local employment types in dispersed locations.		The construction sector is a major provider of jobs. Development will provide employment opportunities in the housing and construction industries in South West Sydney. The local neighbourhood centre will also provide jobs in the retail sector.
<b>F: Balancing Land Use on the City Fringe</b>		
Objective F1: To contain Sydney's urban footprint.	Yes	The proposal essentially represents an infill rezoning opportunity of a well serviced site adjoining lands identified for future urban development and a new rail based town centre. It will not result in any outward expansion of the urban footprint.
Objective F2: To maintain and protect agricultural activities and resource lands.	Yes	The land is an unconnected pocket of rural zoned land distant from other larger rural areas. As the South West Growth Centre develops its isolation will magnify. The land has no known resource value.
<b>G: Tackling Climate Change and Protecting Sydney's Natural Environment</b>		
Objective G1: To reduce Sydney's greenhouse gas emissions.	Yes	Rezoning improves the viability of public transport as a convenient alternative to car use, reducing trip generation and private car's contribution to greenhouse gas production.
Objective G6: To protect Sydney's unique diversity of plants and animals.	Yes	Areas with recognised environmental value (riparian zones and Cumberland Plain Woodland areas) within the site will be protected and enhanced by the proposed appropriate application of environmental conservation zones
<b>H: Achieving Equity, Liveability and Social Inclusion</b>		
Objective H3: To provide healthy, safe and inclusive places based on active transport.		Rezoning of the site provides greater opportunities for active, healthy lifestyles by the promotion of greater use of public transport and walking due to an improved concentration of homes and locally based range of services.



ORD06

Attachment 1

PLANNING PROPOSAL 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

### Appendix 3: Achievement of Metropolitan Plan Sustainability Criteria

Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
1 Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.	<ul style="list-style-type: none"> <li>Development is consistent with any relevant residential development strategy, subregional strategy, regional infrastructure plan and Metropolitan Strategy.</li> <li>The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution.</li> <li>Preparedness to enter into development agreement.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal will provide 1,200 dwellings and jobs in construction, services and the local centre that will support the housing and employment targets of the Sydney Metropolitan Strategy.</li> <li>It will also promote intensification around centres, by locating a new community close to the Leppington Town Centre and Railway Station, thus integrating land use and transport generally.</li> <li>Only minor augmentation of existing infrastructure services will be required, which will be cost effective and economically feasible.</li> <li>The Proponent is prepared to enter into a Voluntary Planning Agreement to deliver agreed public benefits and works.</li> </ul>
2 Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.	<ul style="list-style-type: none"> <li>Accessibility of the area by public transport and appropriate road access in terms of:               <ul style="list-style-type: none"> <li>Location/land use; to existing networks and related activity centres.</li> <li>Network: the areas potential to be serviced by economically efficient public transport services.</li> <li>Catchment: the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.</li> </ul> </li> <li>No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</li> </ul>	<ul style="list-style-type: none"> <li>The development site is located 3.2 kilometres from the new Leppington Railway Station, which will offer regular services to Parramatta and Central Sydney.</li> <li>Bus services will be re-oriented towards the public transport interchange adjacent to the station when it commences operation in 2016 enabling bus access to surrounding suburbs and centres.</li> <li>Comprehensive pedestrian access is provided across the site to link homes with the local centre, bus routes on roads adjoining the site (as well as any that may be located within the site) and the Leppington and Narellan town centres.</li> <li>The location of the site adjacent to public transport services will support the viability of such services.</li> <li>Development within the site will contribute to the new centre at Leppington, thereby supporting the viability of public transport services within that centre.</li> </ul>
3 Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	<ul style="list-style-type: none"> <li>Contributes to the geographic market spread of housing supply, including any government targets established for aged, disabled or affordable housing.</li> </ul>	<ul style="list-style-type: none"> <li>As noted above, the proposal will contribute towards the achievement of Sydney Metropolitan housing targets,</li> <li>Increase the variety of housing types available in the Camden LGA and South West Sydney generally and facilitate the increase the supply of affordable housing.</li> </ul>
4 Employment Lands Provide regional/local employment opportunities to support Sydney's role in the global economy.	<ul style="list-style-type: none"> <li>Maintain or improve the existing level of subregional employment self-containment.</li> <li>Meets subregional employment capacity targets:               <ul style="list-style-type: none"> <li>Employment related land is provided in appropriately zoned areas.</li> </ul> </li> </ul>	<p>As noted above, the proposal will provide 1,200 dwellings and an 8 hectare local centre. Activity will provide associated jobs in construction, services and the local centre that will support the employment targets of the Sydney Metropolitan Strategy.</p>
5 Avoidance of Risk Land use conflicts, and	<ul style="list-style-type: none"> <li>Available safe evacuation route</li> </ul>	<ul style="list-style-type: none"> <li>Land on the majority of the site is not bushfire prone and the</li> </ul>

Table G2 Threshold Sustainability Criteria for Listing of Site on MDP	Measurable Explanation of Criteria	Comment
risk to human health and life, avoided.	<p>(Flood and Bushfire).</p> <ul style="list-style-type: none"> <li>No residential development within 1:100 floodplain.</li> <li>Avoidance of physically constrained land: high slope; highly erodible.</li> <li>Avoidance of land use conflicts with adjacent, existing or future land use and rural activities as planned under regional strategy.</li> </ul>	<ul style="list-style-type: none"> <li>connected pattern of roads advocated in the urban design concept will offer choice and safety in evacuation routes.</li> <li>A small part of the site in the South West corner where the creek meets Camden Valley Way is understood to be subject to minor flooding.</li> <li>The proposal will not cause significant flood impacts on other properties.</li> <li>The urban design vision does not advocate development on land that is constrained by slope.</li> <li>Residential uses along Camden Valley Way and Raby Road will incorporate building layouts and construction details to enable sufficient mitigation for noise impacts on the site and that the relevant noise criteria can be achieved.</li> <li>Any noise walls required along roads will be designed and obscured by landscape treatment to minimise visual impact.</li> </ul>
6 Natural Resources Natural resource limits not exceeded/ environmental footprint minimised.	<ul style="list-style-type: none"> <li>Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and on environmental flows.</li> <li>Demonstrates most efficient/suitable use of land. <ul style="list-style-type: none"> <li>Avoids identified significant agricultural land.</li> <li>Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining, and quarrying.</li> </ul> </li> <li>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.</li> </ul>	<ul style="list-style-type: none"> <li>Preliminary investigations provided by Lean Lackenby and Heyward consultants confirm that the site can be viably serviced as: <ul style="list-style-type: none"> <li>Potable water is available on all road frontages of the site and a water main currently passes through the site linking the reservoir at the Ingleburn Dam with the elevated water reservoir in Catherine Field;</li> <li>There are a number of scenario options to available to provide a sewerage service to the site. A feasible scenario comprises draining the site into the south west corner from where it is transported by rising main along Raby Road to connect with Sydney Water's trunk main at Kearns; and</li> <li>The presence of the transmission lines enable a cost effective connection to. A zone substation will be required within proximity of, or possibly within, the site.</li> </ul> </li> <li>Dwellings on the site will be constructed in accordance with BASIX requirements for the reduction of the consumption of energy and water.</li> <li>The proposal involves the development of presently underutilised land for the provision of housing and retail space. The site is suitable for development being close to existing community services and public transport.</li> <li>The site adjoins future urban land and will not be impacted by agricultural activity.</li> <li>An efficient use of land will be affected through the provision of medium density residential development on the site.</li> <li>Development will not result in adverse impacts to agricultural land or natural resources.</li> </ul>
7 Environmental Protection Protect and enhance biodiversity, air quality, heritage, and waterway health.	<ul style="list-style-type: none"> <li>Consistent with Government approved Regional Conservation Plan (if available).</li> <li>Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats.</li> <li>Maintain or improve existing environmental condition for air</li> </ul>	<ul style="list-style-type: none"> <li>Areas of Cumberland Plain Woodland (CPW) on the site are consistent with the listing of CPW as a Critically Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995). The most intact areas will be retained on the site.</li> <li>Targeted planting of appropriate species will be undertaken so as to improve their ecological condition.</li> <li>The proposal will comply with any relevant statutory requirements for water quality.</li> </ul>

ORD06

Attachment 1

PLANNING PROPOSAL 1100 – 1150 CAMDEN VALLEY WAY, LEPPINGTON

Table G2 Sustainability Criteria for Listing of Site on MDP	Threshold Criteria	Measurable Explanation of Criteria	Comment
		quality. • Maintain or improve existing environmental condition for water quality and quantity. > Consistent with community water quality objectives for recreational water use and river health (DEC and CMA). > Consistent with catchment and stormwater management planning (CMA and local council). • Protects areas of Aboriginal cultural heritage value (as agreed by DEC).	
8 Quality and Equity in Services	Quality health, education, legal, recreational, cultural and community development and other government services are accessible.	• Available and accessible services. > Do adequate services exist? > Are they at capacity or is some available? > Has Government planned and budgeted to further service provision? • Developer funding for required service upgrade/access is available.	• The site can be serviced with electricity, gas, water, telecommunications and electricity, subject to further consultation with utilities providers and any required upgrades.



## ORDINARY COUNCIL

ORD07

ORD07

**SUBJECT:** REVIEW OF CAMDEN DCP 2011  
**FROM:** Director Governance  
**BINDER:** Camden Development Control Plan

---

### PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to place the proposed 'housekeeping' amendments to Camden Development Control Plan (DCP 2011) on public exhibition.

### BACKGROUND

The Camden DCP 2011 was adopted by Council on the 8 February 2011 and came into force on 16 February 2011. This DCP superseded all previous DCP's in force, and in conjunction with Camden LEP 2010, forms part of the primary planning package for regulating development within the LGA, excluding the Growth Centre precincts.

Staff have undertaken a review of DCP 2011 to ensure that information contained in the controls was a reflection of legislative requirements. In addition, a number of key issues were reviewed which related specifically to the following:

- Car parking rates and requirements;
- Dwellings in the R5 zones;
- Outbuilding controls;
- Minor mapping anomalies; and
- Grammatical amendments.

Draft amendments to the DCP have been formulated as a result of the above issues. These comments have been tabulated and are provided as **Attachment 1 to this report**.

Due to its size, Camden DCP 2011 has not been provided as an attachment to this report. A copy of Camden DCP 2011 is available on Council's website: [http://www.camden.nsw.gov.au/page/camden\\_dcp\\_2011\\_current.html](http://www.camden.nsw.gov.au/page/camden_dcp_2011_current.html)

### MAIN REPORT

The DCP 2011 Review was primarily of a "housekeeping" nature. Input was sought from across the organisation and the following is a summary of key changes to the DCP as a result of the review:

#### **Amendment to car parking rates and requirements**

Camden LGA is undergoing a significant period of growth and the existing car parking rates and requirements are not reflective of this current strategic direction. Subsequently, Chapter *B5 Access and Parking* underwent a thorough review and a new set of objectives, rates and requirements were produced that respond to the changing dynamics of the LGA. The updated information has been sourced from the *Guide to Traffic Generating Developments Version 2.2*, NSW Roads & Traffic Authority

(now the Roads and Maritime Services), October 2002, and has been linked to the definitions within Camden LEP 2010. This has produced controls that are robust and well justified.

The key changes include:

- Introduction of bicycle and motorbike parking requirements;
- Residential parking requirements related to number of bedrooms rather than lot sizes;
- Provision for merit based assessments of parking requirements for shopping centres;
- Parking requirements for markets now linked to number of stalls rather than floor area;
- Parking requirements for take away food and drink premises comprehensively reviewed, with new requirements that cater for whether the development includes on-site seating and/or drive through facilities;
- Increase in the number of parking spaces required for schools

An in depth review of this chapter and proposed controls are provided as **Attachment 2 to this report**.

### **Dwellings in the R5 Zones**

DCP 2011 previously did not include setback controls for dwellings in R5 Large Lot Residential zones. These are required to ensure that the development and management of the large lot residential land has regard for the environmental constraints of the land to which the R5 zoning applies.

Subsequently, a sub-section titled *D2.1.10 Dwellings in R5 Zones* is proposed to be included in the DCP, which establishes a set of objectives, principles and controls that guide the design of residential development in these areas. It serves to provide housing in a large lot residential setting whilst preserving and minimising impacts on environmentally sensitive locations and scenic quality.

A copy of the controls for dwellings in the R5 Zone is provided as **Attachment 3 to this report**.

### **Outbuilding controls**

DCP 2011 includes controls for outbuildings in the residential R1 to R5 zones inclusive. However, these controls require further amendments to ensure that outbuildings in residential zones are appropriately sited and designed, as well as minimise potential impacts on adjoining properties, the streetscape and character of the locality.

Subsequently, amendments to *D2.1.11 Outbuildings* are proposed. A copy the draft controls are provided as **Attachment 4 to this report**.

## Other minor amendments

Minor amendments have been drafted to rectify grammatical and spelling errors. These allow for clarification of the intent of the control. Minor amendments have also been proposed to rectify mapping inconsistencies with the removal of incorrect or outdated terminology.

The formatting of the document has also changed. This specifically applies to page numbering and renumbering of some chapters.

## Other issues considered by staff however not included in this amendment

A number of other issues were considered as part of the “housekeeping” review, but not included in the draft amendment.

### *1. Rainwater tanks in industrial and commercial developments*

The issue of requiring the provision of rainwater tanks in industrial and commercial developments was assessed. In particular, options for on-site detention and water re-use were considered. However, in industrial areas it is often difficult to find space within the site to accommodate an above ground rainwater tank, and installation of below ground tanks can be prohibitively expensive. It was determined that there is little benefit in requiring mandatory on-site detention of water due to the infrastructure costs and topographical/landscape constraints common to industrial and commercial developments. The opportunities for water re-use are also fairly limited on industrial sites. As a result, it is considered difficult to prepare a development control for mandatory rainwater tanks suitable for all or most industrial and/or commercial developments throughout the LGA. Subsequently, it is recommended that no new controls be included in the DCP.

Council has provided its assessment on the appropriateness of rainwater tanks in industrial and commercial developments in a Councillor Memorandum and this is provided as **Attachment 5 to this report**.

### *2. Council Engineering Specifications*

Council staff are currently undertaking a review of the current engineering controls as outlined in Council’s Engineering Specifications and how it relates to the DCP. This is yet to be finalised. As such, no action is required as part of this DCP 2011 “housekeeping” review and will be addressed at a later date.

### *3. Coal Seam Gas Wells*

Based on current practice, it is not appropriate to include controls for Coal Seam Gas Wells into the DCP as Legislation applies to this type of development and requires each of the current well locations to be determined using current zone boundaries. As such, any subdivision or residential development will need to undergo a hazard assessment, which would include consultation with both the Office of Environment and Heritage and AGL.

### *4. Water Sensitive Urban Design*

Council staff are currently undertaking a review and documentation of Water Sensitive Urban Design approach and controls, including the associated maintenance costs (current and future). Whilst it is agreed changes to Water

Sensitive Urban Design controls will be required, this will be completed once Council staff have finalised future costing. As such, no action is required as part of this DCP 2011 “housekeeping” review and will be addressed at a later date.

#### 5. *Slow combustion heaters and open fireplaces*

Council, at its meeting of 31 January 2012, raised the issue of the intent to only permit the installation of EPA approved slow combustion heaters and open fireplaces in residential premises within the next DCP amendment. It is considered that this issue falls outside the scope of “housekeeping” as it involves in depth research and reporting from a number of Council teams. In this regard, this issue will be addressed as a stand alone report to Council in the near future.

### **Exhibition**

Should Council resolve to support the proposed amendments to the DCP, these will be publicly exhibited for a period of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000*. A notification will be placed in the local newspaper with the exhibition material made available at:

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

At the conclusion of the consultation period, a report will be submitted back to Council detailing the submissions received.

### **CONCLUSION**

This review of DCP 2011 seeks to amend the document in the pursuit of creating a robust DCP. This will ensure Camden wide development is a true reflection of the intent of legislative requirements, current Australian Standards and the *Building Code of Australia* provisions. The DCP 2011 will continue to be in an accessible and easy to read format for the user, both in hard copy and on the web.

### **RECOMMENDED**

**That:**

- Council publicly exhibit the Draft amended Camden Development Control Plan 2011 for an period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Regulations 2000*;**
- a further report be prepared and submitted to Council to allow consideration of submissions received during the exhibition period; and**
- a further report be prepared and submitted to Council in the near future detailing the permissibility of slow combustion heaters and open fireplaces.**

### **ATTACHMENTS**





- 
1. Summary of amendmenets
  2. revised car parking requirements
  3. Revised R5 Dwelling Controls
  4. Revised Outbuilding Controls
  5. Councillor Memo - Rainwater Tanks

**ORD07**

## Attachment 1

ORD07

## Schedule of Council staff comments to exhibition of Camden DCP 2011

No.	Items Proposed	Action/Comment
A2.3	Amend Control (b): include "Nominated" in front of the word "integrated" in the first sentence	Amended.
A2.6	Amend Control 1: reference for SEPP 65 amended to SEPP 55.	Amended to ensure correct reference.
A2.19	Needs to be changed as not every objection is mediated or conditioned. Therefore more applications need to go to council. A review of this chapter in conjunction with our delegations to approve needs to be made.	No further action required. Will be addressed at a later date.
B	Amend Control 3: include "or zoned" after "that is considered"	Amended to give better meaning
B1.4	Insert additional objective at 2 and renumber: 2. Ensure appropriate measures are implemented to manage maintenance requirements"	Inserted to recognise Council's maintenance responsibilities
B1.5	Controls for Street Trees require further amendments, however this is still in the process of discussion with Traffic and Transport.	No further action required. Will be addressed at a later date.
B1.17	Amend Control 4: replace "prohibited" with "not encouraged".	Amended to ensure appropriate meaning
B1.8	Amend Control 2 to read: "The imposition of a trial period will enable Council to assess the actual impact of the proposed development on surrounding land uses once the proposed development is operational"	Amended to ensure appropriate meaning
B1.2	Item 14 amended to ensure the use of excavated natural material (ENM) is also permitted: - "Use of Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) All land forming operations should involve the use of clean fill (also known as Virgin Excavated Natural Material or Excavated Natural Material). The VENM/ENM must also meet the same salinity characteristics of the receiving land. Council may consider alternatives to VENM/ENM on merit".	Amended to ensure the use of excavated natural material is also considered.
B1.2	DCP needs to be changed to be similar to our previous controls in DCP 2006 for cut and fill, where to use DEB and fill level. Some comments include: <ul style="list-style-type: none"> <li>Clarification on the amount of cut and fill permitted (i.e. 1 metre cut and 1 metre fill, or combined 1 metre cut and fill being 500mm cut and 500mm fill.</li> <li>Retaining walls and requirement for easements.</li> <li>Fill levels within 2m of boundary.</li> <li>Parallel filling needs to be prevented.</li> <li>Fill extent from the walls of a house on sloping sites.</li> <li>Engineering certification for walls &gt; 600mm.</li> <li>Distance of retaining walls to boundaries.</li> </ul> We need an overall review of this section of the DCP.	Amended to include controls from DCP 2006 for cut and fill requirements to address comments and issues raised.
B3	Amend Table B3 Heritage Places: include "and" after "Heritage Conservation Areas"	Amended. Typo

	<ul style="list-style-type: none"> <li>- Heritage Conservation Area: change the last sentence to read "These further amplify the General Heritage Provisions outlined in this chapter"</li> <li>- Potential Heritage Items – Built Environment: include "listed" after "Further investigation of heritage significance is required to be carried out on each"</li> <li>- Potential Heritage Items – Cultural and Visual Landscapes: include "and" before "views and vistas in the Camden LGA"</li> <li>- Potential Heritage Items – European Archaeological Sites: include "OE&amp;H" after "NSW Heritage Branch"</li> <li>- Aboriginal Heritage: remove reference to the Department of Climate Change and Water and change to Office of Environment and Heritage.</li> </ul> <p>Heritage Significance</p> <ul style="list-style-type: none"> <li>- Amend 1<sup>st</sup> paragraph from "NSW Government's Heritage Branch" to "The Heritage Branch of the NSW Office of Environment and Heritage"</li> </ul> <p>Conservation Incentive – Fee Concessions</p> <ul style="list-style-type: none"> <li>- Point 1. Delete "and potential heritage items (built environment)"</li> <li>- Point 2. Change DA to "development application"</li> </ul> <p>Heritage Impact Statement</p> <ul style="list-style-type: none"> <li>- Include "the" after "when a development application is required and"</li> <li>- Change reference in the "Cultural and Visual Landscape" from B10 to B9.</li> <li>- Add "in this case," in front of "The Statement of Environmental effects"</li> <li>- Include "be prepared in accordance with publications from the Heritage Branch, Office of Environment and Heritage and" in front of "be carried out in consultation with Council"</li> </ul>	<p>Amended. Typo.</p> <p>Amended. Typo.</p> <p>Amended. Typo.</p> <p>Amended. Typo.</p> <p>Amended. Correct reference required.</p> <p>Amended. Correct Reference required.</p> <p>Amended. Typo.</p> <p>Amended. Typo.</p> <p>Amended. Typo.</p> <p>Amended as gives better meaning.</p> <p>Amended as gives better meaning.</p>
B3.1.1	<p>Amendments to Objective Numbers:</p> <ul style="list-style-type: none"> <li>2. Include "and conserve" after "Retain"</li> <li>4. Include "and conserve" after "Retain"</li> <li>7. Include "or" before "protects sites of archaeological significance"</li> <li>13. Put brackets around "including landscape and special qualities"</li> <li>18. Replace "compromise" with "deduct from"</li> </ul> <p>Amendments to Control Numbers:</p> <ul style="list-style-type: none"> <li>11. Replace "align with" with "recognise"</li> <li>15. Remove "over garages" and "at" before "a pitch that reflects surrounding existing development"</li> <li>16. Include "small roof form" after "The existing"</li> <li>17. Remove</li> </ul>	<p>Amended all noted items as it gives better meaning to the objectives.</p> <p>Amended all noted items as it gives better meaning to the controls. As per above As per above</p>

## Attachment 1

## ORD07

	<p>20. Include "removed," after "are not to be"</p> <p>27. Include "significant" after "Reconstruction or restoration of missing"</p> <p>31. Delete "generally" after "unfinished must"</p> <p>42. Replace "acceptable" with "appropriate"</p> <p>43. Remove "All car parking is to be provided generally behind the front building line or incorporated in the front garden"</p> <p>50. Replace "should" with "must" and include "before work is carried out" at the end of the paragraph</p> <p>51. Delete "(or similar)" and replace with "or those that will not have a adverse impact on the heritage significance"</p> <p>Move controls 13, 14 and 15 to be after control 19 and renumber</p>	<p>As per above</p> <p>As per above</p> <p>As per above</p> <p>As per above</p> <p>Amended for formatting reasons.</p>
B3.1.2	<p>Camden Heritage Conservation Area:</p> <ul style="list-style-type: none"> <li>- include "front verandahs" after "on narrow lots located close to the street, with"</li> </ul>	<p>Amended to give better meaning.</p>
B3.1.3	<p>Amendments to Objective Numbers:</p> <ol style="list-style-type: none"> <li>1. Include "significant fabric" after "Retain" and delete "of that historical development"</li> <li>3. Include "small" before "scale of development"</li> </ol> <p>Amendments to Control Numbers:</p> <ol style="list-style-type: none"> <li>4. Delete plural for demolitions</li> </ol> <p>Background:</p> <ul style="list-style-type: none"> <li>- Amend all references to "church" as "Church"</li> </ul> <p>Amendments to Objectives:</p> <ol style="list-style-type: none"> <li>1. Amend all references to "church" as "Church"</li> </ol> <p>Amendments to Controls:</p> <ol style="list-style-type: none"> <li>1. Amend all references to "church" as "Church"</li> <li>2. Amend reference to figure B9 to B10</li> <li>5. Amend all references to "church" as "Church"</li> </ol>	<p>Amended to give better meaning.</p> <p>Amended to give better meaning</p> <p>Amended. Typo.</p>
B3.1.4	<p>Background:</p> <ul style="list-style-type: none"> <li>- Amend all references to "church" as "Church"</li> </ul> <p>Amendments to Objectives:</p> <ol style="list-style-type: none"> <li>1. Amend all references to "church" as "Church"</li> </ol> <p>Amendments to Controls:</p> <ol style="list-style-type: none"> <li>1. Amend all references to "church" as "Church"</li> <li>2. Amend reference to figure B9 to B10</li> <li>5. Amend all references to "church" as "Church"</li> </ol>	<p>Amended. Typo.</p> <p>Amended. Typo.</p> <p>Amended. Typo.</p> <p>Amended. Typo.</p>
B3.1.5	Delete Control 4	Amended as repeated previous controls.
B3.1.6	Amend e) Section C6.1 – Eclerslie Release Area to Section C6.	Amended. Typo.
B3.2	<p>Add after 1<sup>st</sup> paragraph:</p> <ul style="list-style-type: none"> <li>- "Aboriginal Heritage must be considered in all sites being developed or subject of a planning proposal (rezoning)"</li> </ul> <p>Correct reference of NSW Department of Environmental, Climate Change and Water (DECCW) to NSW Office of Environment and Heritage (OEH)</p> <p>Add sentence at end of 3<sup>rd</sup> paragraph:</p> <ul style="list-style-type: none"> <li>- "This includes all Aboriginal items identified in the various Aboriginal Heritage studies prepared as part of</li> </ul>	<p>Amended.</p> <p>Amended. Correct reference required.</p> <p>Amended. Ensures Aboriginal</p>

	<p>residential land releases"</p> <p>Amend Further Information references:</p> <ul style="list-style-type: none"> <li>- On applying for an AHP: Guide for Applicants: <a href="http://www.environment.nsw.gov.au/licenses/applyforaahp.htm">http://www.environment.nsw.gov.au/licenses/applyforaahp.htm</a></li> <li>- On a guide to investigating, assessing and reporting on Aboriginal Heritage in NSW: <a href="http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf">http://www.environment.nsw.gov.au/resources/cultureheritage/20110263ACHguide.pdf</a></li> <li>- OEH's Environment line: <a href="mailto:info@environment.nsw.gov.au">info@environment.nsw.gov.au</a></li> </ul>	<p>Heritage is considered.</p> <p>Amended. Correct reference required.</p> <p>Amended. Correct reference required.</p> <p>Amended. Correct reference required.</p>
Table B4	Remove 25 Broughton St, Camden – Lot B DP 155195 from Table B4	Amended. The item had substantially changed from its original interior and exterior. Amended as definition required.
B4	<p>Insert new definition after "Variable Message Board"</p> <ul style="list-style-type: none"> <li>- "Visible Wall Area – the total wall area of the building façade of the primary frontage including the area of windows and openings"</li> </ul>	Amended to ensure includes residential zoning also.
B4.3	Rename sub-heading of "Part B4.3 – Rural and Environmental Zones" to "Part B4.3 – Residential, Rural and Environmental Zones" to ensure includes Residential zoning also.	Amended to ensure no cost implications for Council.
B4.7	Control 9: Remove "unless alternative arrangements are agreed to by Council" due to cost implications.	Amended to ensure anomalies amended and new rates in line with current strategic direction.
B5	Insert new car parking chapter – existing rates needed major review. As part of this review Council has also picked up various other small anomalies which have also been amended.	Amended to ensure correct meaning.
B5.1	Rename sub-heading of "B5.1 Car Parking Rates/Requirements" to "B5.1 Off-Street Car parking Rates/Requirements"	Amended.
B5.2	<p>Delete control 1 and replace with "Off-Street Car parking is to be provided for a development in accordance with Table B8 and B9 – Schedule of car parking requirements"</p> <p>Insertion of new item Battleaxe Lots:</p> <ul style="list-style-type: none"> <li>- "Handle widths to battleaxe lots in rural areas are to be a minimum of 6 metres with a maximum length of 100 metres. A handle may serve two lots provided that there are reciprocal rights of way. An all weather pavement surface constructed to Council's standards is to be provided within each handle"</li> </ul>	Amended to ensure a general control for all rural battleaxe lots in Cobbitty, Bringelly, Possumore and Leppington.
C2	insert Objective 7: "The layout of typical cross sections within the DCP prevails over other guides and specifications".	Inserted to provide compliance requirements.
C3.2	Amend Control 6 "...with grass up to the bitumen edge and prevent edge breakdown as well as ensure water is satisfactorily drained away from the road"	Amended to ensure satisfactory drainage systems.
C5.1	Delete Control 5 as irrelevant and renumber accordingly.	Amended.
C5.2	Amend Control 4(c): deleted "on non-bus route locations"	Amended to ensure proper meaning.

ORD07

## Attachment 1

C5.2	Amend the Note for locating entry signs as contrary to B4.7 Control 3	B4.7 refers to Signage in the Private domain. This Note is not applicable to signage in the private domain, and therefore not contradictory. No action required.
C5.2	Amend Control 6: remove "underpasses" as these are proven to be an undesirable feature harbouring anti-social behaviour and problems for maintenance.	Amended to ensure safe environment.
C5.5	Amend Control 3: remove minimum area of 2000sqm as pocket parks are too small to be useful and are an increased cost to Council.	This was adopted from the Oran Park DCP and will remain. No further action required.
	Amend Control 4(b): add 'shade structures' into the paragraph.	Amended to ensure correct meaning. Amended to ensure correct meaning.
	Amend Control 6(h): add "with the required shade structure or shade trees" after the words "play equipment"	Amended to ensure correct meaning.
C6.1	Amend Control 6(j): add "Park signage (to incorporate warnings) and lighting" Change Area 1 : Attached and Semi-Detached Dwellings (6-8m Wide Lot) from 180/240m <sup>2</sup> to 200m <sup>2</sup> Change Area 1 & 2: Dwelling House (8-12.5m Wide Lot) wording from 'may have a' to 'are encouraged to have a'	Amend Controls for both Area 1 : Attached and Semi-Detached Dwellings and Area 1 & A: Dwelling Houses.
C6.2	Insert a "Note" after Control 2: "Note: These are minimum development standards as set out in the LEP 2010, however, all subdivision are to demonstrate compliance with the Elderslie Residential Density Target as specified in Part C6.1 of the DCP."	Amended as required to identify compliance with the LEP as well as those outlined in Part C6.1 of the DCP.
C6.6	Amend Control 2: add "and the associated costs" before "including"	Amended to ensure costs are considered.
C7	The main headings within C7 are not numbered. This makes referencing difficult.	No action required.
	Control 4.a.ii: include "and Springs Road"	Amended to give better meaning
	Amend Control 7: Remove minimum lot sizes as already contained within the LEP Amend road profiles for Spring Farm as measurements incorrect	Amended.
	There is no real controls for 145 dwellings per hectare, only acknowledgement is in the introduction	Amended to ensure measurements were correct. Amended. Control 7 inserted to address this item.

C7	Road profiles for Spring Farm and Elderslie amended as incorrect measurements.	Amended to ensure correct road measurements are provided.
C7.3	Section does not provide any discussion on road profile controls, simply starts at the profile illustrations.	Amended. Control 6 inserted "Streets are to be constructed in accordance with Figures 22.1 to 22.11"
C7.6	Amend Control 3: remove the words "and pocket parks"	This is advisory and explicit to Spring Farm only. No further action required. Amended to ensure correct meaning.
C9	Amend Control 5: add "or shade structure" after the words "shade trees" Map inconsistency – "Precinct K is incorrect in both Established Residential Areas (Figure C2) and Harrington Grove (Figure C29)" Insert Environmental Management Maps (including items such as Salinity) for Harrington Grove precincts as they come online.	Amended. Figure C2 amended to provide consistency with Figure C29 and the Urban Release Area.
C9.3	Amend Figure C34 to remove the word "paving" and replace with "coloured concrete/asphalt" to ensure figure is consistent with Control 3. Amend Control 3: Insert "coloured or stamped concrete or asphalt (individual pavers, cobblestones etc. are not acceptable for trafficable roads)" Amend Control 5: add "Medians, traffic islands and slow points are to be landscaped. When designing these areas, reference should be made to the relevant OH&S legislations, WorkCover requirements and Australian Standards to ensure a safe working environment can be maintained whilst workers are conducting landscape maintenance work adjacent to traffic. This is with a view of minimising unnecessary traffic control and the resulting disruption to traffic, including parking". Amend Control 13: Insert "street lights are to be approved by Council and coloured light poles are not permitted", based on maintenance costs to Council.	Amended to ensure Figure C34 is consistent with Control 3. Amended for clarity. Inserted Note to ensure reference was given to relevant WorkCover requirements and Australian Standards for safe work practices.
C9.6	In line with Council's current direction, Harrington Grove is to continue with implementing coloured light poles. No further action required.	In line with Council's current direction, Harrington Grove is to continue with implementing coloured light poles. No further action required.
C11.2	Control 3: remove "root guard" as it is the only place in the entire DCP where the word appears	This is specific to land use controls of Lakeside and therefore, will remain. No further action required.
D	Ongoing review and documentation of engineering controls and links between DCP and Council Specifications. Yet to be finalised.	No further action required. This will be addressed at a later date.
D1.1	Rename sub-heading of "Part D1.1: Rural dwellings and outbuildings" to "Part D1.1 Rural accommodation, dwellings and outbuildings" Insert new control at number 7 and renumber 7: "All outbuildings must be ancillary to an approved use on the land on	Amended to provide better meaning Inserted to ensure outbuildings



ORD07

## Attachment 1

	which it is situated"	are ancillary to approved use on land to which it is situated.
	Insert new control 15. "Attached Dual Occupancy development, where permitted by an Environmental Planning Instrument, the dwellings shall be physically attached under the same roofline and have the general appearance of a dwelling-house when viewed from the primary street frontage. Structures such as carports with skillion roofs, pergolas, covered awnings and the like are not acceptable as a mode of attachment"	Amended. New control required to address accepted modes of attachment.
	Insert new control 16. "Detached Dual Occupancy and Secondary Dwelling development, where permitted by an Environmental Planning Instrument, the architectural treatment and building materials of both dwellings in the development shall be compatible. Mirror reversed or replica dwelling design is not acceptable form of development"	Amended. New control required to address architectural treatment of detached dual occupancy and secondary dwelling development.
D1.2	Insert new control at 1 and renumber: 1. "All farm buildings must be ancillary to an existing agricultural use being undertaken on the land on which it is situated"	Amended to ensure farm buildings are ancillary to existing agricultural use.
D1.4.2	Delete control 2 and renumber as refers to hours of operation Amend control 2. "Loading bays or parking for trucks are to be located in an area that is not visible from the street" Add control 3. "An Acoustic Report undertaken by a suitable qualified acoustic consultant in accordance with the Roads and Maritime Services and Office of Environment and Heritage measurement methodology may be required to accompany the development application"	Amended to provide better meaning.
D1.5.1	Insert at end of Note for Dams: "Council will not accept the construction of prescribed Earth Dams on land either owned or to be owned by Council".	Amended to ensure an Acoustic Report is provided.
D2.1.1	Insert Note with definition of 'Building façade line': "Note: the 'Building façade line' is the predominant front building line of a dwelling at ground level"	Amended to ensure Council will not have costs associated with the construction and maintenance of prescribed Earth Dams on Council owned land.
D2.1.1	Insert figure of building façade line.	Amended to ensure better meaning.
D2.1.1	Amend Control 1: Insert "These are to be built in accordance with the Building Code of Australia" at the end.	Inserted to provide an image to support the definition.
D2.1.1	Amend Control 4: Insert "Articulation may be provided in the form of a window, wall return or architectural feature" at the end.	Amended to ensure reference given the BCA.
D2.1.1	Insert Note after table: "Note: In the case of a corner allotment, the primary street frontage is taken to be the boundary which is the shorter of both frontages. The rear setback is taken to be the opposite boundary to the primary frontage".	Amended to provide better meaning.
D2.1.1	Insert Proposed Note: "In the case of corner allotments, the rear setback of a development may be varied where compliance with other development controls of the DCP are required. Examples include compliance with solar access and orientation, privacy, vehicular access and parking, and compatibility with adjoining development".	Inserted to provide clarification for rear setbacks on corner lots. Proposed note was amended to provide an opportunity for Council staff to undertake merits based assessment of the

	<p>Note was amended to provide a more balanced clarification:</p> <ul style="list-style-type: none"> <li>- "In exceptional circumstances, Council may consider a reduced rear setback on corner allotments where it can be demonstrated that there is no adverse impact on the adjacent properties, streetscape in general and lot coverage. The following are factors will be taken into consideration but not limited to:             <ul style="list-style-type: none"> <li>(a) Bulk, mass and scale of the structure;</li> <li>(b) Privacy impact;</li> <li>(c) Overshadowing;</li> <li>(d) Streetscape and architectural treatment; and</li> <li>(e) Provision of Private Open Space and landscaping requirements".</li> </ul> </li> </ul>	application.
D2.1.3	<p>insert Note:</p> <ul style="list-style-type: none"> <li>- "In exceptional circumstances, Council may consider a finished ground floor level greater than 1m from natural ground where the applicant can demonstrate that there is no adverse impact on the adjacent properties and streetscape in general. The following are factors that will be taken into consideration, but not limited to:             <ul style="list-style-type: none"> <li>(a) Bulk, mass and scale of the structure;</li> <li>(b) Privacy impact;</li> <li>(c) Overshadowing; and</li> <li>(d) Streetscape and architectural treatment."</li> </ul> </li> </ul>	Note was amended to provide an opportunity for Council staff to undertake a merits based assessment of the application.
D2.1.4	Delete Control 6 as not required.	Deleted as not relevant.
D2.1.4	Amend Reference to Part B1.6 in Control 1 to B1.16 Acoustic Amenity.	Amended to ensure correct reference.
D2.1.7	<p>Delete Control 2 and 3 and replace with:</p> <p>"Each street facade of a dwelling, whether addressing the primary or secondary frontage, must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> <li>- entry feature or portico;</li> <li>- awnings or other features over windows;</li> <li>- balcony or window box treatment to any first floor element;</li> <li>- a variation in scale compared to adjacent properties;</li> <li>- open verandah;</li> <li>- incorporating a variation and mixture of building materials to create a recess, projection, stagger and/or articulation of walls;</li> <li>- strategic window placement, alternate window designs, bay windows or similar features;</li> <li>- verandahs, pergolas or similar features, and in particular, above garage doors;</li> </ul>	Amended to ensure a range of choices for secondary facades were available and considered by Council.

# Attachment 1

# ORD07

	<ul style="list-style-type: none"> <li>- vertical architectural elements to reduce the horizontal emphasis of the facade or other roof and/or architectural building elements.</li> </ul>	
D2.2.1	<p>Elements of good streetscape design principles are illustrated below in Figures D3 and D4.</p> <p>Amend Control 1:</p> <ul style="list-style-type: none"> <li>- "The maximum floor area requirement for secondary dwellings is established by Clause 5.4(9) of Camden LEP, 2010. Secondary dwellings must not exceed 60m<sup>2</sup> in size or 25% of the total floor area of the principle dwelling, whichever is greater (excluding any area used for parking).</li> </ul>	Amended to ensure correct sizes/percentages given in line with Camden LEP.
D2.3.4	<p>Insert Note after Control 4:</p> <p>"Note: Variations to the minimum roof pitch requirement can be considered where architectural merit and innovation in the building design is demonstrated".</p>	Amended to encourage innovation in design for applicants.
D3.2.5	Amend Control 1: reference to B3 is incorrect and should be B2.	Amended to ensure correct reference.
D3.6.4	Amend Control 15: Insert reference to "Council's Works and Services Division"	Amended to ensure correct reference to Council division.
D4.2.5	Amend Control 4: "...shall be setback a minimum of 1 metre from the property boundary".	Amended to provide better meaning.
D4.3.1	Amend Control 2(b): Insert "and installation details of the tree guard and root guard are to be provided for all street trees".	Amended to ensure correct meaning.
	Amend Control 3: Add "...and with an approved root guard installed in the ground".	Amended to ensure approved root guard used during installation.
	Amend Control 4(n): Add "cycleways (Street trees must not be planted less than 1 metre away from a concrete footpath/cycleway) unless Tripstop (or equivalent) has been installed to protect it from the roots.	Amended to ensure Tripstop or equivalent is installed.
D4.3.2	Amend Control 5: Add "Lighting in public space must have timer switches installed for managing time of operation and power consumption".	This is contrary to Safer by Design Guidelines and as such, will not be amended. No further action required.
D4.5.2	<p>Clarification of Control 2 is required as current control reads that the verge must be turfed and planted regardless of weather or not there is already landscaping present. If the control sets a rate of 1 tree per 7 metres it suggests that if the verge has already been planted with 1 tree every 10 metres than additional planting is required.</p> <p>Delete control 6 and replace with: 6. "Development must provide minimum setbacks to buildings as outlined below:</p> <ul style="list-style-type: none"> <li>(a) 15 metre setback from any spine road of which 10 metres must be utilised for landscaping;</li> <li>(b) 10 metre setback from any minor road of which 5 metres must be utilised for landscaping;</li> <li>(c) 30 metre setback from Camden Valley Way of which 15 metres must be utilised for landscaping;</li> <li>(d) 10 metres to existing alignment of Turner Road of which 10 metres must be utilised for landscaping;</li> </ul>	Amended to ensure proper meaning given to setback requirements.

	<p>(e) 10 metres to the eastern boundary of the Industrial Area of which 10 metres must be used for landscaping;</p> <p>(f) For corner lots the setback to the road which is not the primary frontage shall be</p> <p>(i) 10 metres to a spine road;</p> <p>(ii) 5 metres to any other road, other than Camden Valley Way or Turner Road;</p> <p>(iii) 10 metres to main drainage channel marked (A)-(B) on Map No. 2 of which 5 metres must be utilised for landscaping;</p> <p>(g) For the main drainage channel other than (A)-(B) the building setback is to be 5 metres of which 3 metres must be utilised for landscaping;</p> <p>(h) 10 metres to Smeaton Grange Road between Narellan Road and Anzac Avenue of which 7.5 metres must be utilised for landscaping.</p>	
	<p>Amend Control 10: "Any redevelopment of properties that have frontage to southern side of Turner Road, being... will be required to upgrade the full width road reserve to an industrial standard extending from and including the Durin Road intersection to the western boundary of the subject site. This is to be undertaken at either subdivision or building stage, whichever occurs first"</p>	<p>Amended to clarify that the Turner Road upgrade works are required at either subdivision, or building stage, whichever occurs first.</p>
D5.1	<p>Delete and replace control 15: "Access and Parking shall comply with Part B5 of this DCP. All required car parking shall be provided off-street".</p>	<p>Amended to clarify controls in B5 are relevant to parking and access also.</p>
	<p>Delete and replace control 34: "And signage shall comply with Part B4.9 in this DCP"</p>	<p>Amended to refer to signage controls in Part B4.9</p>
D5.1 D5.6	<p>Amend Control 12: delete the words "exposed aggregate concrete". insertion of new chapter "D5.6 Home Business and Home Industry"</p>	<p>Amended as cost implications. Inserted to ensure relevant objectives and controls are in DCP pertaining to Home Business and Home Industry – this was previously missing.</p>
Other – Controls for Coal Seam Gas Wells	<p>There are no controls relevant to the use of Coal Seam Gas Wells locations in the Camden DCP. This was identified by Environment and Health to assess and avoid instances of the Coal Seam Gas Wells being built within existing residential zone boundaries. This was assessed and based on current practices, there does not need to be a specific reference in the DCP concerning Coal Seam Gas well locations. This is based on the following:</p> <p>(a) Each of the current, existing well locations have been determined using current zone boundaries. The residential zones were taken into account and all wells were located within future open space areas;</p> <p>(b) Accordingly, any application for subdivision or residential development within the existing residential zone boundary has been allowed for. If there is to be any change to the zoning boundary within the vicinity of a coal seam gas well, then there would be a need to undertake the usual hazard assessment as part of a rezoning process, which would include consultation with both the Department of Planning and Infrastructure and AGL;</p>	<p>No further action required. Controls for Coal Seam Gas Wells will not be inserted into the DCP for reasons provided.</p>

# Attachment 1

# ORD07

<p>Other – Controls for mandatory rainwater tanks for Industrial and Commercial developments</p>	<p>(c) Therefore, there does not need to be a specific reference in the DCP concerning coal seam gas well locations as the hazard analysis has already been undertaken for each of the wells and subsequent consent conditions are subject to an environmental management plan.</p> <p>There are no controls relevant to the need for mandatory rainwater tanks into industrial and commercial developments in the Camden DCP.</p> <p>This was assessed and based on current practices, there does not need to be controls for mandatory rainwater tanks for Industrial and Commercial developments. This is based on the following:</p> <p>(a) In the case of dwellings, tanks are not mandatory. The introduction of BASIX removed Council's ability to mandate rainwater tanks. The BASIX SEPP gives the design/applicant the ability to choose how they will comply, without being dictated to by a DCP. This may or may not include rainwater tanks;</p> <p>(b) The draft DCP for Oran Park Town Centre is steering towards commercial equivalents of BASIX, such as "Green Star". Again, the designer/applicant has the freedom to elect how targets will be achieved;</p> <p>(c) There is little physical need for tanks in industrial areas. Subdivisions are designed for nearly total hard stand area;</p> <p>(d) There is a good chance the development will require a WICA licence (from IPART) as they will be operating a water supply in competition to Sydney Water. IPART tell us that the WICA application process takes approximately six months and can cost \$100,000. This is before any works occur (only single dwellings and dual occupancies are exempt from WICA).</p>	<p>No further action required. Controls for mandatory rainwater tanks in Industrial and Commercial developments will not be inserted into the DCP for reasons provided.</p>
<p>Other – Throughout the DCP (Water Quality)</p>	<p>Ongoing review of objectives controls and links between DCP and Council specification required. These are yet to be finalised.</p>	<p>No further action required. Will be addressed at a later date.</p>
<p>Other – Water Sensitive Urban Design (WSUD)</p>	<p>Ongoing review of WSUD and associated maintenance costs (current and future) are still being undertaken. It is expected that once Assets have finalised future costing for WSUD, that there will be minor changes to WSUD controls in the DCP however no further action is required as part of this process.</p>	<p>No further action required. Will be addressed at a later date.</p>
<p>Other – R5 Zoning Dwellings in Large Lot Developments</p>	<p>The Camden LGA features an R5 Large Lot Development residential zone which permits a specific type and density within the area. Currently, there are no controls relevant to Dwellings in R5 Zones in the Camden DCP. As such, a chapter was inserted into the DCP to provide a set of objectives, principles and controls which will guide the design of residential development in the LGA.</p>	<p>D2.1.10 was inserted into Part D of the DCP.</p>

Chapter	Current	Proposed
Background	All land use and development generates demand for car parking facilities. This chapter contains information on the provision of car parking in the Camden LGA, including car parking rates and car parking area design.	Reference to other parts of the DCP and the Camden LEP 2010 are provided.
Objectives	Objectives listed items 1-10	Remove objective 9
Definitions	Definitions listed	Insert new definitions for: - Full time equivalent staff member; and - Shopping centre To ensure definitions are consistent with Camden LEP 2010.
B5.1 – Calculation of Spaces	Calculation of spaces listed items 1-5	Insert note giving Council ability to consider variations in parking rates in certain circumstances that do not warrant demand and will be supported by a car parking and traffic impact assessment study submitted with a development application.
Parking Credits for Existing Development	Parking credits listed as items 6-7	Example calculation included with further terms regarding credit use, allocation and justification.
Monetary Contributions in Lieu of Off-street Parking	Monetary contribution items listed 8-9	No changes proposed.
Table B8 – Schedule of requirements (Land Use)	Current	Proposed
Residential Dwelling House	Lots greater than 450m <sup>2</sup> containing maximum of 3 bedrooms contain 2 spaces behind the building line  Lots less than 450m <sup>2</sup> containing a maximum of 3 bedrooms	- 1 car parking space for dwellings with 1 to 2 bedrooms  - 2 car parking spaces for dwellings with more than 2 bedrooms
Dual Occupancy	- 1 space per dwelling less than 125m <sup>2</sup> , plus 1 visitor space per dwelling; - 2 spaces per dwelling greater than 125m <sup>2</sup> plus 1 visitor space per dwelling	Referenced as Dual Occupancy and Semi-Detached Dwellings:  - 1 car parking space for each dwelling with 1 to 2 bedrooms - 2 car parking spaces for each dwelling with more than 2 bedrooms.

Attachment 2 **ORD07**

Residential Flat Buildings and Multi-Dwelling Housing	1 space per 1 and 2 bedroom dwelling; 2 spaces per 3 or more bedroom dwellings; plus 1 space per 4 dwellings for visitor parking for development less than 8 dwellings, otherwise 1 space per 3 dwellings.	Referenced as Multi Dwelling Housing and Attached Dwellings:  - 1 car parking space per dwelling, plus 0.2 car parking spaces per 2 bedroom dwelling, plus, 0.5 car parking spaces per 3 or more bedroom dwelling. - 1 visitor car parking space per 5 dwellings.
<b>Non-Residential</b>		
Exhibition Homes,	2 spaces per exhibition home	Removal of Exhibition Homes and references as Hostels, Permanent Group Homes and Transition Group Homes (excl. Seniors Housing)
Group Homes/Hostels	1 space per 2 beds; plus 1 space for any resident caretaker/manager	1 car parking space per full time equivalent staff member. Parking rate for residents to be assessed on the merits of the application.
Health Consulting Rooms (in Residential Zones)	2 spaces per consulting room; plus 1 space for the dwelling.	Boarding House 1 car parking space per 5 beds, plus 1 car parking space per staff member 1 bicycle parking space per 5 boarding rooms 1 motorcycle parking space per 5 boarding rooms
Home Business, Home Industry, Home Occupation and Home Occupation (Sex Services) As per dwelling house, plus 1 car parking space per staff member other than permanent residents. Note: additional car parking spaces may be required for visitors depending on the nature of the business. Exhibition Home/Village As per dwelling house, plus 2 visitor car parking spaces per exhibition home to be provided in a separate carpark.		



		<p>Where development flow and management of traffic is illustrated and justified via a car parking and traffic impact assessment study, on-street car parking may be provided instead of providing a car park.</p> <p>Health Consulting Rooms:</p> <p>3 car parking spaces per consulting room, plus 1 car parking space per 2 employees.</p> <p>A reduction in the parking requirement will be considered if it can be shown that not all consulting rooms will be in concurrent operation and/or if convenient on-street parking is available, providing that the use of such parking does not adversely affect the amenity of the immediate area.</p>
<b>Retail</b>		
Shops/Showrooms	1 space per 20m <sup>2</sup> of NFA	Retail was separated into a number of different categories as per the proposed, below.
Markets	1 space per 40m <sup>2</sup> of market area	Shopping Centres
Landscape Garden Supplies and Other Outdoor Retail/Display Uses/Leisure Goods	1 space per 130m <sup>2</sup> of display area; plus 1 space per 40m <sup>2</sup> of GFA including indoor retail areas	Assessment to be based on merit taking into consideration the proposed mix of uses within the shopping centre. It is recognised that a shopping centre may require more parking than the standard in certain circumstances and less in other circumstances. An application for a shopping centre should include traffic and parking study identifying this parking requirement. Comparisons with similar sized shopping centre developments will be taken into consideration if the minimum requirement specified by Council is considered inappropriate.
Bulky Goods Premises	1 space per 50m <sup>2</sup> of GFA including provision for cars with trailers. Comparison with similar developments will be considered.	
Supermarkets	1 space per 20m <sup>2</sup> of NFA	
Roadside Stalls	4 spaces	
Fruit and Vegetable Markets	1 space per 25m <sup>2</sup> of NFA	

Attachment 2 **ORD07**

	<p>Retail Premises/Shop/Kiosk                  200m<sup>2</sup> or greater – 1 car parking space per 22m<sup>2</sup> GFA                  Less than 200m – 1 car parking space per 30m<sup>2</sup> GFA</p> <p>Neighbourhood Shop                  1 car parking space per 30m<sup>2</sup> GFA</p> <p>Shop top Housing                  Shops 200m<sup>2</sup> or greater – 1 car parking space per 22m<sup>2</sup> GFA                  Shops less than 200m<sup>2</sup> – 1 car parking space per 30m<sup>2</sup> GFA                  Residential rates apply to the housing component.</p> <p>Bulky Goods Premises                  1 space per 50m<sup>2</sup> GFA                  1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces                  Comparisons with similar developments will be taken into consideration if the minimum requirement is considered inappropriate for a particular development.</p> <p>Landscape and garden suppliers                  15 car parking spaces or, 0.5 car parking spaces per 100m<sup>2</sup> of site area (whichever is greater) 1 bicycle and 1 motorcycle space is required per 25 car parking spaces in excess of the first 25 car parking spaces.</p> <p>Market                  2.5 car parking spaces per stall for customers. Parking</p>
--	---

<p>for bicycles and motorcycles is required for developments with parking in excess of 25 car parking spaces. 1 bicycle and 1 motorcycle space is required for every 25 car parking spaces in excess of the first 25 car parking spaces. Parking for stallholders is to be provided separately. The amount of stallholder parking required is to be assessed as part of the Development Application.</p> <p>Take away food and drink premises</p> <p>Developments with no on-site seating: 12 spaces per 100m<sup>2</sup> GFA</p> <p>Developments with on-site seating: 12 spaces per 100m GFA or greater of 1 space per 5 seats (internal and external), or 1 space per 2 seats (internal).</p> <p>Developments with on-site seating and drive through facilities: The greater of 1 space per 2 seats (internal) or 1 space per 3 seats (internal and external) plus queuing area for 5 to 12 cars</p> <p>Parking for bicycles and motorcycles is required for developments with parking in excess of 25 car parking spaces. 1 bicycle and 1 motorcycle space is required for every 25 car parking spaces in excess of the first 25 car parking spaces.</p> <p>Restaurants and Cafes</p> <p>Where located within a business or industrial zone: a car parking space per 20m<sup>2</sup> of GFA.</p> <p>All other zones: 15 spaces per 100m<sup>2</sup> of GFA or 1 space per 3 seats (whichever is greater)</p>		
--	--	--

# Attachment 2

## ORD07

		Roadside Stall Minimum of 4 car parking spaces
<b>Commercial</b>		Office and Commercial
Office premises/Public buildings	1 space per 35m <sup>2</sup> of NFA; Plus 1 space per 500m <sup>2</sup> for courier/service vehicles	Office Premises and Business Premises
Auction Rooms	Will be considered individually based on the type of auction, i.e. general goods/vehicles, and the operation time of the auction.	1 car parking space per 40m <sup>2</sup> of GFA 1 bicycle and 1 motorcycle space for every 25 car parking spaces in excess of the first 25 car parking spaces.
Vehicle Showrooms	1 space per 130m <sup>2</sup> of display site area; Plus 6 spaces per service work bay	Public Administration Buildings and Community Facilities
Outdoor displays and sales	1 space per 130m <sup>2</sup> of display area	Assessment to be based on merit taking into consideration the proposed uses and equivalent rates for similar uses as prescribed in this DCP.
DVD rental stores	6 spaces per 100m <sup>2</sup> of GFA	1 bicycle and 1 motorcycle space is required per 25 car parking spaces in excess of the first 25 car parking spaces.
Service Station	6 spaces per work bay; plus 1 space per 20m of retail floor space (10 spaces minimum)	Mortuary/Funeral Chapels/Funeral Homes
Neighbourhood Shops	1 space per 20m <sup>2</sup> of GFA	1 car parking space per 4 seats plus 1 car parking space per funeral service area.
Mortuary/Funeral Chapels/Funeral Homes	1 space per 3 seats; or 1 space per 9m <sup>2</sup> of N.F.A (whichever is greater)	Emergency Services Organisation/Emergency Services Facility
Business Premises	1 space per 30m <sup>2</sup> of N.F.A	Assessment to be based on merit taking into

<p>consideration the proposed uses and equivalent rates for similar uses as prescribed in this DCP.</p> <p>Place of Assembly/Place of Public Worship</p> <p>1 car parking space per 6 seats          1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces          A detailed parking assessment may be required identifying impacts of overflow parking on surrounding land uses and the road system.</p>		
<p>Rates and car parking requirements have been provided in other Land Uses for Restaurants and Reception Areas.</p>	<p>Where located within a business or industrial zone – 1 space per 30m<sup>2</sup> of N.F.A          All other zones – 15 spaces per 100m<sup>2</sup> of NFA or 1 space per 3 seats (whichever is greater)</p>	
<p>Restaurants and Reception Areas          Restaurant (includes Café, Tearooms, Coffee Shop and the like)</p> <p>Function Centre          Take-Away Food and Drink Premises</p>	<p>1 space per 3 seats</p> <p>(a) Development with on-site seating and drive-through:          - 1 space per 8.3m<sup>2</sup> of G.F.A.; plus          (b) Development with no on-site seating or drive-through facilities – 12 spaces per 100m<sup>2</sup> of G.F.A          (c) Development with on-site seating but no drive-through facilities – 12 spaces per 100m<sup>2</sup> of G.F.A; plus 1 per 5 seats (both internal and external)</p> <p><b>Note for drive-through facilities:</b> an exclusive area for queuing of cars is required (queue length of 5 to 12 cars measured from pick-up point. This includes a minimum of 4 car spaces for cars queued from ordering point, plus 2 car spaces for cars waiting for orders past the pick up point area.</p>	
<p>Licensed Premises          Registered Club</p>	<p>1 space per 2m<sup>2</sup> of GFA of public bar area; plus          1 space per 5m<sup>2</sup> GFA of lounge, beer garden, auditorium,</p>	<p>Referred to as Registered Premises</p>

**Attachment 2** **ORD07**

	<p>billiard room, restaurant. Generally 25 spaces per 100m<sup>2</sup> of public floor area will be required.</p> <ul style="list-style-type: none"> <li>- Council will consider the peak demand of the uses and potential for dual use of parking spaces. A detailed car parking submission based on a similar club parking arrangement may be required.</li> <li>- Provision for coaches to pick up and set down may also be required for large establishments.</li> </ul>	<p>Pub/Registered club/Restricted premises</p> <p>1 car parking space per 2m<sup>2</sup> of GFA of public bar area, plus 1 car parking space per 5m<sup>2</sup> GFA of lounge, beer garden, auditorium, billiard room, restaurant, plus 25 car parking spaces per 100m<sup>2</sup> of remaining public floor area.</p> <p>1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.</p>
<p>Hotel</p>	<p>As per Registered Club. Where accommodation is provided 1 space per residential unit-room; plus 1 space for any residential manager; plus 1 space per 2 employees.</p>	<p>Notes:</p> <p>Council will consider the peak demand of the uses and potential for dual use of parking spaces. A detail car parking submission based on a similar club parking arrangement may be required.</p> <p>Provision for coaches to pick up and set down may also be required for large establishments.</p> <p>Restricted Premises</p> <p>200m<sup>2</sup> or greater – 1 car parking space per 22m<sup>2</sup> GFA                  Less than 200m<sup>2</sup> – 1 car parking space per 30m<sup>2</sup> GFA</p> <p>Sex services premises</p> <p>1 car parking space per room where sex services are provided, plus 1 car parking space per two employees working at any one time on the premises.</p> <p>At least 1 of the spaces is to be suitable for a driver with a disability.</p>
<p><b>Recreation Facilities</b></p>		
<p>Amusement Centre Entertainment Facility</p>	<p>1 space per 35m<sup>2</sup> G.F.A. plus bicycle parking                  Car parking will be determined on the characteristics of the facility. A submission based on similar facilities parking</p>	<p>Entertainment Facility</p> <p>Car parking will be determined on the characteristics of</p>

<p>Bowling Alleys, Squash and Tennis Courts, Golf Courses, Swimming Pools</p>	<p>arrangements may be required. 3 spaces per lane, court or green</p>	<p>the facility. A submission based on parking arrangements for similar facilities may be required.</p>
<p>Bowling Greens</p>	<p>30 spaces for the first green; and 15 spaces for every green thereafter</p>	<p>Function Centre</p>
<p>Football, Cricket Pitches, Netball Courts, Soccer</p>	<p>Minimum of 15 spaces per pitch or court</p>	<p>Single room function centre: 15 car parking spaces per 100m<sup>2</sup> GFA room; or 1 car parking space per 3 seats (whichever is greater).</p>
<p>Gymnasiums, Fitness Studios, Community Facility</p>	<p>1 space per 25m<sup>2</sup> G.F.A. Car parking will be determined on the characteristics of the community facility.</p>	<p>1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces. For larger function centres, a separate parking study will be required.</p>
<p>Recreation Facility (indoor or outdoor)</p> <p>Squash/Tennis Courts: 3 car parking spaces per court</p> <p>Bowling Alley: 3 car parking spaces per alley</p> <p>Gymnasiums: 7.5 spaces per 100m<sup>2</sup> GFA</p> <p>Local Soccer, Football and Similar Sporting Fields: 50 car parking spaces per field.</p> <p>Parking for bicycles and motorcycles is required at the rate of 1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.</p> <p>Recreation facility (major)</p> <p>Assessment to be based on merit taking into consideration the proposed uses and equivalent rates for similar uses as prescribed in this DCP.</p> <p>Amusement</p>		<p>Recreation Facility (indoor or outdoor)</p> <p>Squash/Tennis Courts: 3 car parking spaces per court</p> <p>Bowling Alley: 3 car parking spaces per alley</p> <p>Gymnasiums: 7.5 spaces per 100m<sup>2</sup> GFA</p> <p>Local Soccer, Football and Similar Sporting Fields: 50 car parking spaces per field.</p> <p>Parking for bicycles and motorcycles is required at the rate of 1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.</p> <p>Recreation facility (major)</p> <p>Assessment to be based on merit taking into consideration the proposed uses and equivalent rates for similar uses as prescribed in this DCP.</p> <p>Amusement</p>



Attachment 2 **ORD07**

		200m <sup>2</sup> or greater – 1 car parking space per 22m <sup>2</sup> GFA Less than 200m <sup>2</sup> – 1 car parking space per 30m <sup>2</sup> GFA 1 bicycle space/rail for every 5 machines.
<b>Tourist Facility</b>		
Caravan Park	1 space per van/mobile home/campsite; plus 1 visitor space per 10 sites; plus 1 space per manager	1 car parking space per van/mobile home/campsite; plus 1 car parking space per 2 employees; plus 1 visitor car parking space per 10 sites. Car parking rates and requirements considered under Casual Accommodation.
Motel	1 space per unit/room; plus 1 space for any residential manager; plus 1 space per 3 non-resident employees; plus 1 space per 6m <sup>2</sup> for public entertainment/function/reception room/bar or 1 space per 3 seats (whichever is the greater)	
- Provision for coaches to pick-up and set down may also be required.		
<b>Education</b>		
Child Care Centres	1 space for ever 4 children in attendance	
Educational Establishments	(a) Schools: 1 space per 2 full-time staff member; plus 1 space for every 10 x Year 11/12 students; plus bicycle storage; plus pickup/set down area; plus 1 space per 100 students enrolled for visitor parking (b) Adult Education: 1 space per 2 staff members; plus 1 space for every 5 students plus bicycle storage (c) School Halls: see below	<b>Educational Establishments</b>  Schools: 1 car parking space per full time equivalent staff member; plus 1 car parking space per 100 students; plus 1 car parking space per 5 students in Year 12 where appropriate.  Adequate space is also required for delivery vehicles, a drop off/pick-up area and buses as appropriate.  Tertiary Institutions: 1 car parking space per 5 seats or 1 space per 10m <sup>2</sup> GFA, whichever is the greater. 1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.  Information and Education Facility: Comparisons should be drawn with similar



Attachment 2 **ORD07**

<p>Veterinary Hospital</p> <p>Health Consulting Room (Commercial Zone)</p>	<p>1 space per 2 staff/resident doctor; plus 1 space per 15 beds for visiting doctors; plus 1 space for ambulance (minimum)</p> <p>1 space per 40m<sup>2</sup> of G.F.A; plus 1 space per doctor; plus 1 per employee</p> <p>3 spaces per surgery; plus 1 space per employee</p>	<p>Assessment to be based on merit taking into consideration the proposed uses and equivalent rates for similar uses as prescribed in this DCP.</p>
<p><b>Industrial</b></p>	<p>4 spaces per workbay or fitting bay or 1 space per 30m<sup>2</sup> (whichever is greater)</p>	<p>Service Station</p>
<p>Automotive Uses (includes Auto-Electricians Workshop, Auto Mechanical and Body Repair Workshop, Car Repair Station, Car Tyre Retail Outlets, Battery, Muffler Service, Panel Beaters, Spray Painters)</p>	<p>1 space per 70m<sup>2</sup> of G.F.A 1 space per 70m<sup>2</sup> of G.F.A; plus 1 space per unit, where each unit is less than 200m<sup>2</sup> Where each unit is greater than 200m<sup>2</sup>, 1 space per 70m<sup>2</sup> of G.F.A</p>	<p>4 car parking spaces per service work bay for up to 2 bays, plus 6 car parking spaces per service bay for each additional bay, plus 1 car parking space per 22m<sup>2</sup> GFA of Convenience Store plus if a restaurant is present, the following rates apply for this component in addition: - 7 car parking spaces per 100m GFA, or - 1 car parking space per 3 seats (whichever is greater) Vehicle Body Repair Workshop</p>
<p>Industry where floorspace of the office or showroom component exceeds 20% of the total floorspace</p> <p>Industrial Units</p>	<p>1 space per 50m<sup>2</sup> of G.F.A plus 1 space per unit, where each unit is less than 200m<sup>2</sup>. Where each unit is greater than 200m<sup>2</sup>, 1 space per 70m<sup>2</sup> of G.F.A.</p>	<p>4 car parking spaces per service work bay for up to 2 bays, plus 6 car parking spaces per service bay for each additional bay.</p>
<p>Open Yard Activity/Storage</p>	<p>1 space per 200m<sup>2</sup> of open yard area.</p>	<p>Vehicle Repair Station</p>
<p>Hire Centres</p>	<p>1 space per 70m<sup>2</sup> of G.F.A. open yard area</p>	<p>4 car parking spaces per service work bay for up to 2 bays, plus 6 car parking spaces per service bay for each additional bay.</p>
<p>Trade Services</p>	<p>1 space per 50m<sup>2</sup> of G.F.A.</p>	<p>Vehicle Repair Station</p>
<p>Road Transport Terminal, Container Depots, Bus Depots and the like</p>	<p>1 space per car/truck/van/bus at the time of estimated peak vehicle accumulation on the site; plus 1 space per 2 staff</p>	<p>4 car parking spaces per service work bay for up to 2 bays, plus 6 car parking spaces per service bay for each additional bay.</p>
<p>Warehouse or Distribution Centre</p>	<p>1 space per 200m<sup>2</sup> of G.F.A</p>	<p>4 car parking spaces per service work bay for up to 2 bays, plus 6 car parking spaces per service bay for each additional bay.</p>

<p>Warehouse or distribution centre where floor space of the office component exceeds 20% of the total floor area.</p>	<p>1 space per 200m<sup>2</sup> of G.F.A; plus                  1 space per each 40m<sup>2</sup> of office or showroom (any office floor space up to 20% of the total building area only requires 1 space per 200m<sup>2</sup> of GFA)</p>	<p>Vehicle Sales or Hire Premises                  0.75 car parking spaces per 100m<sup>2</sup> of display site area, plus 6 car parking spaces per service work bay.</p> <p>Boat Repair Facility                  1 car parking space per work bay plus 1 car parking space per 2 employees.</p> <p>Industry/Light Industry                  1 car parking space per 70m<sup>2</sup> of GFA                  1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.</p> <p>The parking provision rate is increased when:                  - Retailing is permitted on-site. The rate for Industrial retail outlets is applied for this component of the development.                  - The office space component is in excess of 20% of the floor area. The rate for Office Premises and Business Premises applies for the amount of this floor space in excess of 20% of GFA.</p> <p>Industrial retail outlet                  1 car parking space per 30m<sup>2</sup> GFA                  1 bicycle and 1 motorcycle space per 25 car parking space in excess of the first 25 car parking spaces.</p> <p>Warehouse or Distribution Centre/Storage Premises                  1 car parking space per 300m<sup>2</sup> GFA                  1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.</p>
--	--	--

Attachment 2 **ORD07**

<p>- Other activities/uses not specifically mentioned or where no guidelines exist, the proposal will be assessed on the merits of the application and should be supported by a parking study.</p> <p>Seniors Housing Residential Care Facility, Hostel, Self-contained Dwelling</p>	<p>Residential care facility and self-contained dwelling not currently considered in Camden DCP 2011.</p> <p>Hostel rates and car parking requirements is defined as a sub-term of Non-Residential in Camden DCP 2011.</p>	<p>The parking provision rate is increased when the office space component is in excess of 20% of the floor area. The rate for Office Premises and Business Premises applies for the amount of this floor space in excess of 20% of GFA.</p> <p>Refer to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.</p>
<p>Casual Accommodation Hotel or Motel Accommodation/Tourist and Visitor Accommodation/Serviced Apartment</p>	<p>Hotel defined as a sub-term of Licensed Premises in Camden DCP 2011.</p>	<p>1 car parking space for each unit, plus 1 car parking space per 2 employees, plus:                  - 15 car parking spaces per 100m<sup>2</sup> GFA of restaurant / public entertainment / function / reception room / bar or                  - 1 car parking space per 3 seats (whichever is greater)                  1 bicycle and 1 motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.</p> <p>Provision for coaches to pick up and set down may be required.</p> <p>Backpackers Accommodation</p> <p>1 car parking space per 10 beds or 1 car parking space per 5 bedrooms (whichever is the greater), plus 1 car parking space per 2 employees.                  1 bicycle space per 10 beds                  1 motorcycle space for every 25 car parking spaces in excess of the first 25 car parking spaces.</p>

		<p>Bed &amp; Breakfast Accommodation 1 car parking space for each bedroom, plus 1 car parking space for the permanent residents of the dwelling.</p> <p>Farm Stay Accommodation 1 car parking space for each dwelling.</p>

### ***D2.1.10 Dwellings in R5 Zones***

#### **Background**

The Camden LGA features an R5 Large Lot Development residential zone which permits a specific type and density within the area. This chapter establishes the objectives, principles and controls which will guide the design of residential development in the Camden LGA.

#### **Objectives**

1. To provide controls for dwellings in R5 zones to ensure that it achieves a high standard of urban design and that it is compatible with the amenity and character of the R5 zone.
2. To provide a variety of attractive and cohesive streetscapes within the R5 zone.
3. Additional objectives are listed in the detailed controls of the various land uses.

#### **Setbacks**

##### **Controls**

1. The general numerical setback requirements for dwellings in R5 development are listed in Table D3 below. These apply to all areas except where a specific setback control is provided for that area elsewhere in this DCP, or where a registered building envelope applies to the lot.
2. Notwithstanding the numerical setback requirements in Table D3, all setbacks shall be consistent with the prevailing setback established by existing adjacent development. The prevailing setback is calculated as being the average distance of the setbacks of the nearest two dwelling houses having a boundary with the same primary road.
3. Setbacks shall be measured between the principal wall closest to the boundary and the boundary line, excluding any architectural building design element encroachments as permitted by this DCP.

**Table D3 Dwelling Setback Controls**

Front setback (min)	20m
Secondary street setback on a corner lot <4000m <sup>2</sup>	5m
Side setback	5m
Rear setback	5m
Primary setback - (min) lots 2000m <sup>2</sup>	10m
Secondary setback – (min) lots 2000m <sup>2</sup>	3m
Primary setback – lots <2000m <sup>2</sup>	7.5m

### **D2.1.11 Outbuildings**

#### **Objective**

1. Ensure outbuildings in the Residential zones are appropriately sited and designed to minimise impacts on adjoining properties, the streetscape and the character of the locality.
2. To ensure the visual impact of the outbuilding is minimised and integrated into the existing surrounding environment.
3. Preserve the existing natural vegetation on site.

#### **Controls**

The following development controls apply to outbuildings in the R1, R2, R3, R4 and R5 zones.

#### **General**

1. Outbuildings should be sited to retain existing vegetation on site and in a location where the future growth of vegetation can be retained and protected.
2. Unless otherwise approved by Council, the use of the outbuilding must be of domestic storage and hobby use only, which is ancillary to the use of the dwelling onsite.
3. Outbuildings should be sited so as they are not to encroach or impact on any existing service infrastructure, onsite sewerage management systems and associated effluent areas.

#### **Site Requirements**

4. The maximum combined floor area for any one or more outbuilding on a lot must not be greater than the following:
  - a. 40m<sup>2</sup> for lots in the R1, R2, R3 and R4 zone; or
  - b. 80m<sup>2</sup> for lots less than 4000m<sup>2</sup> in the R5 zone; or
  - c. 100m<sup>2</sup> for lots greater than or equal to 4000m<sup>2</sup> in the R5 zone.
5. The maximum external wall height (except in the case of a gable roof form) from natural ground level for any one or more outbuilding on a lot must not be greater than the following:
  - a. 2.7m for lots in the R1, R2, R3 and R4 zone; or
  - b. 3m for lots in the R5 zone.
6. The maximum ridge height from natural ground level for any one or more outbuilding on a lot must not be greater than the following:
  - a. 4m for lots in the R1, R2, R3 and R4 zone; or
  - b. 4.8m height for lots in the R5 zone.
7. Stormwater discharge must be disposed of solely within the property boundary without causing any nuisance to the adjacent properties.
8. For outbuildings greater than 20m<sup>2</sup> in floor area, stormwater must be collected and discharged to:



ORD07

- a. Existing onsite stormwater lines;
  - b. To a collection tank with an overflow connected to the existing onsite stormwater lines; or
  - c. Absorption trenches or existing watercourse as deemed suitable by Council.
9. Notwithstanding the general controls for cut and fill requirements within this DCP, there must be a balance of cut and fill on site. Any fill must be contained wholly within the property boundary without causing any nuisance to the adjacent site.

### Setbacks

10. All outbuildings must be planned and organised in a group and must be located behind the building line so it is predominantly hidden from view from the public domain.
11. The minimum side and rear boundary setbacks for any one or more outbuildings on a lot must be at least:
- a. 0.5m for lots in the R1, R2, R3 and R4 zone; or
  - b. 0.6m for outbuildings less than or equal to 36m<sup>2</sup> on lots less than 4000m<sup>2</sup> in the R5 zone; or
  - c. 3m for outbuildings greater than 36m<sup>2</sup> or outbuildings on a lot greater than or equal to 4000m<sup>2</sup> in the R5 zone.
12. Greater setbacks may be required in order to minimise any adverse impacts on the amenity of adjoining residents due to the proposed use of the outbuilding.

### Building Design and Style

13. The roof pitch for any outbuilding must not exceed 36 degrees.
14. The external wall cladding of outbuildings should be of masonry, colorbond sheet metal or other approved material which is compatible with the surrounding development in terms of profile, colour and finish.
15. The roof cladding of outbuildings should be of tiles, colorbond sheet metal or other approved material which is compatible with the surrounding development in terms of profile, colour and finish.
16. The colours of roof and wall cladding should generally be of low reflective natural earth and vegetation tones.

**NOTE:** The external materials should be constructed of non-combustible materials if the outbuilding is located on bushfire prone land.

Attachment 4



ORD07

## MEMORANDUM

**To:** Councillors

**From:** Manager Strategic Planning

**CC:** Senior Management Team

**Date:** 8 November 2011

**SUBJECT: DCP Review – mandatory rainwater tanks in commercial and industrial developments**

---

### Introduction

A report will be presented to the Council Meeting scheduled for 22 November seeking a resolution to place the amendments on public exhibition. The issue of rainwater tanks in industrial and commercial developments has been reviewed by staff. This memo details the implications of a number of options for rainwater tanks within the Industrial and commercial zones.

### Background

A “housekeeping” review of Camden DCP has been undertaken. Issues being reviewed include:

- Car parking rates and requirements;
- Road profiles for Spring Farm and Elderslie;
- Minor map inconsistencies; and
- Minor amendments to rectify grammatical and spelling errors to clarify intent of the controls.

### Rainwater tanks in industrial and commercial developments

A request has been made for controls for mandatory rainwater tanks in industrial and commercial developments. These controls were previously in the Camden DCP 2006; however they were removed from the current DCP 2011.

There are four (4) potential options that are discussed below

### Options

1. **On-site Detention – detaining water and releasing it slowly; or**
2. **Water Re-use – for water landscaping, toilets; or**
3. **Ecologically Sustainable Development – a holistic approach; or**
4. **No controls.**

#### 1. On-site Stormwater Detention – detaining water and releasing it slowly

On-site Stormwater Detention (OSD) is a temporary, water storage facility that is created as a depression in the landscape or an underground tank or a combination of both. This facility detains an amount of stormwater for duration of time, whilst slowly releasing a portion of this through small stormwater outlets.

Attachment 5

ORD07

The aim of an OSD system is to delay and reduce stormwater flows or discharge from a site, thus reducing flood risks and subsequent infrastructure damage.

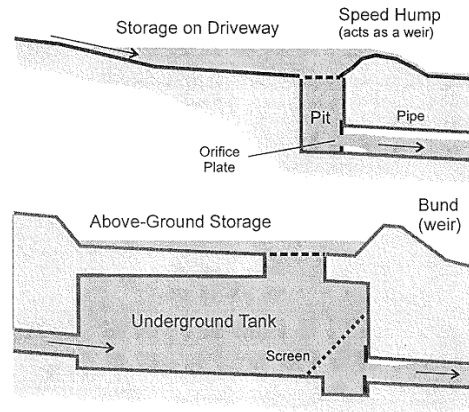


Figure 1 Typical OSD Systems

Attachment 5

#### Advantages

- OSD ensures that development does not contribute to downstream flooding
- Aids with additional runoff at the source
- It is a user-pays system, so charges are not passed on to the community
- Preserves the effectiveness of existing flood mitigation and drainage works
- Avoids the need for upgrading downstream drainage systems.

#### Disadvantages

- Requires higher construction standards than are usual for stormwater, adding to the cost of developments
- OSD systems will require regular inspections by Council
- It can often be difficult to get owners to maintain OSD systems
- Not overly effective compared to other options

#### Recommended:

That this approach is not supported due to infrastructure costs and topographical and landscape constraints common to industrial and commercial developments. There is also no environmental benefit gained from implementing this system – benefits lie in Council infrastructure not being overloaded during peak rainfall periods.

## 2. Water Re-use – for water landscaping, toilets, etc.

Rainwater is collected from the roof surfaces and upper level terraces of a development and transported into lower level storage tanks. The water is filtered through a screen filter and is then pumped under pressure to be used for landscaping purposes.

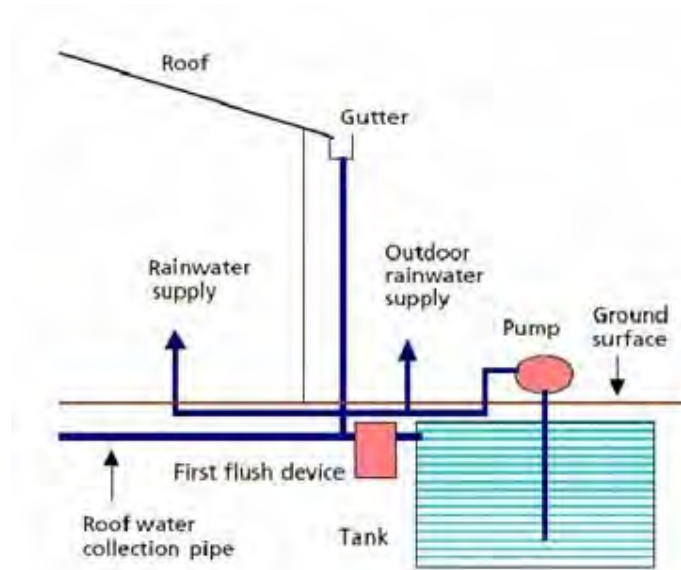


Figure 2. Configuration of an underground re-use system

#### Advantages

- Water collected is considered 'clean' as the end use requires low quality water.
- Reuse of the rainwater captured and stored on site is environmentally sustainable
- Reduces demand on natural water resources

#### Disadvantages

- Topographical and landscape constraints means difficulty in installing and maintaining the tank
- Minimal opportunity to use the water collected as little to no landscaping in industrial and commercial developments.
- It may be difficult to provide an appropriate location for the tank on site. In many circumstances, the tank will need to be located in front of the site and may be unsightly. (Built examples are provided at the end of this Memo)

#### Recommended:

That this option is not supported as there is minimal opportunity for water re-use within industrial and commercial developments as infrastructure associated with meeting the standards required for industrial purposes is expensive, therefore not cost efficient.

### 3. Ecologically Sustainable Development – a holistic approach

An ESD chapter could be inserted into the DCP that identifies the following objectives:

- Improve energy efficiency through the design and siting of buildings; and
- Ensure that developments are environmentally sustainable in terms of energy and water use and management of waste and discharge.

With respect to rainwater conservation controls, consideration should be given to measurements that reduce consumption and conserve water through recycling systems. Developments may be required to implement total water management systems by including measures that reduce consumption of potable water for non-potable uses, minimize site run-off and promote stormwater re-use.

ORD07

**Advantages**

- Flexibility of measures that are suitable to the site

**Disadvantages**

- Potential for significant costs associated with implementing infrastructure and use of consultants if required
- Difficulty in measuring controls that are qualitative in nature
- Uncertainty surrounding appropriateness of controls and impact of measures overall to the environmental objectives of Camden Council

**Recommendation:**

That this option is not supported as the cost outlay and environmental impact is not known.

Attachment 5

**4. No controls**

There is difficulty in preparing a development control for mandatory rainwater tanks that would be suitable for all or even most industrial and/or commercial developments throughout the Camden LGA. Further, it is likely that this form of development will require a Water Industry Competition Act (WICA) license from IPART, as they will be operating a water supply in competition to Sydney Water. IPART indicates that the WICA application process can take up to six (6) months and cost approximately \$100,000. This is before any works are approved.

**Recommendation:**

It is therefore recommended that mandatory rainwater tank controls for industrial and/or commercial developments not be included in the review of Camden DCP 2011.

Please do not hesitate to contact me on 4654 7802 if you require any further information.



**Chris Lalor**  
**Acting Manager Strategic Planning**

**Photo Examples:**



Two above ground rainwater tanks within the front setback of Bunnings Warehouse on Hoxton Park Road. these detract from the streetscape and aesthetic values of the adjacent buildings.

**ORD07**

**Attachment 5**



ORD07

Attachment 5



Rainwater tanks clearly visible from the public domain which detracts from the aesthetic value of the adjacent structure. It is costly and difficult to obtain tanks of this capacity within a similar colour pallet to the structure therefore bringing the prominence of the tanks to attention.



**ORD07**

**Attachment 5**



## ORDINARY COUNCIL

ORD08

**SUBJECT: INTEGRATED PLANNING AND REPORTING COMPLIANCE -  
FEEDBACK FROM THE DIVISION OF LOCAL GOVERNMENT**

**FROM:** Director Governance

**BINDER:** Integrated Planning and Reporting Framework

---

### PURPOSE OF REPORT

To report feedback from the Division of Local Government on Council's Integrated Planning and Reporting package.

### BACKGROUND

The Integrated Planning and Reporting (IP&R) amendments to the *Local Government Act* came into effect in October 2009. All NSW councils were required to nominate into a group for compliance with the legislative amendment, being June 2010, June 2011 or June 2012.

Camden Council elected to join Group 2 for compliance, and adopted the necessary elements of the IP&R requirements on 14 June 2011.

These elements included Council's Community Strategic Plan, Camden 2040 (adopted 14 December 2010), its four year Delivery Program and Resourcing Strategy (comprising a Long Term Financial Plan, Workforce Plan and Asset Management Strategy and Plans).

### MAIN REPORT

Council received a letter from the Division of Local Government (DLG) on 15 December 2011, following the DLG review of the suite of planning Integrated Planning and Reporting documents.

This letter acknowledges the significant effort that Council made in the planning processes undertaken, and in the plans themselves. The review found that the legislative requirements of the IP&R Framework have been met, and recognises the challenges Council has had to overcome in implementing this new framework.

The review highlighted that the documents are easy to read and understand. This feedback is particularly encouraging given the effort that was put into making the documents suitable for general community interest and use. *Camden 2040* was acknowledged as a good high level plan that establishes community priorities based on engagement with the community, and has measures of success in place. The overarching *Resource Strategy* was found to be easy to understand, as were the component Resource Plans.

In addition, a summary of findings is provided in order to inform Council's future review of these planning documents. Some areas for attention include further community engagement regarding asset service levels, and continuing to strengthen the links between the various plans.



---

The letter and summary of findings is provided at **Attachment 1 to this report.**

Council officers have commenced preliminary work to review the current suite of documents, in order to prepare them for the next round of compliance, to take effect in July 2013 (first financial year following the Council election). The findings from the Division's review will be used to assist in improving Council's planning processes, and the resulting plans, for this second cycle of Integrated Planning and Reporting framework compliance.

### **CONCLUSION**

Council received feedback from the Division of Local Government on 15 December 2011 with regard to its Integrated Planning and Reporting suite of documents. Overall, the feedback was very positive, however did highlight some areas for improvement. This feedback will be used to guide improvements to the suite of documents in conjunction with periodic reviews of the Integrated Planning and Reporting Package.

### **RECOMMENDED**

- i. That the information be noted.**

### ATTACHMENTS

1. letter & summary from DLG

ORD08

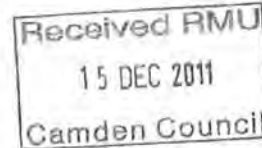


**Premier & Cabinet**  
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A260957  
Your Reference:  
Contact: Integrated Planning  
& Reporting Team  
Phone: 02 4428 4220

Mr Greg Wright  
General Manager  
Camden Council  
PO Box 183  
Camden NSW 2570



*Greg*  
Dear Mr Wright

I am writing regarding Council's commencement under the Integrated Planning and Reporting legislation as a Group 2 council.

Council's suite of planning documents was reviewed as part of the Division's commitment to ensuring the effective implementation of the Integrated Planning and Reporting framework. The review was undertaken from the point of view of a community member, and sought to identify how the intent of the Integrated Planning and Reporting framework has been applied in Council's plans.

I would like to acknowledge Council's significant effort in transitioning to the framework. The Division recognises that Integrated Planning and Reporting is an iterative process, and that there may have been challenges that Council has needed to overcome. Council's effort in this regard is reflected in the planning process undertaken and in the plans themselves.

Attached is a summary of the findings from the Division's review. I trust that Council will find this feedback useful, and will use this information to inform future reviews of these planning documents.

If you have any further questions relating to the Integrated Planning and Reporting framework, please contact the Division on telephone 02 4428 4220 or by email to [ipr@dlg.nsw.gov.au](mailto:ipr@dlg.nsw.gov.au).

Yours sincerely

*Ross Woodward 9/12/11*

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

Attachment 1

## Summary of the review of Council's Integrated Planning and Reporting documentation

### Camden Council

The following is a summary of the review of Council's Integrated Planning and Reporting suite of documents. The review found that Council generally meets the legislative requirements of the Integrated Planning and Reporting framework.

#### **Community Strategic Plan**

- 'Camden 2040' establishes community priorities and identifies six key directions which broadly address the quadruple bottom line
- While social justice principles are not explicitly referenced, there is evidence that social justice groups have been considered in the planning process
- The broad themes identified from the community engagement process are outlined in the Community Strategic Plan
- Measures of success in relation to all six of the principal activities are included.

#### **Community Engagement Strategy**

- Council has a published Community Engagement Strategy
- Social justice principles are not reflected in the Strategy
- The Strategy is heavily reliant on web based methods of engagement, and does not appear to target hard to reach groups
- The outcomes of the community engagement process are not clearly articulated in the Community Strategic Plan.

#### **Resourcing Strategy – overall comments**

- Council has provided a high level summary ('Resource Strategy') which is easy to understand and references the component plans.

#### **Workforce Management Planning**

- The Workforce Management Plan identifies key challenges and issues for Council's workforce
- Council has a comprehensive action plan to manage workforce issues for the next four years
- Additional staffing requirements are outlined in the Long-Term Financial Plan for each scenario.

#### **Asset Management Planning**

- Council has developed an Asset Management Strategy, Policy and Plans
- Those assets critical to Council's operations are not clearly identified in the Asset Management Strategy
- Council has prepared Asset Management Plans for four main asset classes: buildings, open space, roads and transport, and stormwater

ORD08

Attachment 1

- drainage. There are no plans available for the other asset classes, for example fleet and IT
- Council identifies that it is yet to engage with the community to specify asset service levels
  - The Asset Management Plans are detailed and easy to read.

#### **Long-Term Financial Planning**

- Council's Long-Term Financial Plan meets the legislative requirements
- The plan is easy to understand, with explanations of the various financial aspects provided
- The financial planning assumptions provided are detailed.

#### **Delivery Program and Operational Plan**

- The Delivery Program and Operational Plan have been combined into a single document
- The links between the Delivery Program and Operational Plan are enhanced by the use of consistent language and presentation of Delivery Program and Operational Plan programs and actions in a table format
- The Delivery Program and Operational Plan are easy to understand and read. Council has included a summary page which assists the reader in navigating the document
- Budgets are included for each principal activity and highlight the required resources
- High level success indicators are provided in the Delivery Program, but it is not clear how these will be measured
- The Delivery Program and Operational Plan are well-presented and comply with legislative requirements.

#### **Overall integration of plans**

- As the Delivery Program and Operational Plan are presented in a single document, it is clear how these are linked
- There are some links between the Community Strategic Plan and the combined Delivery Program and Operational Plan. These links could be enhanced by the use of consistent numbering between the Community Strategic Plan objectives and Delivery Program and Operational Plan programs and actions
- The links between the Resourcing Strategy and the other plans could be strengthened.

#### **Summary of strengths**

- Overall the suite of Integrated Planning and Reporting documents were easy to read and understand
- The Community Strategic Plan captures the broad themes identified in the community engagement process
- The Workforce Management Plan clearly identifies what Council intends to do to address its workforce issues.

**Summary of areas for further development**

- Council needs to engage the community to determine agreed asset service levels and ensure this is reflected in the Asset Management Plans
- The links between the Community Strategic Plan and the Delivery Program and Operational Plan need to be strengthened
- The links between the component parts of the Resourcing Strategy needs to be strengthened
- Although performance indicators are provided in many of the documents, Council needs to make clear how measurement will occur over time
- Due regard to the NSW State Plan and Metropolitan Strategy and how these inform the development of specific strategies in the Community Strategic Plan needs to be strengthened.

## ORDINARY COUNCIL

ORD09

**SUBJECT: CODE OF MEETING PRACTICE AMENDMENTS**

**FROM:** Director Governance

**BINDER:** Code of Meeting Practice

**PREVIOUS ITEMS:** ORD12 - RECORDING OF COUNCIL MEETINGS - Ordinary Council - 22 November 2011

---

### PURPOSE OF REPORT

To obtain a Council resolution in order to adopt amendments to Council's Code of Meeting Practice.

### BACKGROUND

Council, at its meeting of 22 November 2011, resolved to:

- i. amend the Code of Meeting Practice in accordance with Option 2, inserting a new Clause 6.2(5) as follows:

*"Council Meetings are recorded in accordance with the following principles:*

1. *Recordings of meetings are only used for verifying the accuracy of minutes;*
2. *Recording of meetings are not made available to the public or disclosed to any third party, except as allowed under Section 18(1)(c) or Section 19(1) of the PIPP Act or where Council is compelled to do so by Court Order, warrant or subpoena or by any other law.*
3. *Recordings of meetings are to be destroyed as soon as their original purpose is served or three months after their creation (whichever is the later) except where retention for a longer period is otherwise required or recommended under the State Records Act, 1998.*
4. *Appropriate signage is displayed in the public gallery or at the public entrance to Council Meetings and verbal statements made at the commencement of each meeting to notify the public of the matters required under IPP3 (Section 10(a)-(e) of the PPIP Act).*

and

- ii. the amended Code of Meeting Practice be publicly exhibited for a period of 28 days in accordance with Section 361 of the *Local Government Act, 1993* with a further report to be submitted to Council to consider submissions received and final adoption.

## MAIN REPORT

In accordance with the Council resolution of 22 November 2011, Council's Code of Meeting Practice (the Code) was amended to incorporate the provision to audio record Council meetings. A copy of the amended Code of Meeting Practice is attached to this report.

In accordance with the requirements of the Local Government Act (Sections 361 and 362), the proposed amendments to the Code were placed on public exhibition from 8 December 2011 to 18 January 2012. As the period of exhibition fell over the Christmas / New Year holiday period, the required 28 day advertising period was extended.

During the exhibition period, a notice was placed in Council's weekly advertisement in the Camden Advertiser advising of the proposed amendments. The advertisement was also placed on Council's website under Matters on Exhibition, along with a copy of the draft amended Code. Copies of the amended Code were also available for viewing at Council offices.

Written submissions were invited to be received by Council by 3 February 2012.

In response to the public exhibition and consultation period, no submissions were received.

### Petitions

It should be noted that Clause 6.4 of the Code of Meeting Practice refers to Petitions being reported to Council. Councillors have however previously agreed to have petitions emailed directly to them on receipt rather than being reported to the next available Council meeting. This change in procedure has not been incorporated into this amendment of the Code and will be incorporated in the next review. In the interim, petitions will continue to be emailed to Councillors in accordance with Councillors wishes.

## CONCLUSION

In order to allow for Council Meetings to be audio recorded for administrative purposes, Council's Code of Meeting Practice has now been amended.

The revised Code of Meeting Practice is submitted for Council's consideration.

## RECOMMENDED

**That Council adopt the amended Code of Meeting Practice as attached to this report.**

## ATTACHMENTS

1. Amended Code of Meeting Practice



ORD09

Attachment 1



# CODE OF MEETING PRACTICE POLICY 5.8

---

---

## CODE OF MEETING PRACTICE

**DIVISION:** GOVERNANCE

**PILLAR:** GOVERNANCE

---

**FILE / BINDER:**

**PREAMBLE / BACKGROUND:**

The Code of Meeting Practice sets out the manner in which meetings of the Council are to be convened and conducted. Meeting procedures contribute to good public decision-making and increases Council's transparency and accountability to the Camden community.

The Code incorporates the requirements of the Local Government Act, 1993 (as amended) (Chapter 12, Part 2, Division1), the Local Government (General) Regulation, 2005 and Council policies with respect to meeting procedure.

The Code should also be read in conjunction with the Meetings Practice Note (Practice Note No 16) issued by the Department of Local Government in November, 2005.

This Code has been structured to assist the user to easily understand what is required in the conduct of meetings.

The various Clauses contained in the Code have been cross referenced in brackets to the relevant Section of the Act, Regulation or Council Policy for clarity.

The Code will be adopted following a exhibition period and will be reviewed on the date listed below.

In adopting the Code, Council seeks to ensure all Councillors, staff and community members participating in Council Meetings of any form, act with good intentions and behave to the standard of conduct expected by the community at large.

ORD09

Attachment 1

ORD09

Attachment 1

## TABLE OF CONTENTS

<b>1.0</b>	<b>PRELIMINARY .....</b>	<b>5</b>
1.1	DEFINITIONS .....	5
<b>2.0</b>	<b>CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS .....</b>	<b>6</b>
2.1	NOTICE OF MEETING .....	6
2.2	WHAT HAPPENS WHEN A QUORUM IS NOT PRESENT .....	6
2.3	MINISTER TO CONVENE MEETINGS IN CERTAIN CASES .....	6
2.4	PRESENCE AT COUNCIL MEETINGS .....	6
2.5	LEAVE OF ABSENCE .....	7
<b>3.0</b>	<b>PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS .....</b>	<b>8</b>
3.1	COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS .....	8
3.2	CHAIRPERSON TO HAVE PRECEDENCE .....	8
3.3	CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS .....	9
3.4	ORDER OF BUSINESS .....	9
3.5	AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS .....	9
3.6	PUBLIC ADDRESSES AT COUNCIL MEETINGS ( <i>Policy</i> ).....	10
3.7	GIVING NOTICE OF BUSINESS & NOTICE OF MOTION.....	11
3.8	AGENDA FOR EXTRAORDINARY MEETINGS .....	11
3.9	OFFICIAL MINUTES (MAYORAL MINUTE).....	12
3.10	REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING .....	12
3.11	NOTICE OF MOTION—ABSENCE OF MOVER .....	12
3.12	MOTIONS TO BE SECONDED .....	13
3.13	HOW SUBSEQUENT AMENDMENTS MAY BE MOVED .....	13
3.14	MOTIONS OF DISSENT .....	13
3.15	QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES.....	13
3.16	LIMITATION AS TO NUMBER OF SPEECHES .....	14
3.17	VOTING AT COUNCIL MEETINGS .....	14
3.18	RESCINDING OR ALTERING RESOLUTIONS .....	15
3.19	REPRESENTATIONS BY MEMBERS OF THE PUBLIC—CLOSURE OF PART OF MEETING .....	16
3.20	RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC.....	16
3.21	MATTERS TO BE INCLUDED IN MINUTES OF COUNCIL MEETING .....	16
<b>4.0</b>	<b>KEEPING ORDER AT MEETINGS.....</b>	<b>18</b>
4.1	QUESTIONS OF ORDER .....	18
4.2	ACTS OF DISORDER.....	18
4.3	HOW DISORDER AT A MEETING MAY BE DEALT WITH.....	19
4.4	POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION .....	19
<b>5.0</b>	<b>COUNCIL COMMITTEES .....</b>	<b>20</b>
5.1	COMMITTEE OF THE WHOLE.....	20
5.2	COUNCIL MAY ESTABLISH COMMITTEES .....	20
5.3	FUNCTIONS OF COMMITTEES.....	20

5.4	NOTICE OF COMMITTEE MEETINGS TO BE GIVEN .....	20
5.5	NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS .....	21
5.6	REPRESENTATIONS BY MEMBERS OF THE PUBLIC— CLOSURE OF PART OF MEETING .....	21
5.7	PROCEDURE IN COMMITTEES .....	21
5.8	COMMITTEES TO KEEP MINUTES.....	22
5.9	CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES .....	22
5.10	ABSENCE FROM COMMITTEE MEETINGS.....	22
5.11	REPORTS OF COMMITTEES .....	23
5.12	DISORDER IN COMMITTEE MEETINGS.....	23
5.13	CERTAIN PERSONS MAY BE EXPELLED FROM COUNCIL COMMITTEE MEETINGS .....	23
<b>6.0</b>	<b>MISCELLANEOUS.....</b>	<b>25</b>
6.1	INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE .....	25
6.2	TAPE RECORDING OF MEETING OF COUNCIL OR COMMITTEE <b>BY MEMBERS OF THE PUBLIC</b> PROHIBITED WITHOUT PERMISSION .....	25
<b>6.3</b>	<b>RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY COUNCIL STAFF FOR ADMINISTRATIVE PURPOSES .....</b>	<b>25</b>
6.4	RECEIPT OF PETITIONS.....	26
6.5	CONDUCT OF WORKSHOPS.....	26
	<b>NOTICE OF MOTION OF RESCISSION.....</b>	<b>28</b>
	<b>NOTICE OF MOTION.....</b>	<b>29</b>

ORD09

Attachment 1

## **1.0 PRELIMINARY**

### **1.1 DEFINITIONS**

In this Code:

**Amendment:** in relation to an original motion, means a motion moving an amendment to that motion.

**Chairperson:** a. in relation to a meeting of Council—means the person presiding at the meeting as provided by section 369 of the Act, and  
b. in relation to a meeting of a committee of Council—means the person presiding at the meeting as provided by clause 5.9.

**Committee:** in relation to a Council, means a committee established under clause 5.2 or the Council when it has resolved itself into a committee of the whole.

**Cl:** refers to the relevant Clause in the Local Government (General) Regulation, 2005, as amended.

**The Act or**

**Act:** refers to the Local Government Act, 1993 as amended.

**Policy:** refers to adopted Council Policy.

**Quorum:** means to a majority of members (Section 368 of Local Government Act, 1993)

**Regulation:** refers to The Local Government (General) Regulation, 2005 as amended.

## **2.0 CONVENING OF, AND ATTENDANCE AT, COUNCIL MEETINGS**

ORD09

### **2.1 NOTICE OF MEETING** *(CI 232)*

1. This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.
2. A notice of a meeting of a Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
3. The notice must specify the time and place of the meeting.
4. Notice of more than one meeting may be given in the same notice.
5. This clause does not apply to an extraordinary meeting of a Council or committee.

### **2.2 WHAT HAPPENS WHEN A QUORUM IS NOT PRESENT** *(CI 233)*

1. A meeting of a Council must be adjourned if a quorum is not present:
  - a. within half an hour after the time designated for the holding of the meeting, or
  - b. at any time during the meeting.
2. In either case, the meeting must be adjourned to a time, date and place fixed:
  - a. by the Chairperson, or
  - b. in his or her absence—by the majority of the Councillors present, or
  - c. failing that, by the General Manager.
3. The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the Council, together with the names of the Councillors present.

### **2.3 MINISTER TO CONVENE MEETINGS IN CERTAIN CASES** *(CI 234)*

1. Whenever an area is constituted or reconstituted, the Minister is required:
  - a. to convene the first meeting of the Council of the area, and
  - b. to nominate the business to be transacted at the meeting, and
  - c. to give the Councillors notice of the meeting.
2. If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
3. The Council must transact the business nominated by the Minister for a meeting convened under this clause.

### **2.4 PRESENCE AT COUNCIL MEETINGS** *(CI 235)*

A Councillor cannot participate in a meeting of a Council unless personally present at the meeting.

Attachment 1

ORD09

Attachment 1

**2.5 LEAVE OF ABSENCE**

*(CI 235A)*

1. A Councillor's application for leave of absence from Council meetings should, if practicable, identify (by date) the meetings from which the Councillor intends to be absent.
2. A Councillor who intends to attend a Council meeting despite having been granted leave of absence should, if practicable, give the General Manager at least 2 days' notice of his or her intention to attend.

## **3.0 PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS**

ORD09

### **3.1 COUNCILLOR TO BE ELECTED TO PRESIDE AT CERTAIN MEETINGS**

*(CI 236)*

In the absence of the Mayor, the Deputy Mayor shall be the Deputy Chairperson of any Council or Committee Meeting. (Council Policy)

1. If no Chairperson or Deputy Chairperson is present at a meeting of a Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a Chairperson to preside at the meeting.  
**Note.** Section 369 (2) of the Act provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and deputy Mayor are absent.
2. The election must be conducted:
  - a. by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election, or
  - b. if neither of them is present at the meeting or there is no General Manager or designated employee—by the person who called the meeting or a person acting on his or her behalf.
3. If, at an election of a Chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the Chairperson is to be the candidate whose name is chosen by lot.
4. For the purposes of subclause (3), the person conducting the election must:
  - a. arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and
  - b. then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
5. The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson.

### **3.2 CHAIRPERSON TO HAVE PRECEDENCE**

*(CI 237)*

When the Chairperson rises during a meeting of a Council:

- a. any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat, and
- b. every Councillor present must be silent to enable the Chairperson to be heard without interruption.

Attachment 1



**3.3 CHAIRPERSON'S DUTY WITH RESPECT TO MOTIONS** (CI 238)

1. It is the duty of the Chairperson at a meeting of a Council to receive and put to the meeting any lawful motion that is brought before the meeting.
2. The Chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
3. Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected.

**3.4 ORDER OF BUSINESS** (CI 239)

1. The general Order of Business at a meeting of Council, (other than an extraordinary meeting) shall be:
  - Prayer;
  - Apologies;
  - Declaration of Interest;
  - Public Addresses (incorporating Public Question Time);
  - Confirmation of Minutes;
  - Mayoral Minute;
  - Agenda Reports;
  - Motions of Rescission;
  - Notice of Motion;
  - Diary.
2. The Order of Business fixed under subclause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
3. Despite clause 3.16, only the mover of a motion referred to in subclause (2) may speak to the motion before it is put.

**3.5 AGENDA AND BUSINESS PAPERS FOR COUNCIL MEETINGS** (CI 240)

1. The General Manager must ensure that the agenda for a meeting of the Council states:
  - a. all matters to be dealt with arising out of the proceedings of former meetings of the Council, and
  - b. if the Mayor is the Chairperson—any matter or topic that the Chairperson proposes, at the time when the agenda is prepared, to put to the meeting, and
  - c. subject to subclause (2), any business of which due notice has been given.
2. The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the

business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.

3. The General Manager must cause the agenda for a meeting of the Council or a committee of the Council to be prepared as soon as practicable before the meeting. (Also see Clause 3.7 of this Code)
4. The General Manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
5. Nothing in this clause limits the powers of the Chairperson under clause 3.9. (Mayoral Minute).

### **3.6 PUBLIC ADDRESSES AT COUNCIL MEETINGS**

*(Policy)*

The Public Address segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

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

Where a member of the public raises a question during the Public Address segment, a response will be provided where Councillors or staff have the necessary information at hand; if not a reply will be provided at a later time. There is a limit of one (1) question per speaker per meeting.

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

Public Addresses are ~~tape~~ 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. ~~A copy of the tape recording may be available to third parties (in certain circumstances).~~

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.

ORD09

Attachment 1

### **3.7 GIVING NOTICE OF BUSINESS & NOTICE OF MOTION** *(CI 241)*

1. A Council must not transact business at a meeting of the Council:
  - a. unless a Councillor has given notice of the business in writing (Notice of Motion) no less than 7 days prior to the meeting date; and
  - b. unless notice of the business has been sent to the Councillors in accordance with section 367 of the Act – the Notice of Meeting/Business Paper is to be delivered to Councillors 3 days before each Meeting.
  
2. Subclause (1) does not apply to the consideration of business at a meeting if the business:
  - a. is already before, or directly relates to a matter that is already before, the Council, or
  - b. is the election of a Chairperson to preside at the meeting as provided by clause 3.1 (1), or
  - c. is a matter or topic put to the meeting by the Chairperson in accordance with clause 3.9, or
  - d. is a motion for the adoption of recommendations of a committee of the Council.
  
3. Despite subclause (1), business may be transacted at a meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - a. a motion is passed to have the business transacted at the meeting, and
  - b. the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice.
  
4. Despite clause 3.16, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

### **3.8 AGENDA FOR EXTRAORDINARY MEETINGS** *(CI 242)*

1. The General Manager must ensure that the agenda for an extraordinary meeting of a Council deals only with the matters stated in the notice of the meeting.
  
2. Despite subclause (1), business may be transacted at an extraordinary meeting of a Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
  - a. a motion is passed to have the business transacted at the meeting, and
  - b. the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

3. Despite clause 3.16, only the mover of a motion referred to in subclause (2) can speak to the motion before it is put.

**3.9 OFFICIAL MINUTES (MAYORAL MINUTE)** *(CI 243)*

1. If the Mayor is the Chairperson at a meeting of a Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.
2. Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.
3. A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council.
4. In accordance with subclause (1) above, a Councillor, may by way of information, have included in any Mayoral Minute, an item of general interest to be drawn to the attention of Council.

**3.10 REPORT OF A DEPARTMENTAL REPRESENTATIVE TO BE TABLED AT COUNCIL MEETING** *(CI 244)*

When a report of a Departmental representative has been presented to a meeting of a Council in accordance with section 433 of the Act, the Council must ensure that the report:

- a. is laid on the table at that meeting, and
- b. is subsequently available for the information of Councillors and members of the public at all reasonable times.

**3.11 NOTICE OF MOTION—ABSENCE OF MOVER** *(CI 245)*

In the absence of a Councillor who has placed a notice of motion on the agenda for a meeting of a Council:

- a. any other Councillor may move the motion at the meeting, or
- b. the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered.

**3.12 MOTIONS TO BE SECONDED** *(CI 246)*

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 3.9 (2) and 3.16 (5).

**3.13 HOW SUBSEQUENT AMENDMENTS MAY BE MOVED** (CI 247)

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time.

**3.14 MOTIONS OF DISSENT** (CI 248)

1. A Councillor can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
2. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course.
3. Despite clause 3.16, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

**3.15 QUESTIONS MAY BE PUT TO COUNCILLORS AND COUNCIL EMPLOYEES** (CI 249)

1. A Councillor:
  - a. may, through the Chairperson, put a question to another Councillor, and
  - b. may, through the General Manager, put a question to a Council employee.
2. However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
3. The Councillor must put every such question directly, succinctly and without argument. Questions shall not call for action to be taken nor be used for political expedience. (ie Questions without Notice)
4. The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause.

**3.16 LIMITATION AS TO NUMBER OF SPEECHES** (CI 250)

1. A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are

- made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
2. A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
  3. A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the Chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
  4. Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:
    - a. if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or
    - b. if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.
  5. The Chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
  6. If a motion that the original motion or an amendment be now put is passed, the Chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
  7. If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

### **3.17 VOTING AT COUNCIL MEETINGS**

*(CI 251)*

1. A Councillor who is present at a meeting of a Council, is entitled to one vote (Section 370). Any Councillor who fails to vote on a motion put to the meeting is taken to have voted against the motion.
2. If a Councillor has voted against a motion put at a Council meeting, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.(Policy)
3. When a planning decision is put to a Council or Committee Meeting, including meetings closed to the public, the General Manager shall record in the Minutes of the Meeting, the names of the Councillors who voted for and against the decision. (Section 375A)

4. The Chairperson of a Council or Committee Meeting in the event of an equality of votes, shall have a casting vote, as well as a original vote.(Section 370)
5. The decision of the Chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
6. When a division on a motion is demanded on a matter other than a planning decision (See clause 3 above), the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes.
7. Voting at a Council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or deputy Mayor is to be by secret ballot.
8. A decision supported by a majority of the votes at a Meeting of the Council at which a quorum is present is a decision of the Council. (Section 371)

**Note:** Part 11 of the General Regulation provides that a Council is to resolve whether an election by the Councillors for Mayor or deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (Clause 394 and Clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that **ballot** has its normal meaning of secret ballot.

### 3.18 RESCINDING OR ALTERING RESOLUTIONS (Section 372)

(See Appendix for Pro Forma "Notice of Motion of Rescission")

1. A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with this Code.
2. If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
3. If a motion has been negated by Council, a motion having the same effect, must not be considered unless notice of it has been duly given in accordance with this Code.
4. A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors, if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be. Such notice of motion to alter or rescind must be received by the General Manager within 2 working days following the meeting of Council at which the resolution was carried.

5. If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
6. A motion to which this section applies may be moved on the report of a committee of the Council and any such report must be recorded in the minutes.
7. The provisions of this Section concerning negatived motions do not apply to motions of adjournment.

**3.19 REPRESENTATIONS BY MEMBERS OF THE PUBLIC—CLOSURE OF PART OF MEETING** *(CI 252)*

1. A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a 4 minute period immediately after the motion to close the part of the meeting is moved and seconded.
2. Any member of the public may make representations about the closure of part of a meeting on the following basis:
  - a. in writing to the General Manager prior to the commencement of the meeting; or
  - b. verbally when requested by the Chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

**3.20 RESOLUTIONS PASSED AT CLOSED MEETINGS TO BE MADE PUBLIC** *(CI 253)*

If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

**3.21 MATTERS TO BE INCLUDED IN MINUTES OF COUNCIL MEETING** *(CI 254)*

The General Manager must ensure that the following matters are recorded in the Council's minutes:

- a. details of each motion moved at a Council meeting and of any amendments moved to it,
- b. the names of the mover and seconder of the motion or amendment,
- c. whether the motion or amendment is passed or lost.

**Note:** Section 375 (1) of the Act requires a Council to ensure that full and accurate minutes are kept of the proceedings of a meeting of the Council



**ORD09**

**Attachment 1**

(other provisions of this Code and of the Act require particular matters to be recorded in a Council's minutes).

This Section also requires the General Manager to record which Councillors vote for and against each planning decision of the Council and to make this information publicly available. (See clause 3.17 above)

## **4.0 KEEPING ORDER AT MEETINGS**

### **4.1 QUESTIONS OF ORDER**

*(CI 255)*

1. The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
2. A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the Chairperson to the matter.
3. The Chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
4. The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

### **4.2 ACTS OF DISORDER**

*(CI 256)*

1. A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or a committee of a Council:
  - a. contravenes the Act or any regulation in force under the Act, or
  - b. assaults or threatens to assault another Councillor or person present at the meeting, or
  - c. moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or committee, or addresses or attempts to address the Council or committee on such a motion, amendment or matter, or
  - d. insults or makes personal reflections on or imputes improper motives to any other Councillor, or
  - e. says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or committee into contempt.
2. The Chairperson may require a Councillor:
  - a. to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
  - b. to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or
  - c. to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).
3. A Councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned.

**ORD09**

**Attachment 1**

**4.3 HOW DISORDER AT A MEETING MAY BE DEALT WITH** (CI 257)

1. If disorder occurs at a meeting of a Council, the Chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
2. A member of the public may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting.

**4.4 POWER TO REMOVE PERSONS FROM MEETING AFTER EXPULSION** (CI 258)

If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:

- a. immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or
  - b. where the Council has authorised the person presiding at the meeting to exercise the power of expulsion—immediately after being directed by the person presiding to leave the meeting,
- a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place.

## **5.0 COUNCIL COMMITTEES**

### **5.1 COMMITTEE OF THE WHOLE** *(CI 259)*

1. All the provisions of this Code relating to meetings of a Council, so far as they are applicable, extend to and govern the proceedings of the Council when in committee of the whole, except the provision limiting the number and duration of speeches.
2. The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
3. The Council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed.

### **5.2 COUNCIL MAY ESTABLISH COMMITTEES** *(CI 260)*

1. A Council may, by resolution, establish such committees as it considers necessary.
2. A committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
3. The quorum for a meeting of a committee is to be:
  - a. such number of members as the Council decides, or
  - b. if the Council has not decided a number—a majority of the members of the committee.

### **5.3 FUNCTIONS OF COMMITTEES** *(CI 261)*

A Council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

### **5.4 NOTICE OF COMMITTEE MEETINGS TO BE GIVEN** *(CI 262)*

1. The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the committee, a notice specifying:
  - a. the time and place at which and the date on which the meeting is to be held, and
  - b. the business proposed to be transacted at the meeting.

2. However, notice of less than 3 days may be given of a committee meeting called in an emergency.

#### **5.5 NON-MEMBERS ENTITLED TO ATTEND COMMITTEE MEETINGS**

*(CI 263)*

1. A Councillor who is not a member of a committee of a Council is entitled to attend, and to speak at, a meeting of the committee.
2. However, the Councillor is not entitled:
  - a. to give notice of business for inclusion in the agenda for the meeting, or
  - b. to move or second a motion at the meeting, or
  - c. to vote at the meeting.

#### **5.6 REPRESENTATIONS BY MEMBERS OF THE PUBLIC—CLOSURE OF PART OF MEETING**

*(CI 264)*

1. A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a 4 minute period immediately after the motion to close the part of the meeting is moved and seconded.
2. Any member of the public may make representations about the closure of part of a meeting on the following basis:
  - a. in writing to the General Manager prior to the commencement of the meeting; or
  - b. verbally when requested by the Chairperson to indicate whether anyone would like to make representations about the closure of part of the meeting.

#### **5.7 PROCEDURE IN COMMITTEES**

*(CI 265)*

1. Subject to subclause (3), each committee of a Council may regulate its own procedure.
2. Without limiting subclause (1), a committee of a Council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the Chairperson of the committee is to have a casting vote as well as an original vote.
3. Voting at a committee meeting is to be by open means (such as on the voices or by show of hands).

**5.8 COMMITTEES TO KEEP MINUTES***(CI 266)*

1. Each committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
  - a. details of each motion moved at a meeting and of any amendments moved to it,
  - b. the names of the mover and seconder of the motion or amendment,
  - c. whether the motion or amendment is passed or lost.
2. As soon as the minutes of an earlier meeting of a committee of the Council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.
3. In relation to planning decisions in Committee, refer to Clause 3.17(3) above for the recording of voting.

**5.9 CHAIRPERSON AND DEPUTY CHAIRPERSON OF COMMITTEES***(CI 267)*

1. The Chairperson of each committee of the Council must be:
  - a. the Mayor, or
  - b. if the Mayor does not wish to be the Chairperson of a committee—a member of the committee elected by the Council, or
  - c. if the Council does not elect such a member—a member of the committee elected by the committee.
2. A Council may elect a member of a committee of the Council as deputy Chairperson of the committee. If the Council does not elect a deputy Chairperson of such a committee, the committee may elect a deputy Chairperson.
3. If neither the Chairperson nor the deputy Chairperson of a committee of a Council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting Chairperson of the committee.
4. The Chairperson is to preside at a meeting of a committee of a Council. If the Chairperson is unable or unwilling to preside, the deputy Chairperson (if any) is to preside at the meeting, but if neither the Chairperson nor the deputy Chairperson is able or willing to preside, the acting Chairperson is to preside at the meeting.

**5.10 ABSENCE FROM COMMITTEE MEETINGS***(CI 268)*

1. A member (other than the Mayor) ceases to be a member of a committee if the member:

- a. has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences, or
  - b. has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
2. Subclause (1) does not apply in respect of a committee that consists of all of the members of the Council.
- Note.** The expression **year** means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act.

### 5.11 REPORTS OF COMMITTEES

(CI 269)

1. If in a report of a committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation.
2. The recommendations of a committee of the Council are, so far as adopted by the Council, resolutions of the Council.
3. If a committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the Chairperson must:
  - a. make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
  - b. report the resolution or recommendation to the next meeting of the Council.

### 5.12 DISORDER IN COMMITTEE MEETINGS

(CI 270)

The provisions of the Act and of this Code relating to the maintenance of order in Council meetings apply to meetings of committees of the Council in the same way as they apply to meetings of the Council.

### 5.13 CERTAIN PERSONS MAY BE EXPELLED FROM COUNCIL COMMITTEE MEETINGS

(CI 271)

1. If a meeting or part of a meeting of a committee of a Council is closed to the public in accordance with section 10A of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.
2. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

## **6.0 MISCELLANEOUS**

### **6.1 INSPECTION OF THE MINUTES OF A COUNCIL OR COMMITTEE**

(CI 272)

1. An inspection of the minutes of a Council or committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
2. The General Manager must ensure that the minutes of the Council and any minutes of a committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

### **6.2 TAPE RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY MEMBERS OF THE PUBLIC PROHIBITED WITHOUT PERMISSION**

(CI 273)

1. A person may use a tape recorder to record the proceedings of a meeting of a Council or a committee of a Council only with the authority of the Council or committee.
2. A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council or a committee of a Council for using or having used a tape recorder in contravention of this clause.
3. If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
4. In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.
- ~~5. Council Meetings, including extraordinary Meetings, are not tape recorded. The only exemption is tape recording of Public Addresses for administrative purposes. (Refer to Clause 3.6)~~

### **6.3 RECORDING OF MEETING OF COUNCIL OR COMMITTEE BY COUNCIL STAFF FOR ADMINISTRATIVE PURPOSES**

Council Meetings are recorded in accordance with the following principles:

ORD09

Attachment 1



1. Recordings of meetings are only used for verifying the accuracy of minutes;
2. Recording of meetings are not made available to the public or disclosed to any third party, except as allowed under Section 18(1)(c) or Section 19(1) of the PIPP Act or where Council is compelled to do so by Court Order, warrant or subpoena or by any other law.
3. Recordings of meetings are to be destroyed as soon as their original purpose is served or three months after their creation (whichever is the later) except where retention for a longer period is otherwise required or recommended under the State Records Act, 1998.
4. Appropriate signage is displayed in the public gallery or at the public entrance to Council Meetings and verbal statements made at the commencement of each meeting to notify the public of the matters required under IPP3 (Section 10(a)-(e) of the PPIP Act).

#### **6.4 RECEIPT OF PETITIONS**

On receipt of a petition, a report noting the receipt of the petition shall be submitted to the next available Council Meeting. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter.

#### **6.5 CONDUCT OF WORKSHOPS**

Council may hold regular workshops in accordance with its adopted meeting timetable. Workshops are informal gatherings or briefing sessions and may involve Councillors, Council staff and invited participants. Such workshops shall be chaired by the General Manager or another senior Council officer and should not be used for detailed or advanced discussions where agreement is reached. In conducting such workshops Council is cognizant of its obligations and responsibilities in terms of open decision making and transparency of process.

\* \* \*

#### **RELEVANT LEGISLATION:**

Local Government Act, 1993 (as amended)  
(Chapter 12, Part 2, Division 1);  
Local Government (General) Regulation,  
2005;

Meetings Practice Note (Practice Note No 16) issued by the Department of Local Government in November, 2005.

**RELATED POLICIES:** Code of Conduct (5.3)  
**DELEGATIONS:** No  
**SUSTAINABILITY ELEMENT:** No  
**STAFF TRAINING REQUIRED?** No

**NEXT REVIEW DATE:**

**PREVIOUS POLICY**

**ADOPTED:** 22 January 2001; 28  
October 2008

**MINUTE:** 002/01; ORD271/08

**ORD09**

**Attachment 1**



ORD09

**NOTICE OF MOTION OF RESCISSION**

(Clause 3.18)

We, the undersigned Councillors, hereby give notice of our intention to move that the Council resolution relating to Item No \_\_\_\_\_ of Council Meeting of the \_\_\_\_\_ (date of meeting):

(title of report): **BE RESCINDED.**

(Minute No. \_\_\_\_\_ )(extract of Resolution)

Should the above Motion of Recission be carried, it is our intention to move the following further motion: -

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
(signature)

.....  
(signature)

.....  
(signature)

Attachment 1



ORD09

**NOTICE OF MOTION**

(Clause 3.7)

I, Councillor ..... Hereby  
give

(name)

Notice of my intention to move the following at the Council meeting of

.....:  
(date)

.....

.....

.....

.....

.....

.....

.....

.....

.....  
(signed)

Attachment 1

## ORDINARY COUNCIL

**ORD10**

**SUBJECT: LEASE AGREEMENT - ILLAWARRA CHILDREN'S SERVICES -  
JUMBUNNA CENTRE AT 85 RICHARDSON ROAD, NARELLAN**

**FROM:** Director Governance

**BINDER:** Council Properties

---

### PURPOSE OF REPORT

To obtain Council approval to sign a lease agreement with the Illawarra Children's Services for the occupation of the Jumbunna Centre at Lot 13 DP 578510, 85 Richardson Road, Narellan.

### BACKGROUND

The Illawarra Children's Services currently occupy the Jumbunna Centre at 85 Richardson Road, Narellan for use as the Narellan Early Learning Centre.

The current licence agreement commenced in 2008 and is due to expire on 1 March 2012. Illawarra Children's Services have requested that the agreement be renewed.

The Jumbunna Centre was originally occupied by several groups offering children's services and Council entered into separate agreements with each group to occupy specific rooms. The majority of the building was occupied by the Narellan Early Learning Centre and over time, the other groups have relocated. The building has been occupied exclusively by the Narellan Early Learning Centre for the last two years.

### MAIN REPORT

Council Officers have inspected the property and met with the representatives of the Illawarra Children's Services to discuss options with regard to the renewal of the agreement for the site.

Due to the site being exclusively occupied and operated by Illawarra Children's Services as the Narellan Early Learning Centre, it is proposed that the agreement be renewed in the form of a lease agreement for the whole site. This will ensure compliance with the necessary regulations that Illawarra Children's Services must abide by in relation to the amount of recreation space they are to provide.

The Illawarra Children's Services have maintained the property in good condition and have in fact carried out renovations to improve the centre. Demand for community based children's services will continue to increase as the population of the LGA increases and the Narellan Early Learning Centre offers a vital service to the local community. It is therefore recommended that a five year lease be entered into in order to retain this service.

Council is currently responsible for the maintenance of the grounds as the current licence agreement is to occupy the building only. Once an exclusive lease of the site is entered into, Illawarra Children's Services will become responsible for maintaining the grounds.

The details of the proposed lease are as follows:

- Term of the Lease – Five (5) years commencing on 2 March 2012 and expiring on 1 March 2017, with a monthly holding over period after this date.
- Rent - \$13,326.60 plus GST per annum to be increased annually by CPI. This is based on the current weekly fee set out in Council's fees and charges.
- Insurance – The lessee must take out and keep up to date insurance policies for public liability, workers compensation and any other insurances required in conjunction with the operation of an early learning, child care centre.
- Conditions and Repairs – The lessee will be responsible for all general repairs and maintenance including ground maintenance and mowing. Council will be responsible for all structural repairs and maintenance.
- Outgoings – The lessee will be responsible for the payment of all outgoings.
- Permitted use – Early learning / child care centre.

Illawarra Children's Services have agreed to the terms and conditions of the proposed agreement and consider the arrangement to be fair and reasonable.

The subject land is classified as Operational land under the Local Government Act 1993 and therefore there is no requirement under the Act for this proposal to be advertised.

### CONCLUSION

The Narellan Early Learning Centre has been operating from the site for a number of years and continues to provide a vital service to the local community. By granting an exclusive lease for this site to Illawarra Children's Services, it will ensure it is compliant with all relevant legislation.

### RECOMMENDED

**That Council:**

- Enter into a five (5) year lease agreement with Illawarra Children's Services for the occupation of Lot 13 DP 578510, 85 Richardson Road, Narellan, incorporating the terms and conditions outlined in the report; and**
- That the Seal of Council be affixed to the lease agreement with Illawarra Children's Services for the occupation of Lot 13 DP 578510, 85 Richardson Road, Narellan.**

### ATTACHMENTS

1. Location Plan

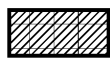
ORD10

Attachment 1



# SITE LOCATION MAP

Lot 13, DP 578510  
85 Richardson Road, Narellan



Subject Site

Scale 1:5000



## ORDINARY COUNCIL

ORD11

ORD11

**SUBJECT: ESTABLISH FLOODPLAIN RISK MANAGEMENT COMMITTEE**  
**FROM:** Director Works & Services  
**BINDER:** Land Use and Planning

---

### PURPOSE OF REPORT

To seek Council's:

- approval to establish the Floodplain Risk Management Committee (FRM Committee) following on from acceptance of grant funding;
- nomination of two Councillors as committee members; and
- endorsement of the proposed Terms of Reference of the Floodplain Risk Management Committee.

### BACKGROUND

Council adopted the Upper South Creek Flood Study (2011) (Flood Study (2011)) at its meeting on 8 November 2011. The Flood Study (2011) report and flood maps are currently on display on Council's website and customer service areas. Due to the considerable number of enquiries received from the community following advice of the Flood Study (2011), continuing consultation and information sharing with the community will continue through 2012.

At the same meeting, Council also accepted a grant of \$90,000 to undertake floodplain management programs including the Upper South Creek Floodplain Risk Management Study and Plan, a review of the Nepean River Flood Study, Floodplain Risk Management Study and Plan, and Narellan Creek Flood Study Review and Climate Change Impact Analysis.

The Floodplain Risk Management Study (FRM Study) and Floodplain Risk Management Plan (FRM Plan) for Upper South Creek are the next steps in the Flood Risk Management Process as outlined in the NSW Floodplain Development Manual (FDM) and NSW Flood Prone Land Policy (State Policy). The FRM Study and FRM Plan involve determining various options which may be acted upon in consideration of social, economic and ecological factors relating to flood risk. These options are:

- flood modification (e.g. flood mitigation works and planning controls);
- public response modification (e.g. flood warnings, flood readiness and evacuation plans); and
- property modification (e.g. house raising, use of flood compatible materials and planning controls).

### ***What is Floodplain Risk Management?***

Floodplain risk management is the community deciding:

- what to do during a flood;
- how to enhance the natural characteristics of the floodplain;
- how to reduce the flood risk and damage for existing development; and
- how to ensure that future development is compatible with the flood risk.



The primary objective of the decisions, as outlined in the State Policy, is to reduce the impact of flooding and flood liability on individual owners and occupiers, and to reduce private and public losses resulting from flooding. These decisions are documented in the FRM Plan.

Any plan to manage the floodplains should recognise:

- the existing hazards and damage potential;
- the future hazards and damage potential; and
- the residual hazards and damage potential.

The residual flood hazard is the hazard affecting a community after all justifiable floodplain management measures have been put in place e.g. the hazard when a levee overtops.

The most effective FRM Plan comprehensively addresses each of these for the area covered by the plan. It evaluates flood behaviour along with social, economic and ecological considerations, to achieve a floodplain management approach based on merit, not by the application of a blanket rule. The evaluation is done in the preparation of the FRM Study.

The plan should follow a total catchment approach, which also considers the cumulative impact on flooding behaviour of incremental development on the floodplain, including both upstream and downstream from the LGA.

A FRM Committee is required to be established as specified in the FDM during the preparation of the Plan. The FRM Plan will outline preferred options for action, with input and guidance from the FRM Committee. The Plan will be formally approved by the Council after a public exhibition of the plan.

### **MAIN REPORT**

The Council's existing Flood Risk Management Policy was prepared in 2005 to address the Nepean River Catchment, (based on the 1995 Nepean River Flood Study) and was adopted for the whole LGA.

The Upper South Creek Catchment is subject to significant land use and population change due to South West Growth Centre development. It is a high priority to review Council's existing Flood Risk Management Policy to help guide appropriate development on the Upper South Creek Floodplain. This may require particular development controls specific to that catchment. The FRM Study and FRM Plan will consider cumulative impact on flooding behaviour on incremental development of the floodplain.

Following adoption of the Upper South Creek Flood Study (2011) and acceptance of a grant to assist further work, Council is currently in the process of engaging a consultant to conduct the FRM Study and help develop the FRM Plan for the Upper South Creek Catchment. Council is required to form a FRM Committee to assist in the study and plan development.

If floodplain management is to be successful, it is important that the local community be involved and accept the need for effective floodplain management practices, recognise

that the adopted floodplain management plan has taken into account all factors of concern to the community, and that flood prone members of the community accept their individual responsibilities to reduce the hazards.

The floodplain management process must have the endorsement of the committee and the community it is intended to serve. Community consultation and input is a major component of the development of the FRM Plan.

The formation of a FRM Committee is the first formal step in the Floodplain Risk Management Process as outlined in Appendix D of the FDM **provided in Attachment 1** at the end of this report.

The FRM Committee is a mix of elected, community, and professional members, whose collective skills and interests are suited to addressing the flooding problem of a particular catchment. It is proposed that the Floodplain Risk Management Committee be made up by representatives from:

- Elected Council (two Councillors), who are voting members and one of whom would chair the Committee;
- Council Staff comprising of Environment, Planning, and Asset disciplines;
- Up to six Community Representatives (voting members) – two community representatives from each of the respective catchment areas, being Upper South Creek Catchment, Narellan Creek Catchment and Nepean River catchment, (excluding Narellan Creek Catchment); and
- NSW State Emergency Service.

Council will need to nominate two Councillor representatives.

Nomination for community representatives will be sought via advertisements in the local press and Council's website. Nominations will be open for 4 weeks, with the aim of holding the first meeting by the end of May 2012.

Depending on the nature of the flooding problem and impacts, the Committee may choose to co-opt other individuals as required, who may, for example come from NSW Office of Water and Heritage, NSW Department of Planning and Infrastructure, Roads and Maritime Services, Catchment Management Authority (Hawkesbury/Nepean) and adjoining Council's.

The FRM Committee assists Council in developing the FRM Study and formulating and implementing a FRM Plan by contributing ideas, professional advice, experience and local knowledge.

*Community members* contribute their knowledge of historical information, local problems and possible solutions. They can also channel input from the wider community. *Council staff* provide local specialist technical advice, project management and administrative services to the Committee. *State Government representatives* provide advice on technical matters and policy, and share their experience of similar situations elsewhere. Together with Councils, State Government representatives need to ensure that any State Government funds committed to floodplain management provide the best return in reducing the liability from flooding and that Council's FRM Plan conforms to the objectives of the Government's Policy.

The Committee needs to operate as a team with the community's interests being foremost. Committee members may be required to vote to determine the majority

opinion on different issues. Because the plan should be a local based process, State Government representatives abstain from voting.

It is crucial that the Committee actively directs the course of any studies and ensures that the studies represent the views of the Committee's constituency.

In most cases, consultants will be engaged to prepare the necessary studies and reports in accordance with the Council's study briefs.

Consultants will undertake a range of investigations to enable Council to make management decisions with the Committee's assistance. The consultant will often be required to make presentations to the Committee to help with its deliberations.

Whilst it is expected the consultant will contribute initiative and expertise to the study, it is important that relevant Committee direct the consultant so that relevant local issues are considered.

### ***Floodplain Risk Management Committee Establishment Process***

The draft terms of reference of Floodplain Risk Management Committee are set out in **Attachment 2** at the end of this report.

The Terms of Reference provide the Committee's role and objectives, outlining the need to consider the whole of the community and the regulatory environment when developing plans, selection criteria for membership (both representation and knowledge/skills), administrative matters and, importantly, the decision making and voting process. The latter has been designed to support both the emphasis on local focus and a balanced, whole of community, including affected parties, approach.

The General Managers and Directors of relevant State Authorities and adjoining Councils will be requested to appoint representatives as appropriate to the FRM Committee.

### **CONCLUSION**

Following the adoption of the Upper South Creek Flood Study (2011) and acceptance of a grant to progress various flood management studies and plans, Council is forming a FRM Committee to develop a Floodplain Risk Management Study and Risk Management Plan for that catchment, and to review the flood studies for the Nepean River and Narellan Creek.

The Terms of Reference of the FRM Committee outlines the workings, role and objectives of the Committee, which will consider the potential impact of flooding and prioritise actions to minimise the impacts. The membership of the committee includes two Councillor representatives who need to be nominated by Council, as well as up to six community representatives (two from each catchment), Council staff, State Agency representatives and neighbouring Council representatives. Nominations for community representatives will be sought via public advertisement.

It is planned to hold the first meeting of the FRM Committee by the end of May 2012.

### **RECOMMENDED**

**That Council:**

- i. establish the Camden Council Floodplain Risk Management Committee;**
- ii. nominate two Councillors (one of whom will Chair the Committee) as Councillor representatives with voting rights on the Committee; and**
- iii. endorse the draft Terms of Reference of the Committee.**

**ORD11**

#### ATTACHMENTS

1. Floodplain Risk Management Committee - Terms of Reference
2. Floodplain Risk Management Process

ORD11

Attachment 1



# Camden Council

Floodplain Risk Management Committee  
Terms of Reference

January 2012



[www.camden.nsw.gov.au](http://www.camden.nsw.gov.au)

<p style="text-align: center;"><b>CAMDEN COUNCIL FLOODPLAIN RISK MANAGEMENT COMMITTEE TERMS OF REFERENCE 2012</b></p>
---

ORD11

Attachment 1

**1. Name of Committee**

The Committee shall be known as the “Camden Council Floodplain Risk Management Committee”.

**2. Role of the Committee**

The Floodplain Risk Management Committee is established in accordance with the NSW Government’s Flood Prone Land Policy and their Floodplain Development Manual, 2005 (referred to herein as “the Manual”). The Committee’s role is to guide Council in the development and implementation of detailed floodplain risk management plans to produce robust and effective floodplain risk management outcomes. The Committee’s deliberations shall be guided by the Manual. The Manual also outlines the technical assistance provided by the State Government throughout the floodplain risk management process.

The Floodplain Risk Management Committee does not have any formal powers, but rather performs an important advisory role to Council.

**3. Objectives of the Committee**

The Floodplain Risk Management Committee’s main objective is to assist Council in the review, development and implementation of one or more floodplain risk management plans for the Camden Local Government Area. The Committee is both the focus of, and a forum for, the discussion of technical, social, economic and ecological issues and for the distillation of possibly differing viewpoints on these issues.

Specifically, the Floodplain Risk Management Plans will take into account a number of diverse issues which include:

- *“the risk, danger to personal safety and property damage, imposed on existing land uses (the existing use);*
- *the cumulative impact of flooding on potential future land uses and occupants and of development on flooding (the future risk);*
- *the management of the continuing flood risk remaining in both existing and future development areas after works and controls are implemented;*
- *the environmental impact of existing and potential future developments and floodplain risk management measures;*
- *the broad scale catchment issues such as water quality, riverine and floodplain enhancement and land management;*
- *cumulative impacts as a result of changes in hydrology, floodplain geometry, or other factors;*

- *the potential economic cost and benefits to both the private and public sectors of floodplain occupation;*
- *the potential economic benefits of proposed risk management measures;*
- *potential intangible flood costs, including physical and psychological effects of flooding;*
- *social factors, including the needs and aspirations of the local community, both existing and in the future;*
- *planning options and restrictions, including special zonings and planning controls, opportunities; and*
- *the protection of aboriginal sites and places and European heritage.”*

In addition to assistance with the preparation of a Floodplain Risk Management Plan, the Committee also assists in:

- formulating objectives (in accordance with ESD\* principles), strategies and outcomes sought from the process;
- providing a link between the local community and Council;
- identifying the flood problem to be assessed in the study area;
- considering and making recommendations to Council on appropriate development controls for use until the management plan is completed, approved and implemented;
- identifying management options and providing input into their consideration as part of the Floodplain Risk Management study; and
- identifying implementation strategies for the Floodplain Risk Management Plan.

\*ESD (Ecologically Sustainable Development) means using, conserving and enhancing natural resources so that ecological processes, on which life depends, are maintained and the total quality of life, now and in the future, can be maintained or increased.

Source: Floodplain Development Manual – Appendix D

#### **4. Policies of the Committee**

The Committee shall foster a “Whole of Community” approach to floodplain risk management which acknowledges the interests and needs of the main stakeholder groups, whilst recognising the risks and consequences of flooding and also the benefits flowing from the use, occupation and development of flood prone land.

Committee members, in planning for floodplain risk management, shall be aware of and conform to the regulatory framework and guidelines as specified in the NSW Government’s Flood Prone Land Policy and the NSW Government’s Floodplain Development Manual. They will also need to prioritise work in consideration of Council’s resource limitations.

## 5. Membership

The Membership of the Committee shall comprise:

- two elected Councillors (voting members).
- Council Representatives from the Environment, Planning and Asset disciplines (non voting members).
- Up to six Community Representatives (Voting members) – two community representatives from each catchment. The catchments are; (1) Upper South Creek, (2) Narellan Creek and (3) Nepean River except Narellan Creek. The community members have voting rights for the catchment that they represent.
- NSW State Emergency Service Representative (voting member).

Other government authorities would be advised of the committee's formation and invited to participate as required. These authorities would include:

- NSW Office of Water and Heritage Representative
- NSW Department of Planning and Infrastructure Representative
- Roads and Maritime Services Representative
- Catchment Management Authority (Hawkesbury/Nepean) Representative
- Liverpool Council Representative
- Campbelltown Council Representative
- Wollondilly Council Representative
- Penrith City Council Representative

The following Council staff members will be called upon to assist the committee from time to time, because of their expertise or knowledge in a specific area. They will attend meetings and provide input, papers or presentations in the meetings. However, they do not have voting rights.

- (i) Manager Strategic Planning
- (ii) Team Leader Land Use and Planning
- (iii) Manager Development
- (iv) Team Leader Land Development Engineering
- (v) Manager Assets (or representative)
- (vi) Manager Community Services



Working Groups may be established within the Committee structure on an 'as needs' basis to complete tasks emanating from the deliberations of the Committee. Each Working Group will be led by a member of the Committee and provide the communication link between the Committee and the Working Group.

Representatives of the elected Council (i.e. nominated Councillors) to the Committee and representatives of the community shall be reviewed following each General Election of Council or upon a vacancy occurring on the Committee. In the case of Councillor representatives, the selection of new members shall be by Council resolution.

The selection criteria for community representatives will have regard to the Committee's role and objectives. The selection criteria are as follows:

- Awareness of the different forms of flooding and flood behaviour ranging from minor to extreme floods;
- Awareness of the principal issues relating to development on flood prone land;
- Awareness of risk management principles;
- Ability to form a link between the Committee and the local population in the flood prone area;
- Historical awareness of flooding problems and perceived solutions in the Camden Local Government Area; and
- Knowledge and experience relevant to the Committee's Terms of Reference.

Committee members will be asked to consider potential "Conflict of Interest" when nominating for a role on the Committee, will be required to adhere to Council's Code of Conduct and will need to be prepared to attend and actively participate in regular meetings which will be mainly during business hours until an updated Floodplain Risk Management Plan is prepared and adopted by Council.

## **6. Sub Committees and Working Groups**

The Committee may from time to time decide to form other Sub-Committees or Working Groups to investigate particular issues in more detail, and may invite other people to participate in the discussions of the Committee, Sub-Committees or Working Group, to address meetings or provide technical advice.

## **7. Quorum**

A quorum shall be a simple majority of the full membership of the Committee including at least one Councillor.

## **8. Meetings**

Meetings will be held on an “as needed” basis and would generally be held to meet the requirements and timelines of the projects that the Committee would be considering.

Typically this would involve a minimum of four meetings per catchment. At any given meeting, time may be spent on considering actions relating to more than one catchment.

The Committee shall meet on Council premises although some site inspections may be required. Meetings would normally be held during normal business hours.

## **9. Agendas**

Ten business days’ written notice of meeting venues, times and agendas is to be given to members. Any items or reports for inclusion in agendas are to be given to the Minutes Secretary at least 15 days before scheduled meeting dates.

Matters of a “General Business” nature may be identified for discussion at the following meetings, so that more detailed reports can be prepared on specific issues. Matters of a more urgent nature not identified on meeting agendas may be discussed under “General Business”, or preferably at special meetings.

## **10. Chairperson**

The Committee shall be chaired by one of the Councillor representatives elected by Council. The other Councillor would act as chair of any meeting at which the regular Chairperson is unable to attend.

## **11. Minutes**

Secretarial resources for the Committee shall be provided by Council’s employees. Minutes shall be distributed to all members within 10 working days following any meeting.

## **12. Conflicts of Interest**

Committee members shall abide by Council’s adopted Code of Conduct during all meetings of the Committee and in all matters relating to their participation on the Committee.

## **13. Voting**

This Advisory Committee shall operate in a democratic manner keeping formalities to a minimum. However, should a matter require a formal recommendation to Council, the matter shall be put to members in the form of a Motion, which must be seconded and then voted upon. A simple majority vote, by members present and entitled to vote, shall carry the Motion. The Chairperson shall have a casting vote if

necessary but should first consider these Terms of Reference including the objectives of the Committee and the “status quo”.

Any member dissenting from a decision to make a certain recommendation to Council may have their name recorded if they so wish.

Voting members consist of:

- Councillor Representatives; and
- Community Representatives.

Community representatives only have voting rights for motions that relate to the catchment that they represent.

#### **14. Reporting**

Only items requiring formal adoption by Council will be reported to Council by way of a separate Council Report.

#### **15. Changing these Terms of Reference**

The Terms of Reference of the Committee may only be changed by Council resolution, which may arise from a recommendation from the Committee, any Notice of Motion, changes to the Flood Development Manual requirements, or from the General Manager.

ORD11

Attachment 1

## APPENDIX D FLOODPLAIN RISK MANAGEMENT COMMITTEE



TECHNICAL SUPPORT APPENDICES (Those directly supporting this Appendix are highlighted)				
Floodplain Risk Management Measures	Flood Planning Levels	Hydraulic & Hazard Categorisation	Flood Damages	Emergency Response Planning for Floods
Appendix J	Appendix K	Appendix L	Appendix M	Appendix N

### D1 Introduction

The establishment of a floodplain risk management committee by council is the first formal step in the floodplain risk management process. It may be formulated as a new committee or its role may be incorporated within an existing council committee. Council will need to decide on the appropriate approach to ensure the committee is effective for its area.

The management committee acts as both a focus and forum for the discussion of technical, social, economic, environmental and cultural issues and for the distillation of possibly differing viewpoints on these issues into a management plan. It achieves this by ensuring that all stakeholders (often with competing desires) are equally represented. As such, the composition and roles of committee members are matters of key importance.

### D2 Need for a Committee

The development of a management plan, for either urban or rural areas must, take into consideration a number of diverse issues which include:

- the risk, danger to personal safety and property damage, imposed on existing land uses (the existing risk);
- the cumulative impact of flooding on potential future land uses and occupants

and of development on flooding (the future risk);

- the management of the continuing flood risk remaining in both existing and future development areas after works and controls are implemented;
- the environmental impact of existing and potential future developments and floodplain risk management measures;
- the broad scale catchment issues such as water quality, riverine and floodplain enhancement and land management;
- cumulative impacts as a result of changes in hydrology, floodplain geometry, or other factors;
- the potential economic cost and benefits to both the private and public sectors of floodplain occupation;
- the potential economic benefits of proposed risk management measures;
- potential intangible flood costs, including physical and psychological effects of flooding;
- social factors, including the needs and aspirations of the local community, both existing and in the future;
- planning options and restrictions, including special zonings and planning controls, opportunities; and

*Floodplain Development Manual: the management of flood liable land*

- the protection of Aboriginal sites and places and European heritage.

The expertise necessary to address these issues needs to be drawn from a variety of sources, including:

- the local council itself (both elected representatives and council staff);
- the local community;
- key industry groups;
- environmental interest groups;
- State and Commonwealth Government agencies; and
- specialist consultants, as engaged.

The development and implementation of a floodplain risk management plan is solely a local council responsibility in urban situations. The local government role is discussed in Section 3.1. The role of DIPNR in the rural areas in western New South Wales designated under Part VIII of the Water Act is outlined in Section 3.2.

Given the complexity and range of issues to be addressed in the process as outlined above, the committee needs to be able to coordinate and disseminate the interests, advice and expertise available from State and Commonwealth Government agencies and the local community. The committee should also consider the establishment of a specialist technical sub-committee (discussed in Section D6) to deal with complex technical issues, if required.

In certain circumstances it may be necessary to establish a single committee involving adjoining council(s) to effect coordinated planning. This may be appropriate where the floodplain under investigation embraces more than one local government area and where structural, land use or flood response measures in one council area are likely to influence the effectiveness of management measures or flood behaviour in other council areas. Consideration should also be given to the relationship with adjoining councils, and if necessary, the establishment of an overall committee to address the flooding problems on a catchment wide basis.

### **D3 Role of the Committee**

The management committee does not have any formal powers. Rather, it has an advisory role, but an important one. The principal

D-2

objective of the committee is to assist the council in the development and implementation of a management plan for the area(s) under its jurisdiction. However, the committee also assists in:

- formulating objectives (in accordance with ESD principles), strategies and outcomes sought from the process (see Section C3);
- providing a link between the local community and council;
- identifying the flood problem to be assessed and the study area (see Section F2);
- considering and making recommendations to council on appropriate development controls for use until the management plan is completed, approved and implemented (see Section C9);
- supervising the collection of necessary data (Appendix E) and supervising and monitoring the progress and findings of studies being undertaken in the various stages of the management plan;
- providing input into known flood behaviour as part of the flood study;
- identifying management options and providing input into their consideration as part of the management study;
- identifying implementation strategies for the management plan;
- monitoring and assessing the effectiveness of the management plan during and after its implementation;
- coordinating and monitoring the public education programs essential to the long term viability of the management plan; and
- coordination with catchment management boards, emergency management planning and other advisory bodies.

Once the committee has completed the prime task of developing a management plan and associated implementation strategy, and the council has adopted these, it is suggested that a limited group remain to oversee implementation.



## Appendix D - Floodplain Risk Management Committee

**D4 Membership of the Committee**

The membership of the committee needs to be a balanced representation of stakeholders such as agencies, groups and/or individuals effecting, affected by or coordinating floodplain risk management. Membership should be flexible to ensure the right mix of interests are represented. Typically, membership would include:

- elected members of council;
- council staff from engineering, planning and environmental disciplines;
- an appropriate number of representatives of the local community (for example, local flood affected landholders (residential and business), relevant industry bodies (eg the chamber of commerce), and environmental groups);
- representatives of relevant industry bodies;
- officers from the DIPNR; and
- representative(s) from the SES.

Officers from other relevant government agencies or departments or catchment management authorities may be co-opted to the committee as and when required.

Because the responsibility for planning matters lies with council, the committee should report either to council or to its appropriate standing committee, which has the final decision making power.

As discussed in Section D2, a single committee on a floodplain shared by a number of council areas may be desirable or necessary.

**D5 Role of Committee Members**

The primary role and responsibility of the various members on the management committee are described below. This outline does not aim to limit the contributions made by members, but rather attempts to ensure that all important aspects are given due consideration. It should be noted that the committee is tasked with seeking solutions to the existing, future and continuing flood risk issues, not solely on addressing the past.

It is also important to note that State Government agency representatives do not have committee voting rights but provide advice in relation to their departmental functions and their area of expertise.

**D5.1 Elected Members of Council**

Elected members of council are the leaders of this process and should assess the community, political and policy implications of any actions contemplated with the objective of producing an equitable result for the local government area served.

**D5.2 Council Staff**

Council staff must include a mix of engineering, strategic and development assessment planning, and environment representatives. They should provide local specialist advice and coordinate:

- input from council, the local community and other committee members;
- the production and presentation of agendas and reports;
- the management of consultants (including preparation of study briefs);
- the management of financial assistance for the project; and
- formulation of draft recommendations to the committee.

The recommended final management plan requires significant input from staff before submission to council.

**D5.3 Local Community Representatives**

Community representatives play an important role in the success of the committee and every attempt should be made to have representatives who can make the necessary commitment as indicated in Section D8. Local community representatives should:

- form a link between the committee and the local population in the flood prone area. They therefore need to be able to effectively inform the affected community of the deliberations of the committee and so foster a wider understanding of the process;
- provide historical advice on local problems and perceived solutions;
- consider in detail implications of matters which may impact on the local community; and
- facilitate formal representations to the committee on behalf of the public.

#### ***D5.4 Local Environmental Group Representatives***

Local environmental group representatives should provide a link between environmental groups and the committee and enable adequate local environmental input into committee deliberations.

#### ***D5.5 Local Industry Body Representatives***

Local industry body representatives should provide a link between the industry body and the committee, where necessary. These may be drawn from the chamber of commerce or other relevant local bodies.

#### ***D5.6 The DIPNR Representative***

DIPNR provides representation from both a floodplain risk management and land use planning perspective.

From the floodplain risk management perspective DIPNR's representative should provide technical expertise and steering advice to ensure that the management plan is prepared in accordance with the principles of the NSW Government's Flood Prone Land Policy. The representative should also monitor the progress of the studies and plan, particularly as they relate to current and future government funding programs. A key role of the representative is to provide technical advice, to both council staff and the committee, throughout the process.

From a land use planning perspective DIPNR's representative should ensure that the planning approaches considered and adopted in the management plan are consistent with other areas within the region and State. In addition, DIPNR should provide technical advice to the committee on planning issues throughout the process, on the implications of State or regional planning policies and the provisions of the EP&A Act.

DIPNR also provides advice on other natural resources policies, such as the State Rivers and Estuaries Policy and Wetlands Policy, that link with the Flood Prone Land Policy and the Water Management Act.

#### ***D5.7 The SES Representative***

The SES representative (or controller) should consider the implications of any actions

contemplated in regard to risk assessment, flood warning and response plans for the management and evacuation of flood-prone areas, and with regard to the State Emergency Service Act 1989. The SES representative should also provide input from the emergency management viewpoint and ensure that the management plan is developed parallel to and complementary to the local flood plan (prepared under the guidance of the SES).

The SES representative must not be requested to:

- approve private or site specific flood plans or flood emergency response plans prepared for proposed developments (see Section N7); or
- approve incorporation of private or site specific flood plans prepared for proposed developments into the local flood plan.

Private or site specific flood plans or flood emergency response plans (Section N7), written for specific developments and separate from the local flood plan, are ineffectual and should not form the basis of development consent.

Inclusion of specific development proposals in the local flood plan is limited to those assessed and incorporated in the adopted floodplain risk management plan.

#### ***D5.8 The Bureau of Meteorology***

The Bureau of Meteorology should provide advice with respect to flood forecasting and warning, as appropriate.

#### ***D5.9 Representative of Welfare Services***

Representatives of welfare services (for example, the Department of Community Services) should provide advice regarding the plans in place to deal with flooding, their consistency with the proposed management plan and in the development of contingency plans for post-flood recovery.

#### ***D6 Technical Sub-Committee***

The role of this sub-committee of the floodplain risk management committee should be to provide technical assistance to enable the committee to fulfil its advisory role to council efficiently, confident that studies and option



---

 Appendix D - Floodplain Risk Management Committee
 

---

assessments are technically adequate and the options proposed are practical and feasible. The roles of the technical sub-committee may include:

- ❑ preliminary development of process and individual study objectives, as outlined in Appendices C through H for further consideration by the full committee;
- ❑ collection of background data for studies available to council, DIPNR and SES, as outlined in Appendix E;
- ❑ preparation of technical project briefs in consultation with the committee;
- ❑ review of proposals from consultants in consultation with the committee;
- ❑ review of modelling, management options, reports and presentations for technical adequacy prior to presentation and review by the full committee; and
- ❑ advice on any other technical matters upon request by the committee.

The technical sub-committee should have membership from council staff (both engineering and strategic planning) and DIPNR. A representative of SES may also be included when the sub-committee is considering emergency management issues.

#### **D7 Community Consultation**

The local community, both flood prone and otherwise, has a key role to play in the development, implementation and success of a management plan. If it is to be accepted and successful, it is essential that clear and concise communications flow between the committee and the community so that affected individuals and community groups can 'have their say' and learn of their roles and responsibilities.

The following format is suggested to establish and maintain communication between the council, committee and the local community.

Council should arrange to:

- ❑ involve and inform the community (through media releases, newsletters and public meetings) on a range of issues.

These include the role and responsibilities of the committee, its intention to instigate a study/studies for preparation of a management plan, the work council is

undertaking for the flood study, and progress on the studies and plan.

Affected residents should also be informed of the length of time until finalisation of the management plan and implementation of management measures, and of the nature of development controls pending management plan completion;

- ❑ call for representatives of the general community and action groups to self nominate for the committee, clearly stating the expected role of members at this time;
- ❑ use established local community groups, where they exist, and encourage their representation on the committee;
- ❑ make one or two contact people known to the community, usually staff members of council, who can be contacted regarding questions relating to floodplain risk management, during the development and implementation of the management plan;
- ❑ define clear goals for each study and estimate the time to complete each investigation and when direct community consultation and feedback is proposed;
- ❑ release information to the community and members of the committee at regular intervals, rather than waiting until the completion of one of the formal stages of the management plan, or associated formal meetings of the committee;
- ❑ consider appropriate development controls for use until the management plan is completed (see Section C9) considering recommendations of the management committee;
- ❑ ensure that simple, clear messages are used to explain the situation in uncomplicated language and relate any implications to property owners and potential development applicants when disseminating information;
- ❑ formally adopt the management plan at the completion of the preparation and consideration process; and
- ❑ consider changes to the local flood risk management policy and council's strategic planning instruments and associated development controls

D-5



during the implementation phase, where strategies result in altered flood behaviour.

#### *D8 Commitment of Committee Members*

The floodplain risk management process is neither short nor simple, nor is it the singular responsibility of council officers, consultants or government officers to have input to the process.

The management committee must comprise members who are committed to and actively involved in the preparation and implementation of the management plan. It may take 3 to 5 years to develop the plan and the implementation of all recommendations may take much longer.

In view of the length of time involved the turnover of committee members, including both council staff and elected representatives, can be a problem. Whilst little can be done

with respect to the potential turnover of council and government officers, the structure of the committee should be decided with consideration of its long term viability and relationship with other committees in operation in the local area. Attempts should be made to co-opt local community members who are enthusiastic, energetic and likely to 'see the distance' to complete the management plan.

#### *D9 Tradeoffs*

By necessity, the adopted management plan will be a compromise involving trade-offs. Certain individuals may be disadvantaged, others advantaged, but the community as a whole will be better off.

An important role of the management committee will be to assist in the presentation and resolution of conflicting desires and requirements on the part of various community groups and individuals. Public meetings, often spirited, are an important part of this process.



## ORDINARY COUNCIL

ORD12

ORD12

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**  
**FROM:** Director Governance  
**BINDER:** Closed Council

---

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A(2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

- A report dealing with commercial information of a confidential nature regarding the acquisition of land under Section 10A(2)d.

Council may, by resolution, allow members of the public to make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded. That period would be limited to four minutes, in line with Council's Public Address Policy.

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 section of the meeting.

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

### **RECOMMENDED**

**That Council:**

- the meeting be now closed to the media and public to discuss a report concerning commercial information of a confidential nature dealing with a report dealing with commercial information of a confidential nature regarding the acquisition of land under Section 10A(2)d;and**
- any objections or submissions as to the closure of the meeting be now heard and be limited to a period of four minutes.**