



Camden Council

Business Paper

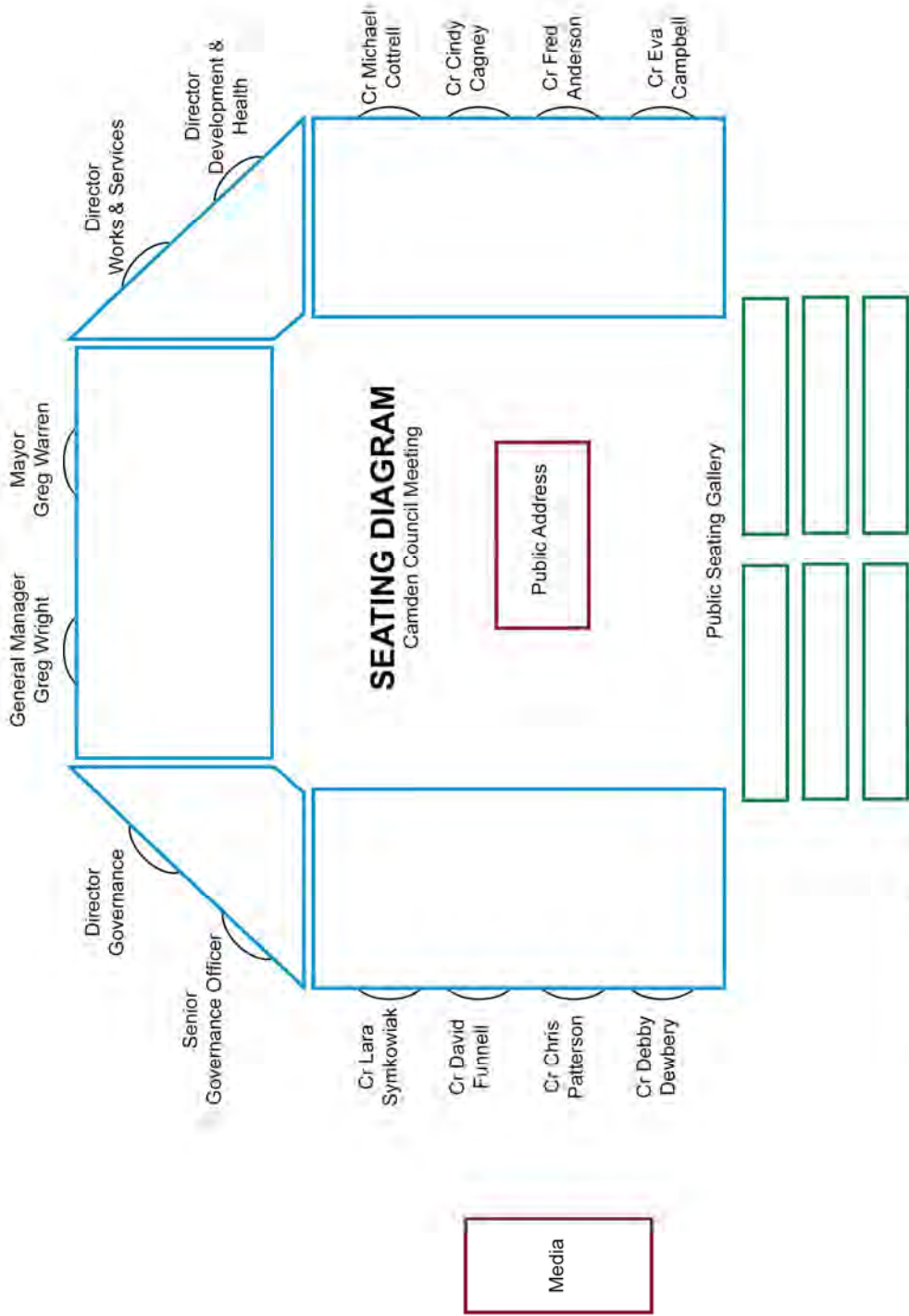
Ordinary Council Meeting
24 July 2012

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 by members of the public at any time.*



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

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



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.

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 10 July 2012

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 10 July 2012, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - RETIREMENT OF DIRECTOR - WORKS AND SERVICES

FROM: Mayor

BINDER: Mayoral Minute

Mayoral Minute

Tonight's meeting is the last official meeting that our Director – Works & Services, Ian Gannell, will attend before his retirement on Friday 10 August.

Mr Gannell joined the Council, as Director, in August 2007 and has made a significant contribution to the Council organisation and to the Camden community in that time. Ian has provided a wealth of experience and wisdom to his management team, his staff and to the broader Council organisation over the past five years.

A resident of Camden, Ian has indicated that, as a result of his retirement from full time work, he will be focussing on his work within the community.

Mr Gannell will be joining the Council after the final Council meeting of this term on 28 August but tonight represents the last opportunity to publicly farewell him from his position.

We all wish Ian a long, productive and happy retirement and thank him for his contribution to Camden over the past five years.

RECOMMENDED

That Council: extend its best wishes to Ian Gannell on the occasion of his retirement and thank him for his contribution to the Camden community.



ORD01

ORDINARY COUNCIL

ORD01

SUBJECT: PROPOSED TWO STOREY DWELLING, NO 22 (LOT 9183 DP 1153075) CRICK PLACE, ORAN PARK

FROM: Director, Development and Health

BINDER: Development Applications 2012/ DA 427/2012

DA NO: DA427/2012

OWNER: V S Benyamin

APPLICANT: V S Benyamin

ZONING: Zone R1 – General Residential

PURPOSE OF REPORT

The purpose of this report is to seek a determination of a Development Application (DA) for the construction of a two storey dwelling.

The application is referred to Council in accordance with its delegations as there remain unresolved issues in a submission received from the public.

SUMMARY OF RECOMMENDATION

It is recommended that Council approve the DA subject to the draft development consent conditions provided at the end of this report.

BACKGROUND

The DA was received on 3 May 2012 and was publicly notified between 7 May and 21 May 2012. One submission was received during the notification period.

Amendments to the plans were requested and the application was re-notified between 14 June and 29 June 2012. No further submissions were received during the second notification period.

The application has been assessed and is now referred to Council for determination.

THE SITE

The site is known as No 22 (Lot 9183 DP 1153075) Crick Place, Oran Park. The site has two street frontages, with the secondary street frontage being to Peter Brock Drive. No driveway access is permitted to Peter Brock Drive (only Crick Place, which ends in a cul-de-sac head).

The site has a slight slope with the fall of the land being from the front south western corner to the rear north eastern corner of the site.

A location map is provided at the end of this report.

THE PROPOSAL

Development consent is sought to construct a four bedroom two storey dwelling. The dwelling is proposed to be constructed of brick veneer with a tiled roof on a concrete ground floor slab. The house is proposed to be setback 4.5m to Crick Place (to the principal wall closest to boundary) with a front porch encroachment to 3.54m. A rear setback of 4m to the rear porch/alfresco is also proposed. The secondary street setback to Peter Brock Drive is proposed at 3.63m.

A copy of the proposed plans are provided at the end of the report.

NOTIFICATION

Surrounding neighbours were notified of the application between 7 May and 21 May 2012. One submission was received during the first notification period. The submission is assessed in the "Any submissions" section of this report.

Amended plans were requested by Council and these amended plans were re-notified between 14 June and 29 June 2012. No further submissions were received during the second notification period.

A copy of the submission is provided with the Business Paper supporting documents.

PLANNING CONTROLS

The following plans and policies have been considered in the assessment of this application:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- Oran Park Precinct DCP 2007.

ASSESSMENT

The DA has been assessed in accordance with Section 79C of the *Environmental Planning and Assessment Act, 1979*.

The following comments are made with respect to the critical aspects of the application.

(a) (i) the provisions of any environmental planning instrument

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

The environmental planning instrument applying to the land is *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the SEPP). The land under this planning instrument is zoned R1 General Residential.

Dwelling houses are a permitted use under the R1 General Residential zoning.

Appendix 1 of the SEPP applies to the South West Growth Centres precincts of Oran Park and Turner Road. The following relevant development standards or clauses in Appendix 1 of the SEPP apply to the intended development.



ORD01

Clause 4.3 – Height of buildings

The proposed development complies with the maximum height of buildings, which is 9.5m for this area. The height of the dwelling is 9m high.

There are no other relevant development standards or clauses applying to the site.

(a) (ii) the provisions of any draft environmental planning instrument

There is no relevant draft environmental planning instrument applying to the land.

(a) (iii) the provisions of any development control plan

Oran Park Precinct DCP 2007

Sections 7 and 8 of the Oran Park Precinct DCP 2007 provides controls relating to the proposed dwelling.

A summary of these controls are as follows:

STREETSCAPE AND ARCHITECTURAL DESIGN	
Design features on primary façade	✓ Complies – design appearance to Crick Place is satisfactory
Design features on secondary façade	✓ Complies subject to conditions.
Eave provisions	✓ Complies – 600mm eaves proposed
Materials and colours	✓ Complies – proposed materials are satisfactory
Roof pitch 22.5 to 34 degrees	✓ Complies – 22.5° roof pitch
Main entry fronting street	✓ Complies
FRONT SETBACKS	
Front setback 4.5m min	✓ Complies – 4.5m
Garage setback 5.5m min	✓ Complies – over 5.5m (curved frontage)
Articulation zone 3.5m min	✓ Complies – 3.54m
SIDE AND REAR SETBACKS – 15-20m wide lots	
Side A ground and upper 0.9m min	✓ Complies – 3.63m
Side B (southern) ground 0.9m min	✓ Complies – 1.5m to garage wall
Side B Upper 1.5m min	✓ Complies – 3.65m
Rear setback: 4m	✓ Complies – 4m
CORNER LOTS	
Secondary setback 3m min	✓ Complies – 3.63m to wall facade
Splay setback 900mm min	✓ Complies – more than 3.7m
DWELLING HEIGHT, MASSING AND SITING	
Two storey maximum	✓ Complies – two storey in height
PRIVATE OPEN SPACE	
Min. 20% Private open space required	✓ Complies – 25%
Solar access and accessible from internal areas	✓ Complies – solar access to open space is satisfactory; area accessible from internal areas and alfresco/porch

50% of neighbour's principal private open space to receive 3 hours of sunlight	✓ Complies – more than 3 hours of solar access to neighbours open space is achieved
SITE COVER AND LANDSCAPED AREAS	
Max. 50% site cover at ground floor	✓ Complies – 45%
Max. 30% site cover at upper floor	✓ Complies – 29%
Min. 30% landscaped area	✓ Complies – 32%
GARAGES, SITE ACCESS AND PARKING	
General compliance and two spaces	✓ Complies – double garage
Access clearances	✓ Complies – driveway access is not hindered by infrastructure
FENCING	
General compliance	✓ Complies – proposed fencing is satisfactory
PRIVACY	
Direct overlooking of main habitable areas and private open spaces should be minimised	✓ Complies - amended plans have been provided with privacy screen to rear balcony
Habitable room windows with direct sightline to habitable room windows in adjacent dwellings within 9m are to have privacy controls (eg. privacy screens, increased sill heights)	✓ Complies - amended plans have been provided with highlight window to elevation 2 (bedroom window). Other upper floor windows facing neighbours are non-habitable rooms

In summary, an assessment of the plans as amended are considered to comply with the controls under the Oran Park Precinct DCP 2007.

(a) (iiia) the provisions of any planning agreements

There are no planning agreements relating to this proposal.

(a) (iv) the provisions of the regulations

The Regulations do not specify any matters that are applicable to this development.

(b) the likely impacts of the development

Section 79C requires Council to consider the likely impact of a development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

These impacts are considered to be satisfactory, as the development is an acceptable land use which is permitted within the Oran Park area.

The development will have minimal environmental impacts on both the natural and built environments, and the social impacts of the proposed development are considered to be of an acceptable nature.

(c) the suitability of the site for the development

The site is considered to be suitable for the development. There are no factors associated with the site that preclude the intended development.

(d) any submissions received

This application was publicly notified between 7 May and 21 May 2012 and again with amended plans between 14 June and 29 June 2012. One submission was received during the first notification period

The issues raised in the submission are as follows:

1. *Surrounded by two storey dwellings*

Officer comment:

Two storey dwellings are a permissible form of development and the height of the proposal complies with the height control.

2. *Overshadowing and higher electricity bills/house dampness/clothes drying impeded*

Officer comment:

An assessment of shadow lengths for the development revealed errors in the originally prepared shadow diagrams. Accordingly, Council requested amended shadow diagrams to be prepared. Amended plans were received and these plans were re-notified to all adjoining neighbours.

The proposal complies with the planning controls in that the adjoining neighbour receives the required minimum three hours of sunlight between 9.00am and 3.00pm mid winter (21 June).

3. *Privacy from second storey windows*

Officer comment:

Concerns were received regarding the upper storey windows on the southern elevation of the proposed dwelling that face the neighbouring property. These windows consist of bathroom windows, a walk-in-robe window, and a bedroom window.

Council, as part of its assessment, required an amendment to the bedroom window as required by the Oran Park Precinct DCP 2007. This window was changed to a highlight window and was included in the re-notification to all adjoining land owners.

The highlight window is considered to satisfactorily reduce privacy impacts on the adjoining owners and is compliant with the requirements of Oran Park Precinct DCP 2007.

The bedroom 1 balcony facing the rear neighbour has also been provided with a privacy screen.

4. *Blocking of natural light to rooms / increased health problems*

Officer comment:

Concerns were received about the potential for blocking of natural light (sunlight) to neighbouring bedroom windows and increased health/allergy problems due to insufficient natural light.

Similar to most DCP controls, sunlight access to neighbouring bedroom windows or other windows is not a consideration under the Oran Park Precinct DCP 2007. The proposed dwelling complies with the controls in the DCP that restrict the location (setback) of two storey dwellings to southern boundaries and in relation to neighbouring principal private open space areas.

The proposed two storey dwelling does not affect the provision of 'natural light and ventilation' as required by the Building Code of Australia to neighbouring windows.

5. *Applicant should take into account objector's house design*

Officer comment:

Council is required to ensure compliance with the relevant controls in the environmental planning instruments and development control plans applying to the site for all development. These controls are developed for an area to ensure that impacts on neighbours are minimised.

The proposed two storey dwelling house, in this instance, is considered to comply with all the relevant development controls applying to the site.

(e) the public interest

This development is considered to be within the public interest. The proposed development represents the planned and orderly development of the site and will not result in any unacceptable impacts.

CONCLUSION

Council has received a DA for the construction of a two storey dwelling house at No 22 Crick Place, Oran Park. The application has been publicly notified and the one submission received has been considered in this report. The application has also been assessed in accordance with the provisions of Section 79C of the *Environmental Planning and Assessment Act, 1979*.

It is considered that the proposed two storey dwelling to be an acceptable development of the site.

This development application is therefore able to be recommended to Council for approval, subject to the draft development consent conditions shown below.

DRAFT CONDITIONS OF CONSENT

1.0 - General Requirements

The following conditions of consent are general conditions applying to the development.

- (1) **Development in Accordance with Plans** – The development is to be in accordance with plans and documents listed below, except as otherwise provided by the conditions of this consent:

Plan / Development No.	Description	Prepared by	Dated
Job No. JB0052. Sheets 1-7, as amended.	Architectural plans	Caddraft Architectural Drafting Services	Issue A dated 9/06/12

Where there is an inconsistency between the approved plans/documentation and the conditions of this consent, the conditions of this consent override the approved plans/documentation to the extent of the inconsistency.

- (2) **Building Code Of Australia** - All works must be carried out in accordance with the requirements of the *Building Code of Australia*.
- (3) **Geotechnical Classification** - The piers/slab/footings shall be designed and certified by a practising structural engineer and shall take into consideration the geotechnical classification applicable to the site.
- (4) **Swimming Pool Approval and Location** – No development consent is granted to the future lap (swimming) pool or the intended location of the future lap (swimming) pool as depicted on the site plan.

2.0 - Construction Certificate Requirements

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Salinity** – The development shall comply with the Salinity Management Plan under Section 9 in the report titled ‘Report on Salinity Assessment and Management Plan Proposed Subdivision Tranche 9 Oran Park’ – Project 34272.18 dated July 2011. Details shall accompany the Construction Certificate application.
- (2) **Acoustic Treatment** – In accordance with acoustic report titled “Oran Park Tranche 9 Stages 1 & 2 Road Traffic Noise Assessment Report” prepared for Landcom by Renzo Tonin & Associates Pty Ltd, Report No.TD029-10F02 (Rev 2) and restriction to user numbered 18 of the 88B instrument for DP1153075, the acoustic treatments recommended in Section 6.2 (including Table 5), 6.3 and 6.4 of the report shall be incorporated within the dwelling construction and site design.

Note: Internal acoustic compliance is only met with windows and front door closed. Consideration should be given to mechanical ventilation or air conditioning to rooms requiring acoustic controls to ensure fresh air flow inside the dwelling.

Details of compliance with the relevant acoustic requirements shall be provided to the certifying authority for approval with the Construction Certificate application.

- (3) **Living Room Pergola** – The corner pergola feature to the northern and western elevation of the ground floor living room, as depicted on the original

issue of the architectural plans (dated 30 January 2012) and as approved by Landcom on the 14 March 2012, shall be constructed.

Amended plans complying with this condition shall be approved by the certifying authority with the Construction Certificate application.

- (4) **Privacy Screen** – Details on the proposed privacy screen to the upper floor rear (bedroom 1) balcony shall be approved by the certifying authority as part of the Construction Certificate application. The proposed privacy screen shall comply with the following requirements:
- The privacy screen is to be at least 1.7m in height measured from floor level of the balcony, is to have no individual opening or more than 30mm wide, and is to have a total area of all openings that is less than 30% of the surface area of the screen.

3.0 - Prior To Works Commencing

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Sydney Water Approval** – Prior to works commencing, the approved development plans must also be approved by Sydney Water.
- (2) **Erection of Signs** – Shall be undertaken in accordance with Clause 98A of the *Environmental Planning and Assessment Regulation 2000*.
- (3) **Toilet Facilities** - Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one toilet for every 20 persons employed at the site.

Each toilet must:

- (a) be a standard flushing toilet connected to a public sewer, or
 - (b) have an on-site effluent disposal system approved under the *Local Government Act 1993*, or
 - (c) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Notice of Commencement of Work and Appointment of Principal Certifying Authority** – Notice in the manner required by Section 81A of the *Environmental Planning and Assessment Act 1979* and clauses 103 and 104 of the *Environmental Planning and Assessment Regulation 2000* shall be lodged with Camden Council at least two (2) days prior to commencing works. The notice shall include details relating to any Construction Certificate issued by a certifying authority, the appointed Principal Certifying Authority (PCA), and the nominated 'principal contractor' for the building or subdivision works.
- (5) **Construction Certificate Before Work Commences** - This development consent does not allow site works, building or demolition works to commence, nor does it imply that the plans approved as part of the development consent comply with the specific requirements of *Building Code of Australia*. Works must only take place after a Construction Certificate has been issued, and a Principal Certifying Authority (PCA) has been appointed.

- (6) **Soil Erosion And Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site.

Soil erosion and sediment control measures must be maintained during construction works and must only be removed upon completion of the project when all landscaping and disturbed surfaces have been stabilised (for example, with site turfing, paving or re-vegetation).

Where a soil erosion and sediment control plan (or details on a specific plan) has been approved with the development consent, these measures must be implemented in accordance with the approved plans. In situations where no plans or details have been approved with the development consent, site soil erosion and sediment controls must still be implemented where there is a risk of pollution occurring.

Provide a stabilised entry/exit point. The access should be a minimum of 2.5m wide and extend from the kerb to the building line. The access should consist of aggregate at 30-40mm in size.

Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

4.0 - During Construction

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Fill Quality** – Any fill material brought in for the construction of the development must only contain uncontaminated soil, clay, shale or rock. No effluent, garbage or trade waste, including building or demolition waste, must be included in the fill. The extent and depth of filling must only occur in accordance with the approved plans and any other conditions of the Development Consent. Evidence of the certification of the fill as uncontaminated shall be provided to the Principal Certifying Authority.
- (2) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works must be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (3) **Survey Report (Peg Out)** - The building must be set out by a registered Land Surveyor. A Survey Report detailing the siting of the building in relation to the allotment boundaries shall be submitted to the Principal Certifying Authority (PCA) prior to the placement of any concrete.
- (4) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level must be used.
- (5) **Retaining Walls** - If the soil conditions require it:

- (a) retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided, and
- (b) retaining walls must be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property.

The following restrictions apply to any retaining wall erected within the allotment boundaries:

- (a) where the height of an approved retaining wall exceeds 600mm above or below natural ground level, structural engineering details must be provided to the Principal Certifying Authority, prior to any works commencing on the site. Manufacturers' installation details may satisfy this requirement for treated timber products and some dry stacked masonry products;

Note: Where Council is nominated as the Principal Certifying Authority, construction of the retaining wall must be inspected at critical stages as nominated in the Mandatory Inspection Notice. Prior to issue of an Occupation Certificate, certification will also be required attesting that the wall has been built in accordance with the relevant standard.

- (b) adequate provisions must be made for surface and subsurface drainage of retaining walls and all water collected must be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - (c) retaining walls shall not be erected within drainage easements;
 - (d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited by the easement or entitled to release or vary the restrictions applying to the easement (electrical easement and the like), or if the erection of the retaining wall makes the purpose of the easement inconvenient or redundant (such as easements for support and maintenance).
- (6) **Hours of Work** – The hours for all construction and demolition work are restricted to between:
- (a) 7.00am and 6.00pm, Monday to Friday (inclusive);
 - (b) 7.00am to 4.00pm on Saturday (if construction noise is inaudible to adjoining residential properties), otherwise 8.00am to 4.00pm;
 - (c) work on Sunday and Public Holidays is prohibited.
- (7) **Site Management** – To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, the following practices are to be implemented:
- (a) the delivery of material shall only be carried out between the hours of 7.00am and 6.00pm, Monday to Friday, and between 8.00am and 4.00pm on Saturdays;

- (b) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off the site;
 - (c) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - (d) waste must not be burnt or buried on site, nor should wind-blown rubbish be allowed to leave the site. All waste must be disposed of at an approved Waste Disposal Depot;
 - (e) a waste control container shall be located on the development site.
- (8) **Footpath Levels** - The ground levels of the footpath area within the road reserve (between the boundary of the subject site to the kerb and gutter) must not be altered (by cut or fill) as a consequence of building design and/or construction.
- (9) **Surface Drainage** – To prevent surface water from entering the building:
- (a) the floor level for slab on ground construction shall be a minimum of 150mm above finished ground level for habitable rooms;
 - (b) seepage and surface water shall be collected and diverted clear of the building by a sub-surface/surface drainage system;
 - (c) the control of surface water drainage shall in all respects comply with the *Building Code of Australia (Class 1 and Class 10 Buildings)*;
 - (d) where a rainwater tank is required on the site, all surface water drainage lines shall be connected to the outlet overflow drainage line from the rainwater tank.
- (10) **Shoring and Adequacy of Adjoining Property** - Shall be in accordance with Clause 98E of the *Environmental Planning and Assessment Regulation 2000*.
- (11) **Protection of Public Places** – If the work involved in the erection or demolition of a building:
- (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

- (12) **Roofwater to Street** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

Connection to the street gutter shall only occur at the existing drainage outlet point in the street gutter. New connections that require the rectification of the street gutter shall only occur with the prior approval of Camden Council.

All roofwater must be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The Principal Certifying Authority (PCA) must not permit construction works beyond the frame inspection stage until this work has been carried out.

- (13) **BASIX Certificate** – Under clause 97A of the *Environmental Planning & Assessment Regulation 2000*, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under Section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a Construction Certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the *Environmental Planning & Assessment Regulation 2000*.

- (14) **Survey Report (Completion)** - A survey report prepared by a registered land surveyor shall be provided upon completion of the building. The survey report shall be submitted to the Principal Certifying Authority (PCA) upon completion of the building and prior to the issue of an Occupation Certificate.

5.0 - Prior to Issue of Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate** – An Occupation Certificate must be issued by the Principal Certifying Authority (PCA) prior to occupation or use of the development. In issuing an Occupation Certificate, the PCA must be satisfied that the requirements of Section 109H of the *Environmental Planning and Assessment Act 1979* have been satisfied.

The PCA must submit a copy of the Occupation Certificate to Camden Council (along with the prescribed lodgement fee) within two (2) days from the date of

determination and include all relevant documents and certificates that are relied upon in issuing the certificate.

The use or occupation of the approved development must not commence until such time as all conditions of this development consent have been complied with.

- (2) **Footpath Crossing Construction** – Prior to use or occupation of the development, a footpath crossing must be constructed in accordance with the Development Consent, approved plans and Camden Council's issued footpath crossing information.

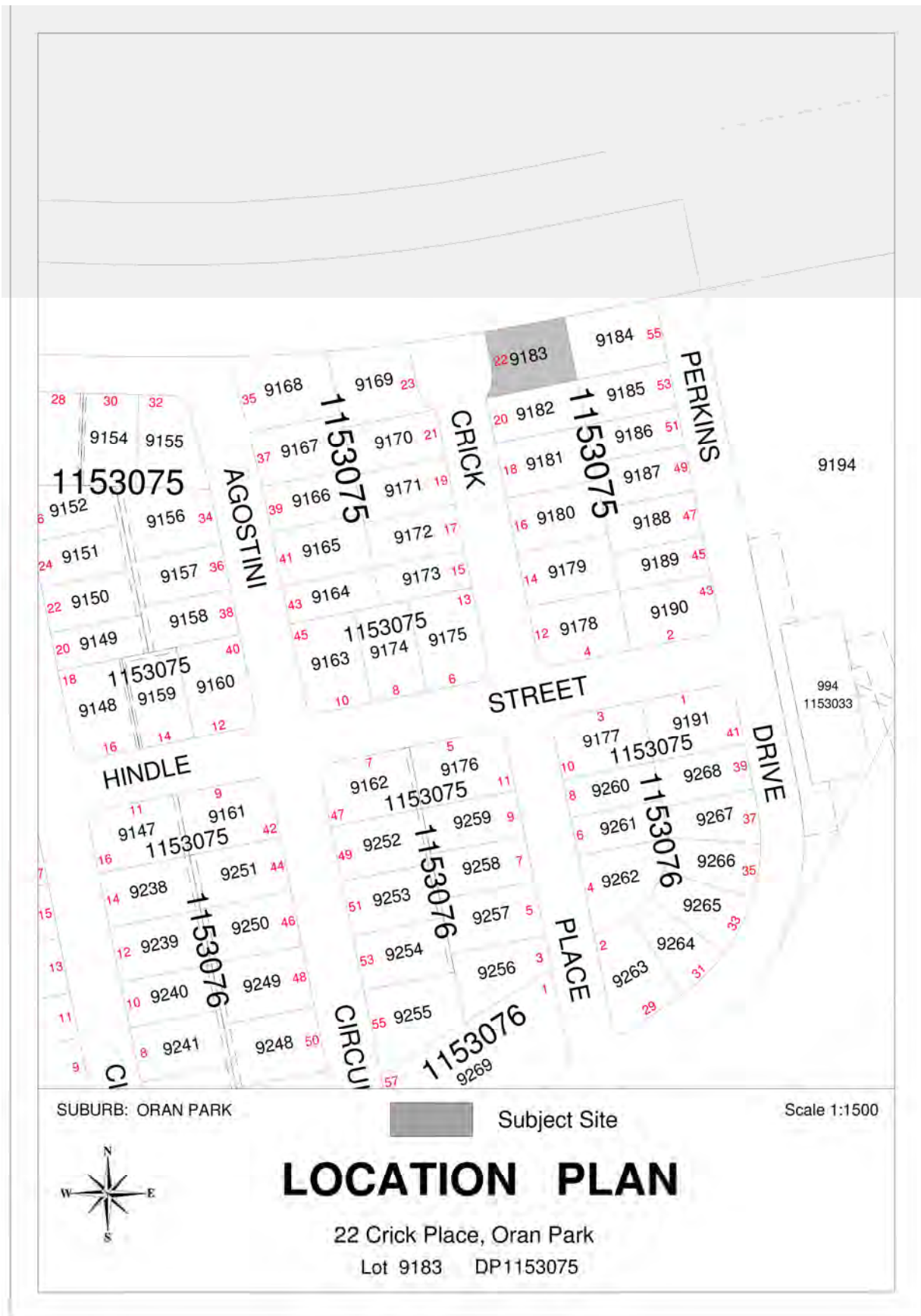
END OF CONDITIONS

RECOMMENDED

That Council approve Development Application 427/2012 for the construction of a two storey dwelling at No 22 (Lot 9183 DP 1153075) Crick Place, Oran Park, subject to the draft Development Consent conditions shown above.

ATTACHMENTS

1. Location Plan
2. Proposed Plans
3. Submission - *Supporting Document*

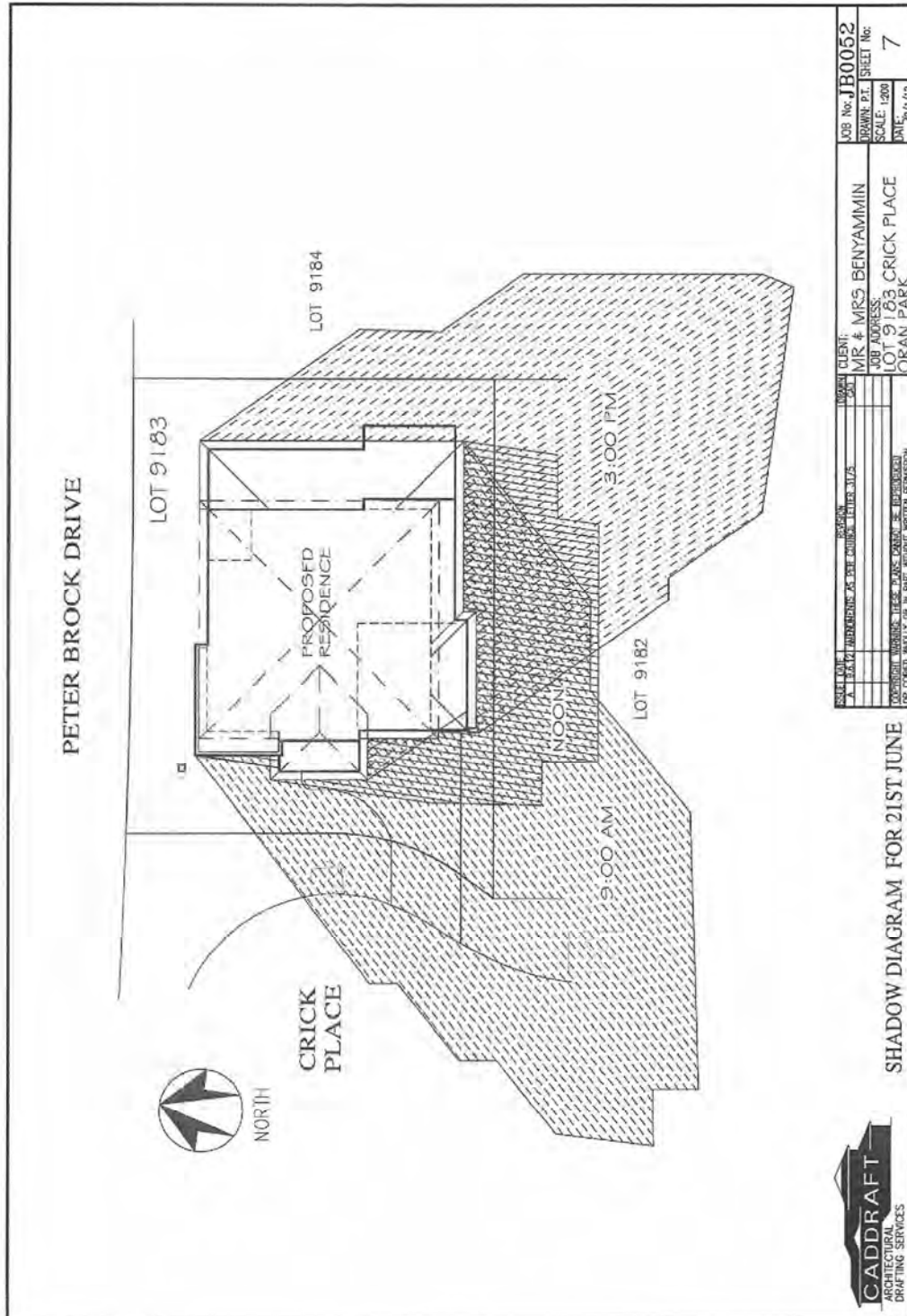


LOCATION PLAN

22 Crick Place, Oran Park
Lot 9183 DP1153075

ORD01

Attachment 2



ORDINARY COUNCIL

ORD02

ORD02

SUBJECT: SECOND SYDNEY AIRPORT CAMPAIGN
FROM: Director, Development and Health
BINDER: Western Sydney Alliance

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a position paper in opposition to any second airport in the Sydney Basin, particularly at Wilton and Badgerys Creek.

BACKGROUND

Council has a longstanding policy position of opposing the location of a second, major airport within the Sydney Basin, due to unacceptable social, environmental and economic impacts on Camden residents.

In March 2012, the Federal Government released a Joint Study on Aviation Capacity in the Sydney Region that proposes consideration of Wilton as a potential site for a second Sydney airport.

At its meeting on 10 April 2012, Council considered a Mayoral Minute on this matter and resolved that:

- i. Council reaffirm its previous policy position of opposing the development of a second major airport in the Sydney Basin, and particularly at Wilton;*
- ii. endorsement be sought from Council prior to any expenditure on a campaign strategy;*
- iii. Council write to the relevant State and Federal Ministers regarding its position.*

In accordance with the above, letters were sent to the Federal Minister for Infrastructure and Transport and the State Member for Camden expressing Council's strong opposition to any second airport in the Sydney Basin, particularly at Wilton.

Subsequent to this, a meeting was held with the Federal Minister to reinforce Council's opposition. The Minister advised that he was commissioning a 'scoping study' into the Wilton airport proposal and depending on the outcome of the 'scoping study'; full environmental studies may be undertaken. The 'scoping study' is expected to be completed in early 2013.

MAIN REPORT

Joint Study on Aviation Capacity in the Sydney Region

The Joint Study for the Aviation Strategic Plan was announced on 16 December 2009 by the Hon Anthony Albanese MP, Minister for Infrastructure and Transport, as part of the launch of the National Aviation Policy White Paper.

Overseen by an independent steering committee of Government and industry experts, the Joint Study considered the short, medium and long-term aviation infrastructure and supporting surface transport requirements of the Sydney region, and identified strategies and locations to meet future needs. It also considered options for the use of Commonwealth-owned land at Badgerys Creek.

The Joint Study provided a series of key findings and directions including:

- From around 2030, an additional airport will be needed to supplement the capacity of Sydney (Kingsford-Smith) Airport.
- The Badgerys Creek site, which was acquired by the Commonwealth between 1986 and 1991 for a future airport, is the best site for an additional major airport.
- If Badgerys Creek is not ruled out, work should begin immediately to update the Environmental Impact Statement, and to plan towards the development of the first stage of the airport (single runway).
- If Badgerys Creek is ruled out, Wilton is the next best site and processes should be put in train to secure the site and undertake the full environmental assessment and airport planning processes required to protect and prepare the site for future development.

The Australian and NSW Governments were presented with the report of the Joint Study on Friday, 2 March 2012. Following the release, Federal Transport Minister Albanese nominally rejected the Badgerys Creek site on the grounds of past undertakings, and indicated that evaluation of the Wilton site would be commenced with a 'scoping study' which is expected to take 6 months to complete.

Camden Council's Draft Position Paper

Council staff have prepared a draft Position Paper for Council's endorsement. **A copy of the draft Position Paper is included as Attachment 1 to this report.**

In summary, Council's draft Position Paper identifies the following key issues:

- *Lack of Coordination and Integration* – All relevant Federal and State studies must be fully coordinated and integrated (including investigations into the feasibility of potential high speed train services along Australia's east coast). No sensible decision on a second airport for Sydney is possible until this is done and all the results are known and made publicly available.
- *Conflict between Federal and State Policies* – State policies to encourage significant urban and residential development in Sydney's south west will conflict with Federal plans for a major airport in the locality. Camden's population is predicted to increase dramatically from 57,000 to approximately 250,000. An airport at Wilton would prejudice the potential supply of cost effective and amenable housing to current and future generations.
- *Water Quality* – The development of a second Sydney airport at Wilton would pose a serious threat to the long term quality and integrity of Sydney's drinking water supply due to potential airport sites being located within catchments which service three of Sydney's major drinking water reservoirs.
- *Curfew and Noise* - A curfew free airport at Wilton (as proposed) will mean 24/7 noise impacts on surrounding communities, including residents of the Camden

Local Government Area. In addition, as a major airport at Wilton has not been planned, buildings in the area have not been constructed to cope with the serious impacts of aircraft noise.

- *Air Quality in South Western Sydney* - The development of a major airport at Wilton would have a significant and unreasonable impact on air quality in south western Sydney. Council's recent investigations into air quality (from impacts of wood fired heaters) indicate that the geography and meteorology of the Sydney basin results in the accumulation and concentration of air pollutants in south west Sydney. Winter temperature inversions and calm wind conditions exacerbate the air pollution experienced in south west Sydney. A second major airport would further intensify the adverse health impacts from air quality on Sydney residents.
- *Heritage, Ecology and Biodiversity* - The development and operation of a major airport at Wilton would threaten sensitive heritage sites and ecological systems.
- *Economic Issues* – The Joint Study indicated that an airport at Wilton is likely to fail in economic terms with financial profits not expected to be received for approximately 20 years. The distance of Wilton from the Sydney CBD and cost of duplicating infrastructure would also result in economic losses, eventually borne by Australian taxpayers.
- *Alternative Approaches* - There are a variety of more sensible and sustainable alternatives to a second Sydney airport at Wilton, including:
 - review of efficiency and optimisation of capacity and performance at Sydney's Kingsford Smith Airport;
 - enhanced use of Bankstown and Richmond airports, which have less environmental impacts;
 - provision of upgraded ground infrastructure (road and rail) to help alleviate existing transport congestion problems in Sydney;
 - planning for the implementation of a high speed rail system for the east coast of Australia, especially for high traffic routes such as Sydney/Melbourne, Sydney/Brisbane and Sydney/Canberra;
 - using new and proposed train links to connect existing airports such as Canberra and Newcastle.

Council's Campaign

The construction of a second airport at Wilton or at Badgerys Creek is strongly opposed by the three Councils which make up the MACROC group. Council officers have met with officers from Campbelltown and Wollondilly Councils, along with MACROC, to discuss a joint campaign to oppose an airport at Wilton.

In addition to Council writing to relevant State and Federal members advising of its opposition to the airport, Council will support Wollondilly and Campbelltown Councils and MACROC in making regional submissions.

Endorsement of Future Funding

Wollondilly Council has budgeted \$30,000 for the campaign at this stage and has sought a similar financial contribution from Camden and Campbelltown Councils to assist in the campaign.

Considering the potential adverse impacts for Camden residents, it is important that Council participate with other MACROC Councils in the campaign to oppose a second Sydney airport at Wilton, whilst also continuing its opposition to the Badgerys Creek site. Council's participation includes indirect costs associated with staff participation in the campaign.

At this stage it is recommended that Council defer consideration of any direct financial contribution to the broader campaign until after the Federal Government's 'scoping study' is completed. Until that time it is recommended that Council fund its own campaign strategies on a needs basis.

CONCLUSION

Council has a long standing policy position of opposing the construction of a second major airport within the Sydney Basin, due to unacceptable social, environmental and economic impacts on Camden residents.

Along with Wollondilly and Campbelltown Councils and MACROC, Council will oppose a second Sydney airport at Wilton and Badgerys Creek. Council officers have drafted a Position Paper which outlines the key issues and impacts associated with any major airport at Wilton.

It is recommended that Council support this campaign by endorsing the draft Position Paper prepared by Council staff and fund campaign strategies on a needs basis until after the scoping study is completed.

RECOMMENDED

That Council:

- i. endorse the draft Position Paper to oppose any second airport in the Sydney basin, particularly at Wilton or Badgerys Creek; and**
- ii. defer consideration of any direct financial contribution to the broader campaign until after the Federal Government's 'scoping study' is completed.**

ATTACHMENTS

1. Draft Position Paper



Camden Council

Position Paper on the Proposed Second Sydney
Airport at Wilton



www.camden.nsw.gov.au

ORD02

Attachment 1

ORD02



Background

Camden Council has a longstanding policy position of opposition to the construction of a second major airport within the Sydney Basin, and was an active member of the Western Sydney Alliance opposing the previously proposed Badgerys Creek airport.

That campaign was successfully won during 1997 to 1999 when the Federal Government ruled out an airport for Badgerys Creek. Earlier campaigns against sites at Holsworthy and Wilton were also considered by Council at the time to have unacceptable social, environmental and economic impacts on Camden residents. As a result, Council opposed any second airport within the Sydney Basin.

The Joint Study for the Aviation Strategic Plan was announced on 16 December 2009 by the Hon Anthony Albanese MP, the Minister for Infrastructure and Transport as part of the launch of the National Aviation Policy White Paper.

Overseen by an independent Steering Committee of Government and industry experts, the Joint Study considered the short, medium and long-term aviation infrastructure and supporting surface transport requirements of the Sydney region, and identified strategies and locations to meet future needs. It also considered options for the use of Commonwealth-owned land at Badgerys Creek.

The Joint Study provided a series of key findings and directions including:

- From around 2030, an additional airport will be needed to supplement the capacity of Sydney (Kingsford-Smith) Airport.
- The Badgerys Creek site, which was acquired by the Commonwealth between 1986 and 1991 for a future airport, is the best site for an additional major airport.
- If Badgerys Creek is not ruled out, work should begin immediately to update the Environmental Impact Statement, and to plan towards the development of the first stage of the airport (single runway).
- If Badgerys Creek is ruled out, Wilton is the next best site and processes should be put in train to secure the site and undertake the full environmental assessment and airport planning processes required to protect and prepare the site for future development.

The Australian and NSW Governments were presented with the report of the Joint Study on Friday 2 March 2012. Following the release, Federal Transport Minister Albanese nominally rejected the Badgerys Creek site on the grounds of past undertakings, and indicated that evaluation of the Wilton site would be commenced.

Attachment 1



Council's Current Position and Campaign

Council's current position remains actively opposed to the construction of any second major airport in the Sydney Basin, including Badgery's Creek and the latest proposal to evaluate Wilton for a potential airport site.

There is no doubt that Sydney's future aviation and airport needs require adequate consideration and planning. However, investigations into the need for a second major airport in the Sydney Basin need to be examined holistically in the context of Sydney's overall transport needs (including its existing problems and potential solutions), and not in isolation.

A combination of alternatives to an airport at Wilton (as discussed later in this Paper) would help alleviate the surface transport congestion problems currently occurring in Sydney, without the imposition of a major airport on an existing community that has not been built to cope with the environmental impacts of a major airport.

Policy Issues

Lack of Coordination and Integration

All relevant Federal & State studies must be fully coordinated and integrated. There are currently 3 major transport planning and policy processes being undertaken, including:

- Joint Study on Aviation Capacity for the Sydney Region, released in March 2012;
- The Australian Government's East Coast High Speed Train Implementation Study, currently in progress; and
- The NSW Long Term Transport Master Plan, to be developed over the coming twelve month period.

No sensible decision on a second major airport for Sydney is possible until the above studies are complete and all the results are known and made publicly available.

Conflict between Federal and State Planning Policies

A conflict exists between policies of Federal and State levels of Government.

Federal transport studies identify a real need to address Sydney's congestion problems and suggest that a second major airport at Wilton may be appropriate (subject to further detailed studies).

ORD02



However, in contrast, the State Government is encouraging a significant amount of residential investment and development in the South West Growth Centre area and the future Macarthur South Release Area for the provision of much needed housing. Camden's population is predicted to increase dramatically from 57,000 to approximately 250,000 due to its inclusion in the South West Growth Centre area.

Policies such as State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the State Government's recent collaborations with private land holders for releases of private land for residential subdivision will result in direct conflict with any future airport in Wilton. Issues such as noise, air and water pollution, as well as increased traffic (both private and public) associated with a major airport will have direct impacts on the aims and objectives of the State's strategic plans for residential development.

An airport at Wilton would prejudice the potential supply of cost effective and amenable housing to current and future generations.

Environmental Issues

Water Quality

The development of a second major Sydney airport at Wilton would pose a serious threat to the long term quality and integrity of Sydney's drinking water supply, as potential airport sites in Wilton are located in sensitive catchments that serve three of Sydney's most important water storage reservoir systems, being:

- Warragamba Dam;
- Upper Nepean dams; and
- Prospect Dam.

A future airport in Wilton would increase the risks associated with fuel storage and handling in the area (such as leaks and spills), threatening underground water systems with contamination.

Curfew and Noise

A curfew free airport at Wilton (as proposed) will mean 24/7 noise impacts on surrounding communities, including residents of the Camden Local Government Area, due to flight paths.

In addition, as a major airport at Wilton has not been previously planned, there are no ANEF (noise impact) contours for Wilton, and buildings in the area have not been constructed to cope with the serious impacts of aircraft noise, including structural, health and amenity impacts.

Attachment 1



Air Quality in South Western Sydney

The development of a major airport at Wilton would have a significant and unreasonable impact on air quality in South Western Sydney, due to not only aircraft emissions, but also emissions from associated traffic and infrastructure ancillary to any airport facility.

Council's recent investigations into air quality (impacts of wood fired heaters) indicated that the geography and meteorology of the Sydney Basin results in the accumulation and concentration of air pollutants in southwest Sydney. Winter temperature inversions and calm wind conditions particularly exacerbate the air pollution experienced in southwest Sydney. A second major airport would further intensify the adverse health impacts caused from poor air quality on Sydney residents.

Heritage, Ecology and Biodiversity

The development and operation of a major airport at Wilton would threaten sensitive heritage sites, including a number of Aboriginal and cultural heritage items. In addition, the inevitable destruction of habitat associated with the construction of an airport would have impacts on vulnerable flora and fauna ecosystems (such as loss of koala populations).

Economic Issues

The Joint Study on Aviation Capacity in the Sydney region indicated that an airport at Wilton is likely to fail in economic terms, with financial returns not even expected for approximately 20 years.

The distance of Wilton from the Sydney CBD (being approximately 80km) would result in significant transport costs, in addition to costs of duplicating infrastructure. All other options should therefore be considered fully before such economic costs are borne by Australian taxpayers.

Alternative Options

There are a variety of more sensible and sustainable alternatives to a second Sydney airport at Wilton, including:

- Review of efficiency and optimisation of capacity and performance at Sydney's Kingsford Smith Airport;
- Enhanced use of Bankstown and Richmond airports, which have less environmental impacts;

ORD02



- Provision of upgraded ground infrastructure (road and rail) to help alleviate existing transport congestion problems in Sydney;
- Planning for the implementation of a high speed rail system for the east coast of Australia, especially for high traffic routes such as Sydney/Melbourne, Sydney/Brisbane and Sydney/Canberra;
- Using new and proposed train links to connect existing airports such as Canberra and Newcastle.

A combination of all or any of the above alternatives to an airport at Wilton may help alleviate the surface transport congestion problems being experienced in Sydney and should be considered in a fully integrated approach.

Summary

Camden Council has had a longstanding policy position of opposition to the construction of a second major airport within the Sydney Basin, and this position is upheld in light of the recent plans to develop a second major airport at Wilton.

Conflicts between Federal transport plans with strategic State policies (for transport and housing) need to be resolved. A more integrated approach to resolving Sydney's congestion is required.

Significant environmental and economic risks are associated with the proposal for a second major airport at Wilton. Such risks should not be overlooked and deserve adequate attention. Thorough investigations into a range of alternatives, and in particular the feasibility of a high speed rail link along the east coast of Australia, should be considered.

Camden Council looks forward to supporting the regional campaign against a second airport in the Sydney basin.

Attachment 1



ORDINARY COUNCIL

ORD03

ORD03

SUBJECT: PROPOSED REZONING ON LANDTURN 'TRIANGLE' SITE AT NARELLAN AND AMENDED DEVELOPMENT CONTROLS FOR THE NARELLAN TOWN CENTRE AREA.

FROM: Director Governance

BINDER: Amendment No 13 Landturn Narellan

PREVIOUS ITEMS: ORD05 - Proposed rezoning of Landturn 'Triangle' Site at Narellan for retail expansion - Ordinary Council - 13 December 2011

PURPOSE OF REPORT

The purpose of this report is to:

- provide information on the Gateway Determination received for Amendment 13 339 Camden Valley Way, Narellan (known as the Landturn 'Triangle' site);
- provide the outcomes of a workshop held to establish urban design principles for the entire Narellan Town Centre site;
- consider a draft Development Control Plan (DCP) prepared for the site as a result of various studies that have been undertaken and the urban design workshop; and
- consider amendments to the original Planning Proposal as a result of the studies and urban design workshop, with special focus on establishing a building height.

BACKGROUND

At its meeting on 13 December 2011, Council considered a Planning Proposal that aimed to rezone land at 339 Camden Valley Way, Narellan (known as the Landturn 'Triangle' site) to allow for expansion of the Narellan Town Shopping Centre. The report considered by Council at this meeting identified the need for a number of planning studies to be undertaken, including an urban design workshop to consider appropriate development controls for all land zoned 'B2 – Local Centre' within the Narellan Town Centre.

Council resolved the following:

"That Council:

- i. provide in principle support of the rezoning of land at 339 Camden Valley Way, Narellan to 'B2 – Local Centre';*
- ii. forward the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;*
- iii. subject to receiving a favourable Gateway Determination:*
 - a. require the applicant to bear the cost of undertaking planning studies relating to traffic, access and parking; economic impact assessment; noise; stormwater and drainage and urban design principles, together with any other studies required as part of the gateway process; and*
 - b. require the applicant to fund the engagement of an appropriately qualified consultant to facilitate a workshop and assist in the preparation of urban design principles for the study area; and*

- c. *undertake a planning process to prepare detailed development controls for the B2 – Local Centre lands within the Narellan Town Centre; and*
- iv. *be provided with a further report to allow consideration of the Planning Proposal and draft Development Control Plan prior to public exhibition.”*

A favourable Gateway Determination has subsequently been received, which is **provided as Attachment 1 to this report**. A number of planning studies have been completed that are not attached to this report due to their size, but have been provided separately to Councillors on a CD. Council has engaged Paterson Design Strategies to facilitate an urban design workshop to establish urban design principles for the proposed development and appropriate development controls for the B2 – Local Centre lands within Narellan Town Centre. As a result, an amended Planning Proposal is **provided as Attachment 2 to this report**, and a draft Development Control Plan is **provided as Attachment 3 to this report**.

MAIN REPORT

Following Council's resolution on 13 December 2011, the Planning Proposal for the rezoning of land at 339 Camden Valley Way, Narellan was forwarded to the Department of Planning and Infrastructure (DPI) for a Gateway Determination.

Gateway Determination

A favourable Gateway Determination was received by Council dated 3 February 2012 and is **provided as Attachment 1 to this report**. The Gateway Determination requires Council to receive and consider an Economic Impact Assessment to justify the proposed retail expansion and assess potential impacts on existing centres in the Camden LGA and future planned centres within the South West Growth Centre. This study has been prepared by the applicant and is discussed in detail below.

The Gateway Determination also notes that Council was intending to undertake further detailed urban design work, including reviewing building heights and floor space ratios for the proposed site and land zoned B2 – Local Centre within the Narellan Town Centre. This work has been undertaken and is discussed in detail below.

The Gateway Determination advises that it may not be necessary to rezone part of Camden Valley Way to allow the proposed pedestrian bridge to connect the two parts of the shopping centre. Council is discussing this matter with the DPI Regional Team. To date, no advice has been received. Given the nature of retail activities proposed to occur on the bridge, it is considered appropriate to leave the rezoning in the Planning Proposal at this time. Subject to receiving further advice from the DPI Regional Team, the rezoning for the bridge component could be removed from the Planning Proposal following the public exhibition.

The Gateway Determination sets out public authorities to be consulted about the proposal. This consultation will be undertaken at the same time as the public exhibition of the proposal.

Economic Impact Assessment

Deep End Services has been engaged by the applicant to prepare an Economic Impact Assessment report in relation to the proposed expansion of the retail centre. This report has considered the potential impacts on existing centres in Camden LGA and future centres within the South West Growth Centre. The report has also considered potential impacts on some key centres within the Campbelltown LGA (particularly

Campbelltown town centre including Macarthur Square and Campbelltown Mall) and Wollondilly LGA.

This report has been peer reviewed by Hill PDA on behalf of Council. Both the Deep End Services Report and Hill PDA peer review have been included on a CD to Councillors and will be made available as part of the public exhibition material.

Copies of the report and the peer review have not been attached to this Council report, but they are available electronically upon request.

The main findings of the Deep End Services Economic Impact Assessment report are as follows:

The development would be undertaken over two stages, described as Stage 5 (to be completed by the end of 2015) and Stage 6 (to be completed indicatively by the end of 2020).

It is proposed that Stage 5 would add two more discount department stores, relocate and expand the Coles supermarket and add new mini-major tenants and speciality retailers. Upon completion of Stage 5 the Centre will have approximately 75,000 m² of commercial floorspace, including 62,000 m² of retail floorspace (Gross Lettable Area – GLA). This represents an addition of approximately 33,000 m² in total retail floorspace.

Deep End undertook an analysis of the impact of the proposed development of the Narellan Town Centre on surrounding existing and proposed centres. The methodology comprised establishing the current retail floor space and current retail sales at 2011. The impact on sales was modelled against the operation of stage 5 in 2017 and stage 6 in 2021. This is represented in a table showing the forecast retail sales impacts on local activity centres and is **provided as Attachment 4 to this report**.

The potential impact of the Stage 5 expansion of Narellan Town Shopping Centre on the retail turnover that the surrounding existing and proposed centres in 2016/17 is estimated as follows:

Shopping Centre	Sales \$m 2011	Sales \$m 2017 pre impact	Sales \$m 2017 post impact	% of Sales
Oran Park (Stage 1)	-	61.4	54.8	-10.7%
Camden Town Centre	135.9	153.6	140.0	-8.8%
Gregory Hills	-	41.5	38.2	-8.0%
Mount Annan	117.6	126.8	117.0	-7.8%
Tahmoor	93.6	132.4	122.6	-7.4%
Macarthur Square	474.4	550.9	510.4	-7.4%
Spring Farm	-	29.2	27.1	-7.3%
Campbelltown Mall	218.7	250.3	235.9	-5.8%
Campbelltown remainder	219.8	250.2	239.4	-4.3%

The report notes that *“none of these identified centres should be threatened by the expansion of Narellan Town Shopping Centre in terms of overall viability. In overall terms, the range of impacts assessed is relatively modest and proportional to the level, composition and location of retail floor space at each centre. The sales reallocations at all centres are within the bounds and expectations of a normal and competitive environment where turnover levels naturally fluctuate with changes in economic and market conditions”*.

For the purposes of the study, Stage 6 of the development will notionally add a department store tenant, new mini-majors and specialty retailers. It is anticipated that upon completion, Stage 6 will bring the shopping centre to a total of approximately 96,000 m² of floorspace, including approximately 81,000 m² of retail floorspace. This is an increase of approximately 19,000 m² of retail floorspace more than Stage 5.

The potential impact of the Stage 6 expansion of Narellan Town Shopping Centre on the retail turnover that the surrounding existing and proposed centres in 2020/21 is estimated as follows:

Shopping Centre	Sales \$m 2021 pre impact	Sales \$m 2021 post impact	% of Sales
Oran Park	122.1	116.0	-5%
Macarthur Square	532.5	506.2	-4.9%
Gregory Hills	42.1	40.9	-2.8%
Campbelltown remainder	246.6	239.9	-2.7%
Campbelltown Mall	244.7	238.4	-2.6%
Camden Town Centre	159.0	155.2	-2.4%
Tahmoor	131.4	129.4	-1.5%
Mount Annan	134.6	133.3	-1.0%
Spring Farm	31.3	31.1	-0.7%

The report notes that “Stage 6 would generate a lower level of impact on competing centres” that are “not expected to cause any significant effect on the viability of these centres, especially having regard for the rapid growth in retail expenditure capacity in the region”.

The impact of the proposed development on the future Leppington Town Centre is forecast to be -2.0%. The report notes that Leppington Town Centre will service a catchment that extends into nearby land release precincts, with relatively little catchment overlap with Narellan Town Shopping Centre.

The report states that the proposed Stage 5 expansion will generate an estimated 370 full-time equivalent (FTE) direct and 325 indirect jobs over a construction phase spanning 2½ years, with Stage 6 generating 440 direct FTE jobs and 385 indirect jobs over a shorter 12 month construction period. An estimated 708 FTE direct and 476 FTE indirect jobs would be supported on an ongoing basis by the retail and commercial/mixed uses associated with Stage 5, while Stage 6 (in 2021) would generate another 339 direct FTE jobs and 216 indirect FTE jobs on an ongoing basis.

Upon the completion of both stages of development, this will result in over 1,700 jobs.

The proposed development would provide other benefits to the community including improved access to shops and choice. Less money would be spent outside the Camden LGA, supporting local employment generation. There would also be significant environmental benefits associated with a reduction in travel time and reduced congestion, particularly on Narellan Road. As a result, the report argues that there is a substantial positive net community benefit, despite the modest average forecast reductions in sales that would be experienced by other centres.

As indicated above the Economic Impact Assessment Report has been peer reviewed by Hill PDA. They make the following conclusions:

- The 2011 ABS Census data was not available when the Assessment was undertaken and this may have some affect on the accuracy of the population projections adopted;
- They believe that the study has under-estimated the economic impact on the existing retailers in Narellan and over-estimated the impact on other centres in the surrounding area;
- Hill PDA applied modelling to determine the effect of a 'high impact' scenario on other centres and found that none would have their commercial viability jeopardised as a result of the expansion of the Narellan Town Centre;
- With regard to Camden, Hill PDA consider that trading levels will decline however by 2021 they will be comparable to their 2011 level. *The reason for the differing sales figures in the Deep End and Hill PDA reports is due to the different base assumptions adopted.* Hill PDA conclude that the affect on the Camden Town Centre of the expansion of the Narellan Town Centre would not threaten its viability;
- They consider that the greatest impact will be on the existing retailers in Narellan with a lesser impact on other centres, including Camden;
- The proposed development would support a range of new jobs in Camden LGA, both during the construction process and post-development. It would also secure investment in the economy; and
- Hill PDA conclude that *"an assessment of the positive and negative aspects of the proposed development indicates that it would provide a net benefit to the community"*.

Planning Studies

A number of planning studies have been prepared by the applicant to support the proposed expansion of the retail shopping centre and are discussed in detail below. Due to their number and size, copies of these reports have not been attached to this Council report. CDs of the reports have been provided to Councillors.

Heritage

A Heritage Study has been undertaken by Graham Brooks & Associates to consider the potential impact of the shopping centre expansion proposal on the following heritage items that are in the vicinity of the site:

- Burton Arms Inn – 332 Camden Valley Way (Item No. 132);
- Boyd Gallery – 2 Sharman Close (Item No. 120);
- Sharman's Slab Cottage – 11 Stewart Street (Item No. 121);
- Ben Linden cottage – 311 Camden Valley Way (Item No. 132); and
- Struggletown Heritage Conservation Area.

This study found that there will be minimal impact as a result of the proposed development on these heritage items and Heritage Conservation Area. The comments are based on the concept designs prepared by the Buchan Group that were included with the previous Council report.

The report notes that *"the initial design, scale, height, form, setbacks and materials will be appropriate to the items and conservation area and will minimise the impact of the future development"*. Further, it is noted that the heritage curtilages identified for the heritage items in the vicinity of the development will not be impacted upon by the proposed rezoning or future expansion and redevelopment of the Narellan Town

Shopping Centre. *“Views to the heritage items will not be affected as a result of the proposal as setbacks are generally minimal to Camden Valley Way and Sharman Close and no development will be located in front of the items. Views to the Struggletown Conservation Area will be altered when approaching the area from the south, along Camden Valley Way. Currently, the vacant land which allows vistas to the area will be developed as part of the future works. This is considered acceptable as the primary view to the area will not be affected. Views from the heritage items and the Struggletown Conservation Area will be altered with the increased development. This is considered acceptable as the existing views from these are not of heritage significance, given recent development.”*

The Heritage Study and advice regarding building heights has been reviewed by Council officers, who did not raise any objections to the advice.

Traffic and Access

The applicant has engaged Cardno to prepare a detailed traffic model of the Narellan Town Centre (known as a Paramics model), which provides a micro-simulation of the road network and traffic patterns. The model has been used as the basis for the applicant to consult with Council and the Roads and Maritime Services (RMS) regarding the traffic and access arrangements for the proposed development. The Paramics model is a highly sophisticated software package that enables detailed analysis of the traffic and access issues.

The applicant intends to use the access points to the site that have previously been the subject of an “access” Development Application, which has been approved by Council with the concurrence of RMS (this consent related to access off Northern Road, The Old Northern Road and Camden Valley Way).

The study identifies road works that will be needed to manage traffic in the area if the shopping centre is constructed. This package of works is being negotiated by the applicant with RMS and is not agreed. Funding and construction responsibilities are to be defined between these two parties. It is anticipated that the applicant will enter into a Voluntary Planning Agreement with RMS to formalise arrangements. This agreement is yet to be negotiated and it is expected that Council will be kept informed of its progress. It will be made clear to the applicant that Council will not fund these works nor be responsible for their construction.

The suggested package of road works needed in approximately 2015 to facilitate Stage 5 of the proposed development includes:

- Signalisation of the right-turn onto the Camden Bypass from Narellan Road, travelling southbound.
- Upgrade of the Narellan Road/Camden Valley Way intersection to implement three right-turn lanes at the Camden Valley Way (southern approach) and the implementation of two right-turn lanes and two left lanes at the Narellan Road (eastern approach).
- Provision of an additional through-lane from Old Northern Road to Narellan Road (northbound/eastbound) along Camden Valley Way to ensure that appropriate geometry, storage and development lengths of the additional turn lanes at the Narellan Road/Camden Valley Way intersection can be achieved.
- Old Northern Road upgrade, two lanes provided throughout the extent of Old Northern Road with turning bays provided for access to the Landturn site.

- Upgrade of Old Northern Road/Camden Valley Way intersection providing a through and left lane and two exclusive right-turn lanes on the Old Northern Road (southern approach). Also the upgrade will involve the implementation of two additional lanes, providing an exclusive through-lane as well as two right-turn lanes.
- Optimisation of traffic signals throughout the network to improve flow of traffic and limit congestion.

It should be noted that the modelling also included assessment of the impacts on Somerset Ave up to Elyard Street. The modelling showed that the impacts on Somerset Avenue would be minimal and any impacts would be alleviated by the upgrading of the Narellan Road/Camden Valley Way intersection.

Following completion of development (based on traffic forecasts for 2025) the following package of works may be required:

- Duplication of Camden Valley Way north of the Fairwater Drive/Camden Valley Way intersection.
- The Northern Road upgrade which provide two lanes in both directions north of the intersection of Old Northern Road/The Northern Road.
- Signalisation of The Northern Road/Fairwater Drive intersection.

Note: these 2025 works are already identified in RMS plans for future road works in the area.

Traffic and access arrangements are important considerations for the rezoning of the Landturn site and the applicant is progressing discussions with RMS to agree on a package of road works to improve access and traffic flow within the area. These discussions will continue. The Traffic and Access Study prepared by Cardno will form part of the public exhibition material. The rezoning proposal can be advanced while negotiations between the applicant and RMS continue.

Council's Traffic Planners have been included in discussions between the applicant and RMS and will continue to be involved and consulted as these issues reach resolution.

Parking

A preliminary merit-based assessment of parking needs has been prepared by Cardno for the proposed shopping centre expansion. The *RTA Guide to Traffic Generating Developments* suggests a rate of 4.1 spaces per 100 m² of floor area for shopping centres with greater than 30,000 m² GLFA. Their assessment of the demand rates at a number of similar shopping centres has led to their recommendation of a design planning rate of 4.2 spaces per 100 m².

The statement notes that *"the combined land area and elevated building structure proposed in the masterplan concept prepared by the Buchan Group should provide sufficient capacity on site to accommodate the proposed parking numbers generated by a Regional shopping centre"*.

The success of the car parking will rely on a retail pedestrian bridge that effectively connects both sides of the Centre, so that it operates as one centre. In this way, traffic arriving from the growth areas to the north of the site will be able to park on the Landturn site to access the shopping centre. The report notes that the large site area

and dispersion of traffic to opposite sides of Camden Valley Way will greatly assist to reduce congestion within the car park and associated entry/exit points.

A detailed merit-based assessment of parking needs will be provided with a Development Application for the site. The information provided to date has been reviewed by Council's Traffic Planners and it would appear that the site is capable of accommodating sufficient parking spaces to meet the demands of an expanded retail centre.

Acoustics

A preliminary statement of acoustic advice has been prepared by Acoustic Logic. A detailed Acoustic Report will be submitted as part of a future Development Application for the site, subject to the rezoning proposal being approved. The preliminary advice indicates that the noise generated by the development will primarily be from external mechanical plant (ventilation, refrigeration etc), vehicle noise and noise from loading docks. There will be little difference between development of the site for an expanded retail shopping centre, or for a bulky goods/retail development that is currently permissible. The potential noise sources are capable of being addressed through the detailed design. For example, plant noise treatments are designed after plant selection/location has been determined and could include use of screens/enclosures, lining of ductwork/in-duct attenuators and speed controllers. Additionally, loading docks can be screened or enclosed. The site is also bounded by two arterial roads, and is unlikely to generate vehicle noise that would significantly add to the existing noise levels.

This advice has been reviewed by Council officers, who did not raise any objections to the advice.

Stormwater

Information about the proposed Stormwater Management Strategy for the site has been prepared by Lean, Lackenby and Hayward. Discussions with Council's specialist staff are ongoing. The stormwater management issues are of more relevance to a future Development Application for the site. Full resolution of these issues is not needed to advance the rezoning application. The applicant and Council staff will continue to work towards resolution of stormwater management issues.

Contamination

It is noted that a Remedial Action Plan (RAP) will be needed for the whole site. There is an existing RAP, but it was prepared prior to some parts of the site being acquired and as a result, it does not appear to address the whole site. The RAP will need to be updated and submitted with a Development Application. It is not necessary for this plan to be prepared at this rezoning stage.

The information provided to date has been reviewed by Council's Environment Health Officers and they will review and comment on future reports submitted as part of a Development Application.

Salinity

The Salinity Report identifies that the site conditions are moderately aggressive to concrete. A Salinity Management Plan (SMP) will need to be updated to reflect the characteristics of the site and use as a commercial development. The SMP will need

to be submitted with a Development Application. It is not necessary for this plan to be prepared at this rezoning stage.

The information provided to date has been reviewed by Council's Environment Health Officers and they will review and comment on future reports submitted as part of a Development Application.

Urban Design Workshop

Paterson Design Strategies was appointed by Council to provide expert urban design input into this proposal, including consideration of appropriate urban design principles for the site and B2 – Local Centre lands generally. This has included consideration of revised maximum building heights for the Town Centre, that are shown in the revised Planning Proposal **provided as Attachment 2 to this report**. Additionally, a draft Development Control Plan for the Narellan Town Centre has been prepared and is **provided as Attachment 3 to this report**.

The urban design workshop was attended by a number of Council staff, the applicant and their relevant consultants. The purpose of the workshop was to identify the urban design principles for the expanded shopping centre and the Narellan Town business area. The design principles are generally consistent with previous masterplans for the Narellan Town Centre area, but have been adapted to accommodate the expanded shopping centre. The main point of difference is a proposal to amend building heights within the Narellan Town Centre.

Building Heights

The development of a regional level shopping centre, as is proposed, is a significant opportunity to revitalise the Narellan Town Centre area. In particular, there is a need to provide an incentive to redevelop buildings to encourage the centre to grow into its regional role. To assist this, it is proposed to increase the maximum building heights for land zoned B2 – Local Centre. The proposed building heights are shown in Figure 1 – Proposed Building Heights below.

In general, it is proposed to formalise the existing building heights approved as part of the existing shopping centre. As a result, a building height of 25 metres is proposed for the existing and future shopping centre. This will allow for a single retail floor to span across Camden Valley Way, providing sufficient clearance for the bridge and allowing for plant and other equipment on the roof top (appropriately screened).

Figure 1 – Proposed Building Heights



Incentive for development on Queen Street, Elyard Street and Somerset Street is provided in the form of a 15.5 metre building height limit.

A landmark site on the corner of Camden Valley Way and The Northern Road was identified at the design workshop with a proposed maximum building height of 35 metres. The corner site is that land on the north eastern corner of Camden Valley Way and The Northern Road. The proponent argues that this height limit reflects the character of the site, which is a key entry point to the Narellan Town Centre, and is adjacent to a major intersection with a large land area. While there may be merit in the development of a major gateway site, especially in the future, it is considered that such an increase in height will require further investigation and should not be part of this planning process.

Accordingly it is recommended that the height for the corner gateway site not be determined until further detailed analysis is undertaken. There should be reference to

this matter made in the DCP. In the interim the maximum height of the 'corner' site will be 25 metres.

It is proposed to insert the following note at the end of clause 8.4 in the draft DCP

'Note: The site on the north eastern corner of Camden Valley Way and the Northern Road has been identified as a possible 'landmark' gateway site. As such it may be possible to increase the maximum height from the current 25m. For this to be achieved a planning proposal will need to be prepared based upon appropriate planning studies.

Under the B2 zone 'shop top' housing is permissible. As an interim measure it is proposed to apply a Floor Space Ratio (FSR) of .5 to 1 on shop top housing to ensure control on the amount of housing that could be provided on the site.

Amendment to the Planning Proposal

To amend the building heights in the Narellan Town Centre, a Planning Proposal is required to amend Camden Local Environmental Plan (LEP) 2010. A Planning Proposal has been submitted to Council to rezone the Landturn site. This Planning Proposal has been amended to include a revision to the Height of Buildings map for land zoned B2 – Local Centre within the Narellan Town Centre and is **provided as Attachment 2 to this report**.

The previous Council report and Gateway Determination contemplated further changes to building heights, which were highlighted as being under review through the urban design workshop process. The next step is for Council to forward the revised Planning Proposal to the DPI Regional Team for their comment. Upon receiving a favourable response, Council may then proceed with a public exhibition of the Planning Proposal to seek comment from the community.

Draft Development Control Plan

A draft Development Control Plan (DCP) has been prepared by Paterson Design Strategies on behalf of Council to amend the Camden DCP 2011. The Draft DCP reflects the urban design principles agreed through an urban design workshop process. It also demonstrates a high level of consistency with previously prepared masterplans for the Narellan Town Centre.

The Draft DCP is **provided as Attachment 3 to this report**.

Section 4.1 of the draft DCP provides the following vision for the Narellan Town Centre:

"The vision for the Narellan Town Centre is to create a people orientated and pedestrian friendly environment, where the built form has a human scale at street level, with cultural and civic expression.

The Town Centre forms the heart of the existing region and community. Providing employment opportunities in a range of industries and professions is a critical element to ensure success of the Town Centre.

The Town Centre is prosperous and vibrant during the day and at night and all people feel safe and comfortable moving through the Town Centre at any time.

The Narellan Town Centre is not only a shopping centre, it is a true community hub providing all of the services and facilities that a community needs.

The design of the public and private realms is integrated to provide a sense of openness and space.

The Town Centre is designed to be used during a twenty-four hour cycle. A variety of spaces are located and designed for community interaction in large and small groups. Places are provided for recreation and entertainment, including community activities and cultural events.”

The draft DCP provides criteria for the layout of the Town Centre and makes specific reference to the two town squares that are to be established on either side of Camden Valley Way.

The draft DCP also contains a section 8.3 for the Pedestrian Bridge. This section provides for a number of objectives to ensure that the bridge delivers in both form and function. This being an attractive structure with a primary purpose of connecting the two distinct blocks to ensure a successful commercial operation for the shopping centre.

Some of the controls applying to the pedestrian bridge include:

- *Architectural finishes being consistent with the main building façade treatments on Camden Valley Way.*
- *The eastern façade of the bridge to be fully integrated with the two vertical circulation (escalators) elements that link street level to the retail podium level in terms of material resolution and ease of pedestrian use.*
- *Equal consideration of materials and façade treatment need to be shown to the underside of the pedestrian bridge including the night time experience for pedestrians and vehicles.*
- *The vertical pedestrian circulation entries are to maximise the open-air transparency of the bridge and are to have a minimum width of 8m and height of 12m.*
- *Materials used in the bridge construction must reflect the lightweight feel of the bridge structure. Non-transparent materials are to be avoided with preference given to transparent and semi-transparent glazing as a dominant façade treatment.*
- *No advertising will be permitted on the bridge.*

The draft DCP also addresses:

- Access & Movement – Vehicle movement network; pedestrian and cycle movement and public transport network.
- Public Domain – Street trees
- Land Use and Built Form – Built form articulation; architectural character; building envelopes/bulk and scale; weather protection; setbacks; street activation and solar access.
- Site Access, Parking and Loading – Vehicle parking and storage; loading docks and roof top car parking.
- Signage and Graphics.

It is intended to publicly exhibit the draft DCP concurrently with the Planning Proposal.

Public Exhibition

Following receipt of comment from the DPI Regional Team regarding the amended Planning Proposal, it is proposed to place the Planning Proposal and draft Development Control Plan on public exhibition for a minimum of 28 days in accordance with the requirements of the Gateway Determination and the *Environmental Planning and Assessment Act and Regulations*.

Council will write to the owners of land zoned B2 – Local Centre within the Narellan Town Centre to advise them of the proposed changes to the building height controls and the details of the public exhibition.

During the public exhibition, an information session or open house will be held at the Narellan Library community meeting rooms to provide an opportunity for the community to speak with Council staff about the proposal.

Council staff will also offer to attend the Narellan Chamber of Commerce meeting during (or as near to as possible) the public exhibition period to present information about the proposed rezoning and changes to development controls.

Council will also consult with Government agencies identified in the Gateway Determination during the public exhibition period.

The exhibition material will be made available on Council's website, in addition to the Narellan and Camden libraries and Customer Service Centres.

A report will be presented to Council at the conclusion of the public exhibition period to provide opportunity to consider any written submissions received.

CONCLUSION

The proposed expansion to the Narellan Town Shopping Centre provides an opportunity for significant investment in the LGA, resulting in more local jobs and a revitalised Narellan Town Centre. An amendment to the Planning Proposal and a draft Development Control Plan have been prepared to implement development controls that are befitting of a regional centre.

A number of planning studies have been prepared to support the proposed expansion of the shopping centre. While there are some outstanding planning issues, Council staff are working with the applicant to reach a resolution. Many of these matters are relevant to a future Development Application and do not necessarily impede the progress of the rezoning application. There is sufficient information available that will be provided as part of a public exhibition to enable the community to provide informed comment on the proposal.

RECOMMENDED

- i. endorses the proposed building height limits for the Narellan Town Centre of:**
 - a) 25 metres for land shaded green on the Figure 1 in this report and**
 - b) 15.5 metres for land shaded blue on Figure 1 in the report covering land zoned B2 – Local Centre within the Narellan Town Centre and the draft Development Control Plan for the purposes of public exhibition;**
- ii. forward the revised Planning Proposal, which contains amendments to the Height of Buildings Map to the Department of Planning and Infrastructure Regional Team for their comment prior to public exhibition in accordance**

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- with the Gateway Determination;
- iii. publicly exhibit the amended Planning Proposal and Draft Development Control Plan in accordance with the provisions of the Gateway Determination, Environmental Planning and Assessment Act and Regulations, following receipt of comment from the Department of Planning and Infrastructure Regional Team;
 - iv. writes to affected land owners to advise them of the public exhibition;
 - v. consults with government agencies in accordance with the requirements of the Gateway Determination during the public exhibition period; and receives a report at the conclusion of the public exhibition to enable consideration of any submissions received.

ATTACHMENTS

1. Gateway Determination
2. Planning Proposal
3. Draft DCP with maps
4. Forecast Retail Sales Impact



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Department Generated Correspondence (Y)

Contact: Mato Prskalo
 Phone: (02) 9873 8500
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 Email: Mato.Prskalo@planning.nsw.gov.au
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Our ref: PP_2012_CAMDE_001_00 (11/18328)

Your ref:

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

Dear Mr Wright,

Re: Planning Proposal to rezone the Landturn 'Triangle' Site at 339 Camden Valley Way, Narellan, to enable expansion of the Narellan Town Shopping Centre

I am writing in response to your Council's letter dated 19 December 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Camden Local Environmental Plan 2010 to rezone the Landturn 'Triangle' Site at 339 Camden Valley Way, Narellan, to enable expansion of the Narellan Town Shopping Centre.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

The Department has no objection to the general intent of this planning proposal and notes that Council is seeking a determination to allow further detailed planning for the Narellan Town Centre to proceed. In proceeding with the draft LEP therefore, Council should give consideration to and provide further justification for the proposed expansion of the town centre in the context of the retail hierarchy of the Camden LGA and the broader South West Growth Centre. This consideration shall form part of the material to be placed on public exhibition.

It is noted that an economic impact assessment has been prepared by Deep End Services in support of the proposal and that an independent peer review of that study was undertaken by HillPDA. A number of additional concerns were raised as a result of the peer review and it is considered essential that these issues are addressed prior to the planning proposal proceeding. In particular the following should be addressed:

- An assessment of the potential impacts on the existing centres in the Camden LGA;
- An assessment of the long term economic impacts on future planned centres within the South West Growth Centre, in particular the planned major centre at Leppington.

In addition, the peer review identified some planning and design based considerations which may impact on the future development of the site including how the site will integrate with the adjoining Narellan Town Centre and how development may span the Camden Valley Way. These aspects of the planning proposal need to also be considered further by Council prior to proceeding to exhibition.

It is noted that Council intends to proceed with a broader planning assessment of the Narellan Town Centre. The above considerations should form part of Council's further planning work. In addition, Council should review the zoning for the subject site in the context of the broader Narellan Town Centre and determine whether the proposed B2 Local Centre zoning is an appropriate zone following the completion of the additional considerations referred to above.

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney
 Telephone: (02) 9228 6111 Facsimile: (02) 9228 6455 Website: www.planning.nsw.gov.au

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Attachment 1

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Attachment 1

In addition to the further consideration of an appropriate zone for the site, further detailed urban design work should be undertaken to identify appropriate maximum FSR and building height controls. These controls should be developed having consideration to the further economic assessment work to be undertaken to ensure that appropriate controls are in place to achieve the desired amount of retail floorspace suitable for the Narellan Town Centre in the context of the South West Growth Centre. The urban design work should also consider traffic, parking and access; noise impacts; and, stormwater and drainage.

Following the completion of the above considerations, Council may need to prepare a revised planning proposal for the purposes of public exhibition. In the event that these amendments result in a significant variation to the current planning proposal, Council may wish to consider seeking a formal amendment to this planning proposal prior to commencing exhibition. This matter can be discussed further with the Department's Regional Planning Team as the draft plan is progressed. If this is necessary, Council is to undertake an assessment of the revised proposal against all relevant Section 117 Directions prior to exhibition and place that information on exhibition with the planning proposal.

It is noted that the proposed rezoning of the Camden Valley Way for the purposes of a pedestrian bridge may not be necessary as it may be permissible with consent under the provisions of State Environmental Planning Policy (Infrastructure) 2007 (the Infrastructure SEPP), if it is considered ancillary development under the definition of 'road corridor'. Council should consider this matter further in consultation with the Department's Regional Planning Team and if considered appropriate, remove this component of the planning proposal prior to exhibition.

Council is to provide a copy of all additional material prepared as a requirement of this Gateway Determination to the Department's Regional Planning Team prior to commencing exhibition.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mato Prskalo of the Regional Office of the Department on 02 9873 8568.

Yours sincerely,



3/7/12
Tom Gellibrand
 Deputy Director General
 Plan Making & Urban Renewal



Gateway Determination

Planning Proposal (Department Ref: PP_2012_CAMDE_001_00): to rezone the Landturn 'Triangle' Site at 339 Camden Valley Way, Narellan, to enable expansion of the Narellan Town Shopping Centre.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Camden Local Environmental Plan 2010 to rezone the Landturn 'Triangle' Site at 339 Camden Valley Way, Narellan, to enable expansion of the Narellan Town Shopping Centre should proceed subject to the following conditions:

1. Council is required to give consideration to and provide further justification for the proposed expansion of the town centre in the context of the retail hierarchy of the Camden LGA and the broader South West Growth Centre. This consideration shall form part of the material to be placed on public exhibition and should consider the following:
 - a. An assessment of the potential impacts on the existing centres in the Camden LGA; and
 - b. An assessment of the long term economic impacts on future planned centres within the South West Growth Centre, in particular the planned major centre at Leppington.
2. Council is required to give additional consideration to urban design and identify appropriate maximum FSR and building height controls for the site in the context of the future role and function of the Narellan Town Centre. The urban design work is also required to consider traffic, parking and access; noise impacts; and, stormwater and drainage. These considerations must form part of the material to be placed on public exhibition.
3. Council should review the zoning for the subject site in the context of the broader Narellan Town Centre and determine whether the proposed B2 Local Centre zoning is an appropriate zone following the completion of the additional economic considerations.
4. The proposed rezoning of the Camden Valley Way for the purposes of a pedestrian bridge may not be necessary as it may be permissible with consent under the provisions of State Environmental Planning Policy (Infrastructure) 2007 if it is considered ancillary development under the definition of 'road corridor'. Council should consider this matter further in consultation with the Department's Regional Planning Team and if considered appropriate, should remove this component of the planning proposal prior to exhibition.
5. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Mine Subsidence Board
 - Transport for NSW – Roads and Maritime Services

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Planning & Infrastructure

- Department of Transport – State Transit Authority
- Sydney Water
- NSW Police Force
- Adjoining LGAs
- Telstra
- Department of Family and Community Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Dated 3rd day of February 2012.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure

Attachment 1



CAMDEN COUNCIL

PLANNING PROPOSAL

**Amendment to Camden LEP 2010 in relation to
The Landturn 'Triangle' Site at
339 Camden Valley Way, Narellan**

10 July 2012 (Amendment 1)

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Planning Proposal for amendment to Camden LEP 2010 in relation to the Landium 'Triangle' site at Narellan

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SUPPORT DOCUMENTS ON COMPACT DISK

1. Site Plan
2. Retail Analysis August 2011, Deep End Services Pty Ltd
3. Hill PDA Peer Review Report November 2011
4. Conceptual Drawings
5. Net Community Benefit Test
6. Achievement of State Plan Priorities
7. Achievement of Metropolitan Plan 2036 Strategic Directions and Actions
8. Achievement of South West Subregional Strategy Objectives
9. Economic Impact Assessment, Deep End Services Pty Ltd
- 9A Hill PDA Peer Review of Economic Impact Assessment – July 2012
10. Traffic and access modeling report, Cardno
11. Parking statement, Cardno
12. Acoustic statement, Acoustic Logic
13. Heritage Impact Assessment, Graham Brooks & Associates
14. Stormwater management information, Lean Lackenby & Hayward
15. Contamination reports
16. Salinity report
17. Draft Development Control Plan, Paterson Design Strategies & Camden Council
18. Gateway Determination

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Attachment 2

Planning Proposal for amendment to Camden LEP 2010 in relation to the Landium 'Triangle' site at Narellan

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Attachment 2

Planning Proposal for amendment to Camden LEP 2010 in relation to the Landlurn 'Triangle' site at Narellan

Introduction

Landturn Pty Ltd owns a 7.28 hectare site in the heart of the Narellan Town Centre. The site adjoins the Narellan Town Centre Shopping Centre Site and both sites are in common ownership. Landturn has recognised the opportunity to extend the existing Narellan Shopping Centre northwards into the site and has prepared a preliminary urban design vision that suggests the site could accommodate approximately 45,000 sqm of additional floor space and new public domain opportunities. A site plan is provided as **Attachment 1** on the Compact Disk that accompanies this Planning Proposal.

A retail demand study prepared by Deep End Services on behalf of the landowner and peer reviewed by Hill PDA on behalf of Council indicates that there is a shortfall in the provision of retail floor space to meet the needs of existing and future residents of Camden. Therefore, the proposed expansion of Narellan Town Centre is supported as it will facilitate the creation of local jobs and is unlikely to undermine existing or proposed retail centres. The Deep End Services retail demand study is provided as **Attachment 2**. The Hill PDA peer review of the Deep End Services study is provided as **Attachment 3** on the Compact Disk that accompanies this Planning Proposal. An Economic Impact Assessment has subsequently been prepared as is provided on the Compact Disc that accompanies this report. The Economic Impact Assessment report has been peer reviewed by Hill PDA. Both the Economic Impact Assessment report and peer review will be made available as part of the public exhibition material.

The site is currently zoned 'B5 – Business Development' under the provisions of Camden LEP 2010 and retail floor space is limited to 11,300 sqm. It is proposed that the site be rezoned to 'B2 – Local Centre' and the limit on retail floor space be removed.

A map showing the location of the proposed site is provided in Figure 1 below.

Planning Proposal for amendment to Camden LEP 2010 in relation to the Landturn 'Triangle' site at Narellan



Figure 1 – Location Map

Council has considered the proposal to rezone the land to allow expansion of the Narellan Town Shopping Centre and has provided 'in principle' support given the strong evidence of an undersupply of retail floor space in this area and the opportunity to create local jobs. As a result, this planning proposal was forwarded to the Department of Planning and Infrastructure for a Gateway Determination. Council has received a Gateway Determination that supports proceeding with the planning proposal, and the landowner has undertaken a number of planning studies. These planning studies include:

- traffic and access;
- parking;
- economic impact assessment;
- noise;
- heritage

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Planning Proposal for amendment to Camden LEP 2010 in relation to the Landturn 'Triangle' site at Narellan

- stormwater and drainage; and
- urban design principles.

A Compact Disk is provided with this Planning Proposal containing these planning reports.

Council will also undertake consultation with a range of State Government agencies as identified in the Gateway Determination.

Council has undertaken an urban design workshop attended by relevant Council staff, the landowner and their relevant consultants. The purpose of the workshop was to identify urban design principles for the Narellan Town Centre including both the proposed development and a review the planning controls related to all land zoned B2 – Local Centre in the Narellan Town Centre to ensure that they are suitable to achieve the desired outcomes and objectives for this area. Following the workshop, a draft Development Control Plan has been prepared on Council's behalf by Paterson Design Strategies for the Narellan Town Centre. Important issues that have been considered as part of this planning process are traffic, access and parking arrangements within Narellan and urban design/built environment outcomes including building heights and the proposed pedestrian bridge across Camden Valley Way.

A report was presented to the Council at its meeting on 24 July 2012, discussing the proposed changes to the building heights for land zoned B2 – Local Centre and the draft DCP. Council has endorsed these plans for the purposes of public exhibition. The amended Planning Proposal is now forwarded to the Department's Regional Team for comment prior to public exhibition.

Council is therefore seeking the Department's comments on this amended Planning Proposal to indicate whether it may proceed to public exhibition.

It is noted that there are some unresolved planning issues, primarily related to stormwater management and traffic and access. These are being addressed with relevant Council staff and the RMS. These issues are more relevant to a future Development Application and do not necessarily need to delay the rezoning process.

Part 1 - Objectives or Intended Outcomes

It is intended to allow the existing Narellan Town Shopping Centre to expand north of Camden Valley Way on to the Landturn 'triangle' site to establish an integrated and connected centre that encompasses both sides of the road. This will enable the provision of higher order retail facilities, creation of local jobs and improvements in the public domain surrounding Camden Valley Way.

The proposal includes a bridge over Camden Valley Way to connect both parts of the shopping centre to ensure pedestrian access is safe and convenient. It is intended to amend Camden LEP 2010 to enable the pedestrian bridge to be a permissible use.

A series of conceptual 'artist impression' drawings are provided in **Attachment 4** on the Compact Disk that accompanies this Proposal and demonstrates the landowners vision for the future development of the site.

Planning Proposal for amendment to Camden LEP 2010 in relation to the Landturn 'Triangle' site at Narellan

The indicative retail floor space (net lettable area) on the site could be approximately 45,000 sqm and would result in the expanded shopping centre having a total (existing and proposed) retail floor space of approximately 88,250 sqm, being a net increase of 53,380 sqm.

Part 2 - Explanation of Provisions

The site is currently zoned B5 'Business Development' under Camden LEP 2010, while the adjoining Camden Valley Way road reserve (at the location of the proposed pedestrian bridge) is zoned SP2 'Infrastructure'. Extracts of the LEP maps as they relate to the site are reproduced in Figure 2 below.

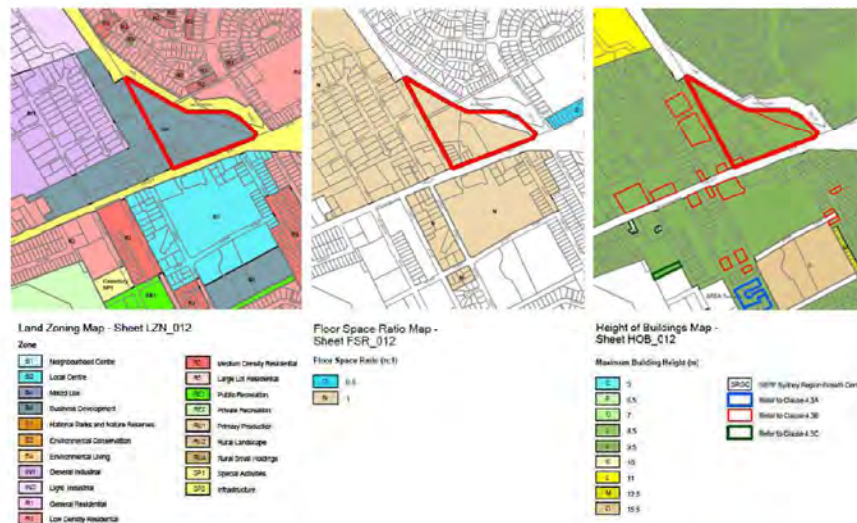


Figure 2 – Current Zoning Maps

It is proposed to amend Camden LEP 2010 as follows:

1. Rezone the site and the adjoining part of Camden Valley Way to 'B2 Local Centre';
2. Amend the relevant Height Control Map to specify new maximum building heights for land zoned B2 – Local Centre and the subject site as shown in Figure 2A below. The draft DCP establishes controls in relation to height guidelines that will satisfy streetscape and urban design objectives;
3. Amend the relevant Floor Space Ratio Map to allow an FSR of 1:1 across the Landturn 'triangle' site, including the former road reserve on the north eastern part of the site. There will also be provision to include an FSR, with respect to 'shop top' housing, of 0.5:1. This will be included as a local provision in the Camden LEP 2010.

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Planning Proposal for amendment to Camden LEP 2010 in relation to the Landium 'Triangle' site at Narellan



Figure 2A – Proposed Building Heights

The area shaded blue is proposed to have a maximum height limit of 15.5m. The area shaded green is proposed to have a maximum height limit of 25m.

Proposed zoning and floor space maps are presented in Figure 3 below. No changes to the Minimum Lot Size Map are envisaged. However amendments to Schedule 1 of LEP 2010 and Part D of Camden DCP 2010 will also be required in response to, and to reflect, the new proposed LEP provisions. The Draft DCP prepared by Paterson Design Strategies on behalf of Council is provided as **Attachment 17** on the Compact Disk that accompanies this Proposal.

Planning Proposal for amendment to Camden LEP 2010 in relation to the Landturn 'Triangle' site at Narellan



Figure 3 – Proposed Zoning Maps

Part 3 – Justification

Since the original planning for the site in 2004, a number of matters of significance have become apparent:

1. Since 2004 the South West Growth Centre has become firmly established. The findings of retail and commercial floor space investigations associated with the rezoning of the Leppington Town Centre (as part of The Austral and North Leppington Precincts exhibition) have identified shortfalls in floor space provision that necessitate the need to review the current suite of zones and development standards that apply to town centre lands within the Camden LGA;
2. In many respects the 2004 Narellan masterplan that has been the foundation upon which the current LEP 2010 controls and maps are based has been superseded by the final design, configuration and construction of the Narellan Bypass and Camden Valley Way. The road design limits access and prohibits on-street parking; making obsolete the subsequent LEP and DCP controls and much of the desired future character for the centre;
3. The design of retail and commercial design has evolved such that the current controls on building siting and height no longer meet contemporary demands;
4. There is an opportunity to configure and focus the distribution of retail premise

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- floor space within the town centre to accomplish a coordinated masterplanned development by linking the site with the existing Narellan Town Centre Shopping Centre across Camden Valley Way;
5. Development of new suburbs and residential areas in close proximity to the Narellan Town Centre has commenced. New households and residents will require the provision of additional retail premise floor space to enable objectives that seek convenient access to centre based services and employment to be achieved; and
 6. In this context, the retail floor space cap of 11,300 sqm within the subject site prevents convenient access by residents to appropriate levels of well-designed retail premise floor space commensurate with future population demand within the catchment of the Narellan Town Centre.

As a result, it is proposed to amend the existing planning controls to facilitate development of an expanded Narellan Town Shopping Centre that is integrated, connected and contributes to improvement of the Camden Valley Way public domain.

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The proposal has not been the result of a specific strategic study or report. However there are a number of recent State Government strategic initiatives, objectives and investigations that have an impact on the potential future use and zoning of the site, and the planning proposal responds to these initiatives and objectives. 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 the planning controls to be amended for the site to facilitate the proposed development. Other methods investigated will not achieve the intended result that is sought. Other options identified include:

- (i) A development application accompanied by use of Clause 4.6 (a request for an exception to the height and floor space cap standards) and Clause 5.3 (development of the pedestrian link over the SP2 zoned road reserve – development near zone boundaries) of Camden LEP 2010.

As long as retail premises remain a permissible use in the B5 zone, the 11,300 sqm floor space cap is a standard, not a prohibition. It thus enables contemplation of the use of Clause 4.6 to achieve the desired floor space and height. However, this option is not considered viable as the request for an exception to the floor space standard would be significant, and would exceed generally accepted parameters for the consideration of such matters.

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- (ii) Await a review of the Camden LEP 2010 in the future. However, the process whereby the proponent awaits a review at an unknown time introduces uncertainty in terms of timeframe and outcome.

3. Is there a net community benefit?

Yes. A Net Community Benefit Test is included as **Attachment 5** on the Compact Disk that accompanies this Proposal. A further Economic Impact Assessment has been undertaken as a 'further study' following Gateway determination and is provided as **Attachment 9** on the Compact Disk that accompanies this Proposal. This Economic Impact Assessment report has been peer reviewed by Hill PDA on behalf of Council. A copy of that report is also included as **Attachment 9A**.

The Net Community Benefit Test notes that the outcomes of the planning proposal will be:

- an increase in the supply of locally based retail floor space within the Camden LGA to meet the needs of existing and new residents;
- an increase in employment opportunities in the Camden LGA in one of the most significant employment sectors (retail) in the South West Subregion;
- support for existing and potential public investment in public transport;
- encouragement of the use of bicycles and walking as viable modes of transport, facilitating healthy communities;
- a reduction in travel distances and potential car use required to access facilities, services and employment promoting sustainability, air quality, reduced road congestion, reduced household transport costs and a reduction in greenhouse emissions;
- investment in construction and creation of short and long term employment opportunities; and
- effective use of a large underutilised parcel of land located within an established town centre with access to complementary and support activities, existing public transport and all necessary infrastructure.

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 2021;
- The Metropolitan Plan for Sydney 2036;

- The Draft South West Subregional Strategy; and
- The Draft Centres Policy 2009.

The NSW State Plan 2021

The planning proposal is consistent with many of the 32 goals in the five strategies of the Plan; particularly with regard to providing quality transport services, building liveable centres and growing business investment. This is detailed in **Attachment 6** on the Compact Disk that accompanies this Proposal.

The Metropolitan Plan for Sydney 2036

The planning proposal contributes to the achievement of a number of the Plan's strategic directions and objectives. This is detailed in **Attachment 7** on the Compact Disk that accompanies this Proposal.

Draft Subregional Strategy

The Draft Subregional Strategy sets an employment capacity target of 208,500 jobs, an increase of 89,000 jobs (+74%) from 2001. It recognises that the Narellan Town Centre has a strategic role within the subregion, and that this role will evolve as urban development proceeds. Specifically, it:

- includes key directions on intensifying areas around retail centres and strengthening centres with public transport (p. 9);
- identifies Narellan as a Town Centre within the Centres' Hierarchy below Campbelltown/Macarthur and the new planned centre at Leppington (p.13);
- recognises that the Landturn 'triangle' site will accommodate retail and other uses to support the centre (p.33);
- recognises that Narellan is a retail based industry concentration accommodating over 2,000 jobs (p. 37);
- notes that Narellan is located at the convergence of four main roads that, while offering good access, and making the Centre an important regional transport node, segment the centre (p.62);
- presents a 'Desired Future Character' statement as follows: "*The construction of Narellan [provides] an opportunity to develop a main street along Camden Valley Way – with complementary activities either side of it – and revitalisation of key sites. A new public transport interchange is to be developed on Camden Valley Way. Narellan is planned to become a focus for the developing urban areas of Spring Farm, Elderslie, Harrington Park and Oran Park.... Narellan should develop complementing Camden Town Centre, rather than competing or duplicating functions*". (p.62);
- recognises that "*Narellan... will change with significant new residential development at Elderslie, Spring Farm, Harrington Park, Oran Park and Turner Road, and the completion of the Narellan Bypass*" (p.64); and

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- recognises the strong public transport link between Camden/Narellan and Campbelltown/Macarthur and opportunities to increase public transport use and improve services (p.89).

The Draft Subregional Strategy presents a number of objectives. The planning proposal contributes to the achievement of these objectives. This is detailed in **Attachment 8** on the Compact Disk that accompanies this Proposal.

Draft Centres Policy 2009

The planning proposal responds to the six key principles of the Draft Policy as follows:

- It seeks to focus retail and commercial activity in the existing Narellan Town Centre facilitating the efficient use of transport and other infrastructure, proximity to labour markets, and to improve the amenity and liveability of the centre;
- it seeks to introduce flexibility to enable the centre to grow, and enable the new centre at Leppington to form;
- community demand for floor space has determined the need for additional retail floor space;
- it seeks to promote a planning system that ensures that the supply of available floor space always accommodates the market demand, to help facilitate new entrants into the market and promote competition;
- It seeks to promote a planning system that supports a wide range of retail and commercial premises in all centres (Narellan, Leppington, Campbelltown-Macarthur, Camden and the South West Growth Centre), contributing to ensuring a competitive retail and commercial market; and
- the development vision proposes a well-designed retail and commercial facility to ensure it contributes to the amenity, accessibility, urban context and sustainability of the Narellan Town Centre.

A Net Community Benefit Test has been for the planning proposal against the 'suitability criteria' presented in Part 8 of the Draft Policy. This is provided in **Attachment 5** on the Compact Disk that accompanies this Proposal. The assessment concludes that the proposed rezoning will provide a net community benefit.

5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable state planning policies.

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Draft SEPP (Competition) 2010

The planning proposal is also relevant to the Draft SEPP (Competition) 2010.

The aims of the Policy are:

- (a) to promote economic growth and competition, and
- (b) to remove anti-competitive barriers in environmental planning and assessment.

Being a Draft SEPP that has been subject to exhibition and consultation, it would be a matter for consideration in the assessment of any development applications submitted as an outcome of this proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Ministerial Directions.

S.117 Direction	Contents	Planning Proposal	Consistent
1.1 Business and Industrial Zones	Planning proposals must encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres.	The planning proposal provides increased employment opportunities and has no impact on employment zoned land. It responds to a recognised shortfall in the provision of retail floor space and will have no impact on surrounding existing and planned new centres.	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 opportunity for development of a new retail floor space within the established Narellan 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.	Detailed investigation will be undertaken at the time of making an application for development consent.	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	The objective of this direction is to give legal effect to the vision,	The planning proposal is considered to be consistent with the Plan as	Yes

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of the Metropolitan Plan for Sydney 2036	transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	described in Question 4 above.	
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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?

Given the modified character of the site, there is no likelihood of any adverse effect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this 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 planning proposal will result in a future development of the site that may have the following environmental impacts:

- access, traffic and parking;
- noise;
- visual;
- built form and architectural character;
- energy consumption;
- streetscape and public domain character; and
- safety and security.

Preliminary observations suggest that the character of the site, particularly its significant modification, its frontage to major roads and its minimal interface with adjoining land uses should ensure that any environmental impacts are minimal and manageable. A number of planning studies have been undertaken to provide a better understanding of the site planning issues. An urban design workshop has been held, which has resulted in the identification of urban design principles for the proposed development that have been incorporated into a Draft DCP.

Additionally, a thorough assessment of the environmental impacts will be undertaken in accordance with S.79C of the *Environmental Planning and Assessment Act* when details are known following lodgement of the development application, should the planning proposal result in gazetted amendments to Camden LEP 2010.

10. How has the planning proposal adequately addressed any social and economic effects?

Comment on potential social effects, and in particular the potential community benefits, is provided in this planning proposal and particularly the Net Community Benefit Test in **Attachment 5** on the Compact Disk that

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accompanies this Proposal. Council has also received an Economic Impact Assessment, which has been peer reviewed by Hill PDA on Council's behalf.

In summary:

- the site has access to public transport (buses) and the development will encourage walking and cycling thereby reducing dependence on private vehicles and enhance and provide improved access by the community to employment and a broader range and choice in retail and commercial facilities in the Camden LGA; and
- development of the site will provide additional employment opportunities within a significant employment sector (retail) within the South West Growth Centre.

A retail demand analysis prepared by Deep End Services and peer reviewed by Hill PDA concluded the following:

- The population within the existing catchment for the Narellan Town Centre will grow from 86,660 people to 205,827. A retail floor space supply-demand analysis points to a looming undersupply of retail floor space in the future;
- Beyond the catchment to the north, the catchment of the future Leppington Major Centre will be 241,500 persons, which will comfortably support the development of the Leppington Town Centre. It is apparent that that the planned centre and floor space provisions in the South West Growth Centre will be deficient to meet the higher order needs of this area;
- Given the overall floor space provisions and demand levels, the rezoning will not undermine, deter or delay investment in the major centre of Leppington or impact on the Macarthur – Campbelltown Major Centre;
- There will be a moderate decrease in the retail trade of existing and proposed areas within the Camden LGA and beyond. However, the decrease is not likely to threaten the viability of these centres.

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

It would be expected that an intensification of activity would require review and possible augmentation of public transport services. Currently existing services are underutilised and level of service reflects the low patronage. However, as

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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 serve the site. The existing networks in the vicinity of the site and town centre are currently being improved. In particular improvements to trunk water infrastructure are underway in the vicinity of the Narellan Town Centre Shopping Centre. The proposed intensification of activity within the site will increase demands on civil infrastructure. However the current development controls and standards envisage a significant amount of floor space within the site, which is yet to be realised. While the planning proposal will change the nature of the use and intensity, the extent of increased demand upon infrastructure will be minimal and within reasonable expectations of the requirement to augment services to accommodate development of this nature. Augmentation of services will require resolution via discussion with relevant agencies and corporations.

With regard to stormwater, two existing stormwater drainage routes bisect the site. Comprehensive stormwater modelling will be required to ensure that there are no impacts on downstream infrastructure by any potential increase in stormwater discharging from the site. Council is considering stormwater management information provided by the landowner, and is continuing discussions to resolve stormwater management issues. However, these issues are of greater relevance to a future Development and not necessarily need to delay the progress of the rezoning application.

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 major roads under the jurisdiction of the NSW Roads and Maritime Services and the roads currently have capacity to accommodate increased volumes, particularly as a result of the recent construction of the Narellan By-pass that adjoins the site and the upgrading of Camden Valley Way underway at this time. The Northern Road will also be upgraded in the future as the development of the Growth Centre progresses. 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, NSW Roads and Maritime Services (RMS). A further Paramics micro-simulation model has been developed by Cardno to inform detailed analysis and

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consideration of traffic management issues. The landowner has been involved in ongoing discussions with the RMS regarding traffic arrangements. It is likely that these discussions will evolve into a Voluntary Planning Agreement between the landowner and RMS for the carrying out of a range of local road works. While an agreement is yet to be reached, discussions are progressing well and can continue without need to delay the rezoning application.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

In accordance with the Gateway Determination, Council will consult with the relevant government agencies that have been identified concurrently with the public exhibition period for the Planning Proposal. No consultation with Commonwealth authorities has been undertaken to date on the planning proposal.

Part 4 – Community Consultation

Following review of the amended Planning Proposal by the DPI Regional Team, Council intends to publicly exhibit the Planning Proposal and Draft DCP in accordance with the requirements of the Gateway Determination and the provision of the *Environmental Planning and Assessment Act*. Council also intends to brief the Narellan Chamber of Commerce, provide an Open House information session and write to landowners affected by the proposed changes to development controls (being owners of land zoned B2 – Local Centre located within the Narellan Town Centre).

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**Appendix 1:
Site Plan**

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Planning Proposal for amendment to Camden LEP 2010 in relation to the Landium 'Triangle' site at Narellan

**Appendix 2:
Retail Analysis
Deep End Services
August 2011**

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**Appendix 3:
Hill PDA Peer Review Report
November 2011**

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**Appendix 4:
Conceptual Drawings**

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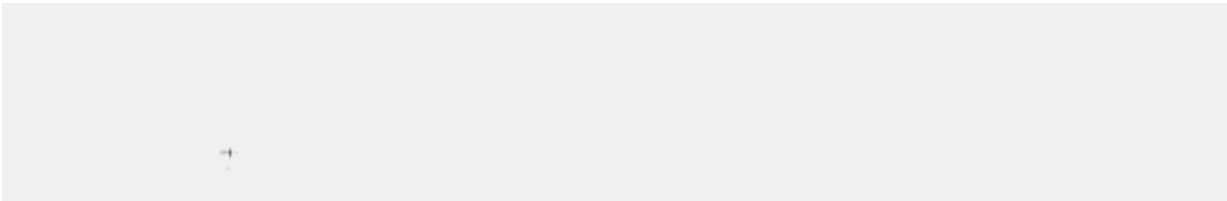
**Appendix 5:
Net Community Benefit Test**

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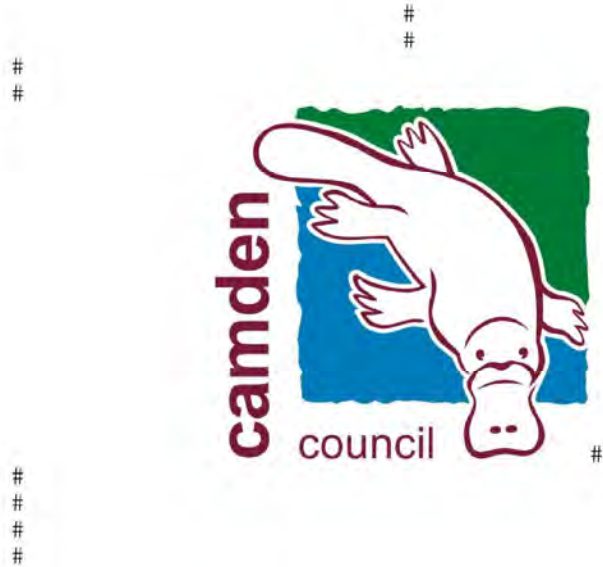
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CAMDEN COUNCIL

DRAFT DEVELOPMENT CONTROL PLAN

Amendment to Camden DCP 2011 in relation to the Narellan Town Centre

10 July 2012

Prepared by Paterson Design Strategies on behalf of Camden Council

DRAFT NARELLAN TOWN CENTRE DCP

1.0 Purpose of this Part

The purpose of this part is to outline the vision for, and facilitate development of the Narellan Town Centre.

2.0 Relationship to other plans and policies

In addition to the detailed controls outlined in this Part, the general controls outlined in Part A of the Development Control Plan also apply. Compliance will be required with the principles of SEPP 65 for multi-unit residential development.

3.0 Land to which this plan applies

This plan applies to land known as the Narellan Town Centre and is shown in Diagram A.

4.0 Desired future character for the Narellan Town Centre

- (1) Narellan is a major town centre anchored by a regional shopping centre and supported by a range of other uses.
 - (2) There is opportunity to demonstrate leading edge urban design principles in an integrated way.
 - (3) Build on the existing character and history of Narellan in a contemporary manner.
 - (4) Camden Valley Way to become a community heart with strong emphasis on integrated design and linkages at multiple levels.
 - (5) A variety of uses brings the community together in a central destination.
 - (6) Highly accessible place for all modes of transport.
 - (7) A place of high amenity and quality - a genuine Town Centre.
 - (8) A successful commercial hub that encourages ongoing growth.
 - (9) A place that reflects the history of Camden while charting a new course to meet the aspirations of the growing community.
 - (10) Narellan Town Centre is a principal centre in its region.
- The vision for the Narellan Town Centre is to create a people orientated and pedestrian friendly environment, where the built form has a human scale at street level, with cultural and civic expression.
 - The Town Centre forms the heart of the existing region and community. Providing employment opportunities in a range of industries and professions is a critical element to ensure success of the Town Centre.
 - The Town Centre is prosperous and vibrant during the day and at night and all people feel safe and comfortable moving through the Town Centre at any time.

Prepared by Paterson Design Strategies on behalf of Camden Council

- The Narellan Town Centre is not only a shopping centre, it is a true community hub providing all of the services and facilities that a community needs.
- The design of the public and private realms is integrated to provide a sense of openness and space.
- The Town Centre is designed to be used during a twenty-four hour cycle. A variety of spaces are located and designed for community interaction in large and small groups. Places are provided for recreation and entertainment, including community activities and cultural events.

5.0 Town Centre Structure

5.1 Town Centre Structure Plan Layout

- The Narellan Town Centre Structure Plan (refer to Diagram A Town Centre Structure Plan) has been prepared to guide the future development of the Narellan Town Centre. The Structure Plan describes the layout and land uses proposed for the Town Centre.
- The Structure Plan demonstrates an integration of land uses, with active street frontages to promote a vibrant Town Centre, maximise employment generation, promote economic development together with social and cultural interaction and provide a wide range of public and private services.
- The Narellan Town Centre Structure Plan promotes a pedestrian friendly environment, with buildings that adopt a human scale at street level. The Structure Plan incorporates an integrated pedestrian, cycle and public transport network, with linkages to the broader network promoting a high level of pedestrian permeability.

Objectives

The Narellan Town Centre layout is to be consistent with the following principles:

- (1) Incorporate a pedestrian focused central heart consisting of two large public open spaces located on Camden Valley Way that act as the focal point for the retail precinct.
- (2) Establish a clearly defined Town Centre core and frame differentiated through varying uses and intensity of development.
- (3) Consider potential future noise and amenity conflicts in the layout and location of Town Centre uses.
- (4) Provide legibility by emphasising sight lines to gateways, places of key cultural significance, civic buildings and public open space.
- (5) Locate bus stops within easy walking distance of the central heart of the Town Centre.

Controls

- (1) Development should be generally in accordance with the principles set out in Diagram A - Town Centre Structure Plan.

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5.2 Land Uses

- The Narellan Town Centre is to incorporate a variety of integrated land uses to meet the needs of the existing region future residents.
- Two large Urban Squares are proposed as the heart of the future Town Centre, providing a key focal point for surrounding land uses and future visitors to the Town Centre.
- Land uses within the Town Centre will incorporate a range of retail, civic, community, recreational, commercial, residential and mixed-use types.

Retail Precinct

- The Retail Precinct constitutes modern centre-based retailing. The Retail Precinct seeks to create a vibrant entry to the Town Centre, which maximises employment generation and economic prosperity.

Land Use Principles

- The Narellan Town Centre is to be consistent with the following principles as demonstrated in Diagram A – Town Centre Structure Plan, although it is acknowledged that land uses within the Town Centre will change over time. Diagram A illustrates land uses which demonstrate consistency with the following principles:
 - (1) Achieve a maximum of 90,000m² Gross Lettable Area - Retail (GLAR) within the B2 Local Centre zone. Gross Lettable Area Retail means the total area of a tenancy by the Property Council of Australia's 'Method of Measurement' definition of GLAR.
 - (2) Incorporate a variety of retail, commercial, entertainment, recreation and community uses to serve the needs of the wider community and promote an active and vibrant town centre.
 - (3) Maximise employment opportunities within the Town Centre.
 - (4) Focus retail uses along, and fronting Camden Valley Way and Elyard Street. Large-scale retail development should be located within the retail precinct.
 - (5) Co-locate uses and facilities where possible to maximise the efficient use of space.
 - (6) Locate active uses at ground floor, throughout the Town Centre, in particular fronting the Camden Valley Way and Town Squares.
 - (7) Incorporate the needs of health and aged care providers, facilities for young people, civic and emergency services within the Town Centre.

Controls

- (1) Development should generally be in accordance with the land use principles.

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5.3 *Special Places*

- The Narellan Town Centre includes a number of prominent, special places, which have been designed to facilitate an active, vibrant Town Centre environment, which is an attractive place to live, work, shop and play.
- These key elements form the foundation upon which the Town Centre is built and include contemporary, vibrant and interactive Town Squares.
- Outlined below are character statements for these special places.

The Town Squares

- The Town Squares are located at the centre of Camden Valley Way, at the heart of the Town Centre.
- The Town Squares will be provided as early as possible in the delivery of the Town Centre development to provide a place for people to meet, recreate and dine.
- The Town Squares will function as a traditional 'European' style town square or 'Piazza', with coffee shops, restaurants and shop fronts spilling onto the plaza areas, with no clear delineation of public and private property boundaries.
- The two Town Squares will be bordered by retail and commercial development which will enhance the feeling of enclosure and intimacy.
- The Squares should have provision for people to sit and could include kiosk outlets and/or shade elements.
- It is preferable for the Town Squares to incorporate water elements for activation and to modify the microclimate.
- Public art in the public domain should be provided to create a unique sense of place. Public art elements should reflect the history of Narellan.

Controls

- (1) Development must include the provision of two Town Squares generally in accordance with the principles for Special Places – Town Squares.
- (2) The two Town Squares should not be over scaled and should have a minimum dimension of 55 x 35 metres (Northern Square) and 55 x 18 (Southern Square) clear of colonnades or circulation.
- (3) The Town Squares must contain appropriate public art elements.

5.4 *Views, Vistas and Gateways*

- The Narellan Town Centre Structure Plan has been designed to emphasise sight lines and define key gateways with key built form articulation.

Controls

- (1) Development should protect key sight lines.

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5.5 *Interaction with Surrounding Land Uses*

- The Narellan Town Centre Structure plan has been designed to respond to existing key land uses including residential, educational, open space and commercial development outcomes.
- Detailed design of the Town Centre should take into consideration proposed adjoining land uses and ensure provision for a high level of pedestrian connectivity between the Town Centre and the surrounding development with particular reference to the Elyard Street proposed residential / commercial future developments and the existing civic uses including the Urban Forest Park, The Library and Council annex.

6.0 **Access and Movement**

6.1 *Vehicle Movement Network*

Objectives

- (1) To provide an integrated hierarchy of roads, cycle ways and pedestrian pathways that provides safe, convenient and legible access within and around the Town Centre.
- (2) To ensure that the hierarchy of the streets is clearly discernible through variations in carriageway, pavement surfaces, on-street parking and street tree planting.
- (3) To ensure a high quality, functional, safe, legible and visually attractive public domain.
- (4) To allow ease of vehicular access to the Town Centre.

Controls

- (1) Traffic management measures are to be utilised within and surrounding the Town Centre to produce a low speed pedestrian friendly traffic environment, particularly on Somerset, Queen and Elyard Streets. Such traffic management devices are to be identified at the time of Development Application submission.
- (2) Principles of CPTED (Crime Prevention through Environmental Design) to be incorporated in the design of the access and movement system.

6.2 *Pedestrian and Cycle Movement*

Objectives

- (1) To ensure that the Town Centre is designed to promote high levels of accessibility for pedestrian and cyclists.
- (2) To encourage pedestrian and cycle movements as a means of accessing services and facilities within and surrounding the Town Centre.

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Controls

- (1) The Town Centre is to be designed to provide clear and legible pedestrian and cycle connections as identified in Diagram B Transport and Access.
- (2) Streets and pathway networks should be designed to ensure that walking and cycling within the Town Centre takes priority over traffic circulation.
- (3) Continuous weather protection for pedestrians is to be provided in key locations by colonnades or awnings.
- (4) Bike parking facilities should be provided at key locations on streets within the Town Centre and within the two public plaza areas located on Camden Valley Way. Refer Diagram B Transport and Access.

6.3 Public Transport**Objectives**

- (1) To encourage the provision and use of public transport as a preferred method of access to and from the Town Centre.
- (2) To provide a high level of access to public transport services within and surrounding the Town Centre.
- (3) To ensure that the Town Centre layout responds to the provision of a future public transport interchange to the Camden, Campbelltown and the future Leppington Regional Centre.
- (4) Transit hub to be located on both sides of Camden Valley Way and will be subject to detailed design.

Controls

- (1) The location of bus stops and a 'Transit Place' for express buses to Camden, Campbelltown and Leppington Centre is to achieve a high level of access to key places of interest such as residential and commercial development.
- (2) Bus stops/Transit Place is to be located to allow for integration of local and regional transport services.
- (3) Bus stops/Transit Place are to be located in areas of high pedestrian, active commercial / café's and vehicle activity and designed to ensure a high level of passive surveillance.
- (4) Bus stops are to be provided generally in accordance with Diagram B Transport and Access

7.0 Public Domain**7.1 Public Domain****Objectives**

- (1) To provide a variety of high quality public domain areas which cater for a wide range of activities.

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- (2) To ensure that public domain areas are designed in a manner which recognise their Town Centre location and allow for a seamless transition between public and private spaces.
- (3) The public realm shall be unambiguously public in its design and detailing.
- (4) To ensure that the Town Squares respond to the character statements outlined under Section 5.3.

Controls

- (1) Town Square areas are to be designed by a Registered Landscape Architect and located generally in accordance with Diagram A Town Centre Structure Plan.
- (2) Two main Public Town Squares are to be designed to provide an urbanised, vibrant, interactive public space, which incorporates outdoor seating areas associated with retail tenancies, which will open onto the Town Squares and opportunities for informal seating and gathering places.
- (3) Thoughtful provision of external lighting is to be provided within each urban square and must provide ample lighting for night use throughout the year. The Northern Square must have a minimum dimension of 55 x 35m and the Southern Square must have a minimum dimension of 55 x 18m.
- (4) Any Development Application, which seeks approval for the design of a Town Square must include a statement outlining how the design addresses the character statements outlined under Section 5.3.
- (5) A maximum of 52 days use of temporary commercial uses in the squares is allowable as per the LEP.
- (6) The Southern Square must include steps to provide a seamless link between the retail podium level and ground level on Camden Valley Way.
- (7) All paving materials must conform to relevant standards for durability, non-slip textures, strength and surface treatment to withstand use by light automobiles, service vehicles, pedestrians and bicycles.
- (8) Public art elements that reflect the history of Narellan are to be incorporated into the design of public spaces.
- (9) Where Council has adopted a Public Domain Manual, all Development Applications are to demonstrate compliance with the Manual.

7.2 Street Trees

Objectives

- (1) To create a landscaped urban environment which helps to provide shade, comfort and amenity, particularly for pedestrians and provide distinctive streetscapes through the use of differentiated tree types / species.

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- (2) To create a strong visual order for the streetscape.
- (3) To use appropriately scaled species, which can grow within the constraints, imposed by an urban environment.
- (4) To create a landscaped environment which responds to Environmentally Sensitive Design principles and can be reasonably maintained.

Controls

- (1) Each Development Application must include a landscaping plan that demonstrates how the individual landscaping components fit into the overall Public Domain Manual (if adopted) for the Town Centre.
- (2) Plant and Tree selection must take into account the following:
 - Species that complement remnant native vegetation.
 - Level of on-going maintenance.
 - Potential impacts on road and footpath pavements.
 - Focus on hardy, drought tolerant, easily maintained species.
 - Scale in relation to the function of the area.
 - Contribution to the character of the Town Centre.
- (3) Street trees and open space planting is to provide generous shade for pedestrians in summer and allow for sunlight penetration to street level in winter.
- (4) Within the two Town Squares, dense tree stands of medium to large deciduous trees whose purpose is to provide seasonal amenity for pedestrians in the vicinity of the Town Squares are to be provided.

8.0 Land Use and Built Form

8.1 Built Form Articulation

Objectives

- (1) To promote articulated building forms, which contribute to creating an interesting streetscape character.
- (2) To promote architectural articulation of building mass which responds to key design elements of the Town Centre buildings.

Controls

- (1) Articulation zones should be provided to complement the building mass and emphasise key design elements such as vehicular and pedestrian entrance points and respond to environmental conditions including solar access, noise, privacy and views. (Refer to Diagram C Built Form)

8.2 Architectural Character Objectives

Objectives

- (1) Architectural expression should be diverse across building groups/blocks and facades should be articulated to create visual

interest and reflect the buildings adjacent uses and context.

- (2) There should be consideration of a contemporary architectural style based on simple primary building forms and a fine-grained assemblage of elements (which may incorporate the diversity of character of streetscapes in historic towns such as Camden) where appropriate.
- (3) Architectural design should be sympathetic to the heritage context of the Burton Arms building and respect the building's curtilage.
- (4) Façade design should create a series of vertical elements along a building length reflecting a traditional main street façade where appropriate.
- (5) Sleeve buildings or appropriate screening is to be provided to minimise the visual impact of large boxes, service areas and to define streets. Lifestyle environmental graphics are not considered as appropriate architectural screening. Screening elements must be integrated within the Town Centre architectural character and language.
- (6) Roof forms and structures such as clock towers/spires are encouraged for key sites, corners and roofs should be designed to break up the overall mass of a roof on a large building. Roof elements should be used to screen mechanical plant.

Controls

- (1) Articulation and Corners: Buildings within Narellan Town Centre are to generally align with street edges, be articulated in their façade treatments and express corners in design. (Refer Diagram C Built Form).
- (2) Corners are to be visually prominent and may be reinforced by one and two story verandas / balconies which turn the corner in a contemporary manner.
- (3) Building Interface: The interface between the building and the public domain is to be designed to create active safer streets, to encourage flexibility in design for changing uses at ground level and provide weather protection for pedestrian amenity.
- (4) Building facades are to be designed to accentuate key architectural features and clearly delineate points of interest such as building entries, vertical and horizontal elements.
- (5) Building facades are to incorporate a variety of finishes and materials which provide visual relief to the built form and be of a robust construction to withstand constant use and interface with the public.
- (6) A diverse palette of durable and cost efficient external materials exploring a contemporary urban character is to be used. A range of materials is to introduce a fine grain façade treatment along street edges.

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8.3 *Pedestrian Bridge Articulation*

Objectives

- (1) The detailed design of the pedestrian bridge must acknowledge its importance as a primary gateway / threshold into the Town Centre and will be highly visible to all modes of transport passing through the area.
- (2) The primary purpose of the pedestrian bridge is to ensure a successful commercial operation for the Shopping Centre, which is spread across two distinct blocks.
- (3) The bridge must reflect the architectural character of both buildings either side of Camden Valley Way and form an integrated composition of architectural form, elements and materials

Controls

- (1) The bridge may be a single level only.
- (2) The façade design of the bridge must have a high level of architectural finishes and be consistent to the main building façade treatments along the Camden Valley Way frontages.
- (3) The eastern façade of the bridge must be fully integrated with the two vertical circulation (escalators) elements that link street level to the retail podium level in terms of material resolution and ease of pedestrian use.
- (4) Both facades of the bridge need to be treated in a similar manner in terms of materials and proportions selected.
- (5) Equal consideration of materials and façade treatment need to be shown to the underside of the pedestrian bridge including the night time experience for pedestrians and vehicles.
- (6) The vertical pedestrian circulation entries are to maximise the open-air transparency of the bridge and are to have a minimum width of 8m and height of 12m.
- (7) Detailed consideration must be given to material selection of the bridge with materials to reflect the lightweight feel of the bridge structure. Solid non-transparent materials are to be avoided, with a preference of transparent and semi transparent glazing as the dominant façade treatment for the bridge structure. Careful detailed fenestration of glazed panels needs to be considered and scaled appropriately to a bridge structure of the scale crossing a major transport route.
- (8) No advertising on the bridge will be permitted

8.4 *Building Envelopes / Bulk & Scale*

Objectives

- (1) To ensure that the bulk and scale of future development responds to the desired vision, scale and character of the Narellan Town Centre and existing surrounding development.

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- (2) To encourage a variety of building heights within the Town Centre, which respond to the site-specific, design considerations. (Refer Diagram D Building Heights).
- (3) To encourage buildings with flexibility in their use over time.
- (4) Encourage redevelopment of neighboring sites over time.
- (5) Hierarchy of height acknowledges the status of the centre.
- (6) Heights to acknowledge heritage buildings (in particular the 'Burton Arms' building) and should respect and respond to them with appropriate transitions.
- (7) Building heights will transition to surrounding residential uses and school site.

Controls

- (1) Building heights are to be in accordance with the Building Envelope Plan shown in Diagram D Building Heights.
- (2) Prominent street corners should be reinforced in a visual context through concentrating building height and built form.
- (3) Buildings are to be designed to ensure a human scale is maintained at street level.
- (4) Minimum floor to finished ceiling heights are as follows:
 - 3.6m for the ground floor of all buildings (applies only to commercial and retail uses)
 - 3.3m for the first floor for retail and/or commercial uses.
 - 3.3m for all other retail and/or commercial floors.
 - 2.7m for all other residential floors.

Note: The site on the north eastern corner of Camden Valley Way and the Northern Road has been identified as a possible 'landmark' gateway site. As such it may be possible to increase the maximum height from the current 25m. For this to be achieved a planning proposal will need to be prepared based upon appropriate planning studies.

8.5 Weather Protection

Objectives

- (1) Pedestrians should be provided with amenity and comfort throughout the public realm, and the commercial and retailer occupants provided with a commercially viable and sustainable environment. (Refer Diagram C Built Form).
- (2) The public realm should offer a diversity of experience, including providing a choice of exposure to environmental conditions.
- (3) A variety of types, materials and methods for weather protection shall be adopted to promote a diverse experience across the Town Centre

Controls

- (1) Weather protection must maintain a feeling of openness and enhance

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- both the public function of the specific space and /or street. (Refer Diagram C Built Form).
- (2) Weather protection devices must take into account wind, sun, rain, night / day, seasons and shadowing effects of other built components.
 - (3) Weather protection devices must consider the scale of adjacent buildings and the width of the street / public space in order to ensure appropriate proportions and "feel".
 - (4) Weather protection solutions should be predominantly naturally ventilated.
 - (5) Weather protection should be included as part of the design of the architecture / built form or landscape design.
 - (6) Pedestrian rights of way, squares and other public spaces should typically have a variety of weather protection devices, where provided, ranging from minimal protection, fixed or temporary devices (including an array of devices such as awnings, canopies, "floating" roofs or be incorporated into the architecture of the building), and landscaped solutions, thus providing a variety of experiences and conditions.
 - (7) Generally streets with retail, commercial, or community uses at ground level must provide weather protection along the majority of the façade, especially those areas facing north and west.
 - (8) This protection should typically take the form of a variety of awning types.
 - (9) Awnings increase the usability and amenity of public footpaths by protecting pedestrians from sun and rain. Awnings encourage pedestrian activity along streets and, in conjunction with active edges such as retail frontages, support and enhance the vitality of the Town Centre. Awnings can be used in conjunction with colonnades. There are to be no wing walls so colonnades are continuous and unimpeded.
 - (10) Street level awnings should be provided to all retail frontages and commercial entries and to main lobbies of residential buildings except where a colonnade is required.
 - (11) In particular, continuous awnings and colonnades are required to be provided along the ground floor street frontage on active street frontages in accordance with Diagram C Built Form.
 - (12) Awnings should be a minimum height of 2.7m (3.2m desirable) above footpath level, generally consistent in form and to project horizontally from the building façade.
 - (13) The front fascia of the awning is to be set back a minimum of 500mm from the kerb of the street carriageway, including at street corners.

8.6 Setbacks

Objectives

- (1) To ensure that building setbacks reflect the desired future character of the Narellan Town Centre.
- (2) To establish the desired vertical and horizontal spatial proportions of

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the streetscape.

- (3) To provide a defined street edge within a Town Centre context.
- (4) To encourage passive surveillance of streetscape areas.

Controls

- (1) The urban character is achieved by adopting "build-to" lines or zero setback conditions to create street walls and introduce variety in "build-to" conditions for different types of streets. The main building facades are to be built to the block edge with allowances for insets and projections and to create stronger corner edges.
- (2) Projections beyond the "build-to" lines could include awnings, verandas, balconies, roof overhangs and blade walls.

8.7 Streetscape Activation

Objectives

- (1) To encourage active streets throughout the Town Centre.
- (2) To promote safety and security within the Town Centre by maximising activation of street frontages where appropriate.
- (3) To ensure outlook to and surveillance of the street.

Controls

- (1) Active frontage uses are defined as one of a combination of the following at street level:
 - Entrance to retail premises.
 - Shop fronts.
 - Glazed entries to commercial lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage.
 - Cafés or restaurants if accompanied by an entry from the street.
 - Active office uses, such as reception areas, if visible from the street.
 - Public buildings if accompanied by an entry.
- (2) Buildings are to maximise areas of street activation through a mixture of ground floor retail/commercial suites.
- (3) Active street fronts, built to the street alignment, are required on the ground level of all retail and commercial development.
- (4) Large format retail such as supermarkets and parking areas are to be sleeved or hidden by retail, commercial uses and detailed architectural features where appropriate.
- (5) Restaurants, cafes and the like are to consider providing operable shop fronts.
- (6) No external security shutters to be permitted.
- (7) On corner sites, shop fronts are to wrap around the corner.

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8.8 Solar Access**Objectives**

- (1) To maintain appropriate levels of solar access to public and private spaces within the Town Centre.
- (2) To ensure that building mass does not impede solar access to public and private spaces within the Town Centre and adjacent land uses without prior solar analysis.

Controls

- (1) Any Development Application is required to submit detailed solar access diagrams for between 9am and 3pm mid-winter to demonstrate sufficient solar access is maintained to public and private spaces and streets.
- (2) Plazas and Town Squares are to receive sunlight on a minimum of 50% of their site area between 11am and 2pm on June 21.
- (3) Building envelopes are to allow for north-south streets to receive 2 hours of sunlight between 9am-3pm on 21 June on a minimum of 50% of the eastern or western footpaths.
- (4) Building envelopes are to allow for east-west streets to receive 1 hour of sunlight between 9am-3pm on 21 June on a minimum of 50% of the southern footpaths.

9.0 Site Access, Parking and Loading**9.1 Vehicle Parking and Storage****Objectives**

- (1) To ensure an appropriate number of parking spaces are provided within the Town Centre to service the needs of both residents and visitors.
- (2) To encourage an appropriate mix of on and off-street parking options within the Town Centre. (Refer Diagram B Transport and Access).
- (3) To provide integrated vehicle, bicycle and service access points without compromising the streetscape character or pedestrian amenity.

Controls

- (1) Parking to be provided in accordance with the requirements of Section B5 of Camden DCP 2011.
- (2) Car parking dimensions are to be provided in accordance with relevant Australian Standards.
- (3) On street parking to be provided throughout the Town Centre to contribute to street life and surveillance.
- (4) Above ground parking is not encouraged without appropriate design measures to mitigate adverse visual impacts.

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- (5) Below ground car parking is encouraged for mixed-use blocks as well as Town Centre retail blocks.
- (6) Where below ground parking is along a street edge and cross ventilation is desirable, any exposed section of car park wall is to be appropriately modeled and scaled.
- (7) The majority of car parking is to be provided under Town Centre buildings and on street to limit visual impact and maintain pedestrian amenity.
- (8) Natural ventilation of basement and sub-basement parking areas is encouraged to be provided wherever possible.
- (9) Service vehicle access points should be consolidated where possible to limit the potential for conflict points.
- (10) Bicycle racks/storage areas are to be provided in accordance with Section B5 of Camden DCP 2011.

9.2 Loading Docks

Controls

- (1) Loading docks are to be developed in accordance with Section B5 of Camden DCP 2011.

9.3 Roof Top Car Parking

Objectives

- (1) To allow roof top car parking which acknowledges the Town Centre environment.
- (2) To allow roof top car parking which services upper level commercial and retail premises within the Town Centre and reduces the need for at-grade parking provision.
- (3) To ameliorate the impact of roof top car parking on any adjoining residential development.

Controls

- (1) Roof top car parking can provide additional parking opportunities within the Town Centre if provided should give direct access to upper level commercial and retail premises.
- (2) Roof top car parking is to be designated to provide clear delineation between public roof top parking area and adjoining residential apartments or common areas associated with residential apartment buildings. This may be achieved through the provision of landscaping buffers, fencing, built form and structural screening/shade elements.
- (3) Security access control shall be provided between public roof top parking areas and any adjoining residential apartments or common areas associated with residential apartment buildings.
- (4) Any Development Application which incorporates roof top car parking shall include the submission of a lighting report and light spill

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diagrams for the roof top car parking areas.

- (5) A Plan of Management is required to be prepared for any proposed roof top car parking and submitted with the Development Application. The Plan of Management is to outline the operational management of the parking area, including matters such as:
 - Access control
 - Hours of operation
 - Security procedures
 - Management of noise from the car park.
- (6) Any Development Application for residential development adjoining areas of roof top car parking shall be accompanied by an acoustic report which addresses the noise impact of parking areas on residential apartments and provides methods for ameliorating noise impacts where required.
- (7) Where possible, residential development that adjoins roof top parking shall be designed to minimise living areas directly facing toward roof top car parking areas.
- (8) Residential apartments which directly adjoin/overlook roof top car parking areas are to incorporate screening to outdoor and balcony areas which allow for views to and from parking areas to be ameliorated.
- (9) Roof top car parking spaces must be provided with appropriate shading, such as shade sails or the like.

10.0 Signage and Graphics

Objectives

- (1) Environment graphics associated with the building and façade treatments are to be clearly distinguished from advertising and should take the form of abstracted architectural elements rather than "lifestyle" advertising images.

Controls

- (1) A maximum of 20% of façade can be used for the purposes of advertising.
- (2) Signage must be integrated into the architecture and building form.
- (3) Signage must be consolidated into key building zones.
- (4) Signage should be scaled appropriately in proportion to the building mass.
- (5) No pylon signs allowed.
- (6) No neon signs allowed.
- (7) Signage should be limited to only major tenants.



LEGEND

- | | | | | | |
|---|-------------------|---|-------------|---|---------------|
|  | Mixed Use |  | Residential |  | Transit |
|  | Town Square/Plaza |  | Town Park |  | Retail Anchor |
|  | Retail |  | Civic |  | Retail Loop |
|  | Leisure/Cinema | | |  | Study Area |



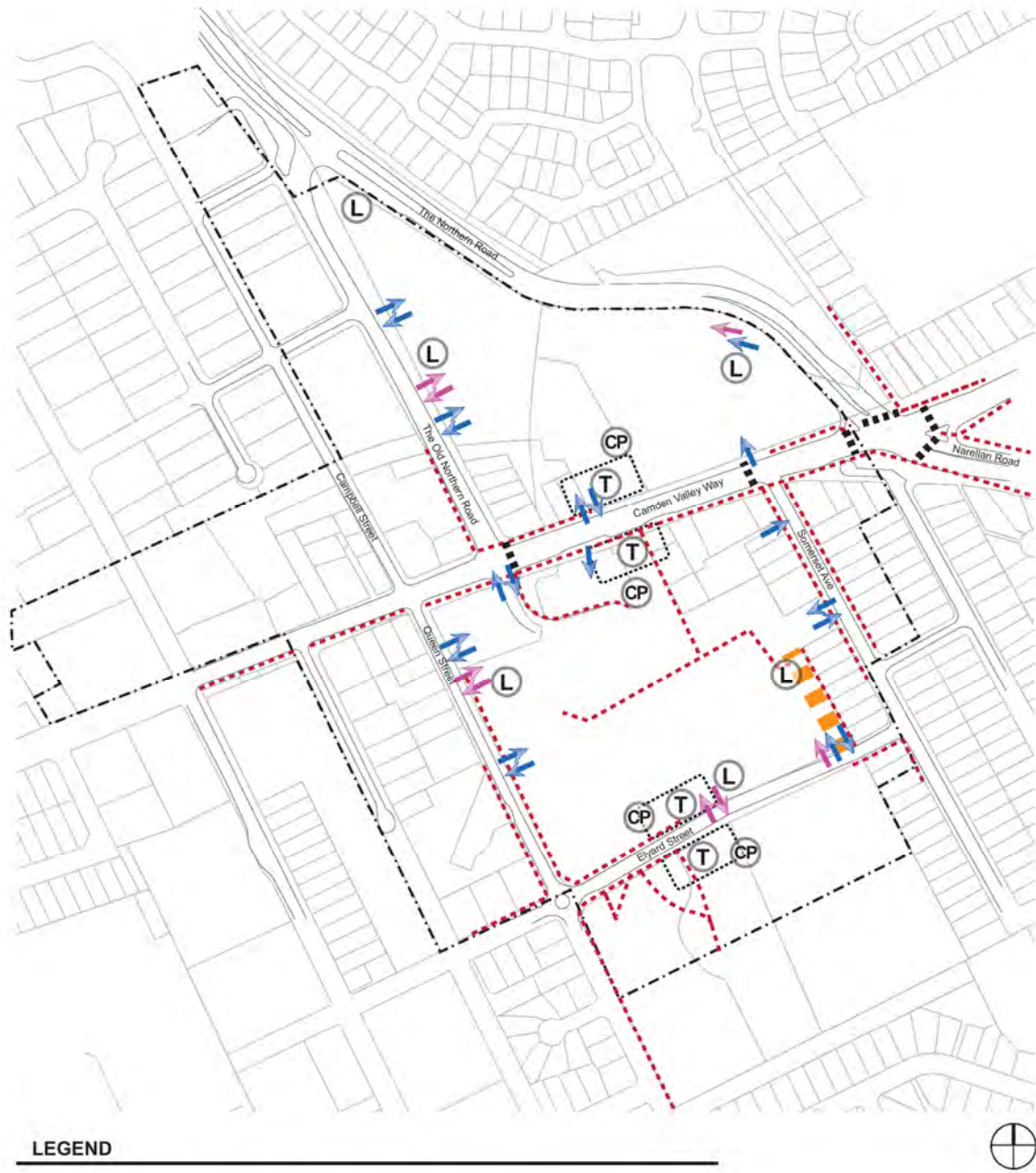
NARELLAN TOWN CENTRE DCP DRAWING:
Diagram A - Town Centre Structure Plan

June 26, 2012



ORD03

Attachment 3



LEGEND

- | | | | |
|--|--------------------|--|--|
| | Bus transit area | | Shared zone |
| | Cycle Park | | Existing pedestrian crossing |
| | Loading zone | | Public vehicle Vehicular access points |
| | Existing footpaths | | Loading Vehicular access points |
| | | | Site boundary |



Diagram B - Transport and Access



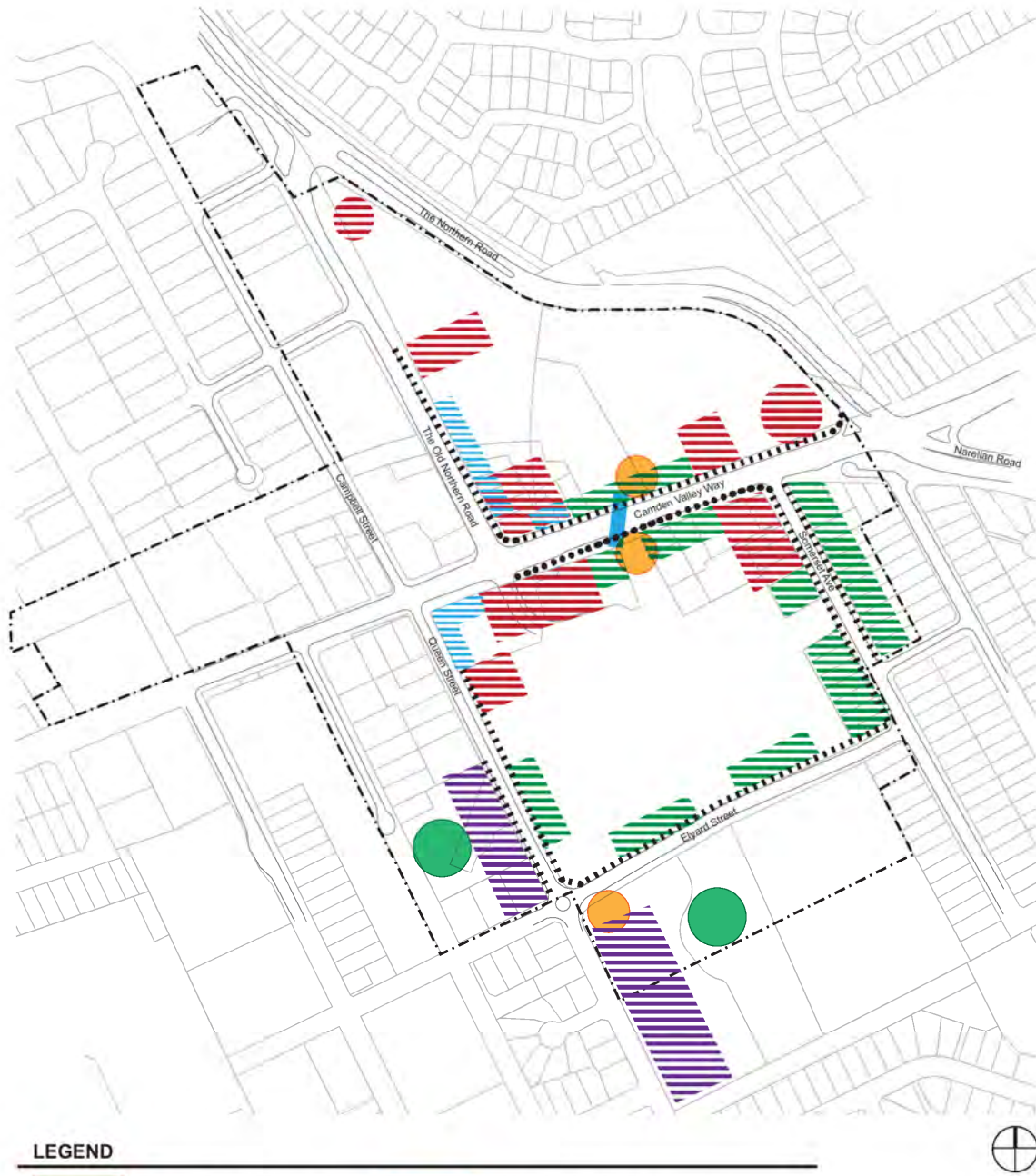
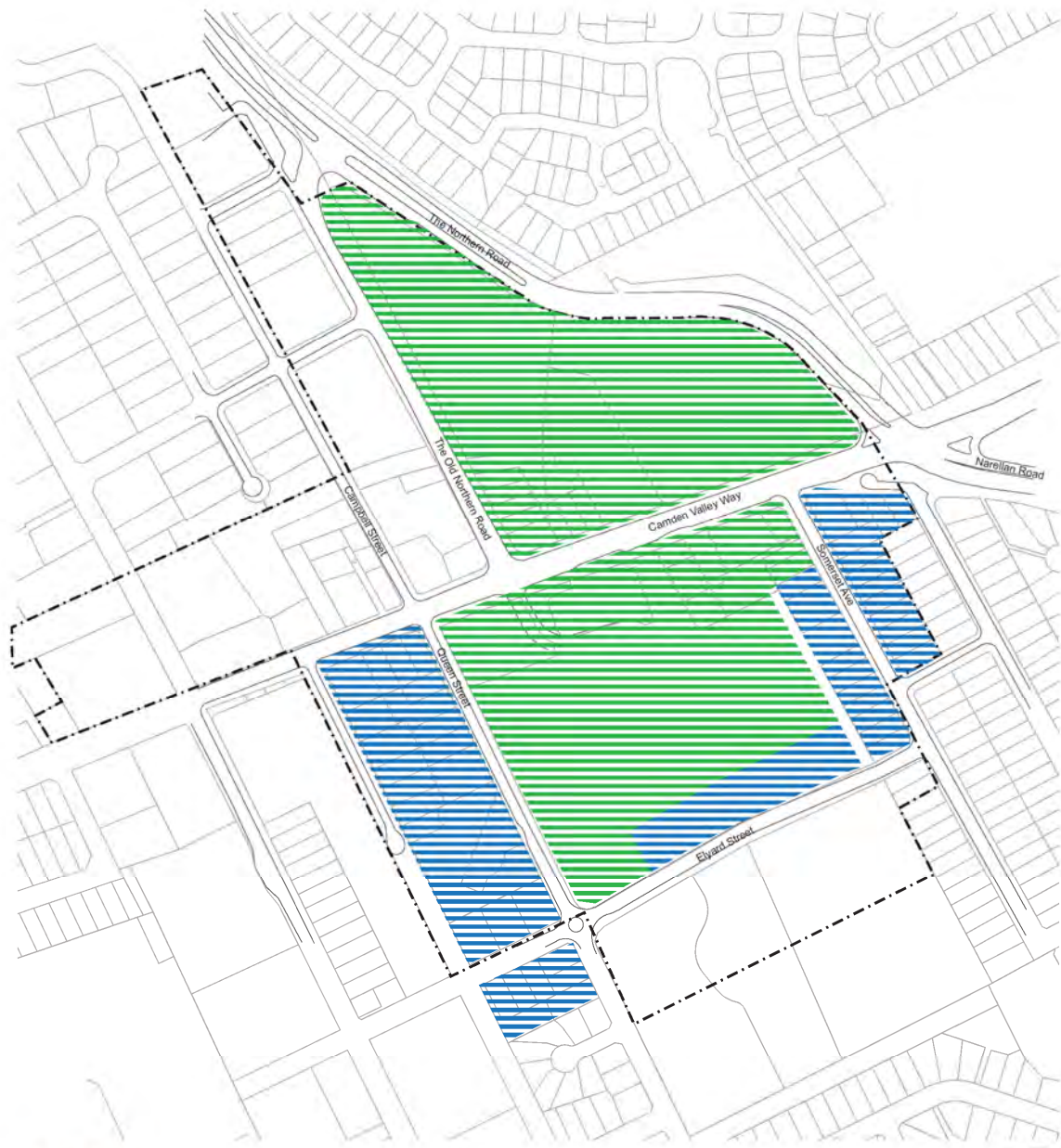


Diagram C - Built Form



ORD03

Attachment 3



LEGEND

-  15.5m Height
-  25m Height
-  Study Area

NARELLAN TOWN CENTRE DCP DRAWING:
Diagram D - Building Height

July 18, 2012





KEY

Views:

- A** Gateway view bridge
- B** Gateway view
- C** Expansive corner view
- D** Somerset threshold view framing
- E** View to library and town park

LEGEND

- Focal opportunity
- Long framed view
- Transit
- Key corner
- Town square/plaza
- Study Area



Diagram E - Views





ORDINARY COUNCIL

ORD04

ORD04

SUBJECT: OPEN FIRE AND SLOW COMBUSTION WOOD HEATERS
FROM: Director Governance
BINDER: Wood Fire Heaters

PURPOSE OF REPORT

The purpose of this report is to establish a revised policy position for emission and efficiency standards for open fire and slow combustion wood heaters. This report also seeks a resolution to prepare a policy document to facilitate the application of standards and also develop an education strategy.

BACKGROUND

Council at its meeting of 31 January 2012 approved a Development Application for the ongoing use of a slow combustion wood fire heater at an existing dwelling in Elderslie. As part of the Council resolution, Council required a review of Camden's Development Control Plan 2011 (DCP) to permit '*EPA approved slow combustion heater/open fireplaces*'.

The DCP, when it was originally adopted, prohibited slow combustion and open wood fire heaters by way of the following control contained in Part B1.17 – Air Quality:

4. *Open Fireplaces and slow combustion stoves/heaters are prohibited.*

As a result of the resolution, the DCP was amended on 24 April 2012 stating that Council does not encourage the installation of these heaters. The control now states:

4. *Open Fireplaces and slow combustion stoves/heaters are not encouraged.*

In this regard, in accordance with the *Environmental Planning and Assessment Act 1979*, Council now requires Development Applications for assessment against the Building Code of Australia (BCA) and relevant Australian Standards, given that these are the standards that are currently in force for the control of emission and efficiency of these heaters.

MAIN REPORT

To reiterate information provided to Council in an information workshop held on 26 June 2012 Council meeting, it was established that wood heating in Sydney is a major cause of particle emissions and exposure to this has proven to have adverse health effects.

It has been well documented over a number of decades that due to the geography and meteorology of the Sydney Basin, South-West Sydney experiences higher levels of air pollution in comparison to the remainder of the Sydney Basin. The key factors contributing to the concentration of emissions in the south-west are exacerbated by the temperature inversions and calm wind conditions, especially in winter, which trap pollutants close to the ground surface and inhibits the dispersal of the emissions. The

air movements are demonstrated in a series of maps provided as **Attachment 1 to this report**.

The impact of wood heaters on air quality has been well studied and documented as cause of concern by a number of State and Federal Government agencies. The main pollutant of concern emitted from wood heaters is particulate matter (PM) less than 2.5 microns in size, which penetrate the deepest recesses of the lungs and are small enough to cross into the blood stream. Other pollutants of particular concern include air toxics known as polycyclic aromatic hydrocarbons (PAH) and benzene.

A spike in air pollutants emitted by wood fire heaters occurs every winter heating season. Liverpool's air quality monitor station (Camden's nearest monitoring station) demonstrates the increase in PM_{2.5} emissions, which are provided in the graph as **Attachment 2 to this report**.

Whilst only 4.3% of households within Sydney use wood fire as a primary source of heating, wood heaters are responsible for a total of 71.7% of PM_{2.5} emissions on a typical winter weekend. In comparison, the next highest contributor to PM_{2.5} emissions is by Industrial off-road vehicles and equipment (3.4%) and on-road diesel passenger vehicles (2.8%). A graph demonstrating this comparison is provided in **Attachment 3 to this report**.

The effects on health due to the emissions of PM_{2.5} and Air Toxics have been established to include, but not limited to the following:

- Increased mortality particularly respiratory and cardiovascular diseases;
- Inflammation of lungs;
- Increased respiratory illness such as bronchitis and asthma;
- Adverse effects on cardiovascular system;
- Increased medication use and hospitalization;
- Increased risk of stroke;
- Increased risk of lung cancer due to DNA damage caused by PAH;
- Increased cognitive decline due to particulate pollution entering the brain;
- Genetic and epigenetic damage in babies and young children; and
- Increased risks of attention/hyperactivity problems and anxiety.

The results of a report prepared by AECOM for the NSW Government concluded that the estimated NSW health cost will be in the order of \$8 billion due to emissions from wood fire heaters. It has also been established that there is no safe exposure level to PM_{2.5} and it is now considered as the most hazardous known air pollutant to human health.

Currently, standards for the installation of wood fire heaters are controlled by the BCA, whilst emissions and efficiency of the appliance are set by Australian Standards. The standards set a maximum emission of 4 grams per kilogram of fuel burnt, while the efficiency of the appliance has no minimum requirement.

The emission and efficiency standards resonate with other Councils and jurisdictions as being out of date and unresponsive to the protection of human health. Hence, other Councils have taken initiatives to either ban or lower the current emissions standard and set a minimum efficiency on all new wood heater installations. In addition, the NSW Government's Department of Environment, Climate Change and Water (DECCW – now Office of Environment and Heritage) developed an *Action for Air* strategy which specifically targets a reduction in PM from domestic wood fire heaters in an attempt to improve Sydney's air quality.

The following positions are adopted by other Councils and jurisdictions in both Australia and abroad:

- Holroyd Council – no new installations permitted
- Waverly Council – no new installations permitted
- Ashfield Council – no new installations permitted
- Pittwater Council – replacement of existing with no new roof penetrations only
- Armidale Council - 2.5g/kg Emission and 57% Efficiency
- Australian Capital Territory – Draft Legislation with 1g/kg Emission and 65% Efficiency
- New Zealand – Regional Policies (Similar to EPA) with 1g/kg Emission and 65% Efficiency
- Australian Home Heating Association - 2.5g/kg Emission and 55% Efficiency

It is recommended that Council, in its pursuit to take an environmental lead similar to the above authorities, adopt a 1g/kg emission and 65% efficiency standard which would be a lesser contributor to PM emissions. Heater availability complying with these standards is approximately 10 models on the Australian market (four tested with Hardwood and 6 tested with soft wood) within a price range between \$1300 and \$3500. In comparison, the New Zealand market has in excess of 100 models that comply with this standard.

The current legislation regulating the installations of wood fire heaters is limited to the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993*. Unless a Local Approvals Policy (LAP) is adopted by Council, a Development Application is required which is assessed against the BCA and relevant Australian Standards. In order for Council to regulate and monitor the installation of wood heaters across all building applications (Development Application, Complying Development Application, etc.), a robust LAP will need to be prepared and adopted by Council. The draft LAP and necessary DCP amendments will be provided to Council for consideration in a subsequent report.

Education is equally as important to advise the public of appropriate and correct procedures for the burning of timber in these appliances. It is suggested that an education strategy and web page is developed to act as an educational and advisory tool on the health effects of wood fire heaters. This could also include guidelines on the correct operating procedure for wood fire heaters.

Interim Period

It may be some time before an LAP is in place as it has to be developed, considered by Council prior to exhibition, exhibited and then formally adopted. Until this process is finalised a DA will be required to be lodged for the installation of a wood fired heater in the Camden LGA. Such application must comply with the current Australian Standards (i.e., a maximum emission of 4 grams per kilogram of fuel burnt), however applicants will be encouraged to comply with Council's proposed policy of a 1g/kg emission and 65% efficiency standard and the EPA's "Environmental Guidelines for selecting, installing and operating domestic Solid fuel Heaters" 1999. Applications which do not comply with the current Australian Standard will be refused.

Following the Adoption of a LAP

Following the adoption of the LAP any application for a wood fired heater that complies with Council's policy of a 1g/kg emission and 65% efficiency standard and is installed by an appropriately certified installer, will be classified as 'exempt' under the LAP and will not require approval.

Any application for the installation of a wood fired heater which does not meet Council's policy will require a DA and must comply with the current Australian Standards and EPA requirements.

CONCLUSION

Due to air movement patterns across the Sydney Basin, Camden experiences high levels of pollutant concentrations. Particulate matter (PM) emitted from wood fire heater use is of particular concern because of its impact on health. Many Councils and other bodies are now moving to prohibit further installations of these heaters or restrict the types of heaters to those that have low levels of emissions.

The preparation of a LAP will assist Council to restrict the types of wood fire heaters to those that have low emissions and higher efficiency. Furthermore, an education strategy would help educate the public to the health impacts of wood fire heaters and detail the proper use of a wood fire heater.

RECOMMENDED

That Council:

- i. **adopt a position to permit only slow combustion and open wood fire heaters with a 1 gram per kilogram emission and 65% efficiency rating;**
- ii. **notify and provide an update to relevant stakeholders of Council's decision to promote the above standards;**
- iii. **develop a robust Local Approvals Policy promoting the above position to be reported back to Council for consideration;**
- iv. **provide the above information on Council's website to notify the public of its decision;**
- v. **develop an education strategy and comprehensive web page to inform and**

educate the public of the health effects and proper use of wood fire heaters to be reported back to Council for consideration; and

vi. write to the relevant State and Federal statutory authorities and Standards Australia advising of the above policy position.

vii. Adapt an interim position to support applications that comply with the Australian Standards.

ORD04

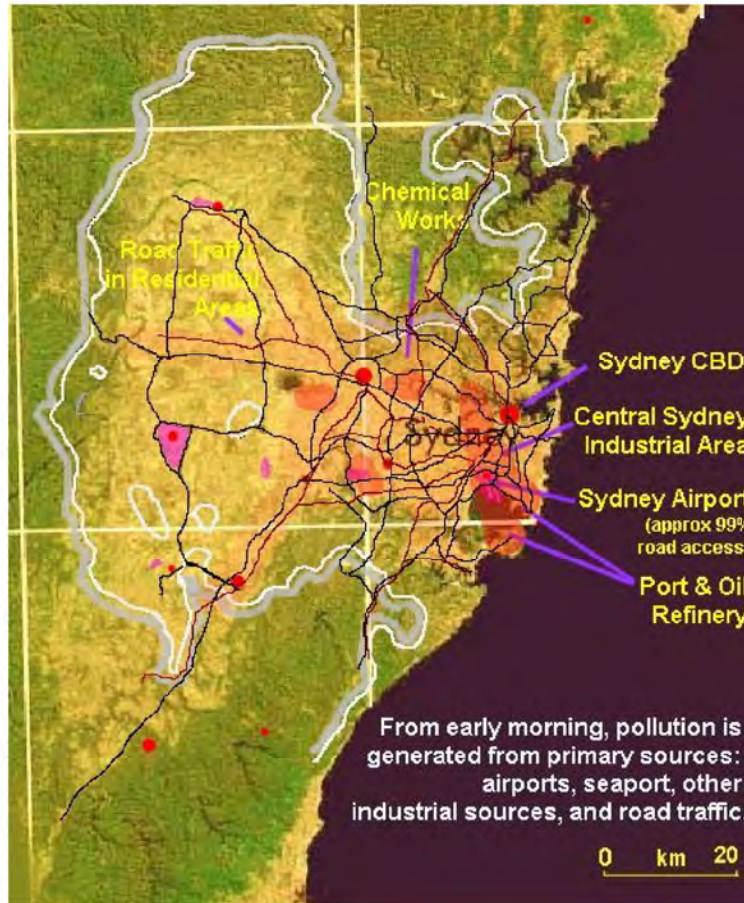
ATTACHMENTS

1. air movement maps
2. emissions graph
3. comparison graph

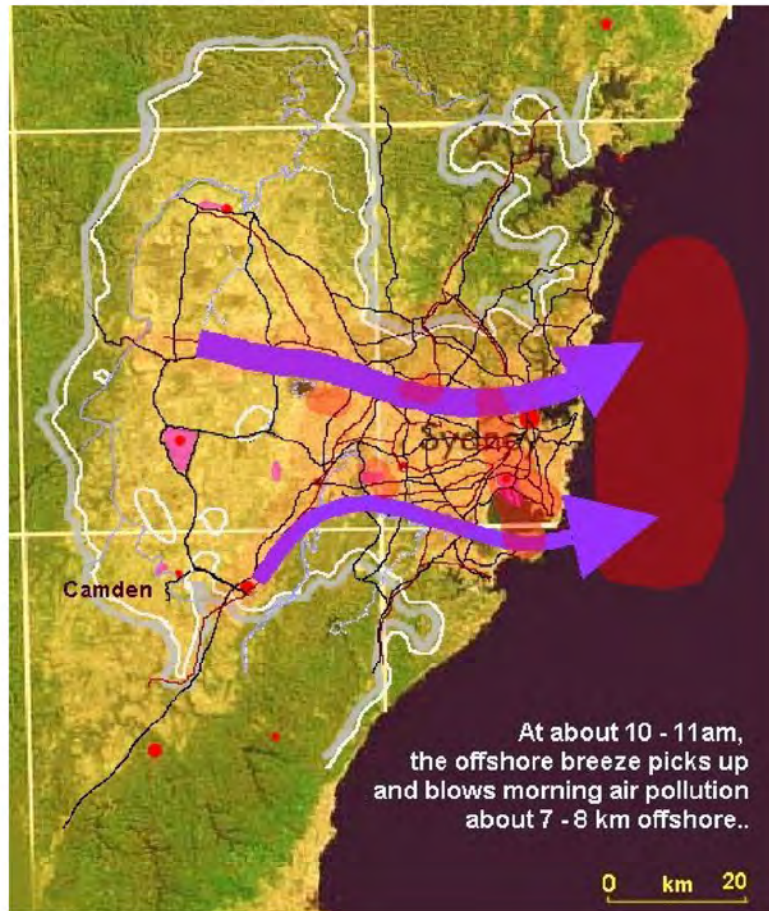
ORD04

Attachment 1

Attachment 1 – Sydney's Air Cycle



Source: <http://condellpark.com/bear/smogbasin>

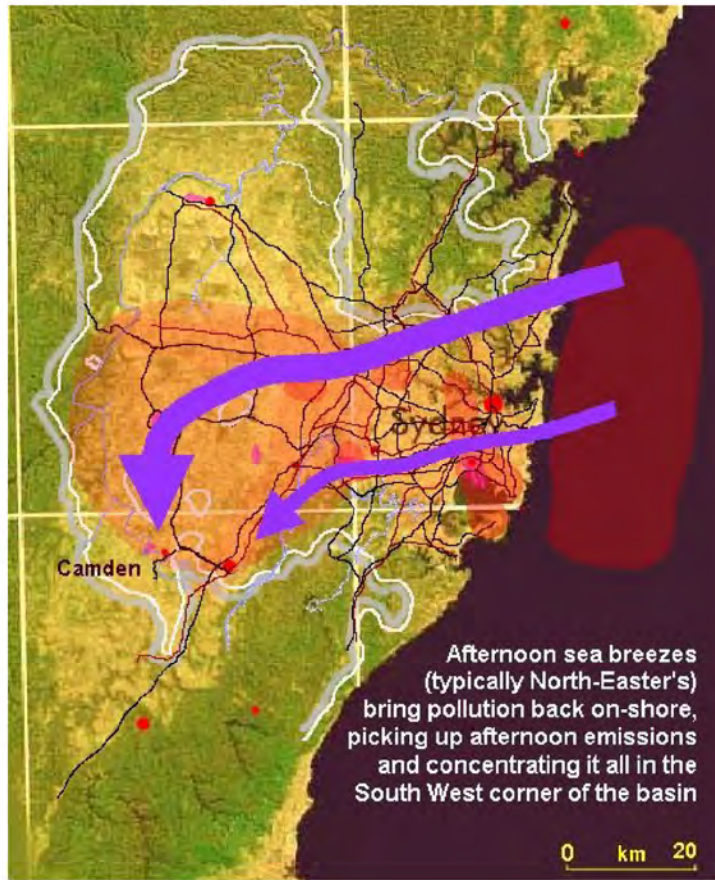


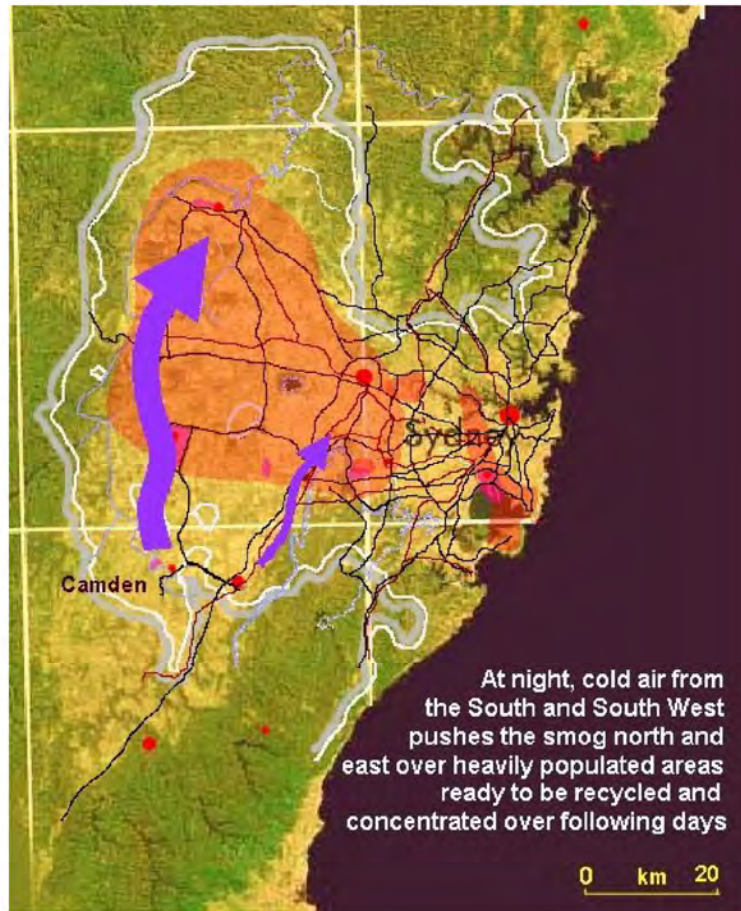
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Attachment 1

ORD04

Attachment 1





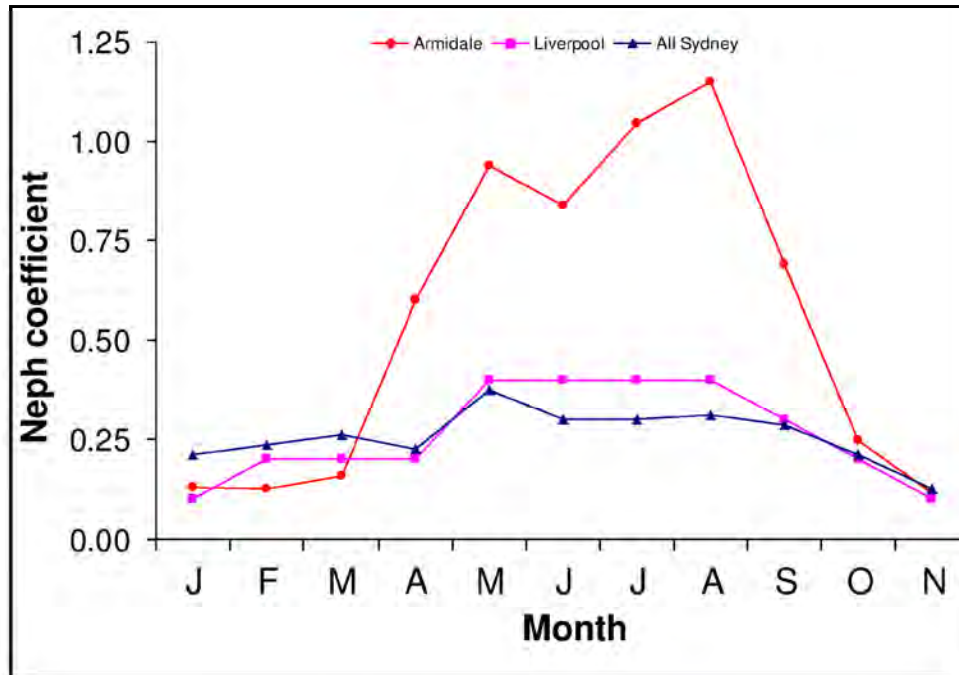
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Attachment 1

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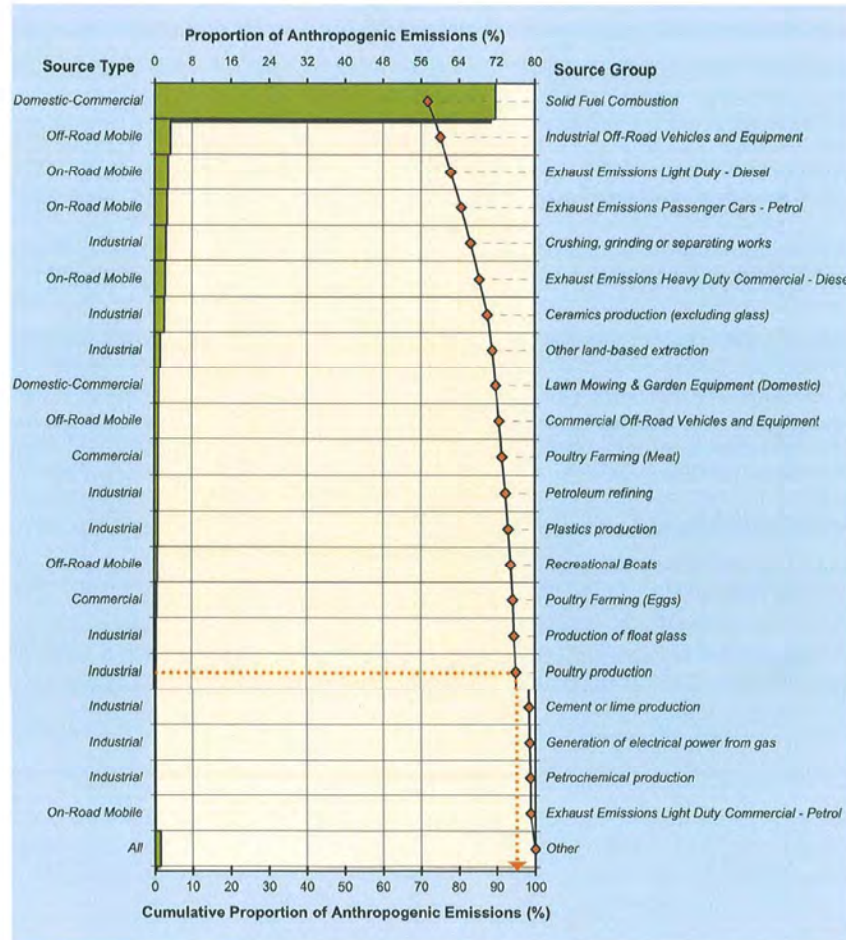
Attachment 2

Attachment 2 – PM2.5 Concentrations



Source: (Australian Air Quality Group <http://woodsmoke.35cnet/woodheater-car-comparison>)

Attachment 3 – PM2.5 Sources



Source: Air Emission Inventory EPA 2007

ORD04

Attachment 3



ORD05

ORDINARY COUNCIL

ORD05

SUBJECT: PLANNING PROPOSAL - SEX SERVICE PREMISES POST-EXHIBITION

FROM: Director Governance

BINDER: Amendment 17 - Sex Service Premises

PREVIOUS ITEMS: ORD02 - Planning Proposal - Sex Service Premises - Ordinary Council - 10 April 2012

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council on the public exhibition for the Sex Services Premises Planning Proposal (Amendment 17). This proposal seeks to reinstate mapped areas for sex services premises. In addition, this report seeks Council endorsement to proceed with the Planning Proposal and submit it to the Department of Planning and Infrastructure (DPI).

BACKGROUND

Council, at its meeting of 10 April 2012, resolved to proceed with the Sex Services Premises Planning Proposal (Amendment 17) and seek Gateway Determination from the DPI. The Planning Proposal seeks to reinstate mapped areas where Sex Services Premises are a permitted use from superseded LEPs No. 46 and No. 47. This amendment will provide certainty to the public and help minimise potential land use conflicts.

It was also resolved at this meeting that upon a favourable gateway determination, Council will proceed to exhibit the Planning Proposal in accordance with the conditions of the gateway determination.

MAIN REPORT

The Camden LEP 2010 currently permits the use of 'Sex Service Premises' within the IN1 – General Industrial zone, which are located within the Narellan and Smeaton Grange Industrial Precincts. Clause 7.6 of Camden's Local Environmental Plan 2010 (LEP) provides the legislative framework for the control of Sex Services Premises within this zone.

The objective of this clause is to '*minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.*' In summary, the clause currently restricts the establishment of Sex Services Premises from areas that directly adjoin, are opposite to, or are separated by only a local road from:

- R1 – General Residential Zone;
- R2 – Low Density Residential zone;
- R3 – Medium Residential zone;
- RE1 – Public Recreation zone; and
- Any land used for the purpose of:
 - A child care centre
 - A community facility

- A school; or
- A place of worship

Following Council's resolution at its meeting held on the 10 April 2012, the Sex Services Premises Planning Proposal was forwarded to the DPI for a gateway determination. The determination was issued on 21 May 2012, and is provided as **Attachment 1** to this report.

The gateway determination conditioned that the Planning Proposal be placed on public exhibition for a period of 28 days in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979*. Council placed the Planning Proposal on public exhibition for a total of 33 days from 30 May 2012 to 2 July 2012.

In addition to the public consultation, the gateway determination also required Council to undertake consultation with the NSW Police Force. In this regard, the NSW Police Force was provided with a copy of the Planning Proposal and also given 33 days to review the proposal.

Submissions Received

During the exhibition period, Council received no comments from the public.

A response was received on 18 June 2012 from the NSW Police Force in support of the Planning Proposal. A copy of this submission is provided within the Planning Proposal.

The Process from Here

Should Council endorse the recommendation of this report, an amended Planning Proposal provided as **Attachment 2 to this report** will be forwarded to the DPI for the plan to be made. When the plan is made an advertisement will be placed in a local newspaper notifying the public of the change to the LEP.

CONCLUSION

As outlined earlier within this report, the Planning Proposal - Sex Services Premises was placed on public exhibition for a period of 33 days from 30 May 2012 to 2 July 2012. During this time the proposal attracted no submissions from the public and one submission from the NSW Police raising no concerns with the proposal.

Should Council endorse the recommendation, the Planning Proposal will be forwarded to the DPI for the plan to be made and the public will be notified of the adoption of the proposal.

RECOMMENDED

That Council:

- i. **submit the amended Planning Proposal to the Department of Planning and Infrastructure for the plan to be made; and**
- ii. **upon notification of publication of the plan in the Government Gazette, place an advertisement in the local newspaper notifying the public of**



ORD05

the making of the plan.

ATTACHMENTS

1. Gateway Determination
2. Amended Planning Proposal



**Planning &
Infrastructure**

Contact: Amar Saini
Phone: (02) 9873 8500
Fax: (02) 9873 8599
Email: Amar.Saini@planning.nsw.gov.au
Postal: Locked Bag 5020, Parramatta NSW 2124

Our ref: PP_2012_CAMDE_007_00 (12/07551)

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



Dear Mr Wright,

Planning Proposal to amend Camden Local Environmental Plan 2010 to introduce mapped areas identifying land where Sex Services Premises are permissible with Council's consent

I am writing in response to your Council's letter dated 18 April 2012 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Camden Local Environmental Plan 2010 to introduce mapped areas identifying land where Sex Services Premises are permissible with Council's consent.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council has provided maps that indicate the zoning of the subject land and the area to which the amended Clause 7.6 of the Camden LEP will apply. Council is to ensure that all mapping is prepared in accordance with the Department's Standard Technical Requirements for LEP Maps prior to the finalisation of the Plan.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 6.3 Site Specific Provisions and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000
Telephone: (02) 9228 6111

GPO Box 39 Sydney NSW 2001
Facsimile: (02) 9228 6455

DX 22 Sydney
Website: www.planning.nsw.gov.au

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Attachment 1

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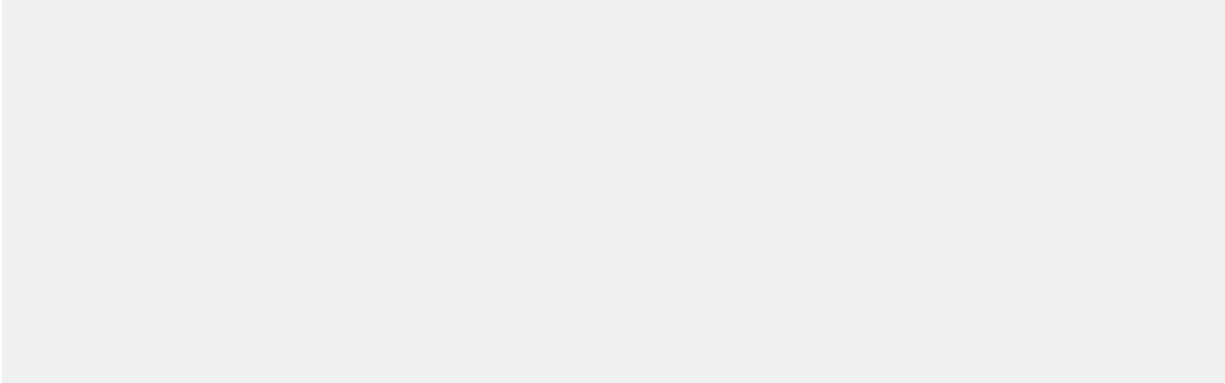
Page 2

Should you have any queries in regard to this matter, please contact Amar Saini of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,

SHaddad
Sam Haddad
Director-General
21/5/2012

Attachment 1





Gateway Determination

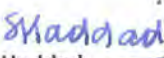
Planning Proposal (Department Ref: PP_2012_CAMDE_007_00): to amend Camden Local Environmental Plan 2010 to introduce mapped areas identifying land where Sex Services Premises are permissible with Council's consent.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Camden Local Environmental Plan 2010 to introduce mapped areas identifying land where Sex Services Premises are permissible with Council's consent should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Police Force

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 21st day of May 2012.


 Sam Haddad
 Director-General
 Delegate of the Minister for Planning and
 Infrastructure

Camden PP_2012_CAMDE_007_00 (12/07551)

ORD05

Attachment 1

ORD05

Attachment 2



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 17 – Sex Service Premises

April 2012

Version 3 – 3 July 2012

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Contents

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Background

Camden Local Environmental Plan 2010 (LEP 2010) was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden Local Government Area (LGA). The adoption of the LEP 2010 was a 'best fit' transition from the superseded Camden LEP's in an attempt to maintain a 'status quo' from the old to the new LEP.

In Camden's superseded LEP's, Sex Service Premises were mapped to indicate eligible sites possible to accommodate this use. In the preparation and gazettal of the LEP 2010, Council was required to use a zone rather than a mapping approach. Accordingly, the IN1 – General Industrial zone was used which substantially increased the area where Sex Service Premises was permissible.

On 26 February 2012, following representation from Member for Camden - Mr Chris Patterson MP, correspondence from the Minister for Planning and Infrastructure – the Hon. Brad Hazzard MP detailed an option for Council to investigate possible mapping of eligible sites for the placement of 'Sex Service Premises' within the Camden Local Environmental Plan 2010. A copy of this correspondence is provided as **Attachment A**.

At the Ordinary Council Meeting of 10 April 2012, Camden Council considered a report on the preparation of a planning proposal to reinstate mapped areas indicating eligible sites for Sex Service Premises into LEP 2010. Council resolved it would:

- i. support the Planning Proposal for the mapping of land where Sex Service Premises will be permissible (subject to development consent);*
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;*
- iii. upon receipt of a favourable Gateway Determination:

 - a. consult relevant public authorities in accordance with the terms of the determination; and*
 - b. publicly exhibit the Planning Proposal in accordance with the terms of the determination and the Environmental Planning and Assessment Regulation 2000; and**
- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period.*

A copy of the Council report and resolution is included as **Attachment B**.

Following the resolution of Council, this planning proposal and associated indicative maps have been prepared so that the matter may proceed to Gateway Determination.

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Part 1 – Objectives or Intended Outcomes

The planning proposal seeks to amend LEP 2010 to introduce mapped regions identifying sites where Sex Service Premises are permissible with consent. Sex Service Premises will be prohibited within the IN1 – General Industrial zone and Clause 7.6 of the LEP 2010 will allow Sex Service Premises on identified sites in accordance with the proposed maps. The amendments are proposed to reinstate the previous land use permissibilities of superseded LEP 46 and 47 providing certainty to the public and minimising potential land use conflicts.

The Planning Proposal ensures that the planning provisions contained within LEP 2010 are consistent with those of superseded Camden LEP 46 and 47, which were in place prior to the gazettal of LEP 2010. This is consistent with the philosophy adopted by Council during the preparation of LEP 2010 where the 'status quo' was to be maintained as far as possible.

Part 2 – Explanation of provisions

The Camden LEP 2010 currently permits the use of 'Sex Service Premises' within the IN1 – General Industrial zone, which are located within the Narellan and Smeaton Grange Industrial Precincts. Clause 7.6 of Camden's LEP 2010 provides the legislative framework for the control of Sex Services Premises within this zone.

The objective of this clause is to *'minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.'* In summary, the clause currently restricts the establishment of a Sex Service Premises that directly adjoins, is opposite to, or is separated by only a local road from:

- R1 - General Residential zone;
- R2 - Low Density Residential zone;
- R3 - Medium Density Residential zone;
- RE1 - Public Recreation zone; and
- Any land used for the purposes of:
 - a child care centre
 - a community facility
 - a school; or
 - a place of public worship.

The approach adopted in Camden LEP 2010 is different to that of LEP 46 and 47 and resulted in Sex Service Premises being permitted on a greater number of sites.

Amendment of the LEP will include alterations to the Land Use Table, which will prohibit the use of a sex service premises within the IN1 – General Industrial zone. An amendment of Clause 7.6 of the LEP 2010 will also be required to include the integration of mapped areas onto the LEP 2010 maps to clearly identify potential sites for this use.

In this regard, Clause 7.6 of the LEP will be amended to read:

7.6 Sex services premises

- (1) *The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between sex services premises, specified land uses and places regularly frequented by children.*
- (2) *This clause applies to land that is edged and hatched red on the Land Zoning map.*
- (3) *The consent authority must not grant development consent for the use of 'Sex Service Premises' on any land other than that which is edged and hatched red on the Land Zoning map.*

Amendment No.6 – housekeeping amendments to Camden LEP 2010

- (4) *Notwithstanding subclause 3, development consent must not be granted to development for the purposes of sex services premises if the premises will be located on land that adjoins, is directly opposite or is separated only by a local road from land:*
- (a) *in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone RE1 Public Recreation, or*
 - (b) *used for the purposes of a child care centre, a community facility, a school or a place of public worship.*
- (5) *In deciding whether to grant consent to development for the purposes of sex services premises, the consent authority must consider the impact the proposed development would have on any place likely to be regularly frequented by children.*

The following Land Zoning maps of the LEP 2010 will be amended to include an edged and hatched area indicating the sites where Sex Service Premises are permissible with consent:

- Land Zoning Map – Sheet LZN_012
- Land Zoning Map – Sheet LZN_017

In accordance with the proposed LEP framework, **Figure 1** and **Figure 2** (on the following page) outline potential permissible areas within the LGA for Sex Service Premises:

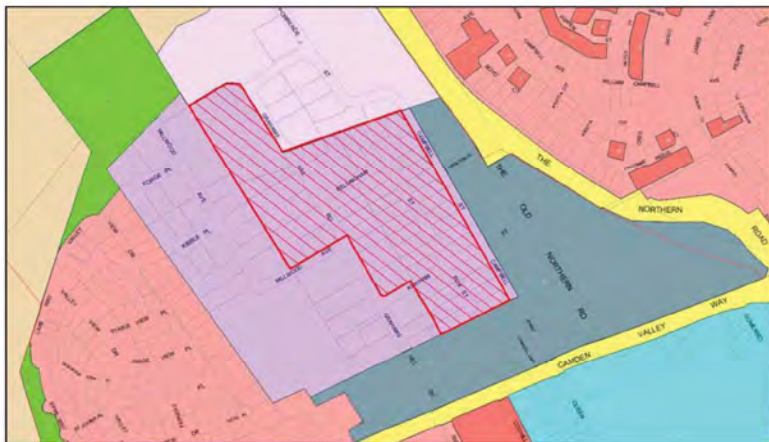


Figure 1 – Narellan Proposed Mapped Areas

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Attachment 2

Amendment No.6 – housekeeping amendments to Camden LEP 2010

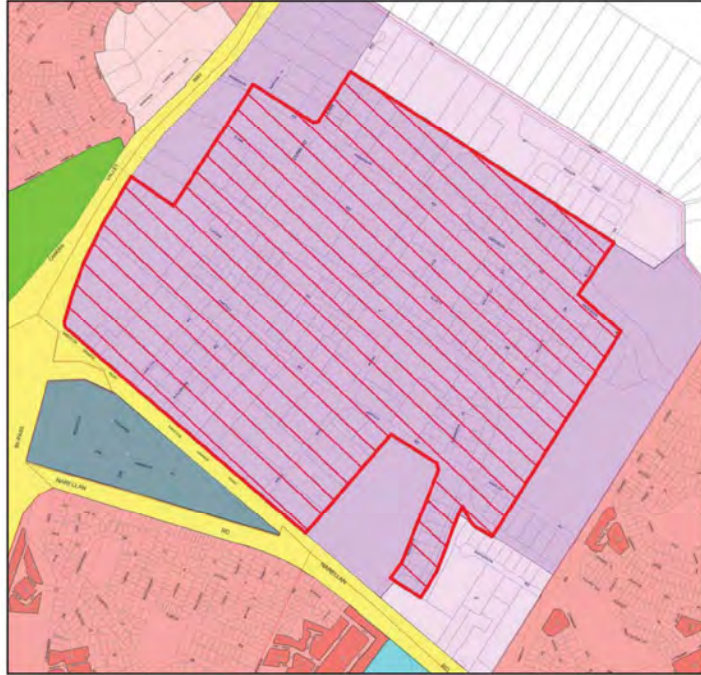


Figure 2 – Smeaton Grange Proposed Mapped Areas

A copy of the amended maps are provided as **Attachment C**.

Part 3 – Justification**Section A – Need for the planning proposal.****1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is not a result of any strategic study or report. However, as previously stated, the Planning Proposal is made to provide certainty to the public and indicate areas to minimise potential land use conflicts. This proposal has been prepared in accordance with the correspondence received from the Minister of Planning and Infrastructure – the Hon. Brad Hazzard and reinstates previous land use provisions of Camden LEP 46 and 47.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the planning proposal provides the best way of achieving the objectives and intended outcomes.

3. Is there a net community benefit?

Given the minor nature of the matters contained within this planning proposal, it is not considered that a Net Community Benefit Test is required. The matters addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that it is up-to-date and robust, thereby providing the community with greater certainty.

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)?**

The planning proposal is consistent with both the draft South Western Regional strategy and the Sydney Metro Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable state planning policies.

ORD05

Attachment 2

Amendment No.6 – housekeeping amendments to Camden LEP 2010

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Ministerial Directions as explained in **Attachment D**.

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?

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this planning proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects as a result of this planning proposal.

10. How has the planning proposal adequately addressed any social and economic affects?

There are no likely social or economic effects as a result of this planning proposal.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Not applicable.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

Not applicable.

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Part 4 – Community Consultation

The matters dealt with in this planning proposal are of a sensitive and highly political nature, with the amendment of Clause 7.6 and the proposed insertion of mapped areas into the LEP maps. Accordingly, the gateway determination conditioned that the Planning Proposal be placed on public exhibition for a period of 28 days in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979*. Council placed the Planning Proposal on public exhibition for a total of 33 days from 30 May 2012 to 2 July 2012.

In addition to the public consultation, the gateway determination also required Council to undertake consultation with the NSW Police Force. In this regard, the NSW Police Force was provided with a copy of the Planning Proposal and also given 33 days to review the proposal.

During the exhibition period, Council received no comments from the public.

A response was received on 18 June 2012 from the NSW Police Force in support of the Planning Proposal. A copy of this submission is provided as **Attachment E**.

ORD05

Attachment 2

Amendment No.6 – housekeeping amendments to Camden LEP 2010

**Attachment A – Minister for Planning and Infrastructure
Correspondence**



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Mr Chris Patterson MP
Member for Camden
66 John Street
CAMDEN NSW 2570

12/02111

RECEIVED
28 FEB 2012

Chris

Dear Mr Patterson

I refer to your letter concerning the approval of a development application for sex services premises at 1 Kibble Place, Narellan.

You will be aware *Camden Local Environmental Plan 2010* (the 'LEP') provides that sex services premises are permitted with consent on the subject site in the IN1 General Industrial zone. This is subject to the provisions of Clause 7.6 of the LEP, which was a model local clause at the time the LEP was made.

I have been advised by the Department of Planning and Infrastructure there are a number of examples of other councils proceeding with mapped areas permitting sex services within Standard Instrument LEPs. In this light, I suggest Camden Council consider the submission of a Planning Proposal to amend the current approach to sex services permissibility to provide mapping of the areas in which such premises are to be permitted.

If your office or Council have any questions on this matter, I have arranged for Mr Peter Goth, the Department's Regional Director, Sydney West Regional Office, who can be contacted on 9873 8589 or peter.goth@planning.nsw.gov.au to provide assistance.

Yours sincerely

HON BRAD HAZZARD MP
Minister

26.2.12

Level 33 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone: (61 2) 9228 5258 Fax: (61 2) 9228 5721 Email: office@hazzard.minister.nsw.gov.au

Page 11 of 16

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Attachment B – Council Report and Resolution

ORD05

Attachment 2

ORD05

Amendment No. 6 – housekeeping amendments to Camden LEP 2010

Attachment C – Local Environmental Plan Maps

Attachment 2

Environmental Planning and Assessment Act 1979

**Camden Local Environmental Plan 2010
(Amendment No. 17)**

Camden Council
37 John Street
Camden, NSW 2570

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Zoning Map	
LZN_012	1450_COM_LZN_012_010_20100705
LZN_017	1450_COM_LZN_017_020_20100705

The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Zoning Map	
LZN_012	1450_COM_LZN_012_010_20120709
LZN_017	1450_COM_LZN_017_020_20120709

Certified

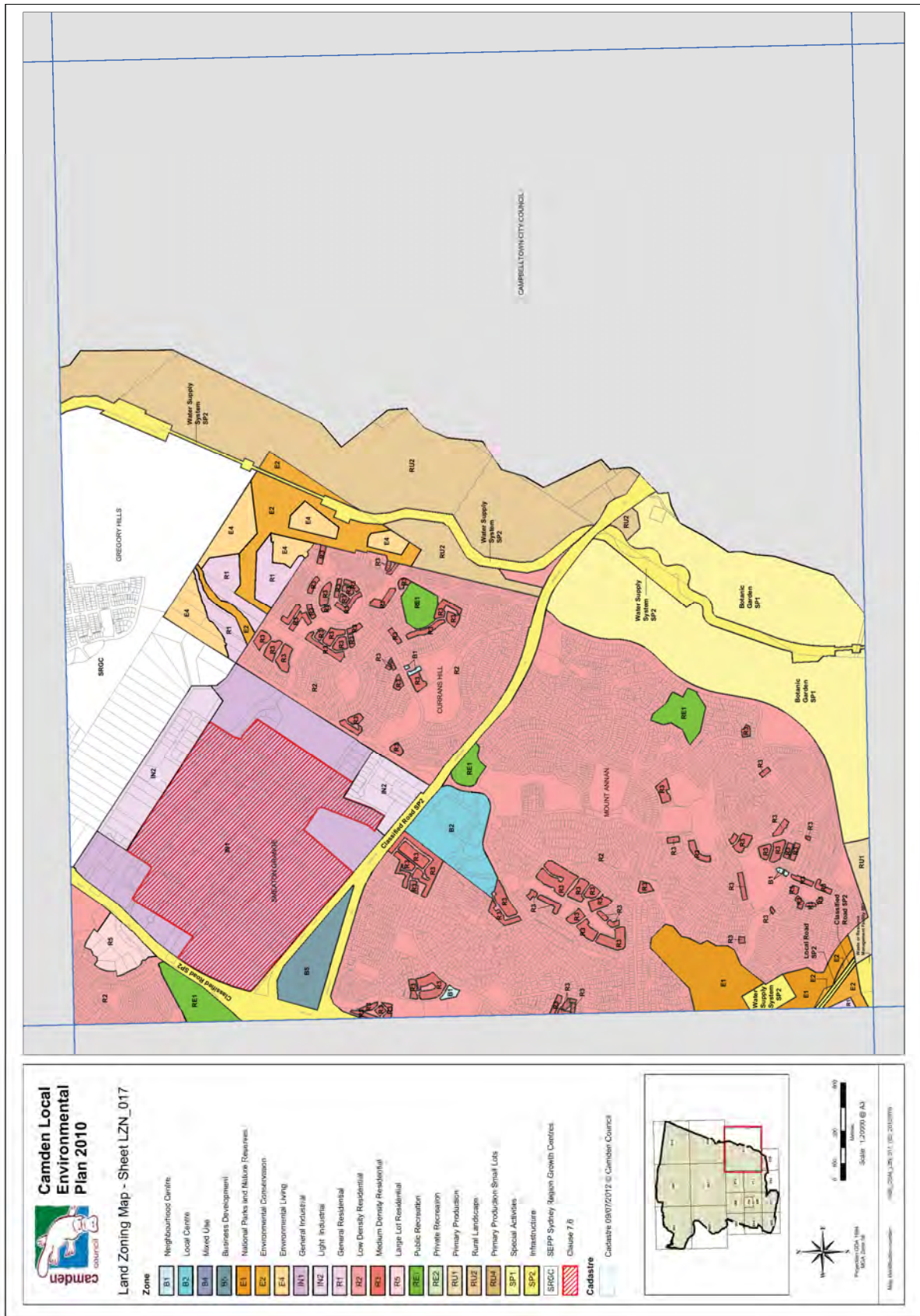
Chris Lalor
(Acting) Manager Strategic Planning

09/07/2012

Minister for Planning

Attachment 2
ORD05





ORD05

Attachment 2

ORD05

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Attachment D – Applicable section 117 directions

Direction	Objective	Response
1.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable location, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. 	<p>The proposal is of minor significance and is consistent with all regional and local strategies. The amended mapping retains all existing industrial uses and maintains the potential development floor space for industrial uses within this existing industrial zone.</p> <p>The proposed mapping of areas capable of accommodating 'sex service premises' provides certainty to the public indicating an appropriate buffer is maintained from sensitive land uses in accordance with the proposed requirements of the LEP 2010.</p>
6.3 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>This Planning Proposal seeks to prohibit the use of Sex Service Premises within the IN1 – General Industrial zone, however, the amendment of Clause 7.6 will refer to mapped areas to be inserted into the Land Zoning Maps. The maps will define areas capable of accommodating this use. This does not pose any additional development standards on top of those currently in force.</p>

Attachment 2

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Direction	Objective	Response
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The proposal is compatible with the NSW Government's Metropolitan Strategy 2036 published in December 2010.

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ORD05

Amendment No.6 – housekeeping amendments to Camden LEP 2010

Attachment E – NSW Police Correspondence

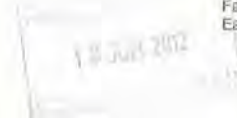
Planning Proposal – Amendment No 17.

N S W POLICE SERVICE
CAMDEN LOCAL AREA COMMAND
 Crime Management Unit – Crime Prevention



Narellan Police Station
 278 Camden Valley Way
 NARELLAN NSW 2567
 Telephone: 02 4632 4459
 Eagle: 84459
 Facsimile: 0246324455
 EagleFax: 84455

Mr Matt Loader
 Camden Council
 Project Officer
 37 John Street,
 CAMDEN NSW 2570



13 June 2012

Section 56 Consultation – Planning Proposal for Sex Services Premises.

On Wednesday 13 June 2012, an assessment for the Proposed Amendments to the Local Environment Plan 2010 to introduce mapped areas identifying land where Sex Service Premises are permissible with Council's consent.

The planning proposal seeks to 'minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separations between sex service premises, specified land uses and places regularly frequented by children.'

Police have no issues with these amendments in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.

Yours sincerely,

Christine Millman
 Senior Constable
 Crime Prevention Officer
 Camden Local Area Command
 Email: millchr@police.nsw.gov.au

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Attachment 2



ORDINARY COUNCIL

ORD06

ORD06

SUBJECT: EL CABALLO BLANCO GLEDWOOD VOLUNTARY PLANNING AGREEMENT

FROM: Director Governance

BINDER: El Caballo Blanco Gledswood

PURPOSE OF REPORT

The purpose of this report is to advise Council of the assignment of a parcel of land within the El Caballo Blanco Gledswood (ECBG) site to a new owner and the arrangements for ensuring the Voluntary Planning Agreement (VPA) responsibilities are legally assigned to the new owner.

BACKGROUND

At its meeting of 8 May 2012 Council resolved to delegate authority to the Mayor and the General Manager to enter into the ECBG VPA and affix the Seal of the Council. The ECBG VPA is now executed as an Agreement. This Agreement ensures that all owners are bound by the responsibilities outlined in the VPA. Further, the VPA requires that as soon as possible the Agreement is registered on the various land titles and therefore the VPA responsibilities will be transferred to any owner of these parcels of land before subdivision to Final Lot.

MAIN REPORT

There are separate parcels of land under different ownership within the ECBG site. One of these owners now wishes to assign his parcel of land to new owners. This means that either the VPA needs to be registered on title before the reassigning of the land or a document known as an Assignment Deed be executed by way of the signing of this Deed by both the original owners of the land, the new owners of the land and Council.

Within the VPA, *Clause 37 - Registration of this Agreement*, sets out the steps to be undertaken to register the VPA on title. The clause requires that within 60 days of the commencement of the Agreement that documents be provided to Council to enable registration of the Agreement.

However the owner of the parcel of land in question wishes to undertake the assigning of his land to new owners in a more timely fashion. It is unsure if the VPA will be registered on title in the timeframe that is required. Therefore steps outlined in *Clause 39 – Assignment, Sale of Land etc* including the signing of a Deed, need to be undertaken to ensure that the new owners have signed the VPA. The current owner is now undertaking this process. As part of this process a resolution by Council is needed to delegate authority to the Mayor and the General Manager to sign the Deed and to affix the Seal of Council. A copy of the Assignment Deed formed part of the VPA as Schedule 3 in the event that land was to be reassigned before the registration of the VPA on title. A copy of the Assignment Deed is provided **as a Supporting Document to this report**.

CONCLUSION

The ECBG VPA is now an executed document. The signing of the Assignment Deed will help ensure that the legal responsibilities of the VPA are passed on to the new owners of one of the parcels of land within the ECBG site.

RECOMMENDED

That Council:

- i. delegate authority to the Mayor and the General Manager to sign the Assignment Deed associated with the ECBG VPA and to affix the Council Seal; and**
- ii. once the Novation/Assignment Deed is signed by all parties ensure that it is placed in Council's Legal Documents/Amendments Register attached to the ECBG VPA.**

ATTACHMENTS

1. Assignment Deed - *Supporting Document*

ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: PROPOSED AMENDMENT TO TURNER ROAD DCP 2007 AND INDICATIVE LAYOUT PLAN FOR GLEDSDOOD HILLS IN THE TURNER ROAD PRECINCT, AND DRAFT VOLUNTARY PLANNING AGREEMENT

FROM: Director Governance

BINDER: Turner Road

PURPOSE OF REPORT

The purpose of this report is to provide Council with an update following the exhibition of the draft amendment to the Development Control Plan (DCP) and Indicative Layout Plan (ILP) which applies to land at Gledswood Hills (also known as The Hermitage) under the Turner Road DCP 2007. In addition, this report also seeks a Council resolution to publicly exhibit a Draft Voluntary Planning Agreement (VPA) offered by Sekisui House Camden Valley Pty Ltd (SHCV) to support the future development of its land at Gledswood Hills. Due to the size of the document, the draft VPA including the schedule of works and explanatory note has been provided to Councillors **under separate cover**.

BACKGROUND

The land is located within the Turner Road precinct of the South West Growth Centre (SWG) and comprises the residential component of the Gledswood Hills development. SCHV are the owners and developers of the Gledswood Hills site. The land abuts the El Caballo Blanco/Gledswood site to the north/north-east, the Gregory Hills site to the south-east, the future business park land to the south and Camden Valley Way to the west. A Locality Map is included as **Figure 1** below.



Figure 1 – Locality Map

The planning regime for the site is set by the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). The residential component of the site is zoned R1 General Residential and a portion of the site adjacent to the boundary with the El Caballo Blanco/Gledswood site is zoned B4 Mixed Use.

The Oran Park and Turner Road Section 94 Contributions Plan (OPTR CP) applies to the land and establishes the regime of developer contributions in conjunction with the development of the land.

Turner Road DCP and ILP amendment

On 9 August 2011 Council considered a report on a draft amendment to the Turner Road DCP 2007 and ILP which applies to the SHCV site. The amended DCP and ILP proposed to delete the golf course land from the development and provide additional public open space and an additional 264 residential lots. The report noted that the additional residential dwelling yield generated via the reconfiguration of the site needed to be supported by appropriate development contributions regime. The two options were the amendment of the OPTR CP to account for the revised layout and dwelling yield, or the preparation of a VPA which provided all of the infrastructure, facilities and monetary contribution demand generated by the reconfigured development.

In accordance with Council's resolution on 9 August 2011, the DCP and ILP were placed on public exhibition from 24 August to 21 September 2011. To address the matter of development contributions for the revised ILP, SHCV submitted a VPA offer to Council on 1 December 2011.

VPA offer

SHCV is offering to enter into a VPA with Council to deliver all of the infrastructure, services and facilities related to the development envisaged by the amended DCP and ILP for the Gledswood Hills land. The offer is based upon the OPTR CP but includes additional works, land dedication and monetary contributions to account for the increased residential yield on the site. The VPA proposes to deliver:

- local parks, playgrounds and play spaces;
- active recreation facilities including fitness stations and basketball courts;
- a centrally-located open space corridor through the centre of the site;
- bicycle paths;
- a two lane road crossing over South Creek which links Gledswood Hills and Gregory Hills;
- a comprehensive water cycle management scheme for the entire site,
- the rehabilitation and embellishment of the South Creek riparian corridor which links to the Gregory Hills portion of the South Creek corridor to the east;
- dedication of the land, and
- monetary contributions for offsite works and project management costs.

The total VPA package includes \$33,755,593 worth of works, land dedication and monetary contributions.

The offer is in accordance with the OPTR CP and has been reviewed and is supported by Council Officers.

The VPA offer is being made voluntarily by the developer and represents its commitment to working in partnership with Council to deliver high quality facilities and environments to the future residents of Gledswood Hills.

MAIN REPORT

DCP and ILP exhibition

The draft DCP and ILP were placed on public exhibition from 24 August to 21 September 2011 and one (1) public submission and two (2) public authority submissions were received. A document outlining the nature of the submissions, the response from Council officers and the action to be taken is included as **Attachment 1 to this report**.

In summary, the matters raised in the submission which relate to access and connectivity between Gledswood Hills and the El Caballo Blanco/Gledswood/East Side Lands have been addressed via the planning process occurring on these lands. The other matters raised are to be negotiated between SHCV and the adjoining landowners as part of the development process. The submissions from public authorities are supportive of the amended DCP and ILP subject to receiving electronic data regarding traffic modelling and review of the detailed design of the proposal at development application stage.

The draft DCP and ILP are now able to be incorporated into the Turner Road DCP 2007 subject to the VPA being executed. It is noted that this report seeks a Council resolution to proceed to public exhibition for the VPA only. Accordingly, subject to the outcome of this report, a post-exhibition report on the VPA will be prepared for Council to consider the execution of the VPA. Following the execution of the VPA the DCP would then be able to be adopted.

VPA development contributions

The VPA will provide a level of works and infrastructure for the Gledswood Hills development that exceeds what would have been provided if the development had occurred under the contributions rates in the OPTR CP. In addition, the VPA includes an increased value of monetary contributions commensurate with the increased dwelling yield under the amended DCP and ILP. The location of the facilities and infrastructure is shown on the Staging Plans located in Schedule 1 of the VPA which has been forwarded to Councillors **under separate cover**.

A summary of the contributions, works and facilities to be provided is as follows:

Open Space and Recreation Facilities

- Construction and dedication of a 7.5 hectare central open space corridor (described as the Satoyama Open Space corridor) which links the South Creek riparian corridor and future open space land at El Caballo Blanco/Gledswood.
- Construction and dedication of two local parks incorporating a playground and a play space.
- Construction of fitness stations and basketball courts to provide additional active open space facilities.

The total value of the Open Space and Recreation Facilities works and land dedication is \$14,159,750.

Transport Management Facilities

- Construction of a two lane crossing over South Creek to link Gledswood Hills and Gregory Hills.
- Construction of 1.2km of shared pedestrian and bicycle paths within open space and recreation land.
- Monetary contribution towards bus stops.

The total value of the Transport Management Facilities works and monetary contributions is \$1,914,186.

Water Cycle Management Facilities

Construction of all water cycle management facilities and associated dedication of land required to meet the needs of the development. These are to be provided in accordance with an adopted Water Cycle Management Strategy and to be handed over to Council progressively after completion.

The total value of the Water Cycle Management Facilities and land dedication is \$8,884,700.

Monetary Contributions

- Payment of \$63,053 in project management and VPA administration costs over the life of the VPA.
- Payment of a settle-up amount of \$4,048,275 which is calculated by subtracting the value of all works, land dedication, project management costs and any early cash contributions made under the VPA from the amount that would have been paid by SHCV under the OPTR CP. The settle-up amount includes the payment of additional per-lot monetary contributions for each of the new lots created by the revised DCP and ILP. These additional monetary contributions will be paid at the per-lot rate established by the OPTR CP and will result in Council collecting additional funds for facilities and works elsewhere in the Turner Road precinct, as well as off-site facilities at Oran Park and the future Maryland precinct.

The settle-up amount will be paid on a per-lot basis prior to the issuing of a subdivision certificate for the 1000th lot.

It is noted that SHCV have already paid \$3,691,212 in Section 94 contributions under the OPTR CP for existing development applications at Gledswood Hills. The cash settle-up amount of \$4,048,275 is in addition to the \$3,691,212 already paid to Council, therefore the effective cash contributions received by Council from development at Gledswood Hills will be \$7,739,487.

Riparian Corridors and Transmission Easements

SHCV have prepared submissions in accordance with Council's Dedication of Riparian Corridors Policy and Dedication of Land Burdened by Transmission Easements Policy for the dedication of an additional 16.98 hectares of riparian corridor and transmission easement land to Council at South Creek. The land is traversed by a TransGrid power transmission line and the associated easement.

The VPA includes a commitment by SHCV to undertake \$4,728,000 of rehabilitation and embellishment works to the South Creek corridor land. The works will strike a balance between environmental restoration, public accessibility and minimisation of future maintenance costs to Council. The embellishment will include a pedestrian and bicycle path along the length of the corridor which will provide important linkages between the future path networks in Gledswood Hills and Gregory Hills.

The restoration and embellishment works will be undertaken in accordance with the Waterfront Land Strategy and will be the subject of a future development application, water cycle management strategy and plan of management.

SHCV will maintain each stage of the riparian corridor and transmission easement land for five (5) years from the completion date of each respective parcel. This will ensure that the land will be sufficiently established prior to hand over to Council, minimising the ongoing maintenance costs. Council estimates the maintenance costs for the riparian corridor and transmission easement land to be approximately \$8,600 per hectare per annum. The future costs of maintaining the land will be incorporated into Council's future budget estimates as part of the VPA implementation process.

The dedication of the riparian corridor and transmission easement land will be at no cost to Council and SHCV are seeking no VPA credits or offsets for the rehabilitation, embellishment and dedication of the land.

The dedication of the land to Council is considered to deliver significant short and long term benefits to Council, the community and the environment compared to a private ownership and maintenance regime. This rationale has underpinned Council's previous acceptance of riparian corridor land under the Oran Park and Gregory Hills VPAs, with the latter VPA including the dedication of the upstream section of the South Creek riparian corridor and its tributaries.

Security

A decision of the Land and Environment Court in December 2011 made clear that VPAs must provide Council with adequate financial capability to step in and complete any works under a VPA if a developer fails, or becomes unable to do so. The security provisions in the VPA have been structured to give Council that ability.

An outline of the security incorporated into the Draft VPA is provided below.

South Creek road crossing and Satoyama Open Space corridor

The South Creek road crossing and central open space corridor are significant community assets which will be constructed during various stages of the development. SHCV will be required to provide Council with bank guarantees prior to the release of each subdivision certificate which creates final lots. Final lots are lots which are not intended to be further subdivided.

The value of the bank guarantees will be based upon the effective contribution generated by each hectare of development towards the construction of these items, being \$14,083.12 per hectare for the South Creek road crossing and \$42,041.77 per hectare for the Satoyama Open Space corridor.

The Satoyama Open Space corridor works will be undertaken in stages in conjunction with Stages B, C and D of the development. The South Creek road crossing will be

completed prior to the release of 90 percent of the lots within the development site. The proposed timing of the road crossing construction is generally consistent with the timing envisaged by the OPTR CP.

Clause 26.6 of the VPA allows Council to use the security to construct either of these works under two circumstances. Firstly, Council may use the security if it is advised by the developer that it does not intend to develop the site to the extent that construction of the works is required. Secondly, Council may use the security if it has reasonable grounds to believe that the developer does not intend to develop the site to the extent that construction of the works is required in the foreseeable future.

Development Staging Plan

SHCV have prepared a development staging plan which forms Schedule 1 of the VPA. Schedule 2 of the VPA itemises the contribution items to be provided within each stage of development and includes their monetary value. For the purposes of providing adequate security, the VPA stipulates that Council shall not release the Subdivision Certificates for greater than 70% of lots within a stage unless the works tied to that stage have been completed, or the developer has provided security in the form of a bank guarantee for the value of any work not completed.

Additional Security

Security will also be provided in the following ways:

- The VPA is proposed to be registered on the land title, binding all current and future owners of the land;
- The works and land dedication are linked to the release of lots. If the developer fails to deliver works when required, Council can withhold the release of Subdivision Certificates;
- Council has the ability to acquire land to be dedicated under the terms of the VPA for \$1 if the land is not dedicated; and
- Council has the ability to take action under the *EP&A Act 1979* to remedy any breach of the agreement.

This package of security gives Council greater certainty that the agreed undertakings will be completed. The magnitude of the security being offered is unique to this agreement and reflects the scope of the land and works contributions being offered and the length of time the agreement will operate.

Public Exhibition

It is proposed to place the draft VPA and Explanatory Note on public exhibition for a period of 28 days in accordance with the *EP&A Act 1979* and to advertise the exhibition in the local newspapers. All relevant documentation will be available at Council Customer Service Centres in Camden and Narellan as well as the Camden and Narellan libraries.

Following the conclusion of the exhibition, a report will be presented to Council on submissions received. Council can then consider entering into the VPA and adopting the amendment to the DCP and ILP applying to the land.

CONCLUSION

The matters raised during the exhibition of the draft amendment Turner Road DCP 2007 and the ILP for the site have been addressed as per **Attachment 1 to this report**. Given that the adoption of the DCP and ILP amendment relies upon the VPA being adopted and entered into by Council and SHCV, a further report will be prepared for Council after the exhibition of the VPA which addresses the adoption of the DCP and ILP amendment.

The owner and developer of the Gledswood Hills Land is proposing to enter into a VPA to deliver over \$29 million worth of infrastructure, open space land and riparian rehabilitation works and over \$4 million worth of monetary contributions related to their development in accordance with the OPTR CP. This includes the construction of local parks and playgrounds, a central open space network which links to the South Creek Riparian Corridor which is to be rehabilitated and embellished, a road crossing over South Creek, cycle paths and monetary contributions towards off-site facilities and project management. The embellished riparian corridor and transmission easement land will be dedicated to Council and will become a significant community asset.

The VPA will ensure that infrastructure, services and facilities are delivered in a timely manner whilst significantly reducing the future construction and Section 94 management obligations upon Council for the Gledswood Hills development. The VPA includes various security mechanisms to ensure that the developer will deliver its development contribution obligations under the VPA

The VPA and Explanatory Note will be publicly exhibited for 28 days in accordance with the requirements of the *Environmental Planning and Assessment Regulation*. A further report to Council will be prepared outlining the results of the exhibition process.

RECOMMENDED

That Council:

- i. notes the outcome of the exhibition of the draft amendment to the Turner Road DCP 2007 and the Indicative Layout Plan for the Gledswood Hills site;**
- ii. endorses the draft Voluntary Planning Agreement and Explanatory Note;**
- iii. publicly exhibits the draft Voluntary Planning Agreement and Explanatory Note for a period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Act and Regulation* ; and**
- iv. requires a further report be provided to Council detailing the results of the exhibition of the draft VPA and to adopt the amendment to the DCP and ILP applying to the land.**

ATTACHMENTS

1. Draft DCP & ILP Submissions

**SUBMISSIONS RECEIVED IN RESPONSE TO EXHIBITION OF
DRAFT TURNER ROAD DCP AND ILP AMENDMENT FOR GLEDSWOOD HILLS**

PUBLIC SUBMISSIONS			
Submitter	Issue	Action	
1.	The East Side landowners fully support the proposed amendments and wish to cooperate with Sekisui House where we interface and have a common interest to develop the lands, subject to clear consideration of the following issues that affect the current planning proposal for the El Caballo Blanco/Gledswood/East Side Lands. The Turner Road Sewer Pumping Station (SPS) 1156 was designed and constructed to facilitate the development of land in the Turner Road precinct (existing ILP) and the Central Hills Study Area Precinct (ECB, Gledswood, East Side Lands and Camden Lakeside. We request that Council confirms that Sekisui House have obtained written confirmation from Sydney Water that the detailed planning phase of the servicing strategy has commenced, and that the amended ILP and increased dwelling yield does not affect the capacity of SPS1156.	Noted. Sydney Water have confirmed that there is adequate capacity within SPS1156 to cater for the increased residential dwelling yield at Gledswood Hills whilst providing for the future dwelling yields within the rest of Turner Road, ECB/Gledswood, the East Side Lands and Camden Lakeside.	No action required. No action required.
	The future East Side Lands development is likely to drain stormwater and sewer for approximately 150 lots via Gledswood Hills. Stormwater management objectives should be provided for within the Turner Road Precinct DCPs to accommodate the adjoining catchment via drainage lines or drainage reserves.	The imposition of stormwater drainage lines through the Gledswood Hills land in response to development proposals on the adjoining land is considered to be outside the scope of this DCP and ILP amendment proposal. The submitters should liaise directly with the landowners to negotiate an outcome.	Advise submitter of outcome via letter.
	The position of the collector road which will connect to the East Side Lands in future does not align with the current draft location of the collector road on the East Side Lands. We request that the location of the	The location of the road on the East Side Lands has been amended via the ECB/Gledswood/East Side Lands VPA and DCP process	No action required.

ORD07

Attachment 1

ORD07 Attachment 1

	road be moved 40m south to align with the road on the East Side Lands.		
	The road cross section for the collector roads adjoining ECB and the East Side Lands should coincide with the cross sections as shown in the draft ECB Gledswood DCP	The inconsistencies between the road cross sections are minor and similar minor variations occur between different release areas in Camden.	No action required
	The landowners appreciate that the proposed revised masterplan is not intended to address the DCP controls for the Entertainment Precinct, and we agree with Camden Council's concerns (raised during the ECB Gledswood planning process) regarding the provision of future community facilities within the Precinct. The Entertainment Precinct has always been conveyed as a 'community hub' and the focal point for residents of The Hermitage (Gledswood Hills) and the adjacent 'Central Hills' lands. The East Side and Gledswood landowners would be interested in discussions in providing or augmenting community facilities within the Entertainment Precinct	Noted. Council officers will advise SHCV regarding the interest expressed by the submitter so that they may be considered for inclusion in future planning and negotiations.	SHCV to be advised via letter.
	The location of bus routes, pedestrian paths and cycleways within the amended Turner Road ILP should be consistent with the planning proposal DCP for ECB, Gledswood and East Side.	The bus, pedestrian path and cycleway routes in Gledswood Hills align with the future path routes in the ECB, Gledswood and East Side lands.	No action required
	The removal of the golf course land from Gledswood Hills results in a substantial reduction in open space provision.	Sekisui House wish to delete the golf holes from the Gledswood Hills land entirely. Council cannot insist upon the retention of two golf holes on the Gledswood Hills land in order to facilitate a golf course scheme on adjoining land. This is a matter to be negotiated between the submitter and the proponents. The revised Gledswood Hills ILP includes the provision of significant public open space recreation land in lieu of the private golf course land.	Advise submitter of outcome via letter.
	One of the key components in Camden Council supporting the ECB/Gledswood/East Side planning proposal includes the establishment of a golf course, as indicated on the master plan, 18 holes on the ECB/East Side land and 18 holes on Camden Lakeside.		
	The East Side landowners can only support the proposed ILP amendment if the previously proposed nine golf holes are relocated on the El Caballo Blanco land and the two nine hole layouts are		

	connected satisfactorily. The East Side landowners have prepared a golf course layout plan and connectivity plan that connects the two proposed 9 hole golf courses on the ECB and East Side lands. The proposal utilises two existing golf holes within the existing Turner Road precinct. We request consideration of this layout in any changes to the ILP		
	To enable the proposed collector road connecting the Turner Road Precinct to Raby Road to be built, a crossing over the Sydney Catchment Authority Canal is required. The SCA requires the construction of a bridge over the canal. It is essential that allowance is made within the proposed Turner Road ILP amendment, Section 94 plan and any Voluntary Planning Agreement to dedicate the land required to support the bridge to Camden Council.	Noted. The proposed ILP amendment provides for a road in the location of the proposed future bridge crossing over the Upper Canal. The matter of funding mechanisms for a future bridge needs be considered as a separate matter between the developers of ECB/Gledswood/East Side lands and Gledswood Hills.	Advise submitter of outcome via letter.
	There is vegetation of moderate significance near the northern boundary of the site as noted in Clause 6.7 of the Turner Road DCP 2007. The proposed ILP indicated increased residential density in this area and does not acknowledge the area of remnant vegetation. The landowners suggest that an appropriate outcome for this area would be open space and golf course connectivity to enable the vegetation to be retained	The developers will need to address the remnant vegetation at the development application stage. There is every likelihood that future development can be designed to retain this vegetation. The matter of golf course connectivity is to be resolved between the East Side landowners and Sekisui House.	No action required regarding remnant vegetation. Advise submitter of outcome via letter regarding golf course connectivity.
PUBLIC AUTHORITY SUBMISSIONS			
Submitter	Issue	Comment	Action
2. TransGrid	The DCP mentions the proposed riparian corridor without any mention of the TransGrid infrastructure located within the 60m wide easement within the proposed riparian corridor.	The TransGrid easement within the proposed riparian corridor is a site constraint which is noted on the land title and will need to be considered throughout the development process. Council generally does not include details relating to development within or adjacent to	No action required.

ORD07

Attachment 1

ORD07 Attachment 1

	TransGrid easements are acquired so that maintenance of the electricity infrastructure can occur and to ensure that no work or other activity occurs under or near the transmission lines which may result in accidents or unsafe situations.		Noted	No action required.
	TransGrid have attended meetings between Council, the NSW Office of Water, Hassel and the developers regarding the transmission easement and riparian corridor and have provided comments and input regarding requirements for development near and within the easement, vehicular access requirements and transmission line clearance requirements.		Noted	No action required.
	The location of the proposed creek crossing may result in insufficient clearance to the transmission line, therefore requiring expensive modification works to the transmission line.	Further detailed design work has been undertaken regarding the location of the creek crossing, the necessary clearance above the 1:100 flood line and the clearance beneath the transmission line. TransGrid will be consulted during the design and development application process for any future development application regarding works in or adjacent to the easement.	Noted. The ILP is indicative only and is subject to further detailed design prior to and during the development assessment process. TransGrid will be consulted regarding the provision of a multi-purpose bicycle, pedestrian and maintenance vehicle access path through the riparian corridor as previously agreed by Council, the Office of Water, TransGrid and the developer.	No action required.
	The ILP shows several proposed wetland revegetation locations within or adjacent to the TransGrid easement. These would restrict TransGrid vehicular and equipment access along the easement. This contradicts the agreements made in the previous meeting with Camden Council and developers.			
	The Turner Road DCP also covers the Gregory Hills residential land and does not contain any provisions relating to the transmission easement through that land. TransGrid will need to evaluate any designs for development within or adjacent to the easement in Gregory Hills.	Noted. The TransGrid easement in Gregory Hills is a site constraint which is noted on the land title and will need to be considered throughout the development process. Council generally does not include details relating to development within or adjacent to easements in the DCP as these requirements are determined by the relevant		No action required.

3. Roads and Maritime Services (RMS)	RMS has no objection to the amended ILP subject to Council undertaking an assessment of the impact of the traffic impact generated by the additional 264 allotments. In particular, RMS requires the submission of detailed intersection modelling for the intersections of the internal roads with Camden Valley Way (fully developed scenario).	<p>authority and can change from time to time.</p> <p>Noted: The Department of Planning and Infrastructure have advised all Councils that electricity infrastructure shall not be shown on LEP maps as the infrastructure and related land uses are made permissible by the Infrastructure SEPP and are not subject to the LEP. As discussed above, Council does not include provisions relating to easements and electricity infrastructure within the DCP, as Council is not the authority who determines what these requirements are, and the requirements can vary over time. It is appropriate for this information to be sourced directly from TransGrid.</p> <p>Noted: The data underpinning the AECOM Traffic Report will be forwarded to RMS for inclusion in their future traffic modelling.</p>	No action required
	<p>After visiting the Council offices and browsing the DCP and the folder of LEP maps, it has come to our attention that the NSW electricity infrastructure has not been included on Council's maps. TransGrid's transmission lines and easements are major infrastructure and should have been mentioned in the Part D controls in the DCP.</p>		

ORD07

Attachment 1



ORDINARY COUNCIL

ORD08

ORD08

SUBJECT: AMENDMENT 14 PLANNING PROPOSAL - MINOR HOUSEKEEPING AMENDMENTS TO CAMDEN LEP 2010

FROM: Director Governance

BINDER: Land Use and Planning

PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to adopt a Planning Proposal and to forward to the Department of Planning and Infrastructure (DPI) for Gateway Determination. The purpose is also to seek a resolution to exhibit the planning proposal if a favourable Gateway Determination is received. The Planning Proposal includes minor housekeeping amendments to Camden Local Environmental Plan 2010 (LEP 2010),

BACKGROUND

LEP 2010 was gazetted on 3 September 2010 and subsequently became the principal planning instrument covering zoning and land use in the Camden LGA. Council staff have now had the opportunity to use and interpret the LEP and the associated maps, and several matters requiring amendments of a minor nature have been identified. These amendments will be addressed via the preparation of a Planning Proposal which seeks to amend the LEP.

MAIN REPORT

A detailed planning proposal (**provided as Attachment 1 to this report**) has been prepared which includes several minor amendments to LEP 2010 and the accompanying maps. The amendments will ensure that the LEP is consistent with the 'status quo' approach adopted during the conversion of the former Camden LEPs into the new LEP template format and rectify several matters requiring minor amendments. A summary of the amendments (including maps) is provided below and in detail within the Planning Proposal.

For ease of reading and so as not to reproduce the same material, all attachments and appendices to the Planning Proposal are only provided in the Planning proposal and not within this report.

A summary of amendments within the Planning Proposal are below.

1. RU4 zone; Development Permissible with consent

A review of the land use table in LEP 2010 has identified an error which occurred during an amendment to the Camden LEP 2010 which was made on 25 June 2011. This amendment inadvertently omitted the words "any other development not specified in item 2 or 4" in the Land Use Table to the RU4 Zone. This amendment will restore these words

2. LEP boundary adjustment

On 27 April 2010 Council resolved to support the Local Government boundary adjustment between Camden and Liverpool Councils regarding 5 properties located along Bringelly Creek at Cobbitty.

The Camden LEP maps have been amended to reflect the boundary change. A plan showing the location and properties concerned is included as Figure 1 in the Planning Proposal.

This Council Report is included in the Planning Proposal as Appendix A. properties are to be transferred to Camden Council. The Planning Proposal seeks to amend a series of maps to reflect the LGA boundary, to be consistent with the 27 May 2011 Government Gazettal.

3. Exhibition homes in the E4 zone for Kirkham Rise

In the Land Use Table under the E4 – Environmental Living zone, any item listed as prohibited or any other development not specified in Item 2 or 3 in the Land Use Table to the zone is prohibited. Development for the purpose of ‘exhibition homes’ or ‘exhibition villages’ is not listed in Item 2 or 3 of the Land Use Table to the E4 – Environmental Living zone, and is therefore prohibited.

To amend Item 3 of the Land Use Table to the E4 – Environmental Living zoned to allow development for the purpose of an ‘exhibition home’ or ‘exhibition village’ is an approach that would potentially allow development for the purpose of an ‘exhibition home’ or ‘exhibition village’ throughout the Camden LGA. It is not the intention of the Council to allow such developments throughout the entire Camden LGA. As such, Schedule 1 of the Camden LEP 2010 will be amended to allow the additional use of ‘exhibition homes’ and ‘exhibition villages’ only within this zone in Precinct C of Kirkham Rise. This will allow the developer to provide examples of housing that appropriately fit within the unique bushfire setting. The additional permitted uses map No. 007 will be amended to reflect the change.

4. Wivenhoe

The subject site is identified as Part Lot 1 in DP 217570, No 229 Macquarie Grove Road and is identified as having local heritage significance. The site is known as ‘Mater Dei’ at Kirkham. The heritage item as described currently does not incorporate some key elements, such as the stables. This was an oversight at the time of rezoning which saw the stables inadvertently omitted. In addition since the rezoning, further assessment of the heritage significance of the site has been undertaken and is outlined in the *Wivenhoe Conservation Management Plan*.

The planning proposal seeks to amend the heritage map to better define the elements that comprise Heritage Item No. 199 in line with the *Wivenhoe Conservation Management Plan (Revised 2008)*. The planning proposal also seeks to amend the description of heritage item No. 199 within Schedule 5 - Environmental Heritage.

5. State Heritage Items within the Camden LGA

A detailed comparison of both the plans under the Heritage Act 1977, which are available for each of the heritage items listed on the State Heritage Inventory, and the

heritage maps contained in Camden LEP 2010 revealed boundary discrepancies for ten of the listed heritage items.

The planning proposal will seek to amend the heritage maps for the Camden LEP 2010 to ensure consistency with plans under the *Heritage Act 1977*. As a result, the planning proposal also seeks to amend the property descriptions in Schedule 5 – Environmental Heritage, Part 1.

Further it is proposed to list ‘Denbigh’ (currently under the Growth Centres SEPP) within Schedule 5 - Environmental Heritage. As a result the heritage boundary map No.007 will also need to be amended.

6. Camden Heritage Items

Three local heritage items have been further subdivided creating new legal property descriptions. These properties are Yamba, St Marks Church and Hilsyde. This planning proposal seeks to update Schedule 5 Environmental Heritage, Part 1 to reflect these changes. Further, it is proposed to amend the heritage map to reflect the changes.

7. Spring Farm Neighbourhood Centre

The existing Spring Farm neighbourhood centre within the Camden DCP currently conflicts with the zone boundary maps under Camden LEP 2010. To maintain consistency with the Spring Farm masterplan, part of the B1 land is to be rezoned residential. A map showing the land is included as Figure 4 in the Planning Proposal.

8. Spring Farm minimum lot sizes

Discrepancies were identified relating to the minimum lot size of land in Spring Farm Areas 1 and 2.

The planning proposal will seek to amend Clause 4.1A to reflect these changes and in the process amend the minimum lot size maps to change the labelling of Area 3 at Spring Farm to Area 2.

9. Recreation facilities (Indoor)

This planning proposal seeks to amend the reference of “recreation **areas** (indoor)” to “recreation **facility** (indoor)” under Schedule 1 Clause 25 – Use of certain land at Richardson Road, Spring Farm, for consistency with the terms in the Camden LEP definitions. No amendments to Camden LEP 2010 Maps are required.

10. Recreation areas in the B1, B2, B4 and B5 zones

This planning proposal seeks to amend the land use tables for the B1, B2, B4 and B5 zones by removing ‘recreation areas’ from Item 4 – Prohibited uses and adding ‘recreation areas’ to Item 3 – Permitted with Consent. The Camden LEP currently prohibits ‘recreation areas’ within the B1, B2, B4 and B5 zones. This amendment will allow Council to provide local parks and civic spaces that will include children’s playgrounds within neighbourhood and local centres. No amendments to Camden LEP 2010 Maps are required.

11. Restricted premises

“Restricted premises” are currently permitted with consent in the B1 and B5 zones as they are not specifically listed as prohibited uses in the land use tables for these zones. Council intends for these uses to be prohibited in the B1 and B5 zones. Under the Standard Instrument (Local Environment Plans) Order 2006, it is mandatory to include ‘restricted premises’ within the B2 - Local Centre and B4 – Mixed Use zones.

To enable restriction of ‘restricted premises’ in B1 and B5 zones, this Planning Proposal seeks to amend Camden LEP by adding the term “restricted premises” to Item 4 – Prohibited uses in the land use tables for the B1 and B5 zones only. No amendments to Camden LEP 2010 Maps are required.

12. Referencing of Camden Lakeside

To ensure consistency between both the Camden LEP 2010 and the corresponding urban release area maps, this planning proposal seeks to amend the references of “Camden Lakeside” in the Camden LEP 2010 to “Lakeside”. Listed in Table 1 of the Planning Proposal are the sections of the Camden LEP 2010 that require amending.

13. Elderslie release area boundary

As part of the conversion to the standard LEP 2010, a small number of Maps were amended which do not reflect the true Elderslie Masterplan. As such, this item seeks to amend the relevant maps to achieve the ‘status quo’. Figure 5, 6 and 7 within the planning proposal highlights the changes required.

14. Special Events

This planning proposal seeks to insert a new clause under Camden LEP 2010 to allow the erection of temporary structures specifically for public or private special events to be carried out on land without development consent. No amendments to Camden LEP 2010 Maps are required.

15. Benwerrin Crescent boundary alignment

There are currently two lots that are partly zoned R5 Large Lot Residential and unzoned under the Camden LEP 2010. This item seeks to amend the existing Land Zoning Map to reflect the true boundary and the land zoning. Figure 8 within the planning proposal highlights the subject location and properties.

16. Mt Annan minimum lot size provisions

Within Mt Annan the minimum lot size on residential zoned land is 450sqm. This item seeks to increase the minimum lot size of certain residential land adjoining Asset Protection Zones to 2000sqm to prevent future redevelopment/subdivision. A map showing the land is included as Figure 9 within the planning proposal.

17. Control relating to miscellaneous permissible uses

Amendments are required to rectify anomalies within Clause 5.4 of Camden LEP 2010 that relate to secondary dwellings (9) and industrial retail outlets (4). No amendments to Camden LEP 2010 Maps are required.

Consultation

If Council resolves to send the Planning Proposal for Gateway Determination and a favourable outcome is achieved the Planning Proposal will be publicly exhibited at Camden and Narellan Customer Service, libraries and Council's website, and a notice of exhibition will be placed in the local paper.

CONCLUSION

The Planning Proposal has been prepared for submission to the DPI. The Planning Proposal aims to make minor amendments to the LEP as outlined in this report. These amendments will address anomalies and omissions which occurred during the conversion of the former Camden LEPs into the new LEP template process. These amendments will ensure the LEP is robust and accurate.

RECOMMENDED

That Council:

- i. adopt the planning proposal and associated map amendments for Camden LEP 2010;**
- ii. forward the planning proposal to the DPI for gateway determination;**
- iii. pending a favourable response from DPI, proceed directly to public exhibition; and**
- iv. bring a report back to Council at the conclusion of the public exhibition period.**

ATTACHMENTS

1. Planning Proposal

ORD08

Attachment 1



CAMDEN COUNCIL PLANNING PROPOSAL

**Amendment No. 14 - housekeeping
amendments to Camden LEP 2010**

July 2012

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

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ORD08

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Background

Camden LEP 2010 was gazetted on 3 September 2010 and became the principle planning instrument covering land use and zoning in the Camden LGA. Council staff have now had the opportunity to use and interpret the LEP and the associated maps, and several errors and omissions of a minor nature have been identified. This includes some anomalies within Clause 5.4 of Camden LEP 2010 that relate to secondary dwellings and industrial retail outlets, the amendment of the minimum lot size map for Spring Farm and Mt Annan, and the amendment of the heritage map to reflect recent subdivisions around heritage properties.

Following the resolution of Council, this planning proposal and associated maps will be prepared so that the matter may proceed to Gateway Determination.

Attachment 1

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Part 1 – Objectives or Intended Outcomes

The intended outcomes of this planning proposal are to be incorporated into Camden LEP 2010 to ensure that the controls that were in place in Camden, prior to the gazettal of the LEP, are maintained. Accordingly, the following 17 minor amendments are proposed:

Attachment 1 **ORD08**

Amendment No 14 - Planning and Zoning to Camden LEP 2010

Item No	Name of item	Proposal	Map changes
1	RU4 zone: Development Permissible with consent	To insert the following into Section 3 of the Land Use table to the RU4 zone in the Camden LEP 2010: "Any other development not specified in item 2 or 4."	No amendments to Camden LEP 2010 Maps required.
2	LEP boundary adjustment	Five (5) properties are split between the Liverpool and Camden LGA's based on the Bringelly Creek boundary lines. At the 27 April 2010 Ordinary Council Meeting, Council resolved to support the Local Government boundary adjustment between Camden and Liverpool City Councils. This item seeks to amend a series of maps to reflect the new LGA boundary of these properties.	Land Zoning Map • 1450_COM_LZN_001_020_20111207 Height of Buildings Map • 1450_COM_HOB_001_020_20100705 Lot Size Map • 1450_COM_LSZ_001_020_20111122
3	Exhibition homes in the E4 zone for Kirkham Rise	To amend Schedule 1 of the Camden LEP 2010 to allow development in Precinct C in Kirkham Rise for the additional use of 'exhibition homes' and 'exhibition villages' in the following way: 27. Use of Certain land in Kirkham Rise (Precinct C) (1) This clause applies to land zoned E4 Environmental Living at Kirkham Rise as shown in heavy blue on sheet APU-007.	Additional Permitted Uses Map • 1450_COM_APU_007_020_20100705

Amendment No. 14 - Miscellaneous Writings of Camden LEP 2010

	<p>(2) Redevelopment for the purposes of exhibition homes and exhibition villages is permitted with development consent.</p>		
<p>4</p>	<p>Wivenhoe</p> <p>The heritage item as described currently does not incorporate some key elements, such as the stables. This planning proposal seeks to amend the heritage map to better define the elements that comprise Heritage Item No. 199</p>	<p>Heritage maps</p> <ul style="list-style-type: none"> • 1450_COM_HER_007_020_20100705 • 1450_COM_HER_008_010_20100705 	<p>Heritage Maps</p> <ul style="list-style-type: none"> • 1450_COM_HER_007_020_20100705 • 1450_COM_HER_008_010_20100705 • 1450_COM_HER_011_010_20100705 • 1450_COM_HER_012_010_20100705 • 1450_COM_HER_013_010_20110916 • 1450_COM_HER_014_020_20100705 • 1450_COM_HER_016_010_20100705
<p>5</p>	<p>State Heritage Items within the Camden LGA</p> <p>This planning proposal seeks to make minor amendments to the heritage maps for the Camden LEP 2010 to ensure consistency with plans under the heritage database. As a result, the planning proposal also seeks to amend the property descriptions in Schedule 5 - Environmental Heritage, Part 1</p>	<p>Heritage Maps</p> <ul style="list-style-type: none"> • 1450_COM_HER_007_020_20100705 • 1450_COM_HER_008_010_20100705 • 1450_COM_HER_011_010_20100705 • 1450_COM_HER_012_010_20100705 • 1450_COM_HER_013_010_20110916 • 1450_COM_HER_014_020_20100705 • 1450_COM_HER_016_010_20100705 	

Attachment 1 **ORD08**

Amendment to the Spring Farm Neighbourhood Centre DCP

6	Camden Heritage Items	A number of heritage items have been further subdivided, creating new legal property descriptions. This planning proposal seeks to update Schedule 5 to reflect these changes. Further, it is proposed to amend the heritage map to reflect the above changes.	<ul style="list-style-type: none"> 1450_COM_HER_017_020_20100705 1450_COM_HER_018_010_20120620 <p>Heritage Maps</p> <ul style="list-style-type: none"> 1450_COM_HER_012_010_20100705 1450_COM_HER_009_010_20100705 1450_COM_HER_013_010_20110916
7	Spring Farm Neighbourhood Centre	This item seeks to amend the B1 zone boundary within the Spring Farm Neighbourhood Centre on the western side of the precinct. This zone boundary currently conflicts with the masterplan in Camden DCP 2011 as part of the land that is to be a residential precinct is incorrectly zoned B1.	<p>Land Zoning Map</p> <ul style="list-style-type: none"> 1450_COM_LZN_013_010_20100705 <p>Lot Size Map</p> <ul style="list-style-type: none"> 1450_COM_LSZ_013_010_20111222
8	Spring Farm minimum lot sizes	Min Lot Size map No. 012 and No. 013 to be altered to reflect the amended Clause 4.1A which will read as follows:	<p>Lot size Map</p> <ul style="list-style-type: none"> 1450_COM_LSZ_013_010_20111222 1450_COM_LSZ_014_010_20111222

<p>4.1A. Exceptions to minimum lot sizes for certain residential development use:</p> <p>(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.</p> <p>(2) This clause applies to land in Area 1 at Spring Farm and Area 2 at Elderslie, as shown edged heavy blue on the <u>Lot Size Map</u>.</p> <p>(3) Despite clause 4.1, development consent may be granted to the subdivision of a lot on land to which this clause applies on which development for any of the following purposes is proposed to be carried out if the area of each resulting lot is equal to or greater than the area specified for that purpose:</p> <p>(a) attached dwelling—180 square metres.</p> <p>(b) semi-detached dwelling on land in Area 1 at Spring Farm or Area 2 at Elderslie —200 square metres.</p>	<p>Recreation facilities (indoor)</p>	<p>No amendments to Camden LEP 2010 Maps required.</p>
<p>9</p>	<p>Recreation areas (indoor)</p>	<p>This planning proposal seeks to amend the reference of "recreation areas (indoor)" to "recreation facility (indoor)" for consistency with the terms in the Camden LEP definitions.</p>
<p>10</p>	<p>Recreation areas in the B1, B2, B4 and</p>	<p>Amend the land use tables for the B1, B2, B4 and B5 zones by removing 'recreation areas' from Item 4 – Prohibited uses</p>

Attachment 1 **ORD08**

Amendment No. 8 to the Unitary Development Plan for Camden LEP 2010

	B5 zones	and adding 'recreation areas' to Item 3 – Permitted with Consent.	No amendments to Camden LEP 2010 Maps required.
11	Restricted premises	This planning proposal seeks to amend Camden LEP by adding the term "restricted premises" to Item 4 – Prohibited uses in the land use tables for the B1 and B5 zones only.	No amendments to Camden LEP 2010 Maps required.
12	Referencing of Camden Lakeside	Amend the references of "Camden Lakeside" in the Camden LEP 2010 to "Lakeside".	No amendments to Camden LEP 2010 Maps required.
13	Elderslie release area boundary	As part of the LEP conversion to the Standard Instrument, a small number of maps have not been amended and therefore do not reflect the true Elderslie Masterplan. This item seeks to amend a series of maps to include the Masterplan that applies to Elderslie	Land Zoning Map <ul style="list-style-type: none"> • 1450_COM_LZN_013_010_20100705 Lot Size Map <ul style="list-style-type: none"> • 1450_COM_LSZ_013_010_20111222 Urban Release Area Map <ul style="list-style-type: none"> • 1450_COM_URA_013_010_20100705
14	Special Events	This planning proposal seeks to insert a new clause under Camden LEP 2010 to allow the erection of temporary structures specifically for public or private special events to	No amendments to Camden LEP 2010 Maps

Amendment No. 14 - Mountmorris Amenity Overlay for Camden LEP 2010

		be carried out on land without development consent	required.
15	Benwerrin Crescent boundary alignment	Two lots are currently partly zoned R5 Large Lot Residential and unzoned under the Camden LEP 2010. This item seeks to amend the existing Land Zoning Map to reflect the true LGA boundary and the land zoning.	Land Zoning Map <ul style="list-style-type: none"> • 1450_COM_LZN_004_010_20100705
16	Mt Annan minimum lot size provisions	The existing minimum lot size in Mt Annan is 450sqm. This item seeks to increase the minimum lot size of certain residential land adjoining APZ to 2000sqm to prevent future redevelopment/subdivision.	Lot Size Map <ul style="list-style-type: none"> • 1450_COM_LSZ_017_020_20111222 • 1450_COM_LSZ_013_010_20100705
17	Control relating to miscellaneous permissible uses	To amend some anomalies within Clause 5.4 of Camden LEP 2010 that relate to secondary dwellings (9) and industrial retail outlets (4).	No amendments to Camden LEP 2010 Maps required.

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Attachment 1

Amendment No. 14 – Housekeeping Amendment to Camden LEP 2010

Part 2 – Explanation of provisions

Copies of proposed map amendments are provided as Appendix B to this Proposal.

Item 1 – RU4 zone; Development Permissible with consent

It is proposed that the following be inserted into Section 3 of the Land Use table to the RU4 zone in the Camden LEP 2010:

“Any other development not specified in item 2 or 4.”

An amendment to the Camden LEP 2010 was made on the 25th June 2011 which omitted the above sentence from Section 3 - Permitted with Consent.

Note: No amendments to Camden LEP 2010 Maps required.

Item 2: LEP boundary adjustment

Council was originally approached by a resident of Orient Road, Greendale, being the owner of land within both Camden and Liverpool City Councils, with a request to consider transferring the portion of land under Camden Council governance to that of Liverpool City Council in order to avoid having land split between two Councils.

Upon investigation, there were eight (8) properties that were split between LGA's based on the Bringelly Creek boundary lines, however only five (5) landowners agreed to the boundary adjustment. A plan showing the location and properties concerned is shown in **Figure 1** below.

Amendment No. 11 - Housekeeping Amendment to Camden LEP 2010

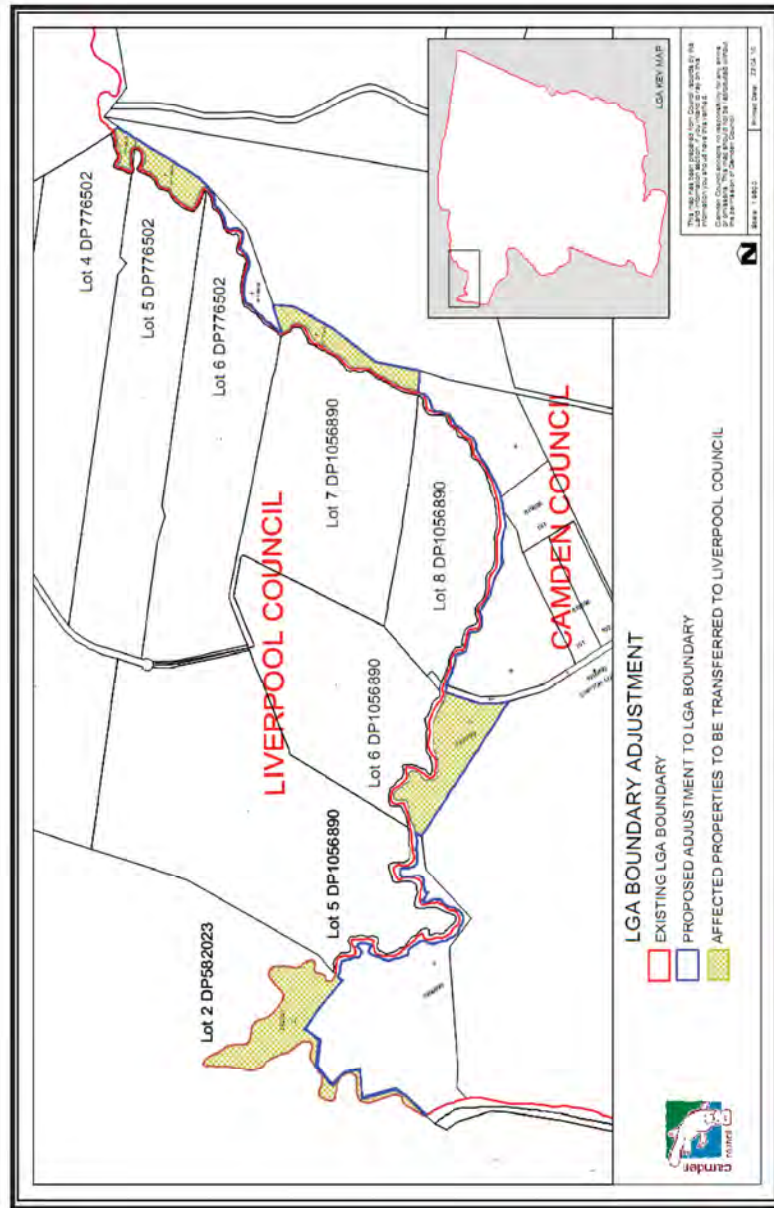


Figure 1. Map identifying LGA boundary adjustment. Source: Camden Council, 2012.

Amendment No. 14 – Housekeeping Amendment to Camden LEP 2010

At the 27 April 2010 Ordinary Council Meeting, Council resolved to support the Local Government boundary adjustment between Camden and Liverpool City Councils to transfer portions and lodged an application to the Geographical Names Board and the Division of Local Government. This Council Report is included in the planning proposal as Appendix A 1.

This planning proposal seeks to amend a series of maps to reflect the LGA boundary as shown in Figure 4 to be consistent with the 27 May 2011 Government Gazette. The details of the five (5) properties to be transferred and their respective areas are shown in **Table 1** below.

Address details	Property details	Approx area removed from Camden LGA (hectares)
889D Cut Hill Road, Cobbitty	Part Lot 4 DP 776502	0.51
889C Cut Hill Road, Cobbitty	Part Lot 5 DP 776502	1.98
899 Cut Hill Road, Cobbitty	Part Lot 6 DP 1056890	6.2
850A Cut Hill Road, Cobbitty	Part Lot 7 DP 1056890	2.9
905 Cut Hill Road, Cobbitty	Lot 2 DP 582023	8.1

Table 1. Properties to be transferred to Liverpool City Council.

Note: No properties are to be transferred to Camden Council.

The following maps will need to be amended and are included in the list of map amendments in Appendix B.

- 1450_COM_LZN_001_020_20111207
- 1450_COM_HOB_001_020_20100705
- 1450_COM_LSZ_001_020_20111122

Item 3: Exhibition homes in the E4 zone for Kirkham Rise

Kirkham Rise in the Mater Dei residential development area is a new urban release area located to the north west of the Narellan Town Centre in the Camden LGA. Kirkham Rise is divided into distinct precincts, the land the subject of the planning proposal is identified as Precinct C and is zoned E4 – Environmental Living under the Camden LEP 2010. Precinct C is bounded by land zoned E2 – Environmental Conservation under the Camden LEP 2010.

In the Land Use Table under the E4 – Environmental Living zone, any item listed as prohibited or any other development not specified in Item 2 or 3 in the Land Use Table to the zone is prohibited. Development for the purpose of 'Exhibition homes' or 'exhibition villages' is not listed in Item 2 or 3 of the Land Use Table to the E4 – Environmental Living zone, and is therefore prohibited.

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

'Exhibition home' and 'Exhibition village' is defined in the Dictionary to the Camden LEP 2010 as follows:

'exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.'

'exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.'

Precinct C exists in a unique location in the Camden LGA due to being bounded by Environmental Conservation land yet in close proximity to residential zoned land to the south and east (Kirkham and Harington Park). Use of land in Precinct C for the purpose of 'exhibition homes' and 'exhibition villages' would allow potential land owners to appraise potential house designs for Kirkham Estate or surrounding residential areas. It is the intention of Council to allow such development to encourage occupation of existing residential areas and new urban release areas such as the Kirkham Rise Estate.

To amend Item 3 of the Land Use Table to the E4 – Environmental Living zoned to allow development for the purpose of an 'exhibition home' or 'exhibition village' is an approach that would potentially allow development for the purpose of an 'exhibition home' or 'exhibition village' throughout the Camden LGA. It is not the intention of the Council to allow such developments throughout the entire Camden LGA.

Therefore, this planning proposal seeks to amend Schedule 1 of the Camden LEP 2010 to allow development in Precinct C in Kirkham Rise for the additional use of 'exhibition homes' and 'exhibition villages' in the following way:

27. Use of Certain land in Kirkham Rise (Precinct C)

- (1) This clause applies to land zoned E4 Environmental Living at Kirkham Rise as shown in heavy blue on sheet APU-007.
- (2) Redevelopment for the purposes of exhibition homes and exhibition villages is permitted with development consent.

The following map will need to be amended and is included in the list of map amendments in Appendix B.

- 1450_COM_APU_007_020_20100705

Item No. 4: Wivenhoe

The subject site is identified as Part Lot 1 in DP 217570, No 229 Macquarie Grove Road and is identified as having local heritage significance. The site is known as 'Mater Dei' at Kirkham. The heritage item as described currently does not incorporate some key elements, such as the stables. The site contains heritage item No. 199, (as identified in Part 1 of Schedule 5 of the Camden LEP 2010) which applies to the building known as 'Wivenhoe' along with the gardens, outbuildings, stables, servants quarters and coach house. However, the boundary shown on the current map does not include the heritage item in its entirety. This error has resulted from the LEP maps being prepared in accordance with a previous heritage Conservation Management Plan (CMP), rather than reflecting the most current version that defines an updated level of protection for the heritage item. This was an oversight at the time of rezoning which saw the stables inadvertently omitted.

ORD08

Attachment 1

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Wivenhoe Conservation Management Plan (Revised 2008) prepared by Design 5 Architects, provided a plan detailing areas of heritage significance and based on the topography of the landscape.

This planning proposal seeks to amend the heritage map to better define the elements that comprise Heritage Item No. I99. The following maps will need to be amended and is included in the list of map amendments in Appendix B.

- 1450_COM_HER_007_020_20100705
- 1450_COM_HER_008_010_20100705

The planning proposal also seeks to amend heritage item No. I99 within Schedule 5 - Environmental Heritage, Part 1 as follows:

- by deleting the existing property description (i.e. Part Lot 1, DP 217570) and replacing it with Part Lot 100, DP 1159926.

Item No. 5: State Heritage Items within the Camden LGA

The State Heritage Inventory contains heritage items on statutory lists within New South Wales. Items listed under the *Heritage Act 1977* (NSW) that are located within the Camden LGA are listed as follows:

Item Name	Address
Camden Park Estate and Belgenny Farm	Elizabeth Macarthur Avenue, Camden South
Camelot	Kirkham Lane, Narellan
Denbigh	421 The Northern Road, Cobbitty
Gledswood	900 Camden Valley Way, Catherine Field
Harrington Park	1 Hickson Circuit, Harrington Park
Kirkham Stables and Precinct	Kirkham Lane, Narellan
Macquarie Grove Cottage	Macquarie Grove Road, Camden
Nant Gwylan and Garden	Exeter Street, Camden
Orielton	179 Northern Road, Narellan
Raby	1025 Camden Valley Way, Catherine Field
Studley Park	Camden Valley Way, Narellan
Upper Canal System (Pheasants Nest Weir to Prospect Reservoir)	Canal Reserve

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Council has undertaken a detailed comparison of both the plans under the Heritage Act 1977, that are available for each of the heritage items listed on the State Heritage Inventory, and the heritage maps contained in Camden LEP 2010.

This planning proposal seeks to make minor amendments to the heritage maps for the Camden LEP 2010 to ensure consistency with plans under the *Heritage Act 1977*.

The following maps will need to be amended and are included in the list of map amendments in Appendix B.

- 1450_COM_HER_007_020_20100705
- 1450_COM_HER_008_010_20100705
- 1450_COM_HER_011_010_20100705
- 1450_COM_HER_012_010_20100705
- 1450_COM_HER_013_010_20110916
- 1450_COM_HER_014_020_20100705
- 1450_COM_HER_016_010_20100705
- 1450_COM_HER_017_020_20100705

An addition to the series of heritage maps (Heritage boundary map No.018) is also included as part of this planning proposal to indicate the state heritage item No.122 – Upper Canal System which runs parallel to the eastern side of Mount Annan.

The planning proposal also seeks to amend the property descriptions in Schedule 5 - Environmental Heritage, Part 1 as follows:

- Heritage Item No. 1119 - by deleting the existing property description (being Part Lot 4, DP 1132348 and replacing it with Lot 2001, DP 1035209).
- Heritage Item No. 197 – by deleting the existing property description (being Lot 2, DP 747446 and replacing it with Lot 101 DP 1121442).
- Heritage Item No. 1135 –by deleting the existing property description (being Lot 101, DP 100365 and replacing it with Lot 7 DP 270613).
- Heritage Item No. 1133 – by deleting the existing property description (being Lot 1, DP 859872 and replacing it with Part Lot 1 DP 859872 and Part Lot 5 DP 859872).

This planning proposal also seeks to list 'Denbigh' (currently under the Growth Centres SEPP) within Schedule 5 - Environmental Heritage. As a result the heritage boundary map No.007 will also need to be amended and is included in Appendix B.

Item No. 6: Camden Heritage items

A number of heritage items have been further subdivided, creating new legal property descriptions. This planning proposal seeks to update Schedule 5 to reflect these changes as outlined below.

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Attachment 1

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Item No. 105 - Yamba

"Yamba" is a heritage item located at No. 181 Camden Valley Way, Elderslie.

This planning proposal seeks to amend the current property details from Lot 10, DP 11038895 to Lot 101 DP 1143373.

Further, it is proposed to amend the heritage map to reflect the above changes. The following map will need to be amended and is included in the list of map amendments in Appendix B:

- 1450_COM_HER_012_010_20100705

Item No. 110 – St Mark's Church

St Mark's Church located at 33 Luker St, Elderslie Lot 10 DP 921962 and the site was approved for a subdivision (DA 136/2008) in 2008. As a result of the subdivision, the heritage item (being the church building) is now located on Lot 10 DP 1151174.

This planning proposal seeks to amend the current property details from Lot 10 DP 921962 to Lot 10 DP 1151174.

Further, it is proposed to amend the heritage map to reflect the above changes. The following map will need to be amended and is included in the list of map amendments in Appendix B:

- 1450_COM_HER_009_010_20100705

Item No.108 - Hilsyde

"Hilsyde" is a heritage item located at No. 56 Hilder Street, Elderslie. It is proposed to amend the heritage map to reflect a recent subdivision. The following map will need to be amended and is included in the list of map amendments in Appendix B:

- 1450_COM_HER_013_010_20110916

No changes to the current property details are required.

Item No. 7 Spring Farm Neighbourhood Centre

The Spring Farm neighbourhood centre is located within the Spring Farm Urban Release Area. The neighbourhood centre, known as Lot 1 DP 1135124, Lot 20 DP 632825 and Lot 99 DP 1121639 is illustrated in Figure 4:

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

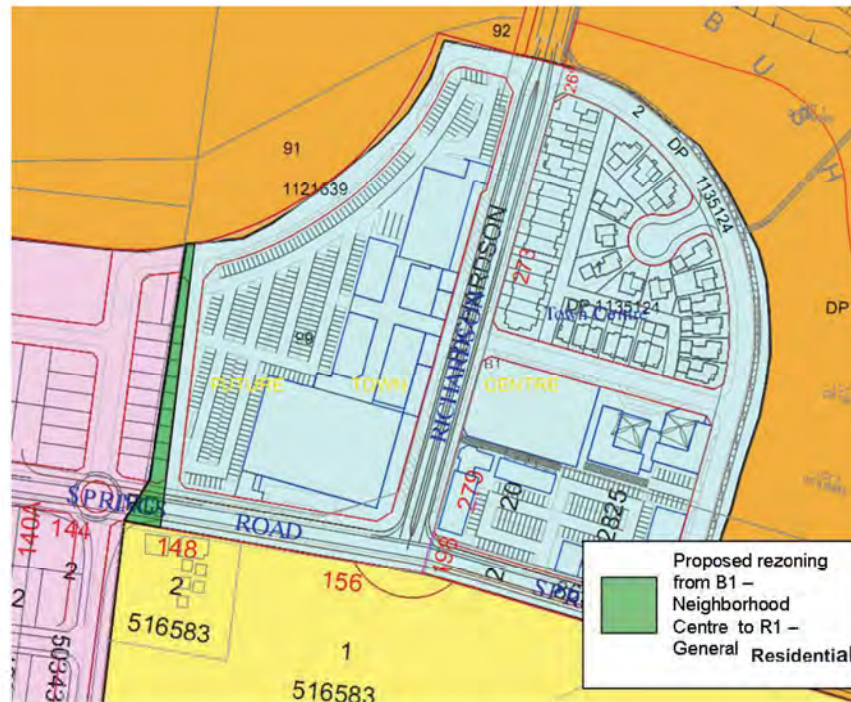


Figure 4: Proposed partial rezoning of the Spring Farm neighborhood centre. (Source: Camden Council, 2012).

This item seeks to amend the B1 zone boundary within the Spring Farm Neighbourhood Centre on the western side of the precinct. This zone boundary currently conflicts with Figure C18 – Spring Farm Masterplan in Camden DCP 2011 as part of the land that is to be a residential precinct is incorrectly zoned B1. This Planning Proposal seeks to adjust the zoning boundary accordingly.

The following maps will need to be amended and are included in the list of map amendments in Appendix B:

- 1450_COM_LZN_013_010_20100705
- 1450_COM_LSZ_013_010_20111222

Item No. 8 Spring Farm minimum lot sizes

The Camden LEP 2010 Minimum Lot Size map No.013 and No.014 to be altered to reflect the amended Clause 4.1A which will read as follows:

4.1A Exceptions to minimum lot sizes for certain residential development use

- (4) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.

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Attachment 1

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

- (5) This clause applies to land in Area 1 at Spring Farm and Area 2 at Elderslie, as shown edged heavy blue on the Lot Size Map.
- (6) Despite clause 4.1, development consent may be granted to the subdivision of a lot on land to which this clause applies on which development for any of the following purposes is proposed to be carried out if the area of each resulting lot is equal to or greater than the area specified for that purpose:

- (a) attached dwelling—180 square metres,
- (b) semi-detached dwelling on land in Area 1 at Spring Farm or Area 2 at Elderslie —200 square metres.

The following maps will need to be amended and are included in the list of map amendments in Appendix B:

- 1450_COM_LSZ_013_010_20111222 (Labeling of Area 3 at Spring Farm to be changed to Area 1)
- 1450_COM_LSZ_014_010_20111222 (Labeling of Area 3 at Spring Farm to be changed to Area 1)

Item No. 9 Recreation facilities (indoor)

Schedule 1 Clause 25 – Use of certain land at Richardson Road, Spring Farm of the Camden LEP 2010 applies to land zoned B1 Neighbourhood Centre at Spring Farm.

Pursuant to Clause 25(2) additional uses of the above land zoned B1 Neighbourhood Centre at Spring Farm, is permitted with development consent. These additional uses are listed as follows:

*“Development for the purposes of attached dwellings, dual occupancies, dwelling houses, exhibition homes, exhibition villages, multi dwelling housing and **recreation areas (indoor)** is permitted with development consent.”*

Our emphasis added.

This planning proposal seeks to amend the reference of “recreation **areas** (indoor)” to “recreation **facility** (indoor)” for consistency with the terms in the Camden LEP definitions.

Note: No amendments to Camden LEP 2010 Maps required.

Item No. 10 Recreation areas in the B1, B2, B4 and B5 zones

The Camden LEP currently prohibits ‘recreation areas’ within the B1, B2, B4 and B5 zones. However, there are instances where Council intends to provide local parks and civic spaces that will include children’s’ playgrounds within neighbourhood and local centres.

Given that most recreation areas would be provided by Council, there does not appear to be a valid justification for their prohibition in commercial centres. This planning proposal seeks to amend the land use tables for the B1, B2, B4 and B5 zones by removing ‘recreation areas’ from Item 4 – Prohibited uses and adding ‘recreation areas’ to Item 3 – Permitted with Consent.

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Note: No amendments to Camden LEP 2010 Maps required.

Item No. 11: Restricted premises

"Restricted premises" are currently permitted with consent in the B1 and B5 zones as they are not specifically listed as prohibited uses in the land use tables for these zones. Council intends for these uses to be prohibited in the B1 and B5 zones. Under the Standard Instrument (Local Environment Plans) Order 2006, it is mandatory to include 'restricted premises' within the B2 - Local Centre and B4 – Mixed Use zones.

As such, this planning proposal seeks to amend Camden LEP by adding the term "restricted premises" to Item 4 – Prohibited uses in the land use tables for the B1 and B5 zones only.

Note: No amendments to Camden LEP 2010 Maps required.

Item No. 12: Referencing of Camden Lakeside

This planning proposal seeks to amend the references of "Camden Lakeside" in the Camden LEP 2010 to "Lakeside". These references are used interchangeably throughout the Camden LEP 2010 and require amending to ensure consistency between both the Camden LEP 2010 and the corresponding urban release area maps.

Listed in Table 1 below are the sections of the Camden LEP 2010 that require amending.

Reference in LEP 2010	Proposed amendment
Table of Contents (p. 4 of 110)	
<i>Part 7.8 Road widening of Camden Valley Way, Catherine Field (Camden Lakeside)</i>	<i>Part 7.8 Road widening of Camden Valley Way, Catherine Field (Lakeside)</i>
Section 7.8 (p. 53 of 110)	
<i>Road widening of Camden Valley Way, Catherine Field (Camden Lakeside)</i>	<i>Road widening of Camden Valley Way, Catherine Field (Lakeside)</i>

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

<p>Schedule 1 Additional permitted uses (p. 54 of 110)</p> <p>3 Use of certain land at <i>Camden Lakeside</i></p> <p>(1) <i>This clause applies to land zoned RE2 Private Recreation at Camden Lakeside, as shown edged heavy blue on sheet 016 of the Additional Permitted Uses Map.</i></p> <p>(2) <i>Development for the purposes of a sewage treatment plant is permitted with development consent if the sewage treatment plan is only to be used in conjunction with development at Camden Lakeside.</i></p>	<p>3 Use of certain land at <i>Lakeside</i></p> <p>(1) <i>This clause applies to land zoned RE2 Private Recreation at Lakeside, as shown edged heavy blue on sheet 016 of the Additional Permitted Uses Map.</i></p> <p>(2) <i>Development for the purposes of a sewage treatment plant is permitted with development consent if the sewage treatment plan is only to be used in conjunction with development at Lakeside.</i></p>
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Table 1: Location of proposed amendments. (Source: Camden Council, 2012)

Note: No amendments to Camden LEP 2010 Maps required.

Item No. 13 Elderslie release area boundary

The Elderslie Masterplan was developed from LEP 117. As part of the LEP conversion to the Standard Instrument, a small number of maps have not been amended and therefore do not reflect the true Elderslie Masterplan.

The following maps will need to be amended and are included in the list of map amendments in Appendix B:

- 1450_COM_LZN_013_010_20100705 (subject land to be changed from R1 to R2)
- 1450_COM_LSZ_013_010_20111222 (part of subject land to be coloured green to indicate Precinct M 600 sqm and part of subject land to be left uncoloured).
- 1450_COM_URA_013_010_20100705 (subject land to be uncoloured).

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

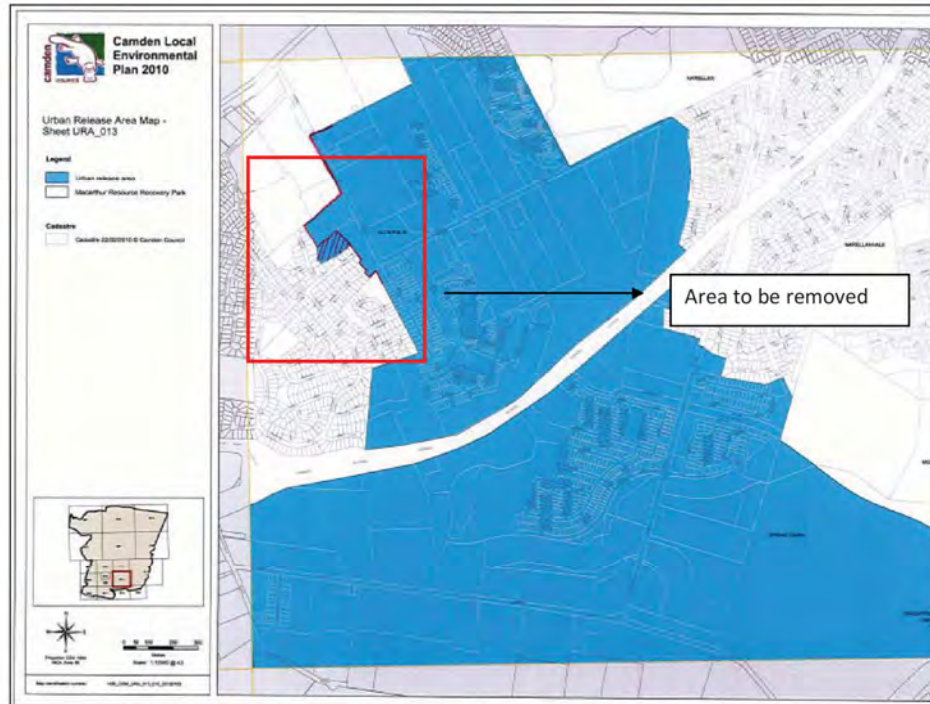


Figure 5: Urban Release Area Map. (Source: Camden Council, 2012).

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

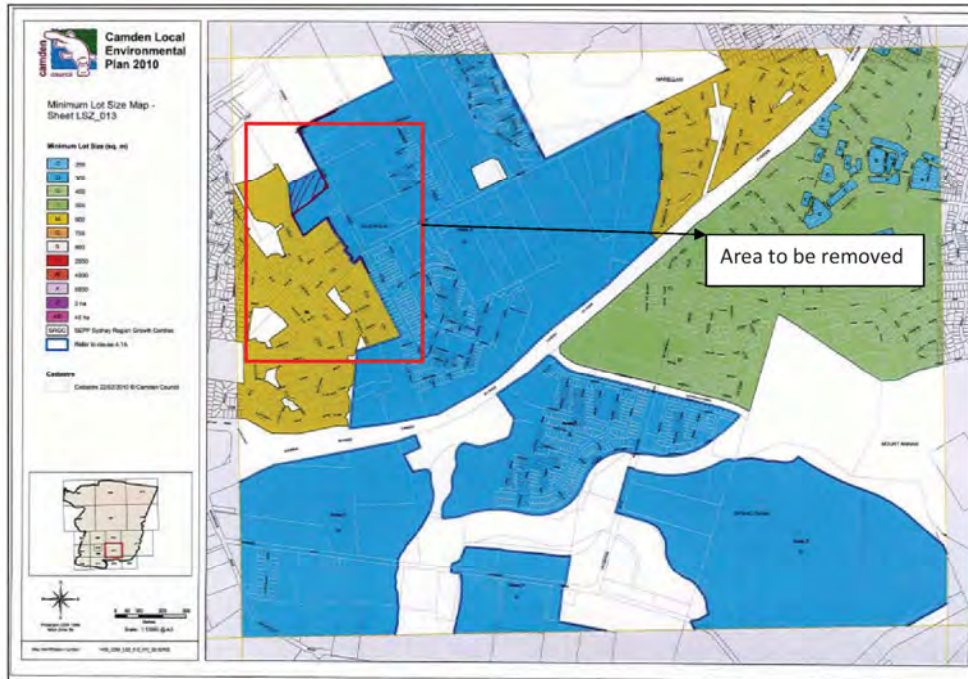


Figure 6: Minimum Lot Size Map. . (Source: Camden Council, 2012).

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

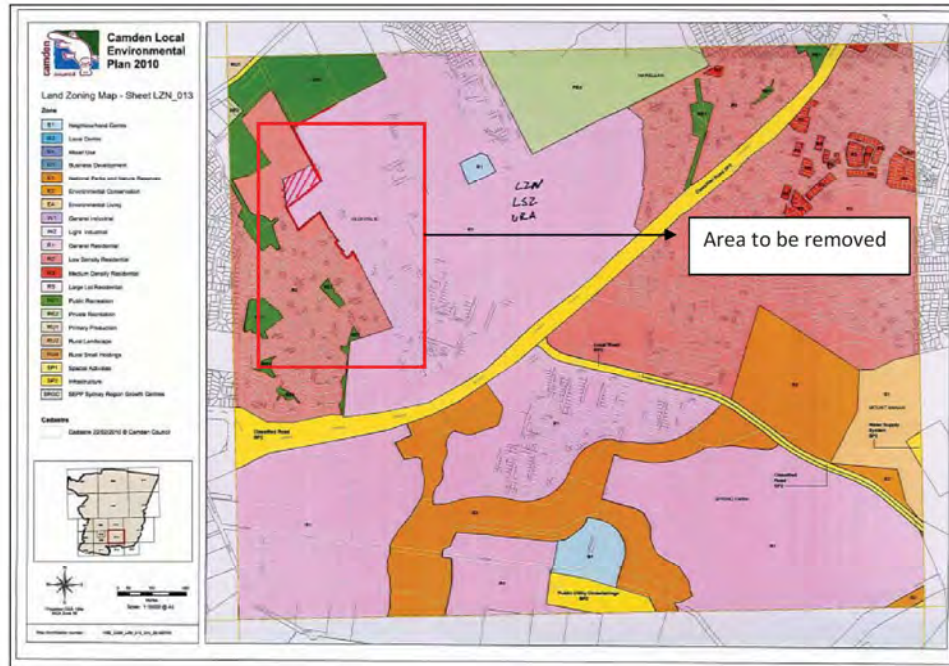


Figure 7: Land Zoning Map. (Source: Camden Council, 2012).

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Item No. 14 Special Events

Permits for assembling temporary structures including tents, jumping castles and marquees for public or private special events currently defaults to Clause 2.8 Temporary Use of Land under Camden LEP 2010, requiring development consent from Council. As it stands, the erection of temporary structures for special events is not covered under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

This planning proposal seeks to insert a new clause under Camden LEP 2010 to allow the erection of temporary structures specifically for public or private special events to be carried out on land without development consent. The clause will read as following:

2.9 Special Events

(1) The objective of this clause is to provide for temporary private or public special events to be carried out on land without development consent where they will not have an adverse impact upon the site or the amenity of the surrounding area.

(2) Despite any other provision of this plan, temporary special events may be carried out on any land without development consent if the consent authority is satisfied that:

(a) the event will not have an adverse impact on any adjoining land or the amenity of the neighbourhood, and

(b) the event and location of any structures related to the event will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and

(c) once the event has ended the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the event.

Note: No amendments to Camden LEP 2010 Maps required.

Item No. 15: Benwerrin Crescent boundary alignment

As part of the continual review of the Camden LEP 2010 and the relevant cadastre and land zoning maps, a number of cadastre and boundary alignment issues have been identified. These require amendment to reflect the actual LGA boundary and land zoning to reflect the desired land zoning of R5 Large Lot Residential. The lots affected by the proposed amendments are identified as:

No. 19 Benwerrin Crescent, Grasmere, Lot 110 in DP 1017460

No. 11A Benwerrin Crescent, Grasmere, Lot 831 in DP 1025821

No. 13A Benwerrin Crescent, Grasmere Lot 111 in DP 1017460

The abovementioned lots are currently partly zoned R5 Large Lot Residential and unzoned under the Camden LEP 2010. A plan showing the location and properties concerned is shown in Figure 8 below.

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

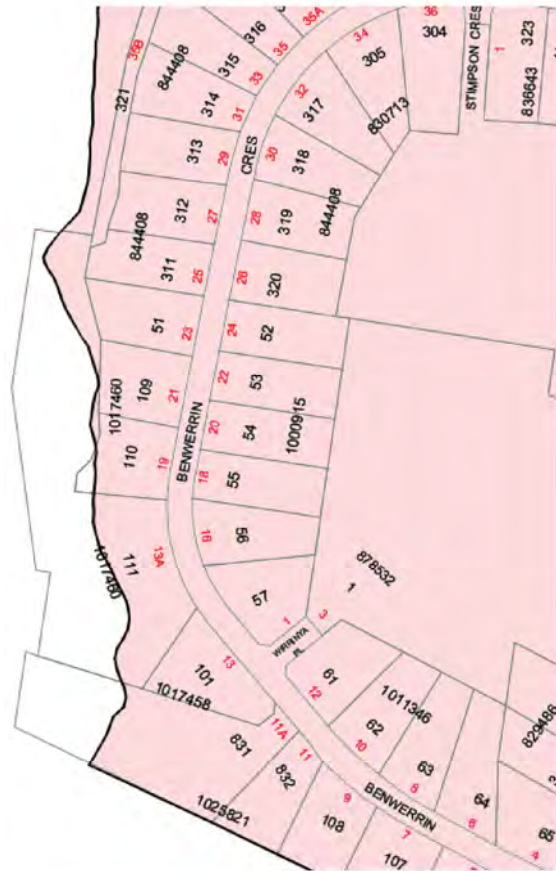


Figure 8: Lot Boundary Map. (Source: Camden Council, 2012).

This planning proposal seeks to amend the following land zoning map to reflect the LGA boundary and the land zoning:

- 1450_COM_LZN_004_010_20100705

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Item No. 16: Mt Annan minimum lot size provisions

The existing minimum lot size in Mt Annan is 450sqm. This item seeks to increase the minimum lot size of certain residential land (See Figure 8) adjoining Gundungarra Reserve and William Howe Reserve to 2000sqm. This will circumvent future redevelopment and subdivision of land adjacent to APZ and conservation land.

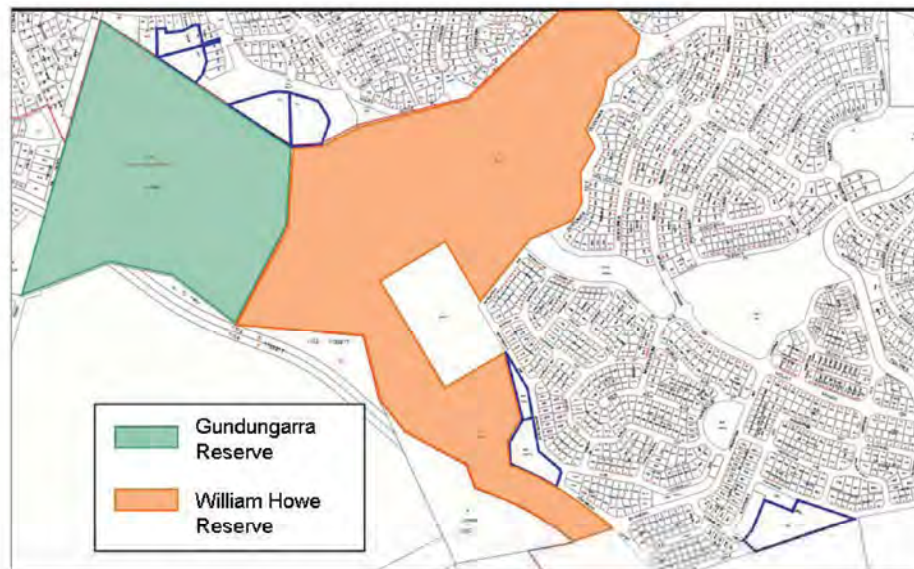


Figure 9: Residential land subject to this item. (Source: Camden Council, 2012).

The following maps will need to be amended and are included in the list of map amendments in Appendix B:

- 1450_COM_LSZ_017_020_20111222
- 1450_COM_LSZ_013_010_20100705

Item No. 17 Control relating to miscellaneous permissible uses

Camden LEP amendment that took effect 13 July 2011 created discrepancies (highlighted in bold) within Clause 5.4 that relate to secondary dwellings and industrial retail outlets as outlined below:

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

5.4 Controls relating to miscellaneous permissible uses

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) **67%** of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,
- whichever is the lesser.

(9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) **25%** of the total floor area of the principal dwelling.

This planning proposal seeks to reinstate the original controls as following:

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

- (a) **40%** of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or
 - (b) 400 square metres,
- whichever is the lesser.

(9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

- (a) 60 square metres,
- (b) **20%** of the total floor area of the principal dwelling.

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Part 3 – Justification

Section A – Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. The planning proposal addresses matters which are of a housekeeping nature.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the planning proposal provides the best way of achieving the intended outcome as it seeks to address the minor anomalies and amendments in a relatively prompt and efficient manner.

3. Is there a net community benefit?

Given the minor housekeeping nature of the matters contained within this planning proposal, it is not considered that a Net Community Benefit Test need be undertaken. The matters addressed by this planning proposal will strengthen the Camden LEP 2010 by ensuring that it is up-to-date and robust, thereby providing the community with greater certainty.

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)?

The planning proposal is consistent with both the draft sub regional strategy and the Sydney Metro Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable state planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Ministerial Directions as outlined in Appendix A.

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

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?**

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this proposal.

9. **Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

There are no likely environmental effects as a result of this planning proposal.

10. **How has the planning proposal adequately addressed any social and economic affects?**

Not applicable.

Section D – State and Commonwealth interests.

11. **Is there adequate public infrastructure for the planning proposal?**

Not applicable.

12. **What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?**

Given the minor nature of the issues listed in this planning proposal, no state or commonwealth public authorities have been consulted.

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Part 4 – Community Consultation

Background and Strategy

The matters dealt with in this planning proposal are of a housekeeping nature, and do not result in any adverse impacts upon the community. Accordingly, it is considered that an exhibition period of two weeks is appropriate for this planning proposal.

Due to the housekeeping nature of this planning proposal, it is considered that consultation with State or Commonwealth public authorities is not required in this instance.

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Appendix A – Council Report 27 April 2010 (Item 2)

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ORDINARY COUNCIL

ORD03

SUBJECT: LOCAL GOVERNMENT BOUNDARY ADJUSTMENT - LIVERPOOL COUNCIL
FROM: Director Governance
FILE NO: Cnl Properties/Council Boundary Adjustment

PURPOSE OF REPORT

To obtain Council resolution in support of a proposal from five (5) residents to adjust part of the western Local Government boundary along Bringelly Creek with Liverpool City Council.

BACKGROUND

Council was originally approached by a resident of Orient Road, Greendale, being the owner of land adjoining the boundary of Camden and Liverpool City Councils, with a request that Council consider transferring the portion of their land to Liverpool City Council in order to eliminate the anomaly of having land split between two Councils.

Upon investigation, there are several additional properties (8 in all) also falling into this situation. The subject properties are located along Bringelly Creek which is the boundary line between Liverpool City and Camden Council Local Government Areas, with portions of each property overlapping into Camden Council area. **A Plan showing the location and the properties concerned is attached to this report.**

REPORT

Following these investigations, Council wrote to all affected landowners outlining the situation and sought a response to the request. Council also contacted Liverpool City Council seeking its views on the proposal. A community meeting was also held in Bringelly Community Hall in late 2009 which was attended by staff from Camden Council and Liverpool City Council together with 5 of the 7 landowners (note: 7 landowners own 8 properties in total). At the meeting, all aspects of the adjustment were fully discussed with the owners present and 3 of the owners agreed in writing to the proposal. Since the meeting, a further 2 landowners have now also agreed to the boundary adjustment.

A report was submitted to Liverpool City Council outlining the proposal and Liverpool City Council has supported the boundary adjustment.

The details of the five (5) properties to be transferred to Liverpool City Council are shown on the table below:

Address details	Property details	Approx Area in	Rates Payable to
-----------------	------------------	----------------	------------------

This is the report submitted to the Ordinary Council Meeting held on 27 April 2010 - Page 22

		Camden LGA (hectares)	Camden Council
889D Cut Hill Road, Cobbitty	Part Lot 4 DP 776502	0.51	\$654.03
889C Cut Hill Road, Cobbitty	Part Lot 5 DP 776502	1.98	\$705.54
899 Cut Hill Road, Cobbitty	Part Lot 6 DP 1056890	6.2	\$918.38
850A Cut Hill Road, Cobbitty	Part Lot 7 DP1056890	2.9	\$761.62
905 Cut Hill Road, Cobbitty	Lot 2 DP 582023	8.1	\$671.62

The total loss of rate income to Camden Council is \$3,711.19.

Following the community meeting, Liverpool City Council has undertaken to complete all the necessary administrative tasks associated with the proposal and has held discussions with the Geographical Names Board (GNB) concerning the changes. The GNB has given in principle approval to the proposal and is likely to approve such an application if both Councils agree to the boundary adjustment. The GNB has also reinforced a preference for all portions of a lot to be within one Local Government Area and Local Government Area boundaries to be based on a rational divide.

Liverpool City Council has now contacted Camden Council and is seeking support to proceed to the next stage of the boundary adjustment and lodge an application with the GNB and the DLG.

Notwithstanding the mixed response of landowners in the area, it is proposed to proceed with the boundary adjustment for the 5 lots where the approval of landowners has been obtained to adjust these lots entirely to within the Liverpool Local Government area. This would represent the first step towards having all the lots within the location moved to one Council area and be in concurrence with the GNB's preference. It is not considered practical to delay the application and attempt to obtain the agreement of the remaining landowners at this time. It is unlikely that any application would be supported by the GNB if all landowners did not agree to the proposal.

CONCLUSION

The owners of the land in the location have long been frustrated in dealing with two Councils and indeed, paying rates to two Councils and have approached both Councils on several occasions in the past in an endeavour to resolve the dilemma.

This is seen as the initial step in adjusting the Local Government boundary to rationalise all properties to within one Local Government area. The loss of property or rate income to Camden Council is not considered a significant factor and the adjustment of the boundary is both logical and in the public interest.

RECOMMENDED

This is the report submitted to the Ordinary Council Meeting held on 27 April 2010 - Page 23

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That Council:

i. support the Local Government boundary adjustment between Camden and Liverpool City Councils for the 5 lots described in the report and the lodgement of an application to the Geographical Names Board and the Division of Local Government; and

ii. advise Liverpool City Council of Council's support for the proposal.

ATTACHMENTS



Location Plan LGA Boundary Adjustment March .pdf

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that Council:

i. support the Local Government boundary adjustment between Camden and Liverpool City Councils for the 5 lots described in the report and the lodgement of an application to the Geographical Names Board and the Division of Local Government; and

ii. advise Liverpool City Council of Council's support for the proposal.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD75/10

ACTIONS

CRMS number , Finalised 29/04/2010 2:39:34 PM

Action: Finalised,

Completed

. Noted. Letter written to Liverpool Council.

Link to CRMS document

CRMS: 11300030 29/04/2010, 11:00:10 AM

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Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Appendix B – Series of Maps

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Attachment 1

ORD08**Attachment 1****List of maps in Appendix B**

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1450_COM_LZN_004_010_20100705

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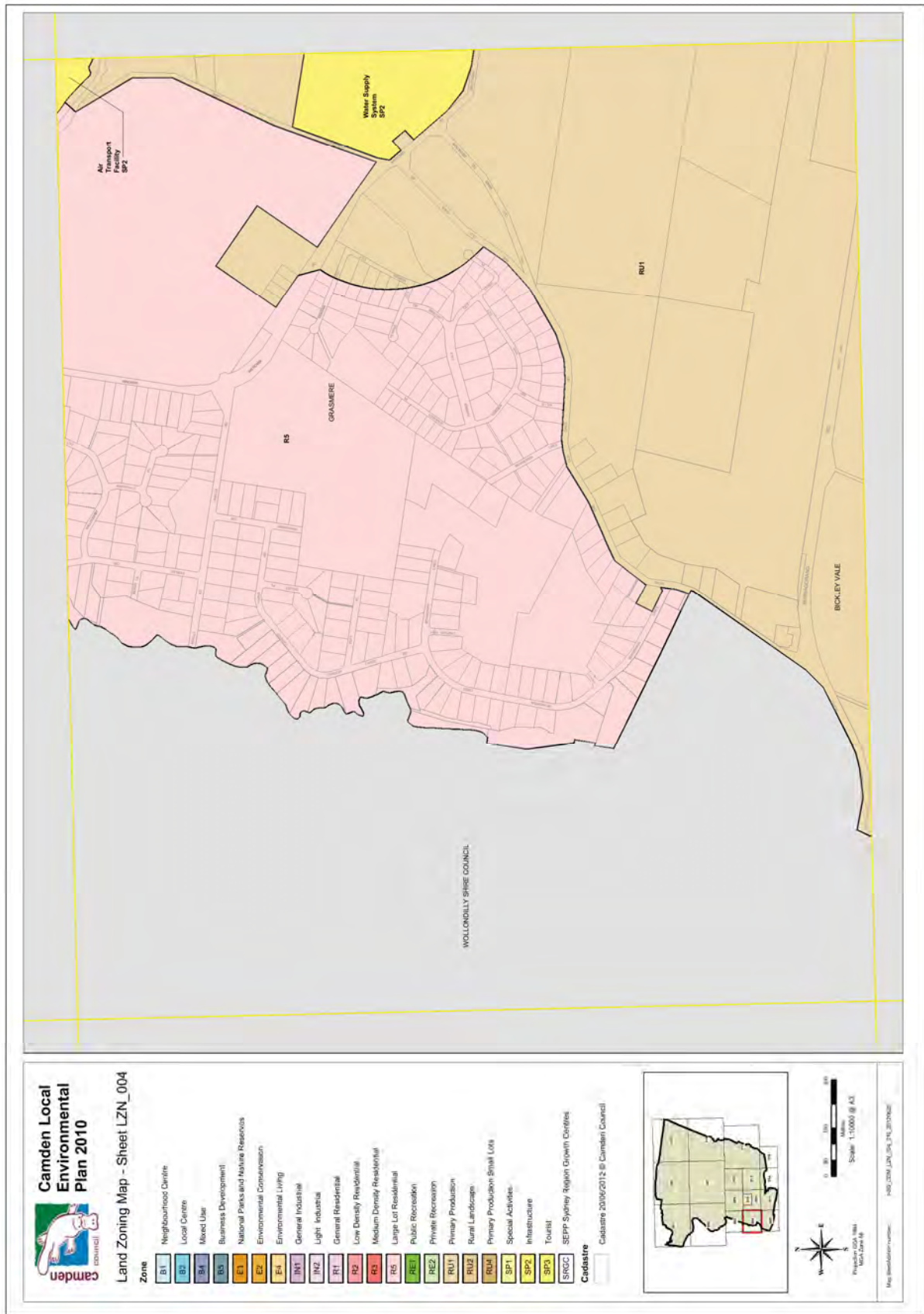
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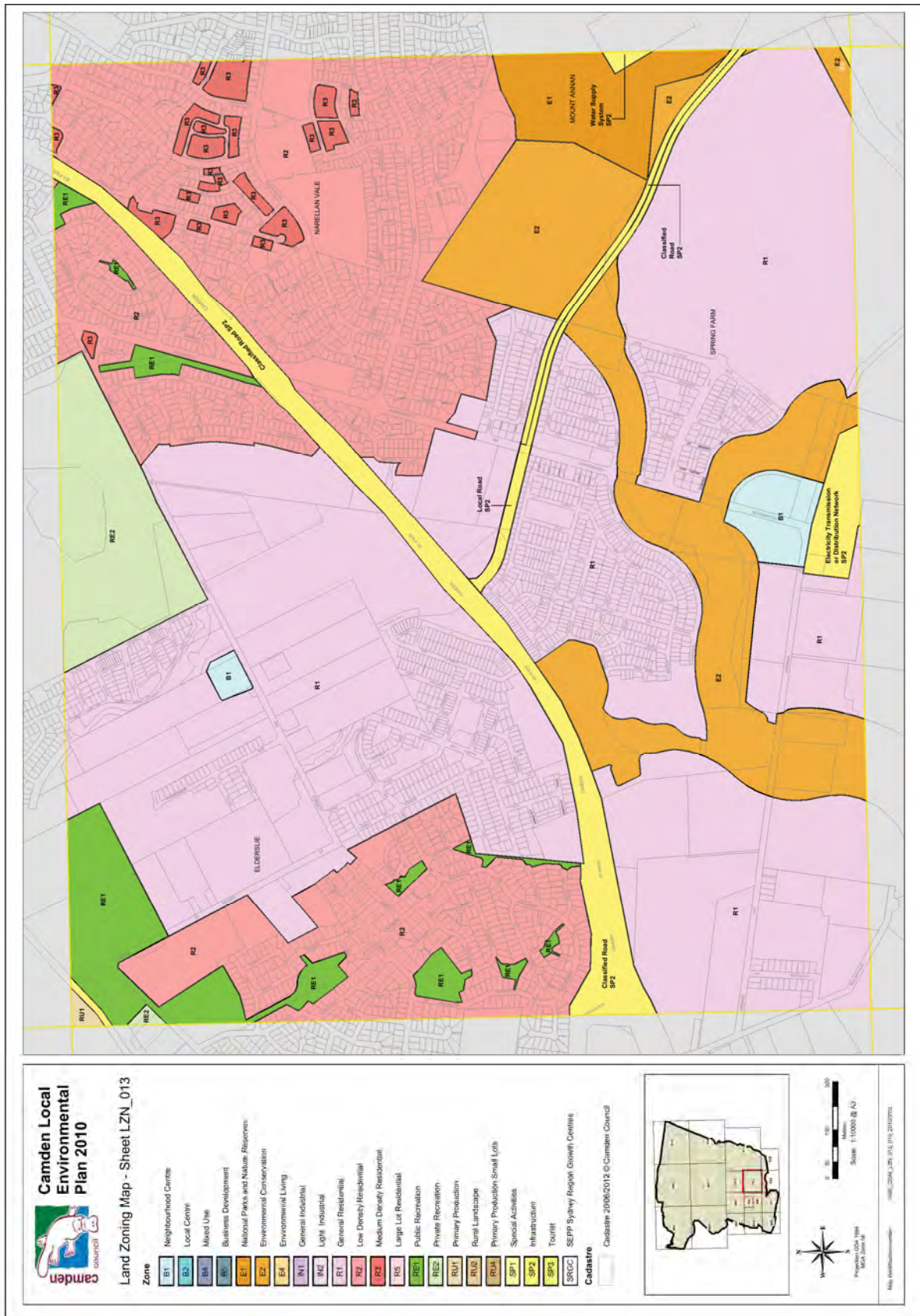
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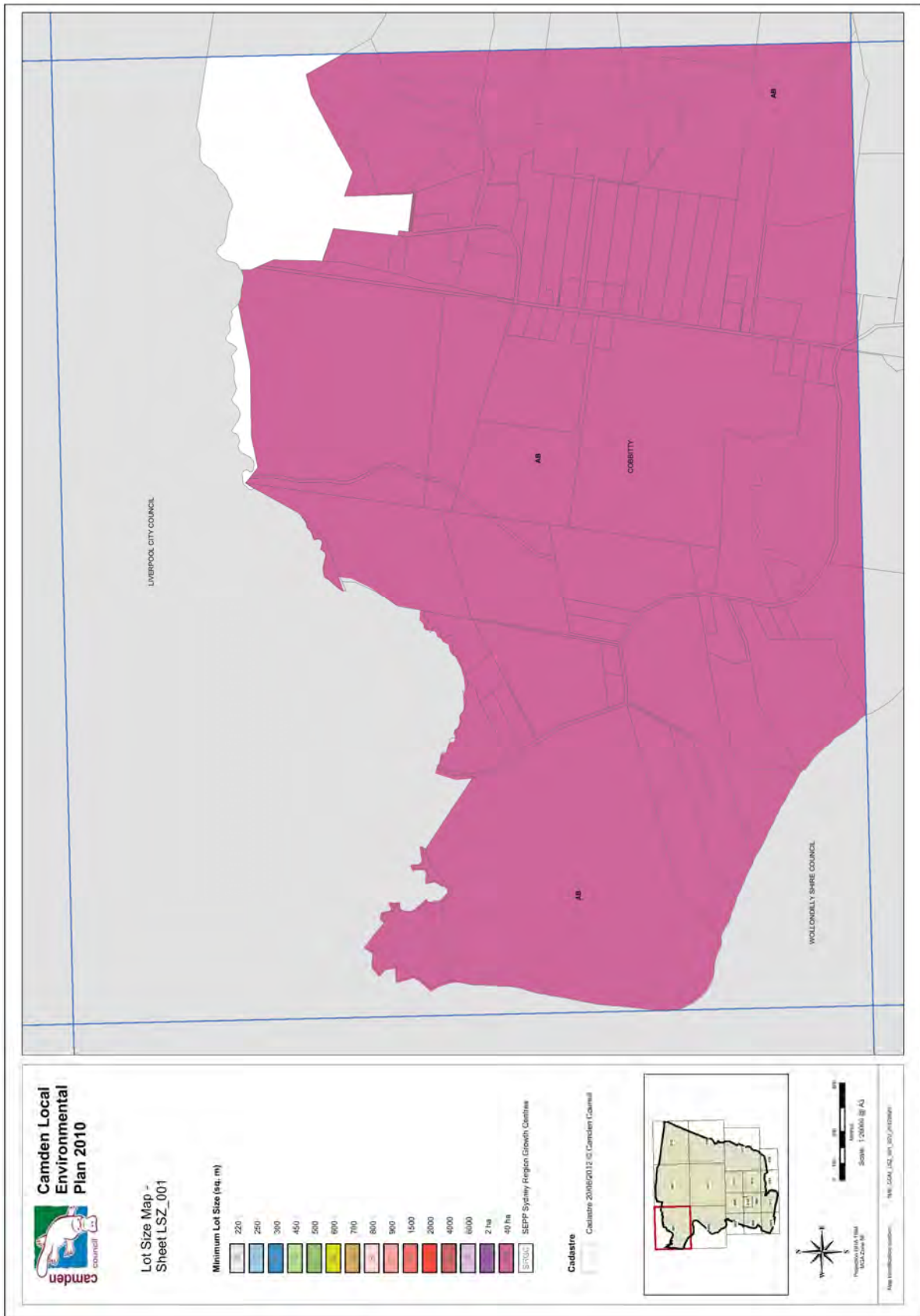
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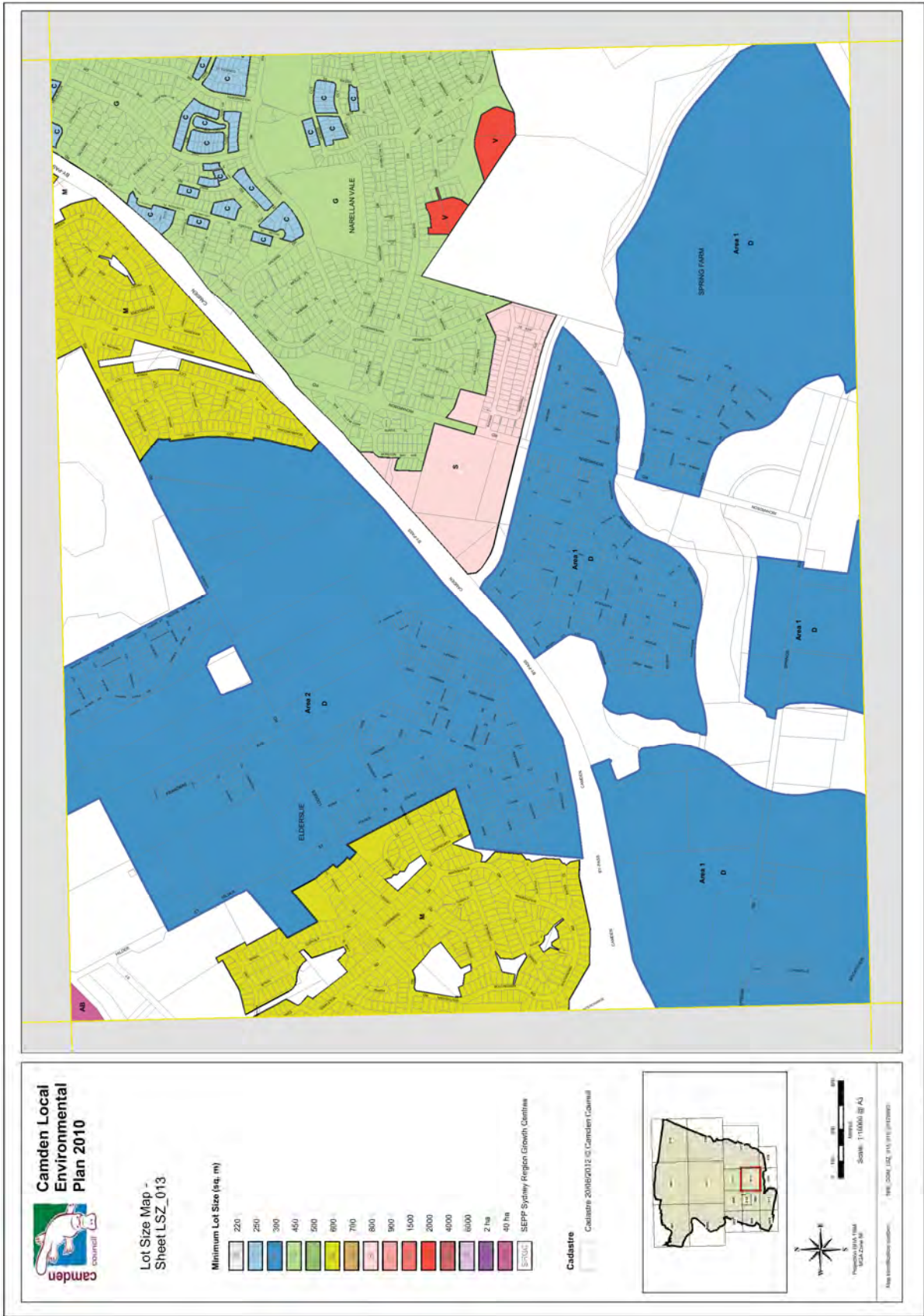
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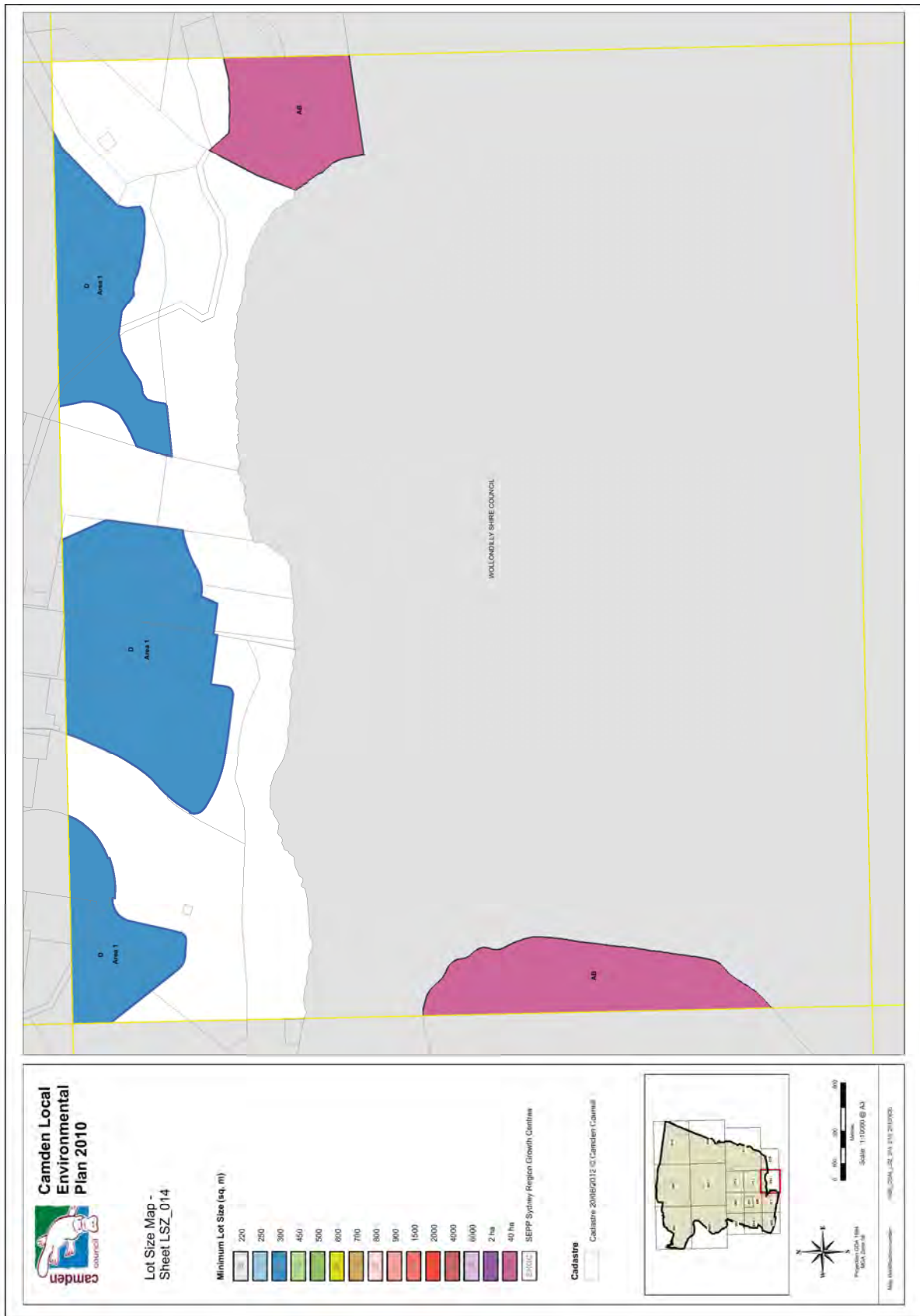


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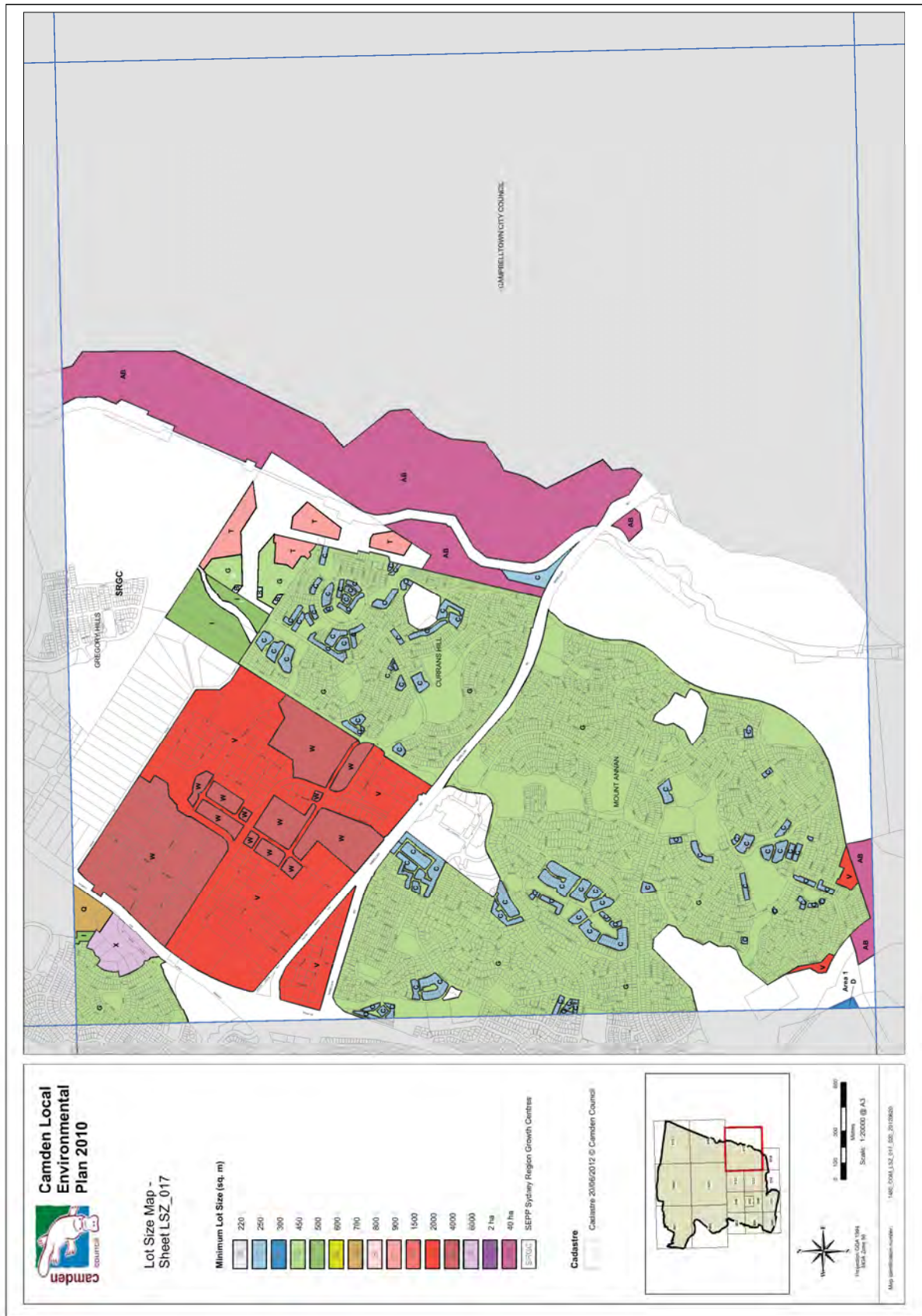


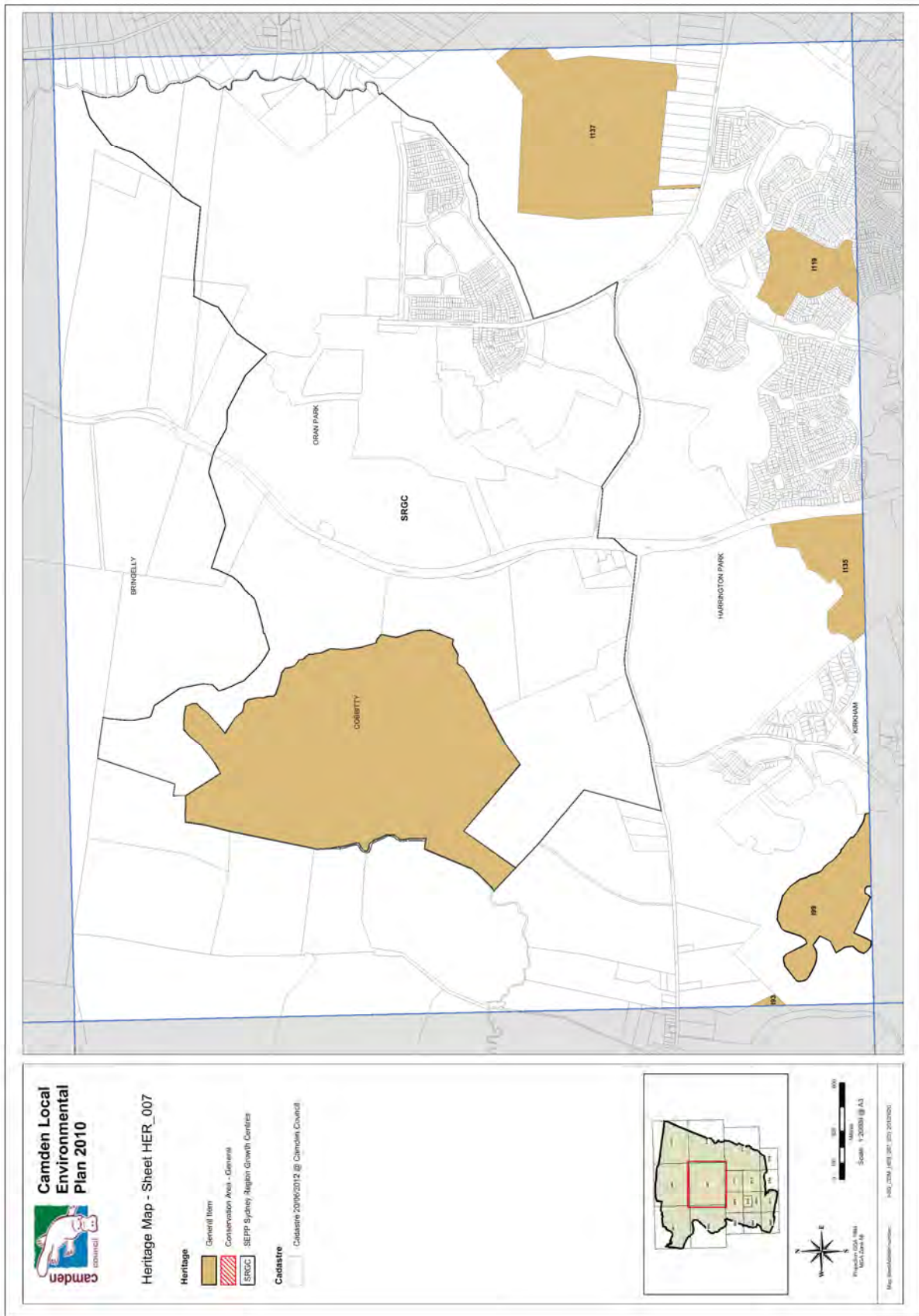


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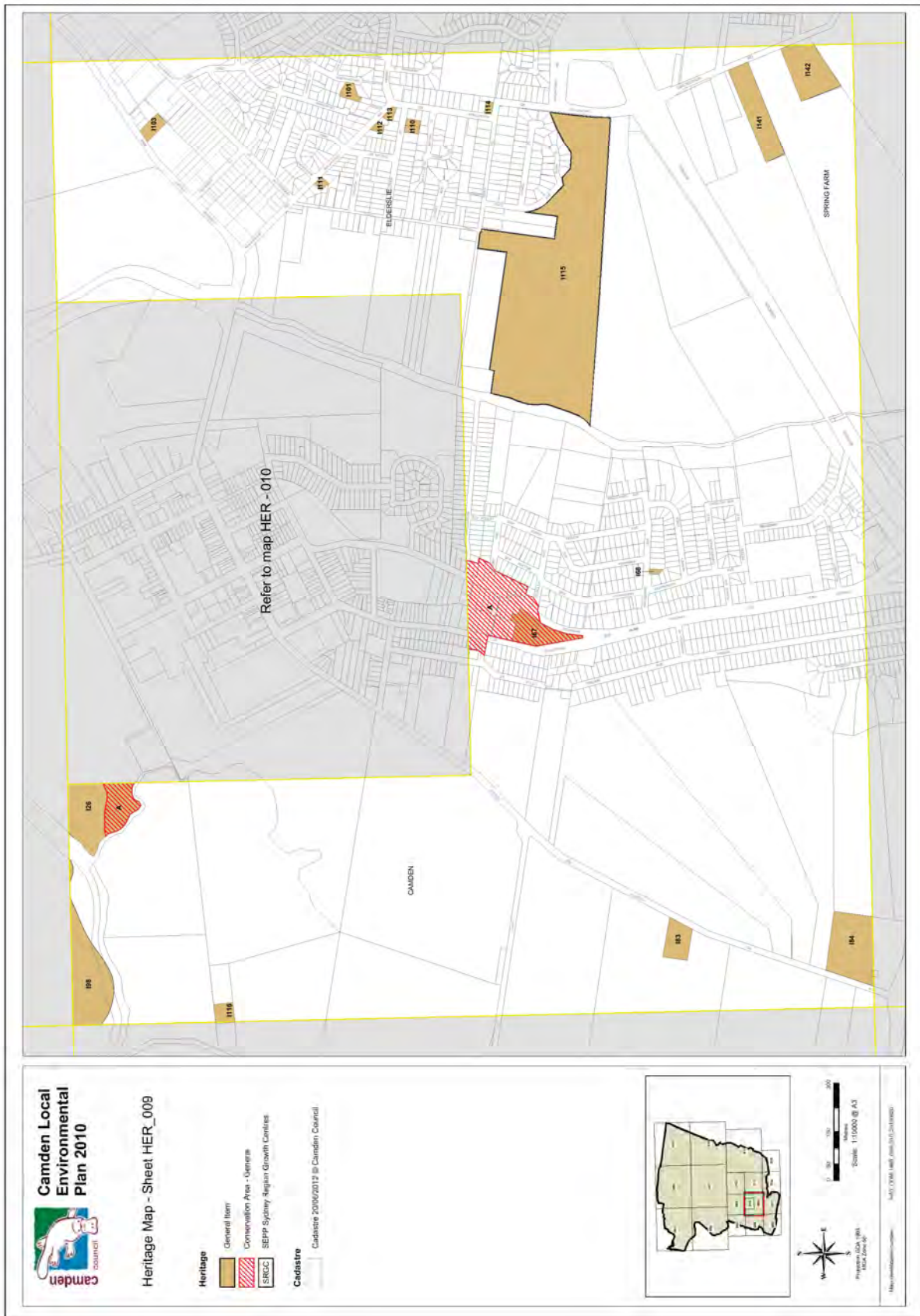
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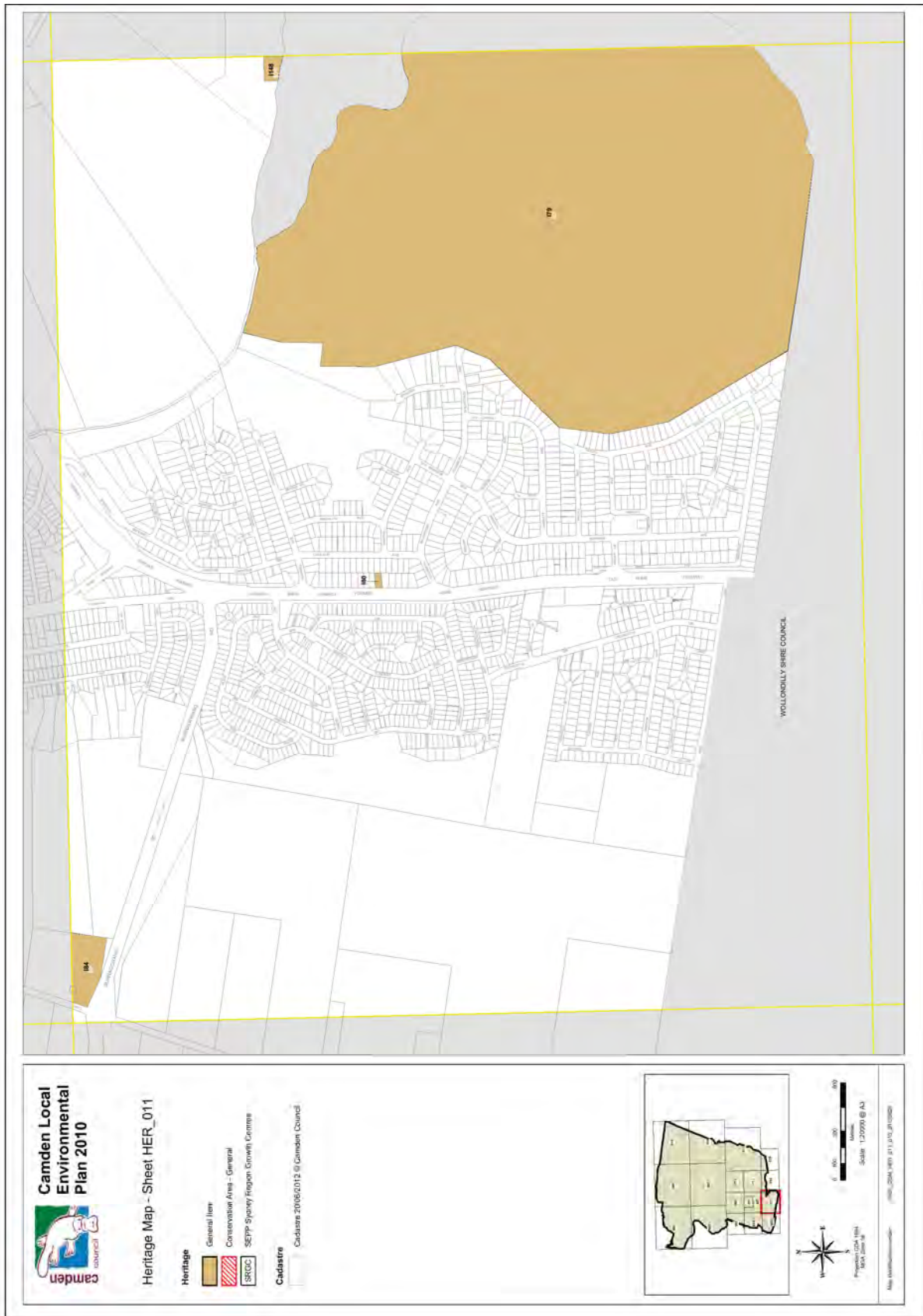


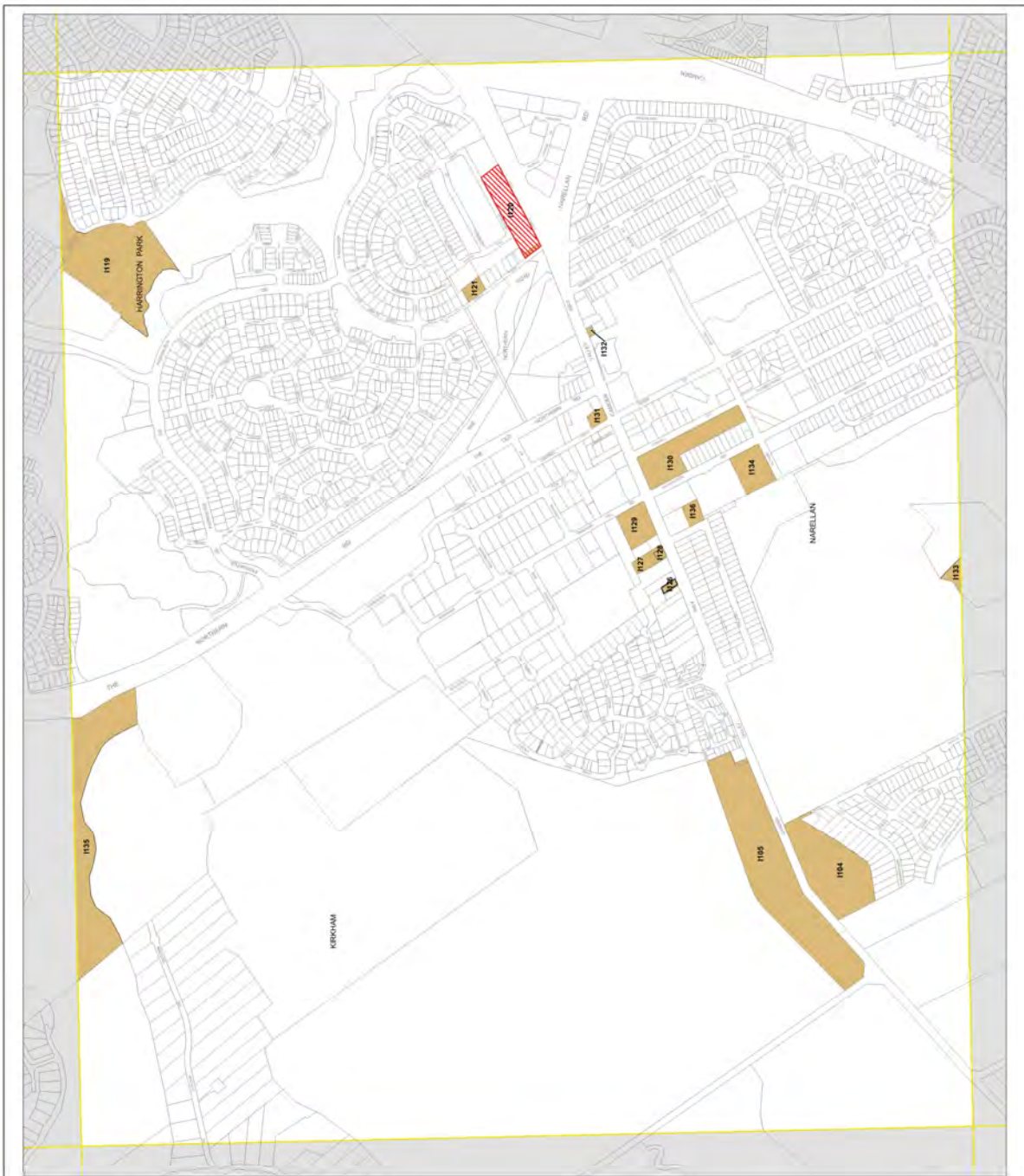
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Camden Council
Camden Local Environmental Plan 2010

Heritage Map - Sheet HER_012

- Heritage**
- General Item
 - Conservation Area - General
 - SIRGC
 - SEPP Sydney Region Growth Centres
- Cadastral**
- Cadastral 1:50 000
 - © Camden Council



Map Information:
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Projection: GDA 1984
North
North Arrow
Map Information:
Scale: 1:2000 @ A3
Projection: GDA 1984
North
North Arrow

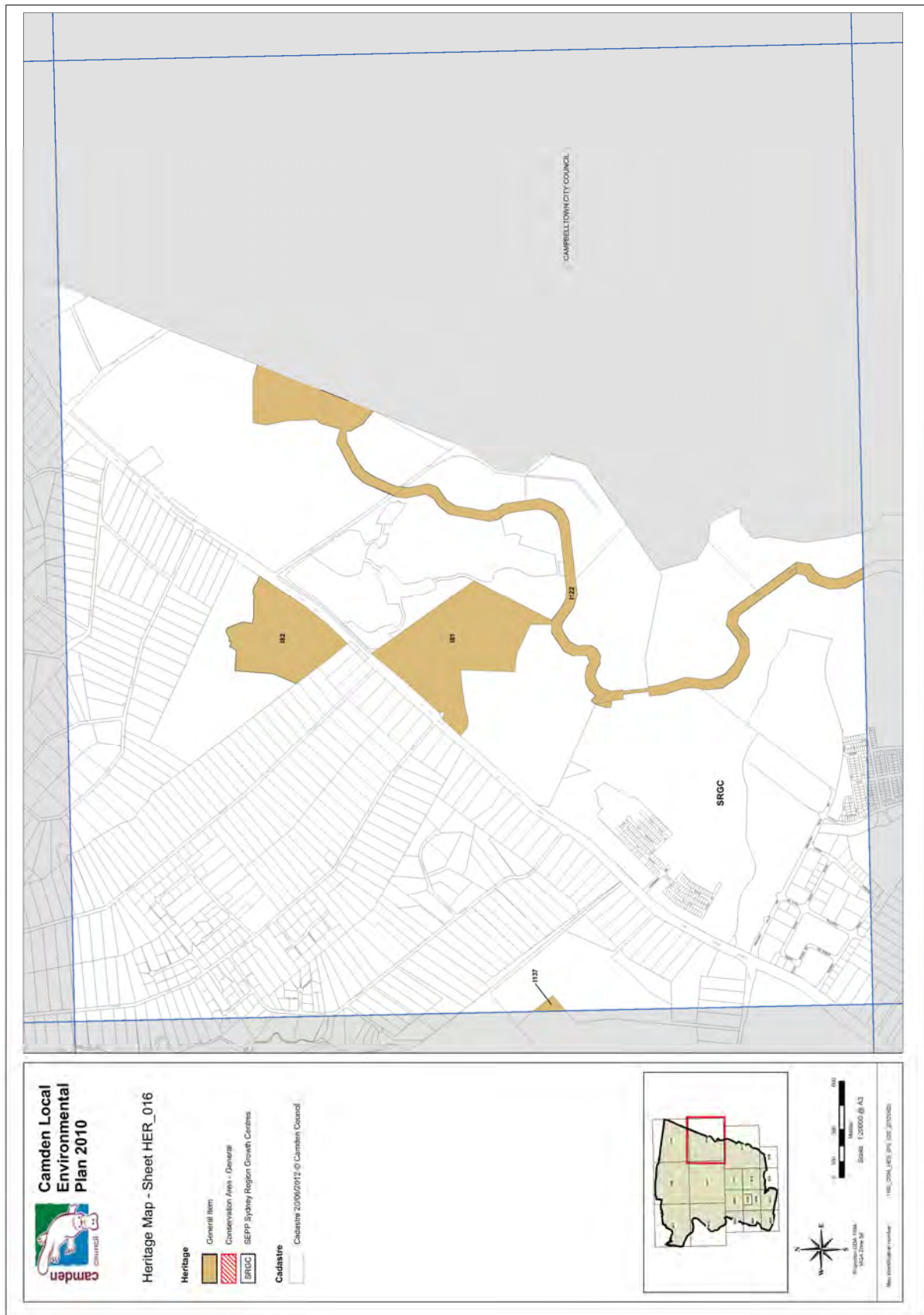
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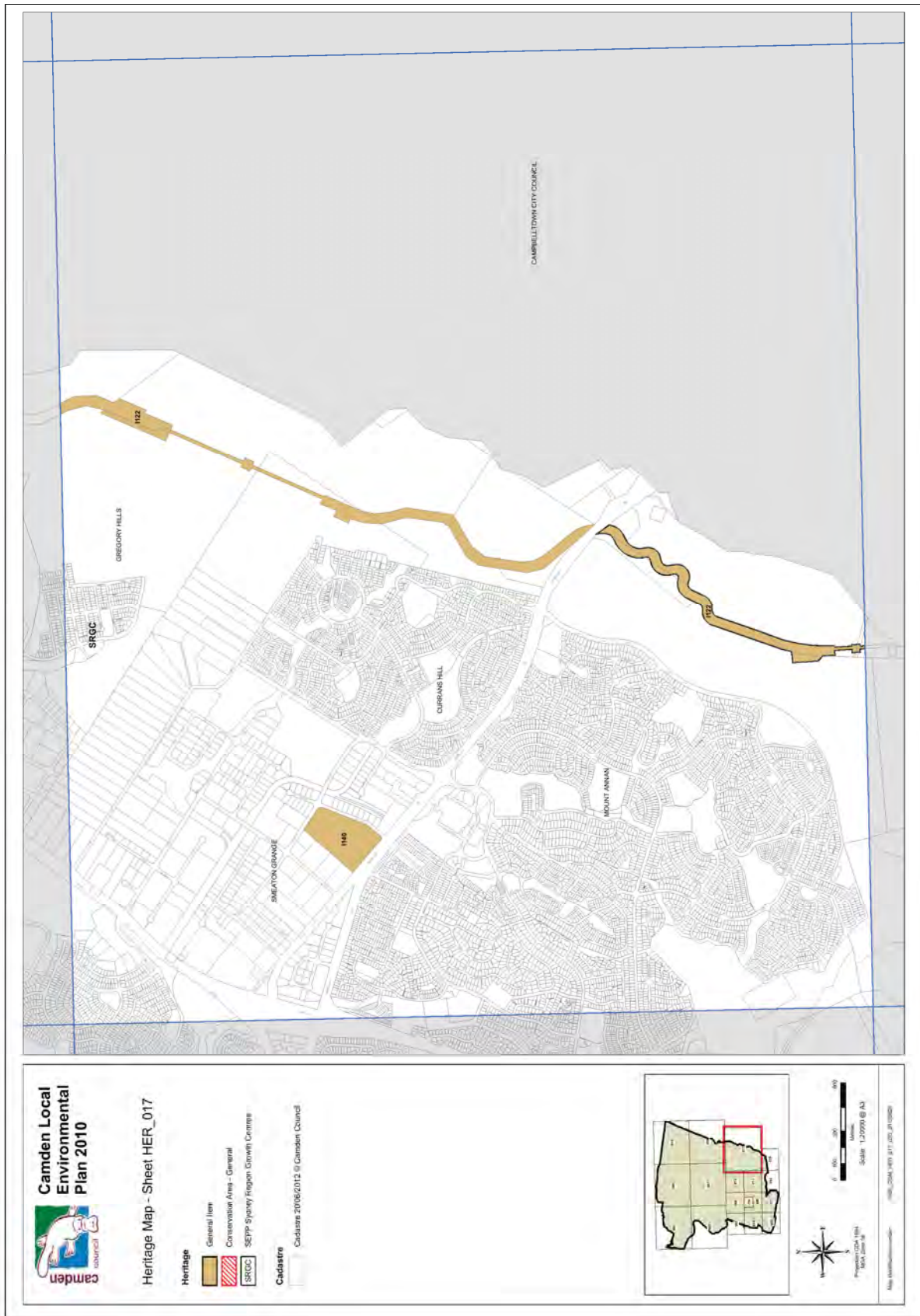


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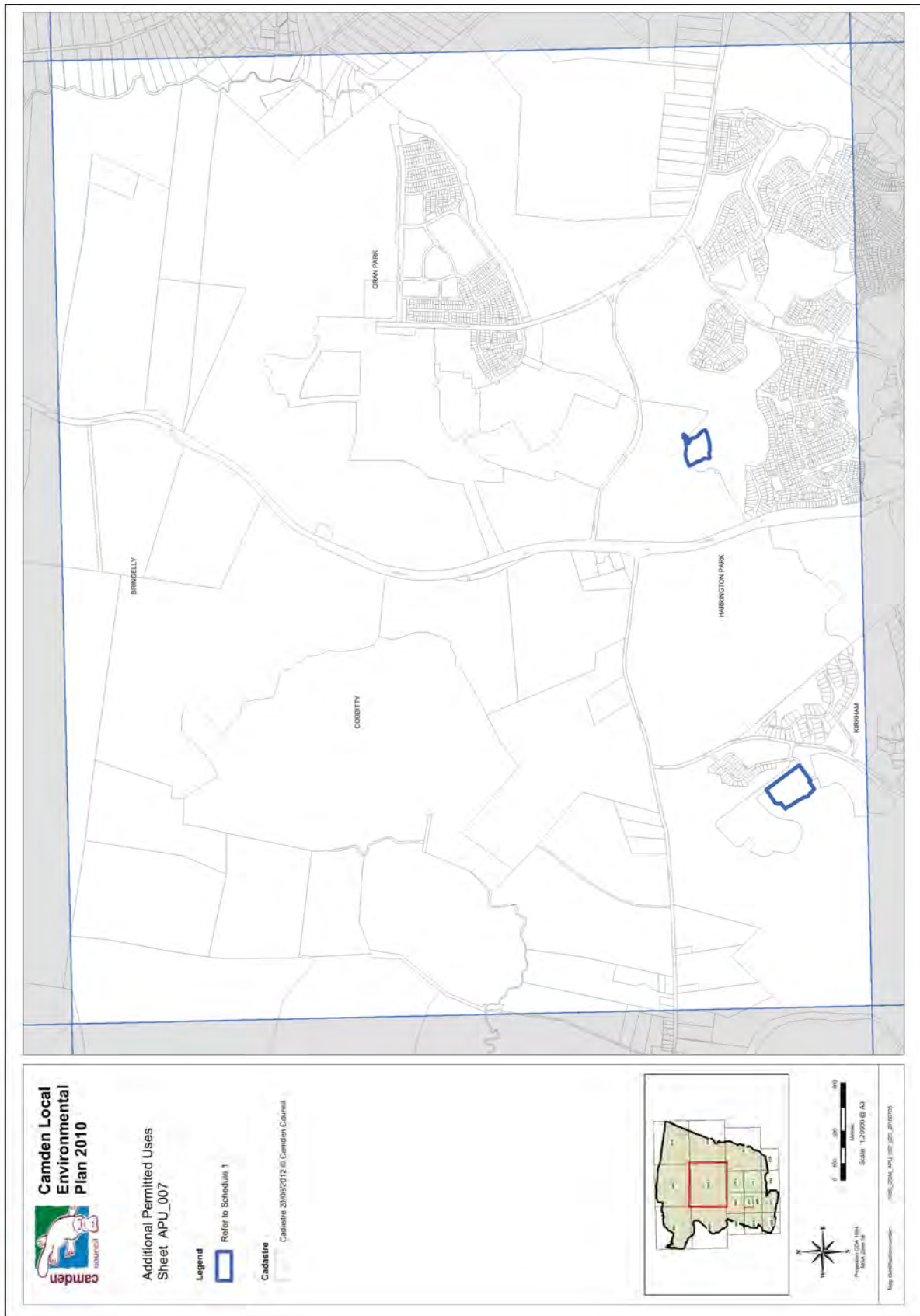
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Appendix C – Applicable section 117 directions

Direction	Objective	Response
<p>1.1 Business and Industrial Zones</p>	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the vitality of identified strategic centres. 	<p><u>Item 10. Recreation areas in the B1, B2, B4 and B5 zones.</u></p> <p>The land use tables for the business zones will be amended to allow for recreational development with consent. It will facilitate in achieving the objectives of the directions as the viability of the business zone will not be compromised. In addition, the increase in population will encourage the use of recreational facilities in the centres, whilst not detracting from the availability of employment land in the area.</p> <p><u>Item 11. Restricted Premises</u></p> <p>This planning proposal seeks to amend Camden LEP by adding the term "restricted premises" to Item 4 – Prohibited uses in the land use tables for the B1 and B5 zones only. This amendment will ensure that the controls are in line with the standard instrument requirements and Councils vision for Camden.</p>
<p>1.2 Rural Zones</p>	<p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p><u>Item 1. RU4 Zone: Development permissible with consent</u></p> <p>This amendment will ensure that the LEP is consistent with the 'status quo' approach adopted during the conversion of the former Camden LEPs into the new LEP template format.</p>

Attachment 1 ORD08

Amendment No. 14 - Planning Arrangements for Camden LEP 2009

Direction	Objective	Response
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	<p><u>Item 3. Exhibition homes in the E4 zone for Kirkham Rise</u></p> <p>This planning proposal will allow for exhibition homes and villages to be developed within Precinct C (E4 Environmental Living) of Kirkham Rise. This will provide housing typologies and choice of dwellings that will cater for environmental living zones. As a result it will minimise the impact of residential development on the environment.</p>
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p><u>Item 4. Wivenhoe</u></p> <p>The intention of the planning proposal is to amend the curtilage are of the heritage item to incorporate the elements that encompass Heritage Item No.199. This amendment will ensure the significant items that incorporate the site are protected and preserved.</p> <p><u>Item 5. State Heritage Items within the Camden LGA</u></p> <p>This planning proposal is to amend the heritage maps to mirror and maintain consistency with the maps as per the heritage database. In addition, some of the state heritage items Lot and DP have also required updating. It is considered that this amendment provides more rigor to the heritage controls and enable S149 certificates to be issued with the appropriate heritage reference.</p> <p><u>Item 6. Camden heritage items</u></p> <p>The intention of this planning proposal is to amend the heritage boundary area of 3 local heritage items to comply with the current subdivision layout. It will facilitate in protecting the characteristic of the heritage items whilst ensuring that the LEP is reflecting the current legal property descriptions.</p>

Amendment No. 14 - Housing and Community Arrangements at Camden LEP 5000

Direction	Objective	Response
<p>3.1 Residential Zones</p>	<p>The objective of this direction are:</p> <ul style="list-style-type: none"> (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) To minimise the impact of residential development on the environment and resource lands. 	<p><u>Item 2. LEP boundary adjustment</u></p> <p>This planning proposal involves boundary adjustments to properties split between the Liverpool and Camden LGA's. This will ensure all portions of the lots affected will be within one Local Government Area which is both logical and in the public interest.</p> <p><u>Item 7. Spring Farm Neighbourhood centre</u></p> <p>This planning proposal includes amendments to the zone boundary between the residential and B1 zone boundary at Spring Farm. This amendment will ensure that the LEP reflects the approved masterplan under the Camden DCP 2011. Accordingly, the planning proposal is considered to be consistent with this direction.</p> <p><u>Item 8. Spring Farm minimum lot sizes</u></p> <p>This amendment clarifies the minimum lot size requirements for Spring Farm and will provide certainty in areas which are currently experiencing increased residential development activity.</p> <p><u>Item 15. Benwerin Crescent boundary alignment</u></p> <p>This planning proposal will amend the zoning map of certain lands in Grasmere to address errors, inconsistencies and reflect the true LGA boundary and zoning. This will ensure the land affected is zoned R5 Large Lot Residential. Accordingly, this planning proposal is considered to be consistent with this direction.</p>
<p>3.5 Development Near Licensed Aerodromes</p>	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) to ensure the effective and safe operation of aerodromes, and 	<p><u>Item 3. Exhibition homes in the E4 zone for Kirkham Rise</u></p> <p>The development of exhibition homes and villages within the E4 zone for Kirkham Rise.</p>

Attachment 1 **ORD08**

Amendment No. 14 - Planning Proposal Amendment to Camden LEP 2010

Direction	Objective	Response
	<p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.</p>	<p>will be situated on land that has already been zoned for residential care. Appropriate development control measures have been taken to ensure that future development will not negatively be affected by aircraft noise.</p>
<p>6.3 Site Specific Provisions</p>	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p><u>Item 12. Special Events</u> This planning proposal inserts a new clause under Camden LEP 2010 to permit the erection of temporary structures specifically for public or private special events to be carried without development consent. This will remove unnecessary complexity and red tape for developers, business owners and applicants alike.</p>
<p>4.2 Mine Subsidence and Unstable Land</p>	<p>The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p>	<p>This direction applies to the Spring Farm planning proposals within the document as Spring Farm has been identified a mine subsidence district. The proposed items are consistent with what was agreed by the Mine Subsidence Board.</p>
<p>4.4 Planning for Bushfire Protection</p>	<p>The objectives of this direction are: (a) to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas; and (b) to encourage sound management of bush fire prone areas.</p>	<p><u>Item 16. Mt Annan minimum lot size provision</u> This planning proposal increases the minimum lot size of certain residential land in Mt Annan to 2000sqm. The land affected by this planning proposal is in close proximity to bush fire prone land. As such this amendment will minimise the perimeter of the area of land interfacing the hazard that may be developed.</p>

Agenda Item No. 14 - Housing and Planning Arrangements for Carrum Downs

Direction	Objective	Response
5.1 Implementation of Regional Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.	The planning policy is consistent with the aims and objectives of all relevant regional Strategies.
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The proposals are compatible with the Metropolitan Strategy in that it assists with residential Greenfield development.

ORD08

Amendment No. 14 – Housekeeping Amendments to Camden LEP 2010

Attachment 1

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ORDINARY COUNCIL

ORD09

ORD09

SUBJECT: LOCAL EMERGENCY MANAGEMENT OFFICER
FROM: Director Works & Services
BINDER: Emergency Services

PURPOSE OF REPORT

To appoint replacement Local Emergency Management Officer (LEMO), a Chairperson of the Local Emergency Management Committee and their alternates (or Deputies) due to the pending retirement of the current holder of the LEMO and Chairperson roles.

BACKGROUND

Under the *State Emergency and Rescue Management Act 1989*, Council is required to provide executive support facilities for the Local Emergency Management Committee and the Local Emergency Management Controller (from NSW Police) in its area. It does so primarily through the appointment of a Local Emergency Management Officer (LEMO), a Chairperson of the Local Emergency Management Committee, a Local Engineering Services Functional Area Coordinator (LESFAC) and their alternates (or Deputies) who are authorised to commit Council resources in times of emergency.

MAIN REPORT

Currently the appointed LEMO and Chairperson of the Local Emergency Management Committee is the Director, Works and Services, Ian Gannell and the appointed Deputy for each role is the Manager Assets, Hendro Harsojo.

Due to the pending retirement of the Director Works and Services, Ian Gannell, it is appropriate to appoint a replacement as the LEMO and Chairperson of the Local Emergency Management Committee. The Manager Assets, Hendro Harsojo has been the alternate LEMO and Chairperson and has a great deal of experience in providing support to the Local Emergency Management Committee, and is able to fulfil this role.

Given this proposed change, it is also proposed that the role of Alternate LEMO/Chairperson of the Local Emergency Management Committee be filled by the Manager, Environment and Health, Geoff Green. Mr Green has been a longstanding member of the Camden Local Emergency Management Committee and has the background and the training to capably undertake this role.

By having the alternate roles formally filled, it is clear that the appointed persons have the relevant authorities necessary to commit Council resources in the event of extended emergencies and/or operation of the Camden Local Emergency Committee.

In addition, Council also appoints a Local Engineering Services Functional Area Co-ordinator (or LESFAC) whose role is to allocate Council's engineering resources and facilities in times of emergencies. This role is currently filled by Council's Construction and Contract Engineer, Leo Letizia. There is no proposed change in personnel in this role.

ORD09

CONCLUSION

With the change of personnel, Council needs to re-appoint the position of Local Emergency Management Officer and Chairperson of the Local Emergency Management Committee, and alternates for these roles.

RECOMMENDED

That:

- i. Council appoint the Manager Assets, Hendro Harsojo, as the Local Emergency Management Officer and Chairperson of the Local Emergency Management Committee, effective as from 13 August 2012;**
- ii. Council appoint the Manager Environment and Health, Geoff Green, as the alternate (Deputy) for the LEMO/Chairperson, effective as from 13 August 2012;**
- iii. Council re-appoint the Construction and Contract Engineer, Leo Letizia, as the Local Engineering Services Functional Area Coordinator, effective as from 13 August 2012; and**
- iv. the positions be authorised to commit Council resources, within and outside the Camden Local Government Area, in times of emergency.**



ORDINARY COUNCIL

ORD10

ORD10

SUBJECT: CONSTRUCTION ON ROUNDABOUT AT SPRINGS ROAD, SPRING FARM

FROM: Executive Officer Assistant to GM & Crs

BINDER: Springs Road Reconstruction

PURPOSE OF REPORT

To seek Council's approval to vary the existing contract with TJ and RF Fordham Pty Ltd (TRN) for construction of a new roundabout on Springs Road without calling tenders, on the basis of extenuating circumstances.

BACKGROUND

Construction of the proposed roundabout adjacent to Camden Zone Substation was included in the TRN contract for upgrading Springs Road. The roundabout could not be fully constructed during the road closure period as contracted due to incomplete electrical works, including removal of a temporary overhead power pole. These works are now anticipated to be completed by the end of August 2012.

The design and construction of the temporary relocation of power was done on the basis that Springs Road would be reconstructed to a rural standard and therefore did not consider the future location of the proposed roundabout.

Following approaches by developers in Spring Farm, a decision was made to upgrade the eastern end of Springs Rd to an urban standard with underground power. This formed the original scope of works for the contract with TRN.

A further decision was made to upgrade the western end to an urban standard with underground power.

At the time of tendering the roadworks, it was expected that underground power would be reinstated and the temporary power removed before Springs Road reopened, allowing construction of the roundabout. Due to the time taken for certification of the power designs by Endeavour Energy, particularly the addition of underground power at the western end, the temporary power is still in place.

Under Section 55 of the *Local Government Act*, Councils must invite tenders before entering into a contract involving an estimated expenditure of \$150,000 or more. However, under Section 55 (3) (i), this requirement does not apply if "because of extenuating circumstances, remoteness of locality or unavailability of competitive or reliable tenderers, a Council decides by resolution (which states the reason for the decision) that a satisfactory result would not be achieved by inviting tenders".

MAIN REPORT

Underground cabling for the transmission power under Springs Road is in place and ready for connection. This work is dependant on Endeavour Energy providing an outage that will enable connection at the joint bay located in the centre island of the

proposed roundabout adjacent to Camden Zone Substation. This outage is scheduled for 15 August 2012.

Immediately following this connection, temporary power can be removed and the roundabout construction can proceed. Completion of the roundabout is required as soon as possible in order to complete and secure the electrical joint bays and minimize the duration of the temporary road diversion which is currently in place onto the northern part of the incomplete roundabout.

TRN's tendered rates no longer apply for the remaining works associated with the construction of this roundabout, due to the smaller areas involved, the staging required, and the traffic control measures needed.

TRN has constructed the northern kerb and traffic lane of this roundabout, associated drainage and the pavement for the roundabout approaches. The remaining works include construction of the central island, approach islands, remaining pavement, kerbs, drainage modifications, signage and line marking.

Calling tenders for the remaining works would ensure competitive pricing but could create a situation where potentially two different contractors are responsible for the performance of the roundabout. If this were to eventuate, there is potential for a dispute if any future defect occurs in relation to the roundabout.

In order to complete the remainder of the roundabout it is recommended that TRN be awarded the works as a variation to the existing contract for the construction of Springs Road. This would not only eliminate the potential for any dispute over future defects, but has the additional advantages of allowing works to proceed immediately after power is connected, TRN being familiar with the location of existing services and site conditions, and TRN having all survey data loaded and immediately accessible. There is also no need to prepare any further documentation in relation to the scope of works which would be required if tenders for these works were to be invited. All of the above issues could contribute to additional costs for other suppliers as well as time delays.

Due to the "commercial in confidence" nature of the information, the revised cost provided by TRN to complete the remainder of work associated with this roundabout, in stages and under traffic control, is detailed in the **supporting documents**.

Asset Management Implications

This roundabout was planned as part of the upgrade of Springs Road to an urban standard. While doing this additional work after the earlier work was done is not the optimal choice, the location of poles carrying the temporary power from the Camden Zone Substation on Springs Road prevented this work being able to be completed earlier. However, it is considered that by using TRN, who constructed the existing portions of the roundabout, to also construct the balance, the potential for any future dispute regarding the construction is minimised.

The roundabout is a type of asset already managed by Council and no change to the Asset Management Plan is required.

Financial Implications

There are sufficient funds allocated from Section 94 Development Contributions available within the 2012/13 budget for Springs Road upgrading to cover the additional

costs for these works. Ongoing maintenance costs will be covered from Council's operational budgets.

CONCLUSION

The roundabout adjacent to the Camden Zone Substation could not be fully constructed during the Springs Road closure period as originally contracted due to incomplete electrical works which are now due to be completed by the end of August 2012.

TRN's tendered rates no longer apply for the remaining works associated with the construction of this roundabout due to the smaller areas involved, the staging required, and the traffic control measures needed.

TRN has constructed part of the proposed roundabout, can continue the works immediately after the power relocation is completed, is familiar with the site and the remaining scope of works and if awarded the works will be singularly responsible for the performance of the completed works.

TRN may be directly appointed for construction of the proposed new roundabout on Springs Road without calling tenders, on the basis of the above extenuating circumstances.

RECOMMENDED

That Council:

- i. grant approval to vary the existing contract for construction of Springs Road with TJ and RF Fordham Pty Ltd (TRN) to include construction of a new roundabout on Springs Road adjacent to Camden Zone Substation, without calling tenders, on the basis of extenuating circumstances as allowed for under Section 55 (3)i and as detailed in the report, being:**
 - **TRN has undertaken the work on the existing portion of the roundabout;**
 - **having the same supplier complete the construction for the balance of the roundabout minimises the potential for dispute relating to the performance and/or future defects of the roundabout;**
 - **allows work to proceed immediately after power is able to be relocated;**
 - **TRN is familiar with the location of existing services;**
 - **TRN has all survey data immediately available due to recent work; and**
 - **the need for additional document preparation is minimised;**

and

- ii. authorise expenditure for the above variation in the amount detailed in the supporting documents from Section 94 Development Contributions available within the 2012/13 budget for upgrading of Springs Road.**

ATTACHMENTS

1. Springs Road Roundabout - Confidential Information - *Supporting Document*
2. Springs Road Roundabout - Submission Schedule - *Supporting Document*



ORD11

ORDINARY COUNCIL

ORD11

SUBJECT: CODE OF CONDUCT INVESTIGATIONS
FROM: General Manager
BINDER:

PURPOSE OF REPORT

To advise of the outcome of three investigations by the Independent Conduct Review Committee and to comply with the Code of Conduct.

BACKGROUND

Late in 2011, several matters were lodged as complaints under Council's Code of Conduct. They were referred for investigation to the Conduct Review Panel and have now been finalised.

MAIN REPORT

Three different complaints, about four different Councillors, were lodged with the General Manager and subsequently referred to the Independent Conduct Review Panel. The Panel convened as a three member Committee initially however, following commencement of the investigations, one member of the Panel resigned and the balance of the investigation was subsequently conducted by a two person committee.

As a result of these investigations, two of the complaints have been finalised as requiring no further action. The third complaint resulted in a finding that a minor technical breach of the Code had occurred but that no further action was required in that matter either.

CONCLUSION

Given that the three recommendations from the Committee are all for no further action it is proposed that the matters are concluded.

RECOMMENDED

That Council: take no further action on three complaints lodged under the Code of Conduct.