



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**25 June 2013**

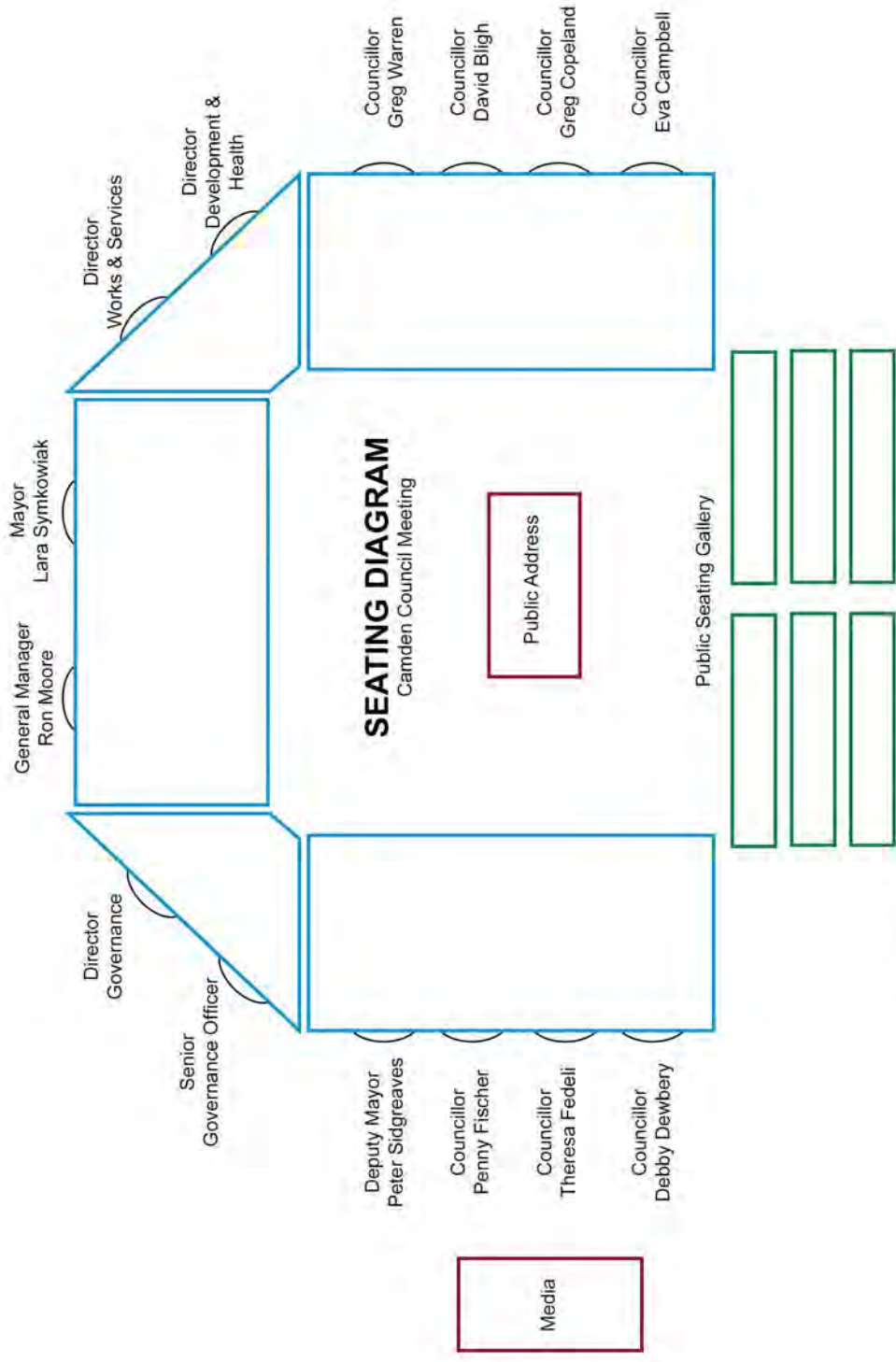
---

**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<br>CERTIFICATE | Certificate as to zoning and planning restrictions on properties             |
| SECTION 603<br>CERTIFICATE | Certificate as to Rates and Charges outstanding on a property                |
| SECTION 73<br>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

## ORDER OF BUSINESS - ORDINARY COUNCIL

|  |     |
|--|-----|
| Prayer .....   | 6   |
| Acknowledgment of Country .....  | 7   |
| Recording of Council Meetings .....  | 8   |
| Apologies .....  | 9   |
| Declaration of Interest.....   | 10  |
| Public Addresses .....   | 11  |
| Confirmation of Minutes.....   | 12  |
| <br>   |     |
| ORD01 Proposed Road Naming - New Roads In Camden South .....   | 13  |
| ORD02 Noxious Weed Officer Delegations .....   | 18  |
| ORD03 Camden DCP Review .....  | 21  |
| ORD04 190 Raby Road, Gledswood Hills Planning Proposal .....   | 27  |
| ORD05 2 And 4 Sharman Close And 1a Stewart Street, Harrington Park.....  | 172 |
| ORD06 White Paper Response To Department Of Planning & Infrastructure .....  | 191 |
| ORD07 Request For Sponsorship - Light Up Camden 2013 .....   | 244 |
| ORD08 Council Seal - Release Of Easements - Young Circuit, Elderslie .....   | 246 |
| ORD09 Adoption Of The 2013/14 Resource Strategy, Delivery Program &<br>Operational Plan (Including Budget) .....   | 252 |
| ORD10 Investment Monies - May 2013 .....   | 263 |
| ORD11 2012/13 Loan Borrowings .....  | 272 |
| ORD12 Memorandum Of Understanding - Harrington Park Stage 2<br>Contributions For Vegetation Maintenance Works In Tranche 1 (DA<br>982/2008) And Tranche 9 (DA 453/2010), Oran Park Precinct..... | 273 |
| ORD13 Funding Of Camden NAIDOC Celebrations 2013 .....   | 284 |
| ORD14 Grant For Integrating Aboriginal Pathways In Natural Resource<br>Management In The Camden LGA Project .....  | 286 |
| ORD15 Love Food Hate Waste (Lfhw) Program Round 3 .....  | 320 |
| ORD16 Closure Of The Meeting To The Public.....  | 329 |
| Diary .....  | 330 |





---

## ORDINARY COUNCIL

**SUBJECT: PRAYER**

---

### PRAYER

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

Amen

\*\*\*\*\*

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

Amen

\*\*\*\*\*

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

Amen

\*\*\*\*\*

### AFFIRMATION

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

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

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

\*\*\*\*\*

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

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

\*\*\*\*\*



---

## **ORDINARY COUNCIL**

**SUBJECT:      ACKNOWLEDGMENT OF COUNTRY**

---

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



---

## **ORDINARY COUNCIL**

**SUBJECT:        RECORDING OF COUNCIL MEETINGS**

---

In accordance with Camden Council's Code of Meeting Practice and as permitted under the Local Government Act 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 11 June 2013.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 11 June 2013, copies of which have been circulated, be confirmed and adopted.**



# ORDINARY COUNCIL

ORD01

ORD01

**SUBJECT: PROPOSED ROAD NAMING - NEW ROADS IN CAMDEN SOUTH**  
**FROM:** Director, Development & Health  
**BINDER:** Naming of Roads

## PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement for public exhibition of a list of proposed road names to be assigned to new roads in Camden South.

## BACKGROUND

At the Ordinary Council meeting of 14 August 2012 Council resolved to approve Development Applications 443/2012 and 444/2012 for the residential subdivision of 46 Crookston Drive, Camden South. These applications proposed the creation of 49 new residential lots and the dedication of three new public roads.

The developer of this subdivision subsequently put forward a list of proposed road names to be assigned to the three new roads within this subdivision

The list of road names proposed by the developer were:

| Road Names | Meaning |
|------------|---------|
| Birch      | Plant   |
| Jacaranda  | Plant   |
| Jasmine    | Plant   |

The above names were considered by Council at the Ordinary Council meeting of 23 April 2013. At this meeting it was resolved that Council:

- i. *Reject the names before Council; and*
- ii. *Councillors make suggestions to Council officers over the next week of proposed road names, and that they be proposed to the family and reported back to Council.*

Council staff have received suggested names for the proposed roads from Councillors. The list of proposed road names is:

## List of Recommended Road Names for Camden South

| Road Names | Background  |
|------------|---|
| Saunders   | Charles Saunders (1934-2002) was a head teacher of mathematics at Elderslie High School from 1978-1989 and a resident of Crookston Drive.<br><br>In 1994 Charles became manager of the Camden Rugby Big Band, teaching adults and children to play instruments and undertake performances. Charles was also |



**ORD01**

|           |  |
|-----------|--|
|           | <p>responsible for organising Camden Band festivals and the musical entertainment for Light Up Camden and other public events. In 2002 Charles was named citizen of the Year.</p>  |
| Funnell   | <p>The Funnell family have had a long history with the Macarthur area and Camden with Tom Funnell working as a Blacksmith and Dairyman on Camden Park until he saved enough money to buy Moles Mane at Catherine Fields, which he then built into a successful dairy farm.</p> <p>Tom's sons and daughters were well known in the sporting field with Tom's son Ernie owning and running the Camden newsagency in the 1960s. Another son Vic owned and worked a dairy farm and one of Tom's daughters Mrs Amos Dowel owned Paris Café.</p> <p>Tom's grandson David Funnell runs his own Electrical company in Camden and has served a number of terms as Councillor on Camden Council. Grandson Paul Funnell OAM has also been successful in the development of hydraulic technology software.</p> |
| Rum Corps | <p>The NSW Corps (aka The Rum Corps) were a military regiment sent to the early Sydney colony from England in 1790. The Corps are famous for the 1808 rum rebellion where, working with John Macarthur, they overthrew then Governor Bligh and established military rule in the colony.</p>  |

The list of proposed road names has been considered by the Geographical Names Board (GNB) in accordance with their guidelines for the naming of roads. The GNB has raised no objections to the proposed names.

The families of Saunders and Funnell have both been contacted and were honoured and proud for their names to be considered.

A number of other names were considered however with only 3 streets to be named it is proposed that the following names be added to a preferred list of names to be used in the future, subject to the families approval. Below is a list of those names:

**Road Names to be Added to a Preferred List**

**ORD01**

| Road Names | Background  |
|------------|---|
| Winn       | <p>Shirley Winn was a Councillor at Camden Council for two terms from 1995/99 and 1999/2004 and was a Deputy Mayor for the 2001/2002 term. Shirley was active in numerous community groups, including the Camden Chamber of Commerce, Camden Quota, Main Street Committee and was a member of the Tree Planting and Tidy Towns Committee for many years.</p>  |
| Brooking   | <p>Frank Brooking was a Councillor at Camden Council for two terms from 1991/1995 and 1995/1999. Frank was elected as Council's twenty-seventh Mayor on 27 September 1993, remaining as such until 1997.</p> <p>During his eight year term, Mr Brooking served on no less than twenty four Council committees, including the Australia Day Committee, the Camden Bush Fire Management Committee and the Camden Seniors Committee.</p> <p>In addition, Frank was instrumental in establishing the Camden International Friendship Association (CIFA). Frank passed away in March 2013.</p> |

## AERIAL PHOTO



## MAIN REPORT

The GNB has advised Council of the process to be followed by the roads authority in respect to the naming of new roads in accordance with the *Roads Act 1993*. In this instance, Council is the roads authority.

The process to be followed includes:

1. new road names are provided to Council;
2. the names are checked by Council staff in accordance with the guidelines published by the GNB;
3. if the names meet the guidelines they are referred to the GNB for comment;
4. following comment from the GNB, a report is prepared by Council staff and forwarded to Council seeking endorsement of the names;
5. the proposed names are published in a notice in a local newspaper, ensuring that the notice states that written submissions on the proposed road names may be made to Council;
6. Council concurrently serves notice of the road naming proposal on Australia Post, the Registrar General, the Surveyor General and in the case of a classified road, the Roads and Maritime Services (RMS);
7. all submissions are compiled and the proposed road names are reviewed again by Council staff;

8. the results of the public exhibition period are reported back to Council with any recommendation for approval;
9. the approved names are published in the NSW Government Gazette and in local newspapers; and
10. Council informs Australia Post, the Registrar General, the Surveyor General and the RMS of the new road names and gives sufficient particulars for them to be identified.

Steps 1 to 3 of the process have been undertaken and this report has been prepared in accordance with step 4. The GNB have raised no objections to the proposed names.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

The proposed road names have been assessed by Council staff in accordance with the GNB criteria. The names satisfy the GNB's guidelines for the naming of roads.

If Council endorses the list, a 30 day exhibition period will be commenced and a further report provided to Council with the results of the exhibition.

### **RECOMMENDED**

**That Council:**

- i. **endorse the names Saunders, Funnell and Rum Corps as proposed road names for the approved subdivisions at 46 Crookston Drive, Camden South for a 30 day exhibition period; and**
- ii. **be provided with a further report detailing the results of the 30 day public exhibition period.**

## ORDINARY COUNCIL

ORD02

**SUBJECT:** NOXIOUS WEED OFFICER DELEGATIONS  
**FROM:** Director, Development & Health  
**BINDER:** Environmental Management/Notifications/Noxious Weeds

---

### PURPOSE OF REPORT

This report seeks to amend the delegations to Council Officers to enable lawful enforcement under the provisions of the Noxious Weeds Act 1993.

### BACKGROUND

The *Noxious Weeds Act, 1993* (the Act) grants a range of powers, duties and functions to Local Control Authorities (councils).

Unlike many other Acts regulated by Council, this Act does not permit the sub-delegation of powers by the General Manager to other staff. In essence Section 68 of the Act requires that all delegations must be a resolution of Council to a specific officer.

As a result of staffing changes within Council's Development and Health Division, a report is hereby submitted to Council to delegate authority under the Act to the staff members listed below in this report.

### MAIN REPORT

Section 68 of the Act states "A local control authority (Council) may delegate to a person any of the local control authority's functions under this Act (other than this power of delegation) but only under this power of delegation."

Therefore, it is necessary to delegate, by resolution of Council, employees who will require the functions of inspectors and enforcement under this Act.

Persons appointed as Inspectors by Council are conferred all powers and responsibilities under sections 39 and 40 of the Act, namely:

- *to inspect land and any other premises for the presence of noxious weed material;*
- *to advise as to the presence of noxious weed material and as to the means of controlling those weeds;*
- *to report to the local control authority on noxious weeds and noxious weed control;*
- *any other functions that are conferred or imposed on inspectors by or under this Act or by the local control authority;*
- *an inspector who has reasonable cause to suspect that a weed that is a notifiable weed in any part of the State or is or may be present in an agricultural machine may require the person apparently in charge of the*

*machine to treat the machine immediately, in the manner specified by the inspector, to remove any such weed.*

It is further proposed to delegate to the inspectors the authority to issue notices and conduct other operations under:

- Section 18 - the power to issue 'Weed Control Notices';
- Section 18A - the power to issue 'Prior Notice of Weed Control Notice' (excepting Subsection (2)(c) - the consideration of submissions);
- Section 20(2) - the power to carry out 'Noxious Weed Control by Local Control Authority (Council) after Weed Control Notice not complied with';
- Section 36A - the power to impose 'Temporary restrictions during weed control';
- Section 41 – Inspectors;
- Section 43 - 'Power of Entry'; and
- Section 45 - the power to give occupiers 'Notice of Entry' for the purposes of undertaking noxious weeds inspections.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

It is proposed that Council delegate the powers, duties and responsibilities under Sections 18, 18A, 20(2), 36A, 39, 40, 41, 43 and 45 of the Act to Nicole Magurren, Director Development and Health; Geoff Green, Manager Environment and Health; Renee Galinaitis, Team Leader Rangers; Fiona Stalgis, Team Leader Environment; Matthew McNaughton, Noxious Weeds Officer; Jennifer Rowe and Michelle Gallo, Rangers; Nathan Armytage, Trainee Ranger; Dominic Bruszewski, Landscape Assessment Officer; Luke Peacock, Public Tree Management Officer; John Soldo, Tree Vegetation Officer and Rob Corby, Natural Assets Officer.

### **RECOMMENDED**

**That Council:**

- i. **revoke all previous delegations made by Council under the Noxious Weeds Act 1993;**
- ii. **resolves to appoint the following staff as Inspectors under section 41 of the Noxious Weeds Act:**
  - a. **Nicole Magurren, (Director Development and Environment)**
  - b. **Geoff Green, (Manager of Environment and Health)**
  - c. **Renee Galinaitis, (Team Leader Rangers)**
  - d. **Fiona Stalgis (Team Leader Environment)**
  - e. **Matthew McNaughton, (Noxious Weeds Officer)**
  - f. **Jennifer Rowe, (Ranger)**
  - g. **Michelle Gallo (Ranger)**

- 
- h. Nathan Armytage (Trainee Ranger)  
i. Dominic Bruszewski (Landscape Approval Office)  
j. Luke Peacock (Public Tree Management Officer)  
k. John Soldo (Tree Vegetation Officer)  
l. Rob Corby (Natural Assets Officer)
- iii. resolve that the above Inspectors be delegated with Council's powers, duties and responsibilities under the following sections of the Noxious Weeds Act 1993:
- Section 18 - the power to issue 'Weed Control Notices';
  - Section 18A - Prior Notice of Weed Control Notice';
  - Section 20(2) - the power to carry out 'Noxious Weed Control by Local Control Authority (Council) after Weed Control Notice not complied with';
  - Section 36A - the power to impose 'Temporary restrictions during weed control';
  - Section 41 – Inspectors;
  - Section 43 - 'Power of Entry'; and
  - Section 45 - the power to give occupiers 'Notice of Entry' for the purposes of undertaking noxious weeds inspections.





---

## ORDINARY COUNCIL

ORD03

ORD03

**SUBJECT:** CAMDEN DCP REVIEW  
**FROM:** Director Governance  
**BINDER:** Camden DCP review

---

### PURPOSE OF REPORT

The purpose of this report is to seek a Council resolution to make a number of minor amendments to the Camden Development Control Plan (DCP 2011) and to place these changes on public exhibition.

### BACKGROUND

The Camden DCP 2011 was adopted by Council on the 8 February 2011 and came into force on 16 February 2011. Staff have identified a number of minor issues within the DCP that need to be addressed and are noted below:

- Parking spaces for dwellings;
- Farm buildings and residential outbuildings; and
- Manooka Valley – Setback controls on land zoned E4 Environmental Living.

These matters were discussed at a Council workshop held on 11 June 2013.

In addition to the above, there is a more detailed review of the Camden DCP being undertaken and the findings will be reported to Council later in the year.

### MAIN REPORT

This review is primarily of a “housekeeping” nature. The following is a summary of the changes to the DCP as a result of the review. A schedule outlining, in more detail, the proposed changes together with the justification is provided in **Attachment 1 of this report**.

#### **Parking Spaces for Dwellings**

The current DCP controls specify that a dwelling house must provide for at least 1 car parking space for dwellings with 1 or 2 bedrooms and at least 2 car parking spaces for dwellings with more than 2 bedrooms.

It is proposed to add an additional control to require at least one car parking space behind the building line. This will align with the State Environmental Planning Policy (SEPP) (Exempt and Complying Development Codes) 2008 and also ensure that better opportunities for the provision of off street parking is provided.

#### **Farm Buildings**

Council currently requires farm buildings to have a roof pitch of between 15 to 25 degrees. It is proposed to maintain the roof pitch requirement but remove the requirement for 15 to 25 degrees. It is considered that this requirement is too restrictive.



### Residential Outbuildings

It is proposed to amend the maximum floor area and setback controls relating to residential outbuildings to align better with the SEPP (Exempt and Complying Development Codes) 2008. It is also proposed to amend the height controls for outbuildings as described in **Attachment 1 of this report**. This variation will enable one storey structures with an attic above to have a maximum height of 5.4 metres and a maximum roof pitch of 45 degrees. The current maximum height is 4.8 metres.

### Manooka Valley – Setback controls on land zoned E4 Environmental Living

It is proposed to vary the current setback controls for E4 Environmental Living zoned land in Manooka Valley (Refer to figure 1 below) to align with the other E4 zones at Kirkham Rise and Harrington Grove.

Figure 1 – E4 land at Manooka Valley



The table below outlines the proposed changes to the building setback controls for Manooka Valley.

Table 1 – Proposed setback controls – Manooka Valley

|                                  | <b>Current Control</b> | <b>Proposed Control</b> |
|----------------------------------|------------------------|-------------------------|
| <b>Front boundary setback</b>    | 7.5m                   | 5.5m                    |
| <b>Setback to secondary road</b> | 7.5m                   | 4.5m                    |
| <b>Side boundary setback</b>     | 5m                     | 1.5m                    |

## Public Exhibition

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

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

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

## FINANCIAL IMPLICATIONS

There are no financial implications for Council arising from the recommendations of this report.

## CONCLUSION

The proposed changes to the Camden DCP 2011 outlined above, while minor in nature, will align the DCP with the provisions of the SEPP (Exempt and Complying Development Codes) 2008 with regard to the floor area and setback provision for residential outbuildings. They will also ensure a consistent approach with the setback provisions of the E4 zoned land at Manooka Valley.

## RECOMMENDED

**That Council:**

- i. supports the proposed changes to Camden Development Control Plan 2011 outlined in this report;**
- ii. publicly exhibit the Draft amended Camden Development Control Plan 2011 for an period of 28 days in accordance with the provisions of the *Environmental Planning and Assessment Regulations 2000*; and**
- iii. considers a further report to be prepared and submitted to Council to allow consideration of submissions received during the exhibition period.**

## ATTACHMENTS

1. Proposed DCP Amendments

# Attachment 1

## ORD03

### Attachment 1 – Schedule of Proposed Changes to Camden Development Control Plan 2011

| DCP Part | Section of DCP   | Current Control/s   | Proposed Control/s   | Justification  |
|----------|--|---|--|--|
| Part B   | Table B8 – Schedule of Car, Bicycle, and Motorcycle Parking Requirements | 1 car parking space for dwellings with 1 to 2 bedrooms.<br>2 car parking spaces for dwellings with more than 2 bedrooms.  | 1 car parking space for dwellings with 1 to 2 bedrooms.<br>2 car parking spaces for dwellings with more than 2 bedrooms.<br><br>In both instances, at least one car parking space behind the building line.  | The amendment will help provide clarity about the provision of car parking spaces for dwellings. This will also assist in the provision of off street parking.<br><br>The control aligns with <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . |
|          | D1.2 – Farm Buildings  | Council currently requires farm buildings to have a roof pitch of between 15 to 25 degrees.   | It is proposed to maintain the roof pitch requirement but to remove the requirement for 15 – 25 degrees.   | The current control is considered onerous.   |
| Part D   | D2.1.3 – Primary Residential Controls – Height, Massing and siting       | D2.1.3 (Control 4) The maximum height of outbuildings in residential zones is 4.8m  | Delete the control   | The control is no longer required as it is contained within <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .   |
|          | D2.1.11 – Outbuildings in Residential zones                              | Control 4 - The maximum combined floor area for any one or more outbuildings on a lot must not be greater than the following:<br>a) 40m2 for lots less than 4000m2 in the R5 zone;<br>b) 80m2 for lots less than 4000m2 in the R5 zone; or<br>c) 100m2 for lots greater than or equal to 4000m2 in the R5 zone. | The floor area of an outbuilding on a lot must not be more than the following:<br>(a) 36m <sup>2</sup> , if the lot has an area of less than 300m <sup>2</sup> ,<br>(b) 45m <sup>2</sup> , if the lot has an area of at least 300m <sup>2</sup> but less than 600m <sup>2</sup> ,<br>(c) 60m <sup>2</sup> , if the lot has an area of at least 600m <sup>2</sup> but less than 900m <sup>2</sup> ,<br>(d) 100m <sup>2</sup> , if the lot has an area of at least 900m <sup>2</sup> . | The control aligns with <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .   |

| DCP Part | Section of DCP | Current Controls   | Proposed Controls   | Justification   |
|----------|----------------|--|---|---|
|          |                | <p>Control 5 - The maximum external wall height (except in the case of a gable roof form) from natural ground level for any one or more outbuilding on a lot must not be greater than the following:</p> <p>(a) 2.7m for lots in the R1, R2, R3 and R4 zone; or</p> <p>(b) 3m for lots in the R5 zone.</p> | Delete  | This wall height control is no longer required as the height is now measured to the ridge line.   |
|          |                | <p>Control 6 -</p> <p>The maximum ridge height from natural ground level for any one or more outbuilding on a lot must not be greater than the following:</p> <p>(a) 4m for lots in the R1, R2, R3 and R4 zone; or</p> <p>(b) 4.8m height for lots in the R5 zone.</p>                                     | <p>Delete control and replace with the following:</p> <p>(1) The maximum height of an outbuilding or alterations and additions to an existing outbuilding must not be more than 4.8m above ground level (existing)</p> <p>(2) Despite sub clause (1) above a one-storey structure with an attic above is permissible provided the height does not exceed 5.4m and amenity to adjacent sites is maintained and the roof pitch, of the outbuilding, must not exceed 45 degrees.</p> | The control aligns with <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . An additional provision is made to enable one storey structures to a height of 5.4m which will provide an opportunity for attic storage. |
|          |                | Control 11 – The minimum side or rear boundary setbacks for any one or more outbuildings on a lot must be at least:  | Delete the control and replace with the setback provisions outlined in Clause 3.16 of State Environmental Planning Policy (Exempt and Complying Development   | The control aligns with <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> .  |



# ORDINARY COUNCIL

ORD04

ORD04

**SUBJECT:** 190 RABY ROAD, GLEDSDOOD HILLS PLANNING PROPOSAL  
**FROM:** Director Governance  
**BINDER:** Amendment 21 Gledswood Hills

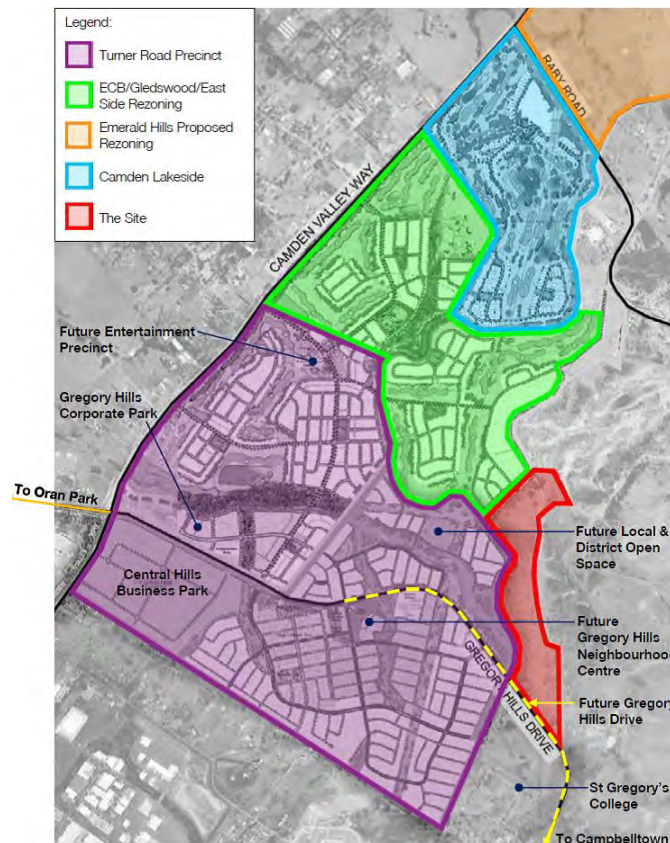
## PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal to rezone 190 Raby Road, Gledswood Hills from a RU2 Rural landscape zone to a range of residential zones to facilitate the development of approximately 260 residential lots.

## BACKGROUND

A draft Planning Proposal for 190 Raby Road, Gledswood Hills was submitted to Council on the 20 February 2013. This site does not form part of the South West Growth Centre.

The site is located between Gregory Hills (Turner Road Precinct South West Growth Centre), and the western boundary of the Scenic Hills in the Campbelltown Local Government Area (LGA), and to the south east of the El Caballo Blanco/Gledswood site. A location map for this site is shown below:



Location Map

Gregory Hills, adjoining the western boundary of the site, was rezoned in 2007 for residential development, employment lands and a neighbourhood centre. The El Caballo Blanco/Gledswood land, adjoining the northern boundary of the site was rezoned on 22 March 2013 from a rural landscape zone to residential and private recreation zones.

### MAIN REPORT

The draft Planning Proposal site is irregular in shape and exhibits an overall length of approximately 1700m length and 200-300m width and is approximately 40 hectares.

The eastern boundary of the site adjoins the Campbelltown LGA. Campbelltown Council has been advised of the Planning Proposal and further ongoing discussions will be undertaken throughout the process as required should the proposal proceed.

The site is currently zoned RU2 Rural Landscape and has a minimum lot size of 40 ha. The draft Planning Proposal seeks to create approximately 260 residential lots by rezoning the land to:

- R1 General Residential with a minimum lot size of 450m<sup>2</sup> (approximately 190-196 lots);
- R2 Low Density Residential with lots ranging from 700m<sup>2</sup> - 1800m<sup>2</sup> (approximately 30 – 60 lots); and,
- R5 Large Lot Residential with a minimum lot size of 2000m<sup>2</sup> (approximately 4 – 6 lots).

The lot mix identified above is indicative only at this stage and subject to further detailed ongoing discussions as part of the rezoning process.

It should be noted that subsequent to the Councillor Workshop held on 11 June 2013, additional discussions have been had with the proponent resulting in a review of proposed lot sizes and an increase in the minimum area.

The proposed rezoning is consistent with the adjoining development to the west in Gregory Hills and is in close proximity for connection to infrastructure, facilities and services that will be provided as a part of the development of the Turner Road Precinct. There is opportunity for a road connection through to the El Caballo Blanco/Gledswood site to the north and to Gregory Hills Drive in the south. These connections will provide broader access to other parts of Camden and more broadly to other parts of Sydney.

A draft Planning Proposal to support this rezoning is **included as Attachment 1 to this report.**

### Landscape Visual Analysis

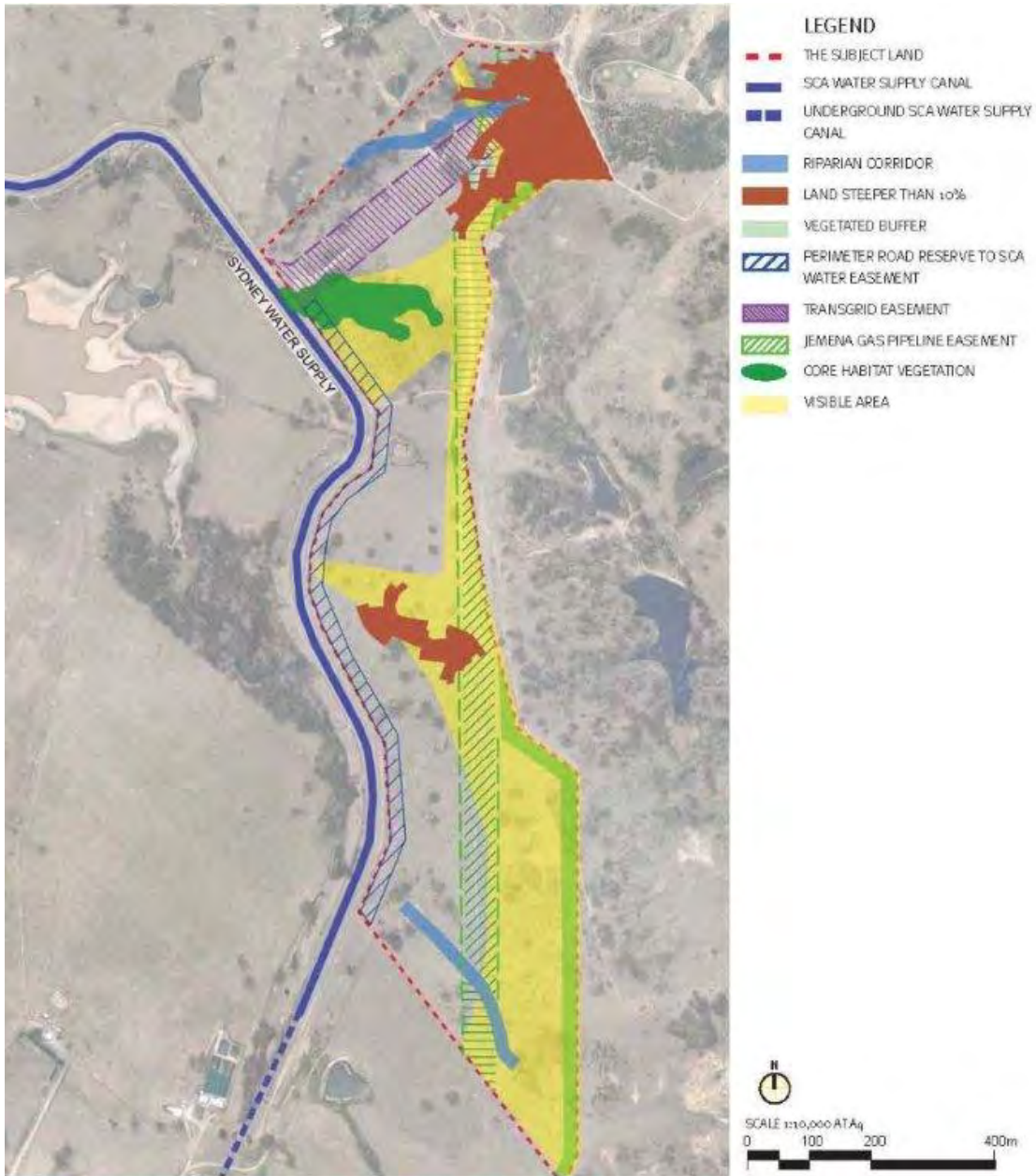
A range of studies will be required to support the proposal and will be undertaken if Gateway Determination to proceed is received. These studies are outlined further in the report. Notwithstanding the above, a Landscape Visual Analysis was requested by Council prior to Gateway Determination to identify and map existing landscape, visual and scenic opportunities and constraints of the site. This study is provided as Attachment 3 within the draft Planning Proposal.

As a result of the landscape survey and analysis it is recognised that the site has the following constraints:



- areas of critically endangered Cumberland Plain Woodland vegetation;
- an indigenous heritage site;
- proximity to European heritage items such as the Sydney Catchment Authority (SCA) Canal and Gledswood Homestead;
- a number of services that will need to be considered in any future planning such as a 44m wide Jemina easement for gas pipeline networks, a 60m wide Transgrid easement, and SCA Water Canal Easement, and
- land capability issues, including contamination and salinity.

The above will be dealt with as part of the range of studies outlined in this report. A map locating opportunities and constraints of the site is shown below:



*Opportunities and Constraints Map*



A major component of the Landscape Visual Analysis is the visual survey of the site assessing the visibility of the site from existing and proposed adjoining residential areas and the Scenic Hills ridgeline. The analysis indicates that the development will not be visible east of the Scenic Hills ridgeline and will not be visually intrusive to development west of the site.

An internal assessment has been undertaken of the Landscape Visual Analysis and its findings. The following comments are provided as part of this assessment:

- while the site is not visible east of the Scenic Hills ridgeline care is required that no high or visible elements are placed on the ridgeline, this includes high mounding and artificial lines of trees;
- a vegetated buffer area is located on the Opportunities and Constraints map – the possibility of this area forming part of a Community Title should be explored;
- restrictions on building envelope locations, heights, colours and materials need to form part of the development controls to ensure the development fits into its surroundings, particularly on visually prominent areas;
- view of the Upper Canal and the adjoining future open space areas of Gledswood should be a feature of the development, with the development maximising views to these; and
- landscaping must be done at the subdivision stage to ensure works occur in a consistent and controlled manner.

#### Support for this Proposal

It is considered that this Planning Proposal has merit for the following reasons:

- It offers an urban infill opportunity which can provide further housing opportunities which has close access to retail, educational and community facilities at Gregory Hills. It can also achieve direct access to the proposed extension of Gregory Hills Drive and has road connection through to the El Caballo/Gledswood development to the north;
- It provides housing choice not possible in other areas, for both current and future residents of Camden;
- It strategically locates larger lots in order to protect the Scenic Hills ridgeline; and
- The Landscape and Visual Analysis demonstrated that the site could be developed with limited constraints and that there would be limited affectation on vegetation and riparian corridors.
- Potential to explore opportunity to secure environmental outcomes.

#### Studies to underpin the Planning Proposal

The draft Planning Proposal flags a number of sub studies that will need to be undertaken if the rezoning proceeds. These include:

- a detailed Traffic Assessment;
- a comprehensive Ecological Assessment;
- a Land Capability Assessment, including contamination and salinity;
- a Bushfire Constraints Assessment;
- an Aboriginal Heritage Assessment;
- an Acoustic Assessment of a corridor adjoining the future alignment of Gregory Hills Drive extension;
- a Water Cycle Management Plan that includes Water Sensitive Urban Design, consideration of the Sydney Catchment canal/crossings and flooding;

- a Social Impact Statement; and
- DCP site controls and built form requirements.

The abovementioned sub studies will be funded by the proponent. Council staff will assess and approve all of the sub study briefs, agree on the appointment of appropriate consultants to prepare the sub studies and undertake the peer reviews. Any cost incurred by the peer review will be funded by the proponent.

#### Public Agency Consultation

Should a favourable Gateway Determination be received, the draft Planning Proposal will be referred to a number of public agencies either prior to or during the public exhibition period, depending upon the circumstances of the Gateway Determination. While these public agencies are listed below, it is recognised that if Gateway Determination to proceed is received there may be a requirement to consult more broadly. The draft Planning Proposal suggests the following public agencies be consulted:

- Office of Environment and Heritage (Environment Branch);
- Office of Environment and Heritage (Heritage Branch);
- Sydney Catchment Authority;
- Roads and Maritime Service (RMS);
- Campbelltown City Council;
- Liverpool City Council
- Wollondilly Council

#### Exhibition Period

The draft Planning Proposal recommends that the proposal will be exhibited for 28 days.

#### LEP Delegation

Council intends to use its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979 for this Planning Proposal. This will enable Council to streamline the processing of the Planning Proposal. The request for delegation will be made as part of the Gateway submission. The General Manager is Council's nominated officer.

#### Where to from here

If Council resolves to send the draft Planning Proposal to DPI for Gateway Determination the following steps will occur:

- if a Gateway Determination to proceed is received the studies will be undertaken and reviewed by Council officers;
- the draft Planning Proposal will be amended to align with the outcomes of the submissions and studies;
- a draft DCP will be prepared; and
- the draft Planning Proposal and draft DCP will be reported to Council prior to public exhibition.

The draft Planning Proposal includes a recommended timeframe that the rezoning process is predicted to follow. This timeframe includes an indicative course of action for

the studies to be completed, assessed internally and for the public exhibition period. Taking these into consideration it is anticipated that the rezoning process will take 18 months from the time of Gateway Determination.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

The draft Planning Proposal to rezone 190 Raby Road, Gledswood Hills to residential land is the first step in the rezoning process and has merit to progress to the next stage of seeking Gateway Determination as it provides approximately 260 residential lots that are in close proximity for connection to existing and/or proposed infrastructure and services.

Should Council resolve to proceed with the draft Planning Proposal it will be forwarded to Gateway for determination. Following the completion of the sub studies and draft DCP the matter will be reported back to Council prior to exhibition.

### **RECOMMENDED**

**That Council:**

- i. endorse the draft Planning Proposal for the rezoning of 190 Raby Road, Gledswood Hills to forward to the Department of Planning and Infrastructure for Gateway Determination and advise that Council will be using its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979;**
- ii. upon favourable Gateway Determination require the proponent to undertake to fund all required sub studies listed in the report (including the development of a DCP) and agree to fund Council's costs in undertaking any necessary peer reviews of those sub studies;**
- iii. require an exhibition period of 28 days; and**
- iv. require a report be brought back to Council following the completion of the relevant studies and draft DCP prior to the public exhibition.**

### **ATTACHMENTS**

- 1. DraftPlanning Proposal**



**Draft Planning Proposal**

**Lot 4, 190 Raby Road,  
Gledswood Hills**

15 March 2013

ORD04

Attachment 1

**ORD04**

**Attachment 1**



## Table of Contents

|   |           |
|---|-----------|
| <b>Executive Summary</b>  | <b>5</b>  |
| <b>1.0 Introduction</b>   | <b>8</b>  |
| <b>2.0 Site Description and Context</b>                                   | <b>9</b>  |
| 2.1 Overview  | 9         |
| 2.2 Site Locality   | 9         |
| 2.3 Site Context  | 10        |
| 2.4 The Site  | 14        |
| <b>3.0 Statutory Framework</b>  | <b>16</b> |
| 3.1 Zoning  | 16        |
| 3.2 Other Controls  | 17        |
| <b>4.0 The Planning Proposal</b>  | <b>18</b> |
| Overview  | 18        |
| Part 1 Objectives and Intended Outcomes                                   | 18        |
| Part 2 Explanation of Provisions  | 19        |
| Part 3 Justification  | 20        |
| Part 4 Mapping  | 31        |
| Part 5 Community Consultation   | 31        |
| Part 6 Project Timeline   | 32        |
| <b>5.0 Conclusions and Recommendations</b>                                | <b>33</b> |
| <b>6.0 Appendices</b>   | <b>34</b> |
| 6.1 Appendix 1: Assessment against LEP Evaluation Criteria                | 34        |
| 6.2 Appendix 2: Consistency against State Environmental Planning Policies | 37        |
| 6.3 Appendix 3: S117 Directions   | 42        |
| 6.4 Appendix 4: Sustainability Criteria for New Urban Development         | 48        |

ORD04

Table of Contents



---

List of Tables

- TABLE 1: CONSISTENCY WITH STATE ENVIRONMENTAL PLANNING POLICIES
- TABLE 2: CONSISTENCY WITH S117 DIRECTIONS
- TABLE 3: ASSESSMENT AGAINST TABLE G2 SUSTAINABILITY CRITERIA FOR NEW LAND RELEASE

---

List of Attachments

- ATTACHMENT 1: PROPOSED ZONING PLAN
- ATTACHMENT 2: ILP/MASTER PLAN
- ATTACHMENT 3: LANDSCAPE AND VISUAL ANALYSIS ASSESSMENT

Attachment 1



Camden Council Planning Proposal



## Executive Summary

This Planning Proposal has been prepared on behalf of Steven Chambers, owner of Lot 4, 190 Raby Road, Gledswood Hills ('the site') and seeks to rezone the site to allow a mix of low density residential development, compatible with adjoining sites.

The site is located within the Camden Local Government Area (LGA) adjacent to the western boundary of the Campbelltown LGA and adjacent to the South West Growth Centre – Turner Road Precinct.

The South West Sydney area is undergoing a significant transformation with the redevelopment of the South West Growth Centre, in particular the Turner Road Precinct, with the future Catherine Fields and Leppington release area precincts to follow further to the west and north respectively.

The character of the area will also be significantly changed with the redevelopment of those areas to the north of the site affected by the rezoning of the El Caballo Blanco/Gledswood/East Side site and the future rezoning of the Emerald Hills site further to the north.

The redevelopment of the Turner Road precinct has commenced with large scale residential subdivision and dwelling construction commencing within the Gregory Hills and The Hermitage residential estates to the south-west and west of the site respectively. The release and development of the Turner Road Precinct (and other associated release areas) is delivering significant benefits and opportunities to this part of the Camden LGA, with the construction of key infrastructure, creation of residential communities, new retail and commercial centres, employment generating centres, provision of education, recreation and community facilities and the provision of public transport.

The site is a long narrow, irregular shaped site that extends along the western side of a north-south ridgeline. It has an area of approximately 40 hectares and is approximately 200-300m wide by 1,700m long. The site comprises a number of fenced paddocks and is used occasionally for grazing purposes. The land is typically open grasslands with scattered eucalypts, and is dominated by a large underground Jemena gas line and overhead TransGrid transmission line easements.

The site is zoned RU2 Rural Landscape under the Camden LEP 2010.

The site is accessible via a private road from Raby Road through a rural-residential subdivision, which was originally subdivided in 1980. However, with the future construction of the remainder of Gregory Hills Drive sub-arterial road as part of the development of the Turner Road Precinct, the accessibility of the site will be significantly increased. The future Gregory Hills Drive extension is a proposed public transport corridor that will provide future bus services between Campbelltown, Oran Park and Narellan. Campbelltown is identified as Strategic Centre and has rail access to the City. In addition, there is also the potential to provide a future road connection at the northern boundary to the East Side land subdivision which would improve road, pedestrian and cycle connections to the north and potentially other public transport network opportunities.

The site is also located between 800m to 1km from the future Gregory Hills neighbourhood centre, which will comprise retail and commercial facilities and is also earmarked to include education and child care facilities. Furthermore, the site is 250m from the future district open space facilities within Gregory Hills, riparian corridors and local open spaces.

The proximity of the site to Campbelltown Strategic Centre and the South West Growth Centre and its associated retail, commercial, employment, education, community services and transport connections, presents an opportunity to augment the supply of affordable housing in South West Sydney. It also presents an opportunity to increase the usage of these new services and facilities and assist with the funding of new infrastructure.



ORD04

Attachment 1

Camden Council Planning Proposal



The site is largely unconstrained, is suitable for housing and is located on the edge of the urban zoned land. It can be efficiently serviced by water, sewer and power. It has the potential to deliver a mix of approximately 260 residential lots of various sizes at an overall density of 6.5 dwellings per hectare, which is commensurate with the adjoining El Caballo Blanco/Gledswood/East Side rezoning. The site has the potential to contribute to the unmet demand for housing within Sydney, provide a road link that would connect through to Raby Road and will provide excellent opportunities for further public transport and pedestrian and cycleway connections.

In this context, the current RU2 Rural Landscape zoning is an anomaly and is clearly not the highest and best use of the land. Furthermore, with the pending rezonings to the north, this site represents one of only three small sites located along the eastern edge of the LGA between Emerald Hills and Gregory Hills Drive, not identified or in the process of being zoned for urban development in the future.

The submission recommends that the site be rezoned from RU2 Rural Landscape to a mix of R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential to allow a combination of low density residential and large lot semi-rural residential development at the site, commensurate with the recent rezoning of adjacent sites.

The submission provides an analysis of the physical and strategic planning constraints and the opportunities of the site.

This Planning Proposal seeks commencement of the statutory process to rezone the site to a mix of R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential.

Support for this Planning Proposal is based on the following circumstances and merits:

- Infill urban development opportunity
 

The redevelopment of the site represents an opportunity to provide additional housing opportunities in a location that will be well served by the retail and commercial facilities, education and community facilities, public transport and other urban infrastructure of the adjoining Gregory Hills precinct and can integrate with adjoining urban release areas.
- Consistency with the adjoining development
 

The site can form an extension to the adjoining low density residential areas to the west and north-west, while also preserving the scenic and visual connections to the Scenic Hills ridgeline. The Planning Proposal represents an opportunity to deliver a compatible urban infill providing additional housing opportunities which will be well located to employment, services, education, recreation and transport facilities.
- Consistency with the planning framework
 

The Planning Proposal is consistent with the Metropolitan Plan for Sydney 2036, the South West Subregion Draft Subregional Strategy, and the Camden Strategic Plan 2025.
- Development constraints
 

The Planning Proposal is supported by a detailed analysis of the opportunities and constraints of the site in particular the landscape and visual analysis prepared by JMD Design. The site is not bush fire prone or subject to flooding. It has limited affectation in terms of vegetation, contamination and riparian corridors, which demonstrates the feasibility of developing the land for low density residential purposes. The site will be well connected with the construction of the Gregory Hills Drive arterial road to the south and the East Side rezoning.

Camden Council Planning Proposal



- Transport and Connectivity Improvements

The Planning Proposal has the potential to provide improved road connectivity to the area between the future Gregory Hills Drive and the East Side rezoning and Raby Road to the north.

#### Recommendations

It is recommended that arising from the consideration of this Planning Proposal, Camden Council resolve to support the rezoning as detailed in this Planning Proposal and forward the Planning Proposal for a Gateway Determination to undertake the following:

- Amend the Land Zoning Map to show part of the site as Zone R1 General Residential, part R2 Low Density Residential and part R5 Large Lot Residential in accordance with dimensions shown on the attached proposed Zoning Plan (refer to Attachment 1);
- Impose a Building Height of 9.5m on the Height of Buildings Map over the site;
- Amend Lot Size Map to show a minimum lot size of 450m<sup>2</sup> over the proposed Zone R1 General Residential portion, a minimum lot size of 700m<sup>2</sup> (ranging from 700m<sup>2</sup> to 1800m<sup>2</sup>) over the R2 Low Density portion and a minimum of 2,000m<sup>2</sup> over the proposed R5 Large Lot Residential portion of the site; and
- Amend the Urban Release Areas Map to identify the site as an Urban Release Area.

ORD04

Attachment 1

Camden Council Planning Proposal



## 1.0 Introduction

This Planning Proposal has been prepared on behalf of Mr Steven Chambers, owner of 190 Raby Road, Gledswood Hills. The site covered by this Planning Proposal is Lot 4 DP 260703.

The Planning Proposal provides the justification for the rezoning of the site which is within the local government area of Camden Council.

This Planning Proposal seeks commencement of the statutory process to rezone the site from RU2 Rural Landscape to a mix of R1 General Residential, R2 Low Density Residential and R5 Large Lot Residential under the Camden LEP 2010.

It is envisioned that the redevelopment would provide a series of residential pockets consistent with the rezoning to the north and would comprise a range of lot sizes that would include single dwelling houses of one (1) and two (2) storeys in height.

The Planning Proposal has been prepared in accordance with the Department of Planning Guidelines A Guide to Preparing Planning Proposals dated October 2012 and A Guide to Preparing Local Environmental Plans dated October 2012.

The consideration of the proposed amendment to the Camden LEP 2010 could be undertaken as a standalone matter.

The Planning Proposal in the following chapters details the merits of the proposed rezoning and has been structured in the following manner:

- Section 2.0 provides a description of the site and its context, including identification of the land to which the proposed rezoning applies and existing development;
- Section 3.0 is the Planning Proposal and is provided consistent with the matters to be considered in the guide to preparing Planning Proposals;
- Section 4.0 provides the conclusions and recommendations to proceed with the Planning Proposal to Gateway Determination and amendment of the Camden LEP 2010;
- Appendix 1 provides an assessment against the LEP Evaluation Criteria;
- Appendix 2 provides a consideration of the consistency of the Planning Proposal with State Environmental Planning Policies; and
- Appendix 3 provides a consideration of the consistency of the Planning Proposal with the Section 117 Directions.

The Proposal is supported by the following attachments:

- Attachment 1: Proposed Zoning Map
- Attachment 2: Proposed ILP/Masterplan
- Attachment 3: Landscape and Visual Analysis



Camden Council Planning Proposal

## 2.0 Site Description and Context

### 2.1 Overview

This chapter describes the location of the site, existing development on the land, the current planning framework, and the relationship of the area to the applicable draft subregional strategy. This description of the site and its context should be read in conjunction with the detailed Landscape and Visual Analysis Report prepared by JMD Design (refer to Attachment 3).

### 2.2 Site Locality

The area that is the subject of this Planning Proposal is shown in Figure 1.

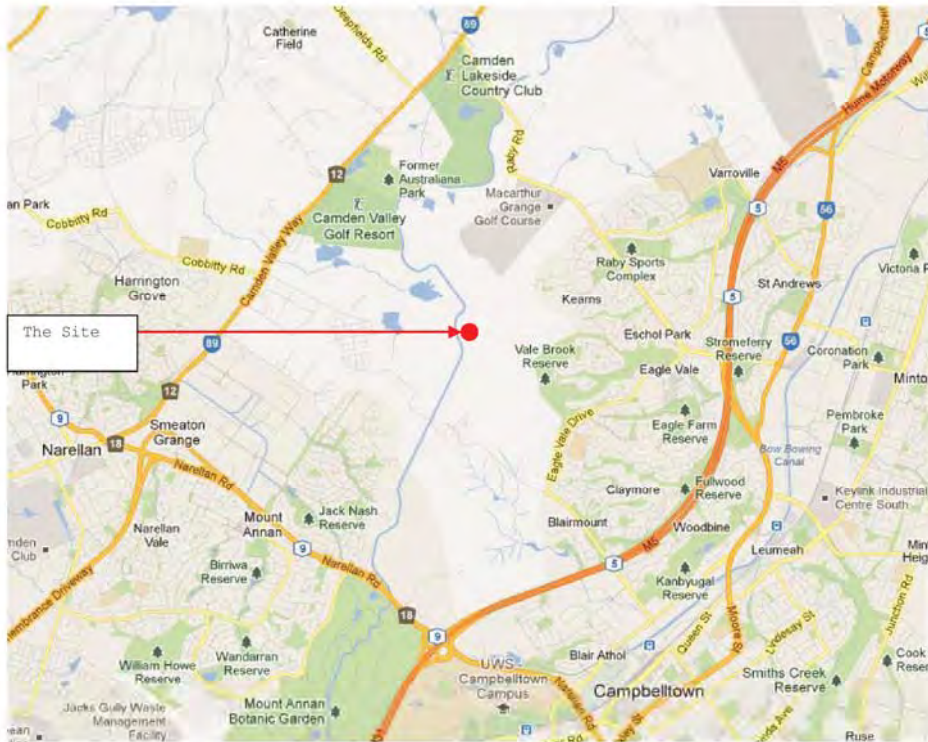


Figure 1: Locality plan (site outlined in red) (Source: Google Maps)

The site is located on the eastern boundary of the Camden Local Government Area (LGA) in an area of rural land located to the south of Raby Road, east of the Sydney Catchment Authority's (SCA) Water





Camden Council Planning Proposal

Supply Channel, north of the future Gregory Hills Drive extension and abutting the LGA boundary with Campbelltown Council.

**2.3 Site Context**

**2.3.1 Outline**

The context of the site is currently predominantly rural and semi-rural in character. However, given the site is located immediately adjacent to the South West Growth Centre (refer to Figure 2 below), the character of the area is undergoing significant change as a large proportion of the surrounding land has been or is in the process of being rezoned for future urban development.



Figure 2: South West Growth Centres Structure Plan (Source: Metropolitan Strategy – A City of Cities)

The surrounding development will be predominantly residential housing with isolated neighbourhood commercial centres and some business generating/employment land, schools, recreation and community facilities.

The changing nature of the landscape around the site is demonstrated in Figure 3 which identifies the key surrounding sites which are detailed as follows.

**2.3.2 Turner Road Precinct South West Growth Centre**

The Turner Road precinct was rezoned in December 2007 and was one of the first Precincts released within the South West Growth Centre. The Precinct has an area of approximately 536 hectares and will accommodate approximately 4000 dwellings, 96 hectares of employment land, a town centre and open space and recreational facilities.

Camden Council Planning Proposal



The Precinct comprises three main parts the Dart West/Marist Brother joint venture release area known as Gregory Hills, which is located immediately to the west of the site across the SCA Water Supply Channel, an employment lands area at the junction of Gregory Hills Drive and Camden Valley Way, and thirdly the Hermitage release area being developed by Sekisui House.

**ORD04**

**Attachment 1**

ORD04

Attachment 1



Camden Council Planning Proposal

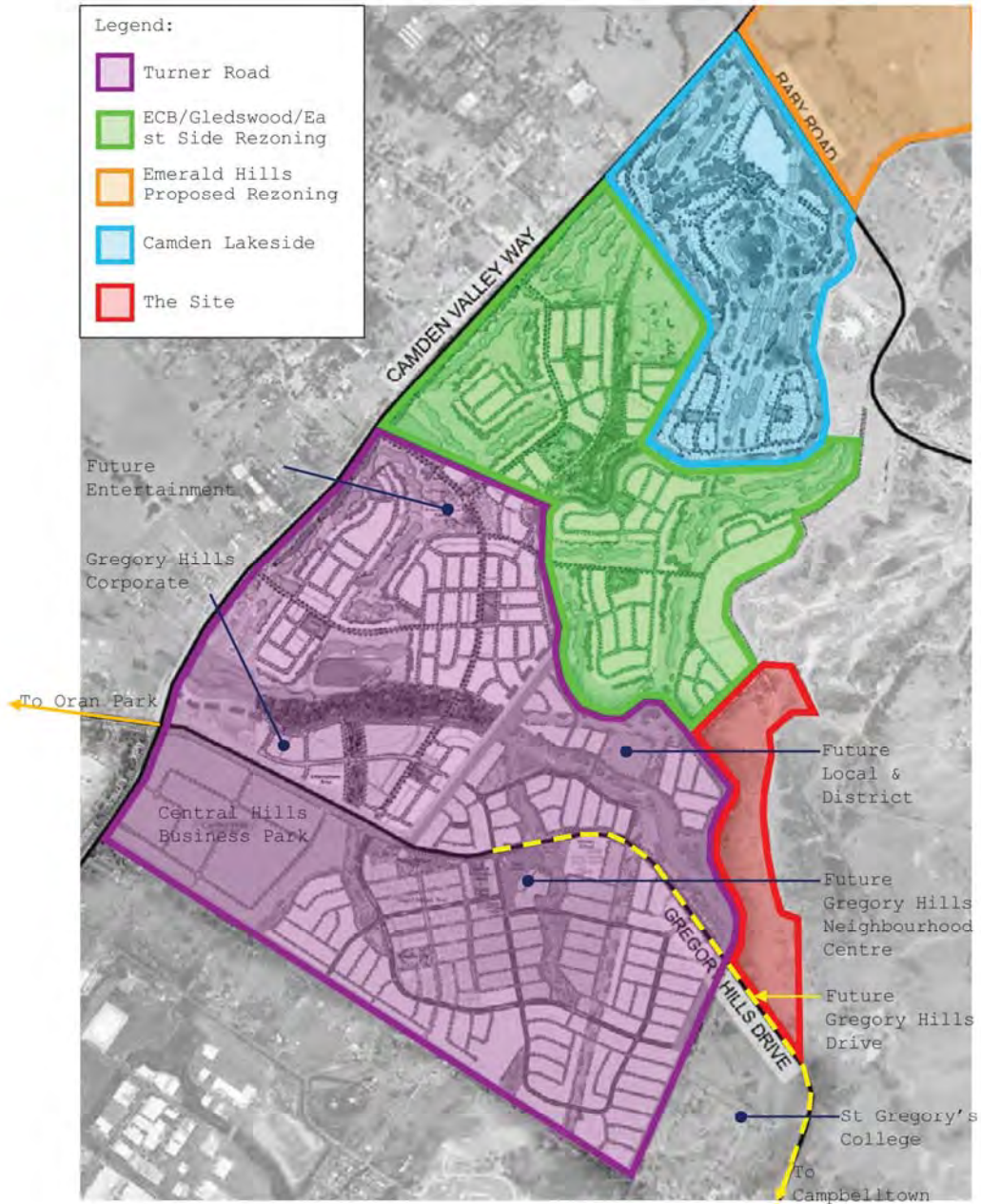


Figure 3: Site Context (Source: Gregory Hills and The Hermitage Masterplans)



Camden Council Planning Proposal



The Gregory Hills estate is located closest to the site with the future neighbourhood centre located approximately 800m to 1km from the site. The Gregory Hills estate also includes the provision of district sporting facilities which are earmarked for construction approximately 250m from the site on the western side of the SCA Water Supply Channel.

The development of the Turner Road Precinct has delivered the construction of significant pieces of infrastructure to the area, including the South Creek Sewer Pump Station and associated rising mains, the first half of the Gregory Hills Drive (formerly Badgally Road) arterial road which will eventually provide a connection through to Campbelltown and the delivery of large scale employment land subdivision.

The Gregory Hills Drive connection through to Campbelltown will deliver roads access to the southern boundary of the site and will be a public transport corridor. It is understood that the DA for the second stage of this road is imminent.

### 2.3.3 El Caballo Blanco/Gledswood/East Side Rezoning

The El Caballo Blanco/Gledswood/ East Side rezoning is located to the north and north-west of the site and is a precinct of approximately 160 hectares of former tourist park, rural and rural residential holdings. This precinct is in the process of being rezoned to accommodate approximately 860 dwellings, a golf course, and a restoration of the State Heritage listed Gledswood House.

The draft LEP has been exhibited and endorsed by Council and is currently with the Minister for Planning and Infrastructure for gazettal.

This precinct will provide public road access close to the northern boundary of the site and opportunities for future connection through the site.

### 2.3.4 Camden Lakeside

Immediately to the north of the El Caballo Blanco and Gledswood site is the existing Camden Lakeside Golf Course site, located on the southern corner of Raby Road and Camden Valley Way. This site is identified as an urban release area under the Camden LEP 2010 that was rezoned in 2006 to accommodate approximately 380 dwellings around the golf course as part of a golf course estate development.

### 2.3.5 Emerald Hills

Located on the northern corner of Raby Road and Camden Valley Way, opposite the Camden Lakeside site, is a site known as Emerald Hills, 1100-1150 Camden Valley Way, Leppington.

The Emerald Hills estate has an area of approximately 151 hectares and is the subject of a Planning Proposal and has the potential to deliver approximately 1200 dwellings. This Planning Proposal obtained Gateway approval in July 2012 and is currently with Council for implementation.

### 2.3.6 Gregory Hills Education Precinct

The Gregory Hills Education Precinct is located immediately to the south of the site and comprises the Gregory Hills College and boarding accommodation. It is understood with the construction, the College will relocate the main access to the newly constructed Gregory Hills Drive.



Camden Council Planning Proposal



## 2.4 The Site

The land that is the subject of the Planning Proposal is located within the Camden Council LGA. The land is owned by Mr Steven Chambers and comprises one (1) allotment of land that has a real property description of Lot 4 in DP 260703 and is commonly known as No.190 Raby Road, Gledswood Hills.

The land was purchased shortly after the original subdivision in 1980 and has a Building Approval 838/1980 for a two storey residence in the SE corner of the site.

The site is a long narrow, irregular shaped site that extends along a north-south ridgeline on the western side of the Camden/Campbelltown LGA boundary. The site has an area of approximately 40 hectares and is approximately 200-300m wide by 1700m long on the western slopes of the ridgeline.

The site has an undulating terrain that is predominately westerly aspect overlooking and draining towards the SCA Water Supply Channel and the upper reaches of the South Creek catchment (refer to Figures 4 and 5 below). There are three (3) small farm dams on the site.

The land is used for grazing purposes and comprises fenced paddocks covered with pasture grasses with a scattering of remnant eucalypts of Cumberland Plain Woodland. The only development on the site is the foundations of a dwelling house the south-east corner of the site, commenced in 1981 as part of a consent (BA No. 838/80) for a dwelling house.

Part of the site is traversed by two key pieces of infrastructure, a series of Jemena gas easements with a combined width of 50m that run the length of the site in a north-south direction, and a 60m wide TransGrid easement for overhead power lines, including two stanchions across the northern end of the site.

There are no other structures on the site.

Whilst, the current context of the site is one of a rural character, it is evident from the context described in Section 2.3 that the site is located within an area undergoing significant change with urban release area developments and rezoning essentially surrounding the site on two sides; to the west and north.

Furthermore, the proximity of the site to utilities, services and public transport will be greatly enhanced with the construction of the proposed extension of Gregory Hills Drive along the southern boundary of the site. This will provide a valuable connection to the Gregory Hills development and Campbelltown LGA, for public transport and pedestrian and cycleway connections.



Camden Council Planning Proposal



Figure 4: Aerial view of the site (outlined in red) (Source: <http://imagery.maps.nsw.gov.au/>)



Figure 5: View from the NW corner of the site looking south along the western boundary

ORD04

Attachment 1



Camden Council Planning Proposal

### 3.0 Statutory Framework 3.1 Zoning

The site is currently zoned RU2 Rural Landscape under the provisions of the Camden LEP 2010 (refer to Figure 6).



Figure 6: Zoning Extract from Camden LEP 2010, Draft Camden LEP No.151 and the SEPP (Sydney Growth Centres) 2006



Camden Council Planning Proposal



It is evident from the zoning map at Figure 6 that the site is located immediately adjacent to a large area of R1 Residential zoned land to the west of the site being the Turner Road Growth Centre Precinct. North of the site is the El Caballo Blanco/Gledswood/East Side land which is proposed to be rezoned to a mix of R1 Residential, R2 Low Density Residential, R5 Large Lot Residential and RE2 Private Recreation. Land to the east of the site is zoned 7(d1) (Environmental Protection (Scenic)) pursuant to Clause 8 of the Campbelltown Local Environmental Plan—District 8 (Central Hills Lands).

Prior to the gazettal of the Turner Road Precinct under the SEPP (Sydney Growth Centres) 2006, this area was zoned 7(d) Environmental Protection (Scenic Hills) which stretched westward to Camden Valley Way. A considerable proportion of the 7(d) Environmental Protection zone within the Camden LGA has since been eroded by the SEPP and subsequent and proposed rezonings.

It is also noted that the Catherine Fields (Part) Precinct of the SEPP (Sydney Growth Centres) 2006 is currently on exhibition. This Precinct is west of the Turner Road Precinct and proposes to rezone large tracks of RU1 Primary Production land for urban purposes, largely R2 Low Density Residential.

### 3.2 Other Controls

A minimum lot size of 40 hectares applies to the site.

No building height restrictions currently apply to the site.



## 4.0 The Planning Proposal

### Overview

In accordance with A guide to preparing Planning Proposals (NSW Department of Planning October 2012) a Planning Proposal is to be comprised of four (4) parts:

- Part 1 – A statement of the objectives or intended Outcomes of the proposed LEP;
- Part 2 – An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 – The justification for those objectives, outcomes and provisions and the process for their implementation; and
- Part 4 – Details of the community consultation that is to be undertaken on the planning proposal.

This section addresses and responds to the matters for consideration detailed within the Department of Planning's document A guide to preparing Planning Proposals, dated July 2009.

### Part 1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to enable the redevelopment of the land at Lot 4 in DP 260703 (190 Raby Road, Gledswood Hills) for a range of low density urban development.

An Indicative Layout Plan/Masterplan for the site has been prepared by JMD Design (refer to Attachment 3 and Figure 7 on page 19).

The objectives of the Proposal are to:

- Protect the scenic and landscape character of the area, particularly when viewed from public land such as the key arterial roads;
- Achieve staged, orderly development having regard to the site's opportunities and constraints that integrates neighbouring sites;
- Plan a residential development that is sympathetic and complementary the scenic qualities of the Gledswood Hills Lands, with any built environments largely "subservient" to such landscape;
- Create a desirable place for all ages and a wide range of household types;
- Optimise the use of infrastructure; and
- Provide choice of housing.

The intended outcome of the Planning Proposal is to rezone the site to permit a range of residential and rural-residential land uses.

It is intended that the Planning Proposal would form part of an amendment to the Camden LEP 2010.



Camden Council Planning Proposal



Figure 7: Indicative Layout Plan/Masterplan for the site

## Part 2 Explanation of Provisions

The proposed amendments to the Camden LEP 2010 propose to implement a suite of controls that would facilitate the redevelopment of the site. The zoning controls would allow for general residential development on the lower less visible portions of the site, with low density and large lot residential on the upper slopes towards the ridge to provide a transition to the adjoining 7(d1) Environmental Protection (Scenic) zone consistent with the adjoining El Caballo Blanco/Gledswood/East Side rezoning to the north of the site.

Building height controls would restrict development to a maximum of two storeys. Lot size controls will reduce the density of development on the higher parts of the site to maximise tree retention and landscaping and provide a transition to the adjoining Environmental Protection zone.

The proposed controls include the following:

- Amend the Land Zoning Map to show part of the site as Zone R1 General Residential, part R2 Low Density Residential and part R5 Large Lot Residential in accordance with dimensions shown on the attached proposed Zoning Plan (refer to Attachment 1);
- Impose a Building Height of 9.5m on the Height of Buildings Map over the site; and
- Amend Lot Size Map to show a minimum lot size of 450m<sup>2</sup> over the proposed Zone R1 General Residential portion, a minimum lot size of 700m<sup>2</sup> (ranging from 700m<sup>2</sup> to 1800m<sup>2</sup>) over the R2 Low Density portion and a minimum of 2,000m<sup>2</sup> over the proposed R5 Large Lot Residential portion of the site.

There are no other provisions that are required to be amended.



ORD04

Attachment 1

Camden Council Planning Proposal



The proposed amendments to the Camden LEP 2010 will also be supported by site specific DCP controls which would include built form requirements, to be incorporated into Part D of Camden DCP 2011. The draft DCP controls would be prepared should the Proposal obtain Gateway approval.

### Part 3 Justification

This section addresses the need for the rezoning, identifies the background studies undertaken, why the Planning Proposal is the best approach and what the community benefits will be.

#### Section A – Need for the Planning Proposal

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

The Planning Proposal itself has not been the result of a specific strategic study or report. However, it is noted that a significant number of technical studies were prepared for both the Turner Road Precinct and the El Caballo Blanco/Gledswood/East side rezoning. The results of these studies have been used to inform the Planning Proposal.

The proposed rezoning is consistent with a number of the State Government's strategic initiatives and the objectives and the actions of the South West Subregion Draft Subregional Strategy.

The El Caballo Blanco/Gledswood/East side rezoning, immediately to the north of the site, is considered to provide the strategic planning context and the potential for residential development of a similar intensity and scale to the site.

A detailed Landscape and Visual Analysis has been prepared by JMD Design for the site (refer to Attachment 3). The Landscape and Visual Analysis reviews the existing physical conditions, analyses the potential constraints and opportunities and considers built form options and outcomes.

#### Landscape and Visual Analysis

The Landscape and Visual Analysis identifies the landscape character as:

*The landscape character of the Subject Land is dominated by the vegetated ridgeline of the Scenic Hills and Badgelly Hill to the south of the Subject Land. A gentle saddle formation exists between the hill at the northern end of the site and Badgelly Hill to the south of the site. The landscape character of the site is rural with cattle grazing in open grasslands with scattered eucalypts and casuarinas broken by the occasional fence line and Transgrid stanchion. The landscape character of the site is fairly homogenous with few or little features.*

*The SCA Water Supply Canal is of visual interest within the area however this feature is not situated on the Subject Land.*

*The surrounding landscape especially south and west of the Subject Land is currently undergoing a significant change of character from a rural landscape to a more urban landscape with the imminent extension of Gregory Hills Drive and future stages of the Gregory Hills and Turner Road developments.*

The Landscape and Visual Analysis has undertaken a comprehensive visual analysis of the visibility of the site from existing and proposed adjoining residential areas. The Visual Analysis concludes:

*Following a review of each of the Viewpoints it is apparent that The Scenic Hills ridgeline forms the edge to the visual catchment of views to and from the Subject Lands. Due to the ridgeline it is not possible to see any portion of the site west of the ridgeline as all of the viewpoints east of the*

Camden Council Planning Proposal



*Scenic Hills ridge (with the exception of Viewpoint 7) are a considerable distance from the Subject Land and at a lower elevation than the ridge so that the viewer is looking up towards the ridge with views to the site deflected over the site. However, it is possible to identify some vertical elements within the site that occur at or near the ridge top. It is recommended that some controls be placed on development along the ridgeline to ensure that the development does not become visible from areas east of the ridge i.e. Viewpoints 1-6.*

*The site is visible to varying degrees west of the Scenic Hills Ridgeline as the area currently exists in an undeveloped state. The viewpoints with highest visibility are Viewpoints 7 - 13. The Comparative View Analysis Diagrams Figure 4.7 – Figure 1.13 demonstrate that there will be very few areas of the Subject Lands visible from Viewpoints 7-13 when the proposed future developments in Gregory Hills and El Caballo Blanco, Gledswood Eastside Rezoning and Turner Road Structure Plan are finalised.*

The Landscape and Visual Analysis identifies that due to the topography and location of the site, the visibility of the site is limited to the surrounding properties to the west within the Camden LGA, and this is due to their currently undeveloped state. Given such properties have been or are in the process of being rezoned and redeveloped for urban development, the redevelopment of this land will significantly decrease the visibility of the site. In this context, the site is located on the edge of urban development within the Camden LGA, but on the western side of the ridge abutting the adjoining rural and Scenic Hills land within the Campbelltown LGA. Whilst the adjoining rural lands of Campbelltown are largely not visible in the context of the site due to their location on the eastern slopes of the ridge, it is important that this edge is respected and any redevelopment of the site provide an appropriate transition to minimise impact on the adjoining lands. This analysis therefore provides the framework for the development that is subservient to the key landscape and visual elements.

Utilising the site analysis and opportunities and constraints map, a developable areas map has been prepared and this has been used to inform an indicative layout plan/conceptual residential subdivision layout for the site.

The indicative layout plan/subdivision concept plan is the preferred option as:

- The concept maintains the visual qualities of the site;
- The layout provides an appropriate transition and interface to the adjoining Environmental Protection zoned land to the east of the site;
- Locates the majority of the residential development on the lower slopes;
- The potential yield of the land is appropriate and compatible with the proposed rezoning of the East Side land to the north;
- A mix of residential, low density residential and large lot residential zones is proposed to provide greater protection to areas of greater visual importance.

#### Roads Access and Traffic

A detailed traffic impact assessment has not been prepared for the site at this stage. It is envisaged that this would be prepared post Gateway Determination and prior to the exhibition of the Proposal.

Notwithstanding this, it is noted that with the redevelopment of neighbouring sites, the site will be well connected by road access. In particular, the partially constructed 4-lane sub-arterial road known as Gregory Hills Drive (formerly Badgally Road) is proposed to be extended from its current eastern alignment east through St Gregory's College lands to connect with Badgally Road within the Campbelltown LGA. The proposed alignment of this road will abut the southern boundary of the site, providing the site with direct road access from a sub-arterial road to Camden and Campbelltown.





At the northern end of the site, the imminent rezoning of the El Caballo/Gledswood/East Side land will also facilitate improved road access to the northern end of the site. The site is currently accessed via a private road to the north off Raby Road, which also services the East Side lands at Nos. 180 to 188 Raby Road. The rezoning of the East Side Land includes the construction of a collector spine road from Raby Road through to The Hermitage Way within the Turner Road Precinct. There is also the potential for road access from the East Side Land through to the northern boundary of the site. This would provide potentially an important connection and possible through site link to the future Gregory Hills Drive.

The State Government has recently invested in significant upgrades to the Hume Highway/M5 in the form of road widening and the installation of ramps to Raby Road to enable direct northbound access onto the M5/M7. These road improvements are located approximately 3kms from the site.

In fact, the Planning Proposal for Lot 104, has the potential to provide a through site road connection between the future Gregory Hills Drive in the south and Raby Road to the north, which would significantly improve road accessibility and permeability through the area and facilitate cycleway and pedestrian connections.

It is therefore concluded that the in the near future the site will benefit from good road access from both the northern and southern boundaries and the Planning Proposal has the potential to delivery further road connectivity improvements to the area.

#### Slope

Site slopes are predominantly less than 5%, with the exception of a small area in the north of the site which has slopes in excess of 20%.

The slope or topography of the site is not a constraint to the redevelopment of the land.

#### Vegetation

The site has an extensive history of grazing and comprises largely fenced paddocks containing pasture grasses and a scattering of remnant eucalypt regrowth of Cumberland Plain Woodland (CPW).

CPW is an Endangered Ecological Community. Under Council's Natural Assets Policy, Council have mapped significant pockets of vegetation across the LGA as either "core habitat - local" or "support for core - local". An Excerpt from Council's Vegetation Map (refer to Figure 8) identifies that the majority of the site is free of any significant vegetation with a small patch of locally significant Core Habitat located toward the northern end of the site.



Camden Council Planning Proposal

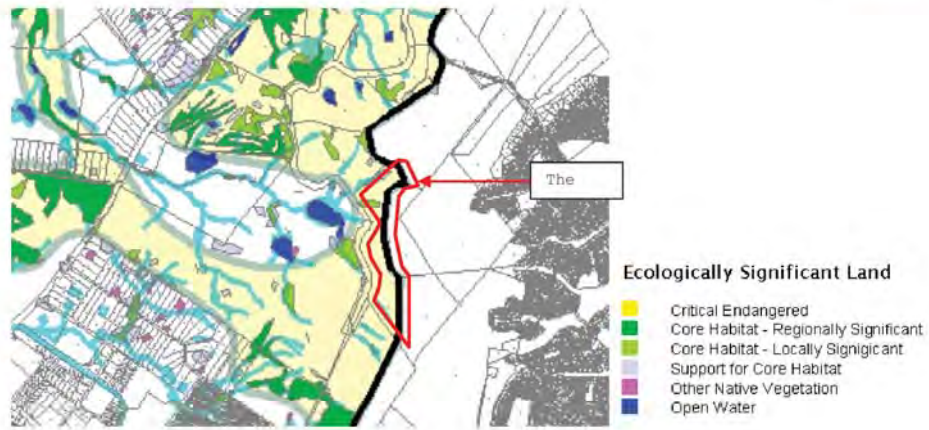


Figure 8: Excerpt from Council's Ecologically Significant Land Map

ORD04

Attachment 1

ORD04

Attachment 1

Camden Council Planning Proposal



Therefore, the site has the potential to accommodate development without a significant impact on either local core habitat or local support for core.

Notwithstanding this, a comprehensive Ecological Assessment of the site will be prepared post Gateway Determination and prior to the exhibition of the Proposal.

Land Capability

A Land Capability assessment of the site is yet to be undertaken, but is intended to be undertaken should the Planning Proposal proceed through Gateway Approval.

Notwithstanding this, it is acknowledged that the site has been the subject to some fly tipping or minor dumping of fill that has the potential to be contaminated and will need to be investigated and potentially remediated if found to be contaminated.

Any assessment will also need to include testing for salinity, in particular in the vicinity of the upper reaches of any creek lines, as it is known from the studies undertaken as part of the rezoning of the Turner Road Precinct, that there are areas of moderate to very saline in the vicinity of South Creek.

Due to the elevated nature of the site it is unlikely that the site will be highly affected by salinity and acid sulphate soils.

Bushfire Constraints Assessment

An excerpt of the Council's Bush Fire Prone Lands Map is provided in Figure 9 below, which identifies that the site is not within Bush Fire prone land.

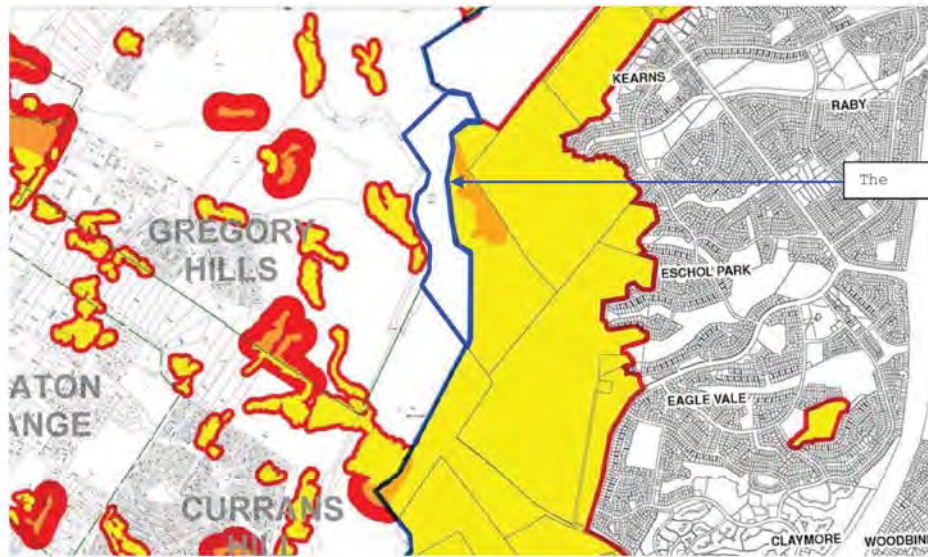


Figure 9: Excerpt from the Council's Bush Fire Prone Lands Map





#### Camden Council Planning Proposal

Notwithstanding this it is recognised that some of the surrounding lands are identified as being bushfire prone land and a Bushfire Impact Assessment of the site will be prepared to guide the development of the masterplan for the site post Gateway Determination and prior to the exhibition of the Proposal. The masterplan for the Planning Proposal includes the provision of a 20-25m APZ along the eastern boundary of the site.

#### Aboriginal Heritage

There are no known aboriginal relics on the site, with the nearest known aboriginal relic being located within the SCA Water Supply Channel adjacent to the site.

An Aboriginal heritage study of the site will be undertaken post Gateway Determination and prior to the exhibition of the Proposal.

#### European Heritage

There are no items of European heritage significance on the site.

The nearest items of heritage significance are the SCA Water Supply Channel adjoining the site and the Gledswood homestead further to the north of the site.

Liaison with the SCA raised no objections to the proposal subject to their standard DCP requirements.

#### Drainage

The site falls within the South Creek catchment and drains westwards towards the SCA Water Supply Channel. Two small riparian corridors are located at the northern and southern ends of the site.

Appropriate drainage infrastructure will be incorporated within the boundaries of the site as part of any redevelopment.

A comprehensive Water Cycle Management Plan that includes consideration of the SCA – Water Supply Canal crossings, flooding and WSUD will be prepared should the Proposal obtain initial Gateway Approval.

#### Noise

The site is sufficiently setback from Camden Valley Way and Raby Road to be unaffected road noise from these existing road corridors.

The future alignment of the Gregory Hills Drive extension along the southern boundary of the site has the potential to result in a noise affectation of the southern boundary of the site. An Acoustic Assessment of this corridor, could be undertaken once the final alignment of this corridor i.e. post determination of the DA for the construction of the Gregory Hills Drive extension, to determine the affectation of the site.

Notwithstanding this, development can be sufficiently setback from this boundary to address any noise impact.

#### Odour

Four poultry farms are located approximately 3.5km to the north-west of the site on the western side of Camden Valley Way. Given the odour impact study undertaken for the El Caballo Blanco/Gledswood/East Side identified that the odour measurements were irrelevant for that rezoning, the site would not be affected by odours. For this reason, further odour assessment is considered unnecessary.

Camden Council Planning Proposal



### Summary

As detailed in sections 2.0 and 3.0 of this report, the surrounding land on the two sides has recently been either rezoned or is in the process of being rezoned to permit urban development and with the future construction of the Gregory Hills Drive along the southern boundary of the site will result in the site effectively being surrounded by urban development on three sides, effectively isolating the site as one of only three small rural zoned parcels between Emerald Hills and Gregory Hills Drive land within the Camden LGA.

Consideration of a rezoning of the land, informed by these and future investigations, will facilitate the pursuit of a comprehensive infill residential development.

The Planning Proposal process is the most appropriate means to apply planning controls to the parcel of land that will be isolated from rural land on three sides. The Planning Proposal process would deliver revised planning controls for the site while also responding to the broader strategic issues of the Metropolitan Plan and the South West Subregion Draft Subregional Strategy.

On a preliminary analysis, there appears to be limited constraints to the future redevelopment of the site.

*Is the Planning Proposal the best way of achieving the objectives or intended outcomes?*

The Planning Proposal is considered the best option as it will allow the redevelopment of the site in a manner that is compatible with the surrounding residential land uses and adjoining rezonings.

The Camden LEP 2010, being Council's standard instrument LEP, was gazetted on 3 September 2010. This LEP was a comprehensive LEP, but involved a translation of the existing controls i.e. it did not look at zoning or control changes.

The site is currently zoned RU2 Rural Landscape which has limited development potential. Given surrounding lands have been zoned to include a number of residential precincts, the Proposal seeks a similar rezoning across this site whilst preserving the landscape and visual qualities of the site. The Planning Proposal is considered to be the best method of achieving renewal of land use at the site – consistent with the changing context of the site.

A site specific LEP, similar to that undertaken for the El Caballo Blanco/Gledswood/East Side rezoning is preferred as it allows a detailed response to the site as opposed to a more broad brush approach of a comprehensive LEP. A site specific will enable a more detailed analysis of the transition to the eastern boundary of the LGA adjoining Campbelltown and the delivery of appropriate controls and mechanisms to deliver development sensitive to this urban boundary.

### **Section B – Relationship to Strategic Planning Framework**

*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)?*

#### Metropolitan Plan for Sydney 2036

On December 16, 2010, the NSW Government launched the Metropolitan Plan for Sydney 2036 to shape the future growth of Australia's major global city. The Metropolitan Plan incorporates the Metropolitan Transport Plan and follows a scheduled five (5) year update of the 2005 Metropolitan Strategy. The Plan outlines State Government policy for the future development and growth of the Sydney Region for the next 25 years.

Camden Council Planning Proposal



It is noted that Council is required to have regard to the Metropolitan Plan when preparing and making a LEP. Specifically, in accordance with Direction 7 (Metropolitan Planning) made by the Minister for Planning under Section 117 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979), the Council is to prepare a LEP that is consistent with "the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010".

Objective A3 of the Plan seeks "to contain the urban footprint and achieve a balance between greenfields growth and renewal in existing urban areas".

Objective B1 seeks to "focus activity in accessible centres".

These objectives are supported by Action D1.1, which seeks to "Locate at least 70% of new housing within existing urban areas and up to 30% of new housing in new release areas".

Action B1.3 also supports these objectives and seeks to "plan for centres to grow and change over time" while Action B1.3 is to "Aim to locate 80% of new housing within the walking catchments of existing and proposed centres of all sizes with good public transport".

The site has frontage to the proposed public transport corridor of Gregory Hills Drive, that will provide direct access to the Strategic Centre of Campbelltown, the employment areas of Narellan and Gregory Hills, the future town centre of Oran Park and the neighbourhood centre of Gregory Hills. Furthermore, the site is within a 10 minute walk i.e. 800m to 1km of the future Gregory Hills neighbourhood centre.

Services and facilities are set to grow in the context of the growth of the employment lands at Gregory Hills.

The proposal provides additional housing consistent with Action D1.2 of the Plan which states "Reflect new subregional housing targets in Subregional Strategies and local Environmental Plans and monitor their achievement".

The South West Subregion Draft Subregional Strategy identifies a target of 10,274 additional dwellings for the Camden Council area outside of the Growth Centres, 8,690 of which are identified to be in Greenfield areas. The Metropolitan Development Program is the government key program for tracking and managing housing supply. While the site is not identified on the MDP program, it is immediately adjoining significant areas identified as greenfield and major sites. The proposed rezoning provides for a contribution to this required housing growth without substantially altering existing residential areas or impacting upon existing employment lands.

#### South West Subregion Draft Subregional Strategy

The Metropolitan Strategy divides Sydney into sub-regions and the Department of Planning and Infrastructure has maintained the subregional strategies in draft form. The subject site is located within the South West Subregion.

The Subregional Strategies are designed to assist Councils with the preparation of their LEPs. The Draft Subregional Strategy was released for exhibition in December 2007 and is still in draft.

The key directions and targets identified in the South West Subregion Draft Subregional Strategy of relevance to the precinct include:

- C1.2 Apply Sustainability Criteria for New Urban Development  
An assessment of the proposal against the Sustainability Criteria is provided in Appendix 4.



## Camden Council Planning Proposal



- SW C1.3.1 – South West councils to plan for sufficient zoned land to accommodate their government area housing targets through their Principal LEPs

The Draft Subregional Strategy identifies an additional 10,274 dwellings between 2004 and 2031, comprising 1,584 additional infill dwellings and 8,690 greenfield dwellings (excluding the South West Growth Centre). The rezoning of the site could contribute to the achievement of these dwelling targets without the loss of existing dwelling stock.
- SW C2.1.1–South West councils to ensure the location of new dwellings improves the subregions performance against the target for the State Plan Priority E5

The action requires that South West councils ensure that 80% of new housing is located within 30 minutes by public transport of a Strategic Centre. The site will achieve this being in proximity to the future public transport corridor along the southern boundary of the site which will provide access to the Major Centre of Campbelltown, which is designated as a Strategic Centre under the Strategy and is approximately 4kms to the south-east of the site.
- SW C2.3.4 – South West councils to provide for an appropriate range of residential zonings to cater for changing housing needs.

The proposal seeks rezoning to part R1 General Residential, part R2 Low Density Residential and part R5 Large Lot Residential zones and which would facilitate changing housing needs on the site consistent with these directions under the South West Subregion Draft Subregional Strategy.

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

Council adopted the Camden 2025 – A Strategic Plan for Camden in December 1999. This Strategic Plan is based around the following major areas:

- Managing Urban Growth
- Accessibility
- Environmental Systems
- Economic and Community development
- Governance

In terms of managing urban growth, the Strategic Plan has the vision of retaining the traditional qualities of a rural lifestyle and environment and the character of historic towns, country villages and new suburban areas, whilst accommodating the fastest urban growth in the Sydney Region.

Importantly, this vision was adopted some six (6) years prior to the implementation of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The SEPP and subsequent gazettal of the Oran Park and Turner Road Precincts increased the amount of large scale urban release areas within Camden, in particular in vicinity to the site.

The rezoning of the site as proposed will provide additional housing opportunities in a site that in the future will have good access to neighbourhood centre and public transport to town and strategic centres and is consistent with the Sustainability Criteria for new urban development. It will protect the visual ridge line that characterises the eastern boundary and would not conflict with the Strategic Plan.

*Is the planning proposal consistent with applicable state environmental planning policies?*

The relevant State Environmental Planning Policies and deemed State Environmental Policies have been addressed at Appendix 2 to this report.



#### Camden Council Planning Proposal

The consideration of these State Environmental Planning Policies and deemed SEPPs has identified that the Planning Proposal would not conflict with any of these Policies.

*Is the planning proposal consistent with applicable Ministerial Directions (S117 Directions)?*

The s117 directions applicable to the Planning Proposal have been addressed at Appendix 3 of this report.

The Planning Proposal would be consistent with all relevant Directions, within the exception of Direction 1.2 Rural Lands.

Direction 1.2 seeks to protect the agricultural production value of rural land. As identified in the Planning Proposal proposes to rezone a RU2 Rural Landscape zone to a mix of residential, low density residential and large lot residential zones, which is inconsistent with this direction.

Notwithstanding this, the proposal is considered acceptable for the following reasons:

- The site is effectively isolated on three sides by urban development, which limits the agricultural production value of the site.
- The site is one of only three small rural sites located within Camden LGA between Leppington in the north and the future Gregory Hills Drive to the south.
- The site is not a productive rural zone, used occasionally for adjustment purposes, due to the large gas and transmission line easements which cross parts of the site.
- The site is only suitable for agricultural use i.e. cattle grazing, but is relatively small by agricultural standards and is not viable as productive rural land.
- The site is immediately adjacent to the Turner Road Precinct of the South West Growth Centres and the El Caballo Blanco/Gledswood/East Side lands site which is the subject of a separate rezoning. Both of these sites were historically rural zoned land and have been or are in the process of being rezoned to allow urban residential development.

#### Connecting NSW: The Transport Blueprint

The priorities and targets for The Transport Blueprint include:

- Increased reliance upon public transport for trips to work;
- Improved efficiency of the road network; and
- Increased reliance upon walking and cycling.

The site is located within proximity to major employment centres and on a proposed public transport route with direct access to those centres. It is also within walking distance to a future neighbourhood centre. The provision of additional dwellings in this potentially future well serviced location is consistent with the Blueprint targets.

#### **Section C – Environmental, Social and Economic Impact**

*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?*

The site is used for grazing purposes and is largely pasture grasses, but does contain a number of remnant Eucalypts of Cumberland Plain Woodland that are identified on Council's Ecologically Significant Lands Map under the Council's Natural Assets Policy as either local core habitat or local support for core.



ORD04

Attachment 1

Camden Council Planning Proposal



A comprehensive ecological assessment will be undertaken post Gateway approval to determine the whether the site contains any critical habitat or threatened species, populations or ecological communities, or their habitats.

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

The site is not flood prone, nor bush fire prone and there are no heritage impacts that arise from the proposed rezoning.

The site has not been the subject of environmental site assessment in regards to potential contamination, however it is acknowledged that the site has been the subject of two isolated dumping of fill that has the potential for contamination. Such Areas of Environmental Concern (AEC's) will require further investigation and potentially remediation. However, it is unlikely that such small areas would prevent the site being made suitable for residential use and occupation without risk to human health.

In this regard there are no hazards that impact the site that would preclude consideration of a rezoning as proposed.

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

#### Social Effects

The Planning Proposal will provide an opportunity for the redevelopment of the site for land uses and activities commensurate with the surrounding locality. The Proposal would allow the redevelopment of the site to accommodate approximately 260 residential dwelling allotments.

The proposed increase in residential density for the land and subsequent increased residential population will place additional demand on social services and open space. However the immediate locality will be well serviced with open space opportunities, especially given the proximity to the district open space facilities to be constructed within the Gregory Hills Precinct immediately to the west of the site on the opposite side of the SCA Water Supply Canal. The potential for additional dwellings is not significant and unlikely to place unreasonable burden on community facilities earmarked to be constructed in the surrounding urban release areas, which could be augmented through Council's normal collection of section 94 Contribution, if required. Contributions would also be levied toward the provision of State public infrastructure.

The provision of greater housing choice and diversity is considered a benefit to the community, particularly one which is in relatively close proximity to major employment lands. A Social Impact Statement will be prepared should the Proposal obtain Gateway approval.

The above sections of this Planning Proposal demonstrate that the proposed rezoning accords with the relevant strategic planning framework and is likely to result in a net community benefit.

#### Economic Effects

The rezoning to allow for a combination of residential and rural residential development at the site will result in positive economic effects. The Planning Proposal will potentially result in short and medium term employment opportunities related to construction activities that can be expected with the residential development upon rezoning.

Additionally, the rezoning will provide increased housing supply and diversity in a location with good access to nearby major employment centres. Although incremental, the economic impacts of having a stable and diverse housing supply in close proximity to employment hubs are considered positive.



Camden Council Planning Proposal

### State and Commonwealth Interests

*Is there adequate public infrastructure for the planning proposal?*

The site is located adjacent to the future alignment of Gregory Hills Drive which will deliver all relevant utilities and access to public transport infrastructure to the southern boundary of the site. The rezoning and subsequent redevelopment of the site would be based upon sound principles for infill development utilising and supporting existing community investment in infrastructure and services.

The Planning Proposal has the potential to utilise and support the facilities due to be delivered in the neighbouring release areas, and the Planning Proposal would not place unacceptable demands on existing public infrastructure.

Any additional community infrastructure generated by the redevelopment of the site would be covered by the s94 developer contributions relevant to the site.

*What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?*

It is recommended the following public authorities will be consulted:

- Office of Environment and Heritage (Environment Branch);
- Office of Environment and Heritage (Heritage Branch);
- Sydney Catchment Authority;
- Roads and Maritime Service (RMS);

This section will be completed following consultation with the State and Commonwealth Public Authorities identified in the Gateway Determination.

### Part 4 Mapping

The following maps will need to be amended:

- Land Zoning Map to show part of the site as R1 General Residential, part R2 Low Density Residential, and part R5 Large Lot Residential in accordance with dimensions shown on the attached proposed Zoning Plan (refer to Attachment 1);
- Height of Buildings Map to reflect a 9.5m height across the site;
- Lot Size Map to show a minimum lot size of 450m<sup>2</sup> over the proposed R1 General Residential portion, a minimum lot size of 700m<sup>2</sup> (with a range of between 700m<sup>2</sup> and 1800m<sup>2</sup>) over the R2 Low Density portion, and a minimum of 2,000m<sup>2</sup> over the proposed R5 Large Lot Residential portion of the site; and

### Part 5 Community Consultation

The Planning Proposal will be exhibited for 28 days in the following manner:

- Letter to surrounding residents and landowners advising of the details of the public exhibition and inviting submissions;
- An advertisement will be placed in the Camden Advertiser in the first and third week of the exhibition period;
- Exhibition material displayed at Narellan and Camden Council Customer Service Centres and Libraries as well; and
- Exhibition material will be available on Council's website.

During the consultation period the following organisations will be consulted:

ORD04

Camden Council Planning Proposal



- Campbelltown Council
- Liverpool City Council
- Wollondilly Council
- Scenic Hills Association

**Part 6 Project Timeline**

It is recommended that the timeline for this Planning Proposal should be 18 months. This will allow underpinning studies to be completed, assessed internally and for a public exhibition period.

Attachment 1

Camden Council Planning Proposal



## 5.0 Conclusions and Recommendations

This Planning Proposal for Lot 4, 190 Raby Road, Gledswood Hills seeks to rezone the site to allow a mix of low density residential development.

The site is located immediately adjacent to the South West Growth Centre's Turner Road Precinct and immediately to the south of land the subject of the El Caballo Blanco/Gledswood/East Side rezoning.

In this respect, the character and landscape of this locality is undergoing a significant transformation. The redevelopment of the Turner Road precinct has commenced with large scale residential subdivision and dwelling construction commencing within the Gregory Hills and Hermitage residential estates to the south-west and west of the site respectively. The release and development of the Turner Road precinct (and other associated release areas) is delivering significant benefits and opportunities to this part of Camden, with the construction of key infrastructure, creation of residential communities, new retail and commercial centres, employment generating centres, provision of education, recreation and community facilities and the provision of public transport.

In this context, the current RU2 Rural Landscape zone is overly restrictive and will result in a relatively isolated rural lot adjacent to two urban release areas and separated by a four lane arterial road to the south. In the near future the site will be in close proximity to future public transport opportunities, employment opportunities, access to recreation facilities, education services and social and retail services associated with the neighbouring release areas.

A rezoning of the site to facilitate low density residential uses has the potential to utilise the land in an appropriate manner that could integrate with the surrounding release areas. With the delivery of the extension to Gregory Hills Drive, the site will be well serviced and accessible to all necessary services and infrastructure to support its redevelopment for residential purposes. It also has the potential to deliver improved site permeability and road connectivity with a link road between Gregory Hills Drive and the East Side link road through to Raby Road.

It is recommended that arising from the consideration of this Planning Proposal that Camden Council resolve to support the intention of the Planning Proposal and prepare a Draft LEP to amend the Camden Local Environmental Plan 2010 in the following way:

- Amend the Land Zoning Map to show part of the site as Zone R1 General Residential, part R2 Low Density Residential and part R5 Large Lot Residential in accordance with dimensions shown on the attached proposed Zoning Plan (refer to Attachment 1);
- Maintain a Building Height of 9.5m on the Height of Buildings Map over the site;
- Amend Lot Size Map to show a minimum lot size of 450m<sup>2</sup> over the proposed Zone R1 General Residential portion, a minimum lot size of 700m<sup>2</sup> (ranging from 700m<sup>2</sup> to 1800m<sup>2</sup>) over the R2 Low Density Residential portion and a minimum of 2,000m<sup>2</sup> over the proposed R5 Large Lot Residential portion of the site.



Camden Council Planning Proposal



## 6.0 Appendices

### 6.1 Appendix 1: Assessment against LEP Evaluation Criteria

There are eight (8) criteria identified by the Department of Planning and Infrastructure to be addressed for spot rezoning LEP proposals. These evaluation criteria are considered below:

#### Criteria 1

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (eg land release, strategic corridors, development within 800m of a transit node)?

As identified in the section 3.4.2, the proposal is compatible with the strategic direction of the Metropolitan Plan for Sydney 2036 and the South West Subregion Draft Subregional Strategy.

The site is immediately adjacent to the Turner Road Precinct of the South West Growth Centre. The redevelopment of the Turner Road Precinct, in particular the Gregory Hills estate will deliver utilities, retail and commercial, community and educational services and facilities and public transport services in close proximity to the site.

#### Criteria 2

Will the LEP implement studies and strategic work consistent with State and regional policies and Ministerial (s117) Directions?

An assessment of the Planning Proposal against the State and Regional Policies and the Section 117 Directions is contained in Appendices 2 and 3.

The Planning Proposal would not result in any significant conflict with any relevant State Environmental Planning Policies.

In terms of the s117 Directions, the proposal is inconsistent with Direction 1.2 relating to Rural Lands, which seeks to protect the agricultural production value of rural land. As identified Appendix 3, the Planning Proposal proposes to rezone RU2 Rural Landscape zone to a mix of residential, low density residential and large lot residential zones, which is inconsistent with this direction.

Notwithstanding this, the proposal is considered acceptable for the following reasons:

- The site is effectively isolated on three sides by urban development, which limits the agricultural production value of the site.
- The site is one of only three small rural sites located within Camden LGA between Leppington in the north and the future Gregory Hills Drive to the south.
- The site is not a productive rural zone, used occasionally for adjustment purposes, due to the large gas and transmission line easements which traverse parts of the site.
- The site is only suitable for intensive agricultural use i.e. cattle grazing, but is relatively small by intensive agricultural standards.



## Camden Council Planning Proposal

- The site is of sufficient size to accommodate a cattle feed lot, however given the sensitivities of the site in terms of proximity to future neighbouring residential development and being located within the head waters of the South Creek Catchment of the Hawkesbury Nepean River system, is not considered appropriate.
- The site is not viable for agriculture.
- The site is immediately adjacent to the Turner Road Precinct of the South West Growth Centres and the El Caballo Blanco/Gledswood/East Side lands site (which is the subject of a separate rezoning). Both of these sites were historically rural zoned land and have been or are in the process of being rezoning to allow urban residential development.

**Criteria 3**

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

No, the site is not located within a global or regional city, strategic centre or corridor. However, the site is located immediately adjacent to the Turner Road Precinct of the South West Sydney Growth Centre and therefore will significantly benefit from the delivery of infrastructure and services associated with the redevelopment of the Turner Road Precinct.

Furthermore, as part of the delivery of the Turner Road Precinct is the construction of the Gregory Hills Drive arterial road along the southern boundary of the site. Gregory Hills Drive is nominated as a public transport corridor with future bus services providing connections to Narellan, the future Oran Park town centre and most importantly Campbelltown Macarthur which is identified as a Strategic Centre under the South West Subregion Draft Subregional Strategy.

In this respect, the Planning Proposal would provide new housing opportunities in a location that could take advantage of these significant beneficial attributes.

**Criteria 4**

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

No. This Planning Proposal seeks to rezone a parcel of land used for occasional grazing purposes to a mix of residential development. The proposal, therefore, will not in and of itself, result in the reduction of employment generation activity at the site.

**Criteria 5**

Will the LEP be compatible/complementary with surrounding land uses?

Yes. As identified in the Planning Proposal the site is on the eastern edge of the Turner Road Precinct of the South West Growth Centre and to the south of the East Side land (rezoning pending) which are effectively both land release areas that will be redeveloped for predominantly residential development. Furthermore to the south, the site will be separated from surrounding land uses by the four lane arterial road of Gregory Hills Drive which will connect through to Campbelltown. As a result, the site will be effectively bordered on three sides by residential development and an arterial road.

To the east, the site abuts the Camden/Campbelltown LGA boundary, which essentially runs along the ridge line. To the east of the site, is essentially east facing rural land. The proposed location of low density residential and large lot residential lots adjacent to this boundary, is consistent with the rezoning of the East Side lands to the north of the site. Furthermore, the provision of a 20-25m buffer

ORD04

Attachment 1

Camden Council Planning Proposal



setback from the eastern boundary ensures that the proposal will provide an appropriate transition and be compatible with the land to the east.

In this respect, the proposal is considered to be complementary and compatible with surrounding land uses.

#### Criteria 6

Is the LEP likely to create a precedent; or create or change the expectations of the landowner or other landholders?

As identified, the site will be bordered on three sides by urban release area development, which have been the subject of recent rezonings effectively isolating the site from adjoining landowners within the Camden LGA by recent rezonings. In this respect, it is considered that this site should have been included within the adjoining rezonings, in particular that of the East Side lands to the north.

It is unlikely that the LEP will create a precedent or change the expectations of the adjoining landowners.

#### Criteria 7

Will the LEP deal with a deferred matter in an existing LEP?

The Planning Proposal does not deal with a deferred matter in an existing LEP and is not applicable in this instance.

#### Criteria 8

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

The site is bordered on three sides by urban release areas or land currently undergoing rezoning for the purposes of urban development. Land to the east of the site is located within Campbelltown LGA and is zoned for Environmental Protection purposes. South of the future Gregory Hills Drive proposed arterial road is St Gregory's College, a Catholic secondary school.

In this respect, there are no other spot rezoning proposals in the immediate vicinity of the site.

The cumulative impact of this request is not considered to undermine the broader planning of the area or undermine the management of the planning functions of Council.

Camden Council Planning Proposal



## 6.2 Appendix 2: Consistency against State Environmental Planning Policies

| SEPP Title  | Consistency | Comment  |
|---|-------------|--|
| 1. Development Standards  | Yes         | This SEPP does not apply to the Camden LEP 2010.                 |
| 4. Development Without Consent and Miscellaneous Exempt and Complying Development | Yes         | This SEPP does not apply to the Camden LEP 2010.                 |
| 6. Number of Storeys in a Building  | Yes         | This SEPP does not apply to the Camden LEP 2010.                 |
| 14. Coastal Wetlands  | N/A         |  |
| 15. Rural Land-sharing Communities  | N/A         |  |
| 19. Bushland in Urban Areas   | Yes         | The provisions of this SEPP do not apply to the site.            |
| 21. Caravan Parks   | N/A         |  |
| 22. Shops and Commercial Premises   | N/A         |  |
| 26. Littoral Rainforests  | N/A         |  |
| 29. Western Sydney Recreation Area  | N/A         |  |
| 30. Intensive Agriculture   | N/A         | The provisions of this SEPP relate to cattle feed lot proposals  |
| 32. Urban Consolidation (Redevelopment of Urban Land)                             | N/A         | This SEPP only applies to urban land.                            |
| 33. Hazardous and Offensive Development   | N/A         |  |
| 36. Manufactured Home Estates   | N/A         |  |
| 39. Spit Island Bird Habitat  | N/A         |  |
| 41. Casino Entertainment Complex  | N/A         |  |
| 44. Koala Habitat Protection  | N/A         | The SEPP does not apply to Camden LGA.                           |
| 47. Moore Park Showground   | N/A         |  |
| 50. Canal Estate Development  | N/A         |  |
| 52. Farm Dams and Other Works in Land and Water Management Plan                   | N/A         | This SEPP relates to the construction of artificial waterbodies. |

37 | Page

ORD04

Attachment 1



ORD04

Attachment 1

Camden Council Planning Proposal



| SEPP Title  | Consistency | Comment  |
|---|-------------|--|
| Areas   |             |  |
| 55. Remediation of Land                                     | Yes         | The lands have been used for potentially contaminating uses i.e. agriculture with isolated dumping. However, it is unlikely that the site is unable to be made suitable for the proposed development. The site will be the subject of a Contamination Assessment post Gateway and prior to the exhibition. |
| 59. Central Western Sydney Economic and Employment Area     | N/A         |  |
| 60. Exempt and Complying Development                        | N/A         | This SEPP does not apply to the Camden LEP 2010.   |
| 62. Sustainable Aquaculture                                 | N/A         |  |
| 64. Advertising and Signage                                 | N/A         |  |
| 65. Design Quality of Residential Flat Development          | N/A         |  |
| 70. Affordable Housing (Revised Schemes)                    | N/A         |  |
| 71. Coastal Protection                                      | N/A         |  |
| SEPP (Building Sustainability Index: BASIX) 2004            | Yes         | This SEPP is relevant to specific development that would become permitted under the Planning Proposal. Future development would need to comply with these provisions.  |
| SEPP (Housing for Seniors or People with a Disability) 2004 | Yes         | This SEPP is relevant to specific development that would become permitted under the Planning Proposal and would need to comply with these provisions.  |
| SEPP (Major Development)                                    | Yes         | This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.   |
| SEPP (Sydney Region Growth Centres) 2006                    | N/A         |  |
| SEPP (Infrastructure) 2007                                  | Yes         | This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the  |

Camden Council Planning Proposal



| SEPP Title   | Consistency | Comment   |
|--|-------------|---|
|  |             | application of the SEPP to future development.  |
| SEPP (Kosciuszko National Park-Alpine Resorts) 2007                | N/A         |   |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | No          | <p>This SEPP aims to provide for the proper management and development of mineral, petroleum and production of extractive industries, facilitate the orderly and economic use of the land and establish appropriate planning controls relating to ESD, environmental assessment and sustainable management.</p> <p>Clause 13(2) requires the consent authority to consider whether a development is likely to have a significant impact on either current or future mining, petroleum production or extractive industries, the consent authority must evaluate the public benefits of the proposed development and any existing or proposed extraction of resources.</p> <p>Whilst the Planning Proposal itself is not development, should Gateway Determination be granted and the site subsequently rezoned, it would facilitate the future development of the site for residential use.</p> <p>The site is located within the proposed Camden Gas Project Stage 3 Northern Expansion area. As originally exhibited, the site was unaffected by gas well locations, however, in response to the submissions by surrounding landowners, in November 2012, the applicant, AGL, submitted an amended Development Application in Response to Submissions. The amended application proposes to locate two wells within the site. The landowners of the site have objected to the location of any gas well sites on the site or provision of access across the site for the purpose of gas extraction.</p> <p>On 19 February 2013, the NSW Government announced new measures to strengthen the regulation of the Coal Seam Gas industry in NSW. One measure was the introduction of a 2km exclusion zone around residential</p> |

ORD04

Attachment 1

Camden Council Planning Proposal



| SEPP Title  | Consistency | Comment   |
|---|-------------|---|
|   |             | <p>zones to prevent new CSG exploration, assessment and production activities (both surface and underground).</p> <p>Given the site is located within 2km of adjoining residential zoned land, the 2 wells as proposed by the amended application would fall within the 2km exclusion zone and therefore would not meet the proposed NSW Government's regulations.</p> <p>It is understood that the Camden Gas Project Stage 3 Northern Expansion is currently on hold as a result of the NSW Government's new regulations.</p> |
| SEPP (Temporary Structures and Places of Public Entertainment) 2007 | Yes         | This SEPP is unlikely to apply to the forms of development that will become permissible under the Planning Proposal.  |
| SEPP (Exempt and Complying Development Codes) 2008                  | Yes         | This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.  |
| SEPP (Rural Lands) 2008   | N/A         | This SEPP does not apply to the Camden LGA  |
| SEPP (Western Sydney Parklands) 2009                                | N/A         |   |
| SEPP (Affordable Rental Housing) 2009                               | Yes         | This SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.  |
| Sydney Regional Environmental Plan (Sydney Harbour Catchment)       | N/A         |   |
| SREP20 Hawkesbury-Nepean River                                      | Yes         | <p>The SREP requires consideration be given to the impact of future land use in Hawkesbury-Nepean River catchment in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development.</p> <p>The Planning Proposal is unlikely to alter or</p>   |

Camden Council Planning Proposal



| SEPP Title | Consistency | Comment   |
|------------|-------------|---|
|            |             | impact adversely upon the water quality and quantity, environmentally sensitive areas and flora and fauna within the Hawkesbury-Nepean River catchment. |

Table 1: Consistency with State Environmental Planning Policies

ORD04

Attachment 1

ORD04

Attachment 1

Camden Council Planning Proposal



### 6.3 Appendix 3: S117 Directions

| S117 Direction Title              | Consistency | Comment  |
|-----------------------------------|-------------|--|
| 1.0 Employment and Resources      |             |  |
| 1.1 Business and Industrial Zones | NA          |  |
| 1.2 Rural Zones                   | No          | <p>Inconsistent</p> <p>The Planning Proposal proposes to rezone RU2 Rural Landscape zone to a mix of residential, low density residential and large lot residential zones, which is inconsistent with this direction.</p> <p>Notwithstanding this, the proposal is considered acceptable for the following reasons:</p> <ul style="list-style-type: none"> <li>• The site is immediately adjacent to the Turner Road Precinct of the South West Growth Centres and the El Caballo Blanco/Gledswood/East Side lands site which is the subject of a separate rezoning. Both of these sites were historically rural zoned land and have been or are in the process of being rezoning to allow urban residential development.</li> <li>• The site is effectively isolated on three sides by urban development.</li> <li>• The site is one of only three small rural sites located within Camden LGA between Leppington in the north and the future Gregory Hills Drive to the south.</li> <li>• The site is not a productive rural zone, used occasionally for adjustment purposes, due to the large gas and transmission line easements which cross parts of the site.</li> <li>• The site is only suitable for intensive agricultural use i.e. cattle grazing, but is relatively small by intensive agricultural standards.</li> <li>• The site is of sufficient size to accommodate a cattle feed lot, however given the sensitivities of the site in terms of proximity to future</li> </ul> |



Camden Council Planning Proposal



| 5117 Direction Title                                       | Consistency | Comment  |
|--|-------------|--|
|  |             | neighbouring residential development and being located within the head waters of the South Creek Catchment of the Hawkesbury Nepean River system, is not considered appropriate.   |
| 1.3 Mining, Petroleum Production and Extractive Industries | No          | <p>Inconsistent</p> <p>The Planning Proposal will effectively prohibit mining, petroleum production or extractive industries on the site. Residential development on the site, would be incompatible with such extractive industries. Notwithstanding this, it is noted that the recent announcement by the NSW Government to introduce tougher regulations on coal seam gas mining, prevent CSG mining on the site i.e. prevent the Camden Gas Project 3 Northern Expansion, as the site is located within the 2km exclusion zone to neighbouring residential zoned land.</p> <p>In this respect, the Proposal does not impact on CSG mining on the site, as it is prohibited due to the applicable 2km exclusion zone.</p> |
| 1.4 Oyster Aquaculture                                     | N/A         |  |
| 1.5 Rural Lands  | N/A         | This Direction does not apply to the Camden LGA.   |
| <b>2.0 Environment and Heritage</b>                        |             |  |
| 2.1 Environment Protection Zones                           | Yes         | <p>The Planning Proposal does not propose the removal of or introduction of any Environmental Protection zones.</p> <p>There are no site features that warrant consideration of the application of these zones.</p>  |
| 2.2 Coastal Protection                                     | N/A         |  |
| 2.3 Heritage Conservation                                  | Yes         | <p>There are no known matters of aboriginal heritage significance required to be considered for the site. Notwithstanding this, an aboriginal archaeological study will be prepared should the proposal obtain Gateway Approval.</p> <p>There are no heritage items located on the</p>   |

ORD04

Attachment 1

Camden Council Planning Proposal



| S117 Direction Title                              | Consistency | Comment   |
|---|-------------|---|
|   |             | site, although the site is immediately adjacent to the SCA – Water Supply Canal which is identified on the State Heritage Register. The SCA standard DCP provisions will be included in any DCP provisions applying to the site, should the proposal obtain Gateway Approval.   |
| 2.4 Recreation Vehicle Areas                      | N/A         |   |
| 3.0 Housing, Infrastructure and Urban Development |             |   |
| 3.1 Residential Zones                             | Yes         | <p>The proposed R1, R2 and R5 zones would permit residential development on the land commensurate with the zoning and development of immediately adjacent land.</p> <p>The Landscape and Visual Analysis Study addresses the scenic and landscape implications of the proposal. The site is considered relatively unconstrained in terms of contamination, vegetation, riparian and bushfire impacts. Detailed technical studies dealing with traffic impacts, ecological considerations, bushfire considerations and contamination will be prepared should the Proposal obtain initial Gateway Approval that are anticipated to support the rezoning and confirm the suitability of the site to include a mix of residential densities.</p> <p>The site is considered to be consistent with the Direction as the rezoning would:</p> <ul style="list-style-type: none"> <li>• Encourage and facilitate a variety of housing to satisfy future needs.</li> <li>• Would make efficient use of proposed public transport infrastructure and utility services.</li> <li>• The provision of infill residential development on what will be a well serviced and located site.</li> </ul> |
| 3.2 Caravan Parks and Manufactured Home Estates   | NA          |   |
| 3.3 Home Occupations                              | Yes         | The zones proposed in the Planning Proposal will permit home occupations to be carried out in dwelling houses without the need for development consent.   |

Camden Council Planning Proposal



ORD04

Attachment 1

| S117 Direction Title  | Consistency | Comment  |
|---|-------------|--|
| 3.4 Integrating Land Use and Transport this Ministerial Direction | Yes         | <p>The Planning Proposal is considered to be consistent with this Direction through:</p> <ul style="list-style-type: none"> <li>The Proposal will provide housing in a location that will be well serviced by public transport along the future Gregory Hills Drive arterial road;</li> <li>The provision of housing in a location that is 800m to 1km from a proposed neighbourhood centre, that will contain retail, commercial, community and educational facilities;</li> <li>The future Gregory Hills Drive will also provide pedestrian and cycleway connections to the proposed neighbourhood centre and the B5 Business Development, employment generating lands to the west;</li> <li>The proposal will facilitate pedestrian and cycleway connections through the site to the East Side lands further to the north;</li> <li>Providing an opportunity for residential development that improves opportunities for travel by means other than by car; and</li> <li>Supports the efficient and viable operation of public transport services.</li> </ul> |
| 3.5 Development Near Licensed Aerodromes                          | Yes         | The Planning Proposal does not propose to introduce buildings of a height that would impact upon navigation to any airport.  |
| 3.6 Shooting Ranges   | NA          |  |
| <b>4.0 Hazard and Risk</b>  |             |  |
| 4.1 Acid Sulphate Soils   | N/A         |  |
| 4.2 Mine Subsidence and Unstable Land                             | NA          |  |
| 4.3 Flood Prone Land  | Yes         | The Planning Proposal will be consistent with this Ministerial Direction. The site is not identified a Flood Prone Land or within a potential flood planning area.   |
| 4.4 Planning for Bushfire Protection                              | Yes         | The site is not identified as being bushfire prone on the Council's Bushfire Prone Lands   |

ORD04

Attachment 1

Camden Council Planning Proposal



| 5117 Direction Title | Consistency | Comment |
|----------------------|-------------|---------|
|----------------------|-------------|---------|

Map.

Notwithstanding this, it is acknowledged that the site abuts land to the east within the Campbelltown LGA that is bushfire prone land. In this respect, the proposal incorporates the appropriate APZ measures to ensure the protection from bushfire risk.

In this respect, the site is considered suitable for the proposed zonings with respect to the provisions of Planning For Bush Fire Protection.

#### 5.0 Regional Planning

|   |     |
|---|-----|
| 5.1 Implementation of Regional Strategies | N/A |
|---|-----|

|                                      |     |
|--------------------------------------|-----|
| 5.2 Sydney Drinking Water Catchments | N/A |
|--------------------------------------|-----|

|  |     |
|--|-----|
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast | N/A |
|--|-----|

|  |     |
|--|-----|
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast | N/A |
|--|-----|

|  |               |
|--|---------------|
| 5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) | Revoked – N/A |
|--|---------------|

|                                 |               |
|---------------------------------|---------------|
| 5.6 Sydney to Canberra Corridor | Revoked – N/A |
|---------------------------------|---------------|

|                   |               |
|-------------------|---------------|
| 5.7 Central Coast | Revoked – N/A |
|-------------------|---------------|

|   |     |
|---|-----|
| 5.6 Second Sydney Airport: Badgerys Creek | N/A |
|---|-----|

#### 6.0 Local Plan Making

|  |     |  |
|--|-----|--|
| 6.1 Approval and Referral Requirements | Yes | The Planning Proposal is consistent with this Ministerial Direction. |
|--|-----|--|

|  |     |  |
|--|-----|--|
| 6.2 Reserving Land for Public Purposes | Yes | The Planning Proposal is consistent with this Ministerial Direction. |
|--|-----|--|

|                              |     |  |
|------------------------------|-----|--|
| 6.3 Site Specific Provisions | Yes | The Planning Proposal is consistent with this Ministerial Direction. |
|------------------------------|-----|--|



## Camden Council Planning Proposal

| S117 Direction Title                            | Consistency | Comment  |
|---|-------------|--|
| 7.0 Metropolitan Plan Making                    |             |  |
| 7.1 Implementation of the Metropolitan Strategy | Yes         | The Planning Proposal is consistent with the relevant actions from the South West Subregion Draft Subregional Strategy |

Table 2: Consistency with S117 Directions

ORD04

Attachment 1



ORD04

Attachment 1

Camden Council Planning Proposal



#### 6.4 Appendix 4: Sustainability Criteria for New Urban Development

| Table G2 Threshold<br>Sustainability Criteria for<br>Listing of site on MDP  | Measurable Explanation of Criteria   | Comment  |
|--|--|--|
| <p>1 Infrastructure Provision<br/>Mechanisms in place to ensure utilities, transport, open space and communication are provided in a timely and efficient way.</p> | <ul style="list-style-type: none"> <li>· Development is consistent with any relevant residential development strategy, subregional strategy, regional infrastructure plan and Metropolitan Strategy.</li> <li>· The provision of infrastructure (utilities, transport, open space, and communications) is costed and economically feasible based on Government methodology for determining infrastructure contribution.</li> <li>· Preparedness to enter into development agreement.</li> </ul>  | <p>The site is immediately adjacent to the South West Growth Centre Turner Road Precinct. The location of the site to the SWGC delivers benefits to the site as utilities, transport and open space will be delivered in close vicinity of the site.</p>   |
| <p>2 Access<br/>Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provide.</p>      | <ul style="list-style-type: none"> <li>· Accessibility of the area by public transport and appropriate road access in terms of:               <ul style="list-style-type: none"> <li>– Location/land use; to existing networks and related activity centres.</li> <li>– Network: the areas potential to be serviced by economically efficient public transport services.</li> <li>– Catchment: the area's ability to contain, or form part of the larger urban area which contains adequate transport services. Capacity for land use/transport patterns to make a positive contribution to achievement of travel and vehicle use goals.</li> </ul> </li> <li>· No net negative impact on performance of existing subregional road, bus, rail, ferry and freight network.</li> </ul> | <p>The site will be connected in terms of public transport with the provision of public bus services along the future Gregory Hills Drive along the southern boundary of the site. Bus services will provide public transport to the Strategic Centre of Campbelltown as well as the centres of Narellan and the future Oran Park Town Centre.</p> |
| <p>3 Housing Diversity<br/>Provide a range of</p>  | <ul style="list-style-type: none"> <li>· Contributes to the geographic market spread of housing</li> </ul>   | <p>The proposal will deliver the opportunity for a range of housing</p>  |



Camden Council Planning Proposal

| Table G2 Threshold Sustainability Criteria for Listing of site on MDP  | Measurable Explanation of Criteria  | Comment   |
|--|---|---|
| housing choices to ensure a broad population can be housed.  | supply, including any government targets established for aged, disabled or affordable housing.  | choices to be provided on the site.   |
| 4 Employment Lands<br>Provide regional/local employment opportunities to support Sydney's role in the global economy.  | <ul style="list-style-type: none"> <li>Maintain or improve the existing level of subregional employment self-containment.</li> <li>Meets subregional employment capacity targets: <ul style="list-style-type: none"> <li>Employment related land is provided in appropriately zoned areas.</li> </ul> </li> </ul>   | N/A   |
| 5 Avoidance of Risk<br>Land use conflicts, and <ul style="list-style-type: none"> <li>Available safe evacuation route</li> <li>Land on the majority of the site is not bushfire prone and the risk to human health and life, avoided.</li> </ul> | <ul style="list-style-type: none"> <li>Available safe evacuation route (Flood and Bushfire).</li> <li>No residential development within 1:100 floodplain.</li> <li>Avoidance of physically constrained land: high slope; highly erodible.</li> <li>Avoidance of land use conflicts with adjacent, existing or future land use and rural activities as planned under regional strategy.</li> </ul>   | <p>The site itself is not bush fire prone land, however appropriate measures are proposed to be provided in relation to protection from neighbouring bush fire prone land. Furthermore, safe evacuation routes will be available both to the north and south of the site.</p> <p>The site is not within flood prone land and is not physically constrained land or likely to cause land use conflicts.</p>  |
| 6 Natural Resources<br>Natural resource limits not exceeded/environmental footprint minimised.   | <ul style="list-style-type: none"> <li>Demand for water does not place unacceptable pressure on infrastructure capacity to supply water and on environmental flows.</li> <li>Demonstrates most efficient/suitable use of land.</li> <li>Avoids identified significant agricultural land.</li> <li>Avoids impacts on productive resource lands; extractive industries, coal, gas and other mining, and quarrying.</li> <li>Demand for energy does not place unacceptable pressure on infrastructure capacity to supply energy; requires demonstration of efficient and sustainable supply solution.</li> </ul> | <p>Appropriate infrastructure, utilities, services and energy resources will be available to the site with the construction of the future Gregory Hills Drive connection.</p> <p>The site is located within the area affected by the Camden Gas Project Stage 3 – Northern Expansion and was proposed to contain 2 gas well sites under the amended application. However, given the NSW Government's recent announcement to toughen the regulations applying to CSG mining and introduce a 2km exclusion zone around existing residential zoned land, the mining of CSG on the site would be prohibited as the site is located within 2km of surrounding residential zoned land. In this respect, the proposal does not</p> |

ORD04

Attachment 1

Camden Council Planning Proposal



Table G2 Threshold  
Sustainability Criteria for  
Listing of site on MDP

Measurable Explanation of Criteria

Comment

|  |   |  |
|--|---|--|
|  |   | <p>affect the mining of CSG on the site, as it is already precluded/prohibited.</p> <p>Otherwise, the proposal does not affect significant agricultural land or any other mining industries.</p>   |
| <p>7 Environmental Protection<br/>Protect and enhance biodiversity, air quality, heritage, and waterway health.</p>  | <ul style="list-style-type: none"> <li>• Consistent with Government approved Regional Conservation Plan (if available).</li> <li>• Maintains or improves areas of regionally significant terrestrial and aquatic biodiversity (as mapped and agreed by DEC and DPI). This includes regionally significant vegetation communities; critical habitat; threatened species; populations; ecological communities and their habitats.</li> <li>• Maintain or improve existing environmental condition for air quality.</li> <li>• Maintain or improve existing environmental condition for water quality and quantity.</li> <li>• Consistent with community water quality objectives for recreational water use and river health (DEC and CMA).</li> <li>• Consistent with catchment and stormwater management planning (CMA and local council).</li> <li>• Protects areas of Aboriginal cultural heritage value (as agreed by DEC).</li> </ul> | <p>The site is not affected by a Regional Conservation Plan.</p> <p>Significant vegetation will be retained where appropriate.</p> <p>A Water Cycle Management Plan will be prepared should the Proposal obtain initial Gateway Approval.</p> <p>Air quality is unlikely to be affected by the proposed development.</p> <p>Water quality will be maintained through the implementation of the appropriate WSUD measures.</p> <p>There are no known areas of aboriginal significance</p> |
| <p>8 Quality and Equity in Services<br/>Quality health, education, legal, recreational, cultural and community development and other government services are accessible.</p> | <ul style="list-style-type: none"> <li>• Available and accessible services.</li> <li>• Do adequate services exist?</li> <li>• Are they at capacity or is some available?</li> <li>• Has Government planned and budgeted to further service provision?</li> <li>• Developer funding for required service upgrade/access is</li> </ul>  | <p>The site is in close proximity to the Gregory Hills neighbourhood centre, proposed to be constructed within the adjoining release area which will deliver retail commercial, community and educational facilities.</p> <p>The site is also in close proximity to the local and district open space facilities to be constructed on the adjoining Gregory Hills release area.</p>  |



Camden Council Planning Proposal

| Table G2 Threshold Sustainability Criteria for Listing of site on MDP | Measurable Explanation of Criteria | Comment   |
|---|------------------------------------|---|
|   | available.                         | <p>Public transport services along the future Gregory Hills Drive arterial road will provide access to the services and facilities at Campbelltown, Narellan and Oran Park town centres.</p> <p>Developer funding is available by s94 or state public infrastructure contributions.</p> |

Table 3: Assessment against Table G2 Sustainability Criteria for New Land Release

ORD04

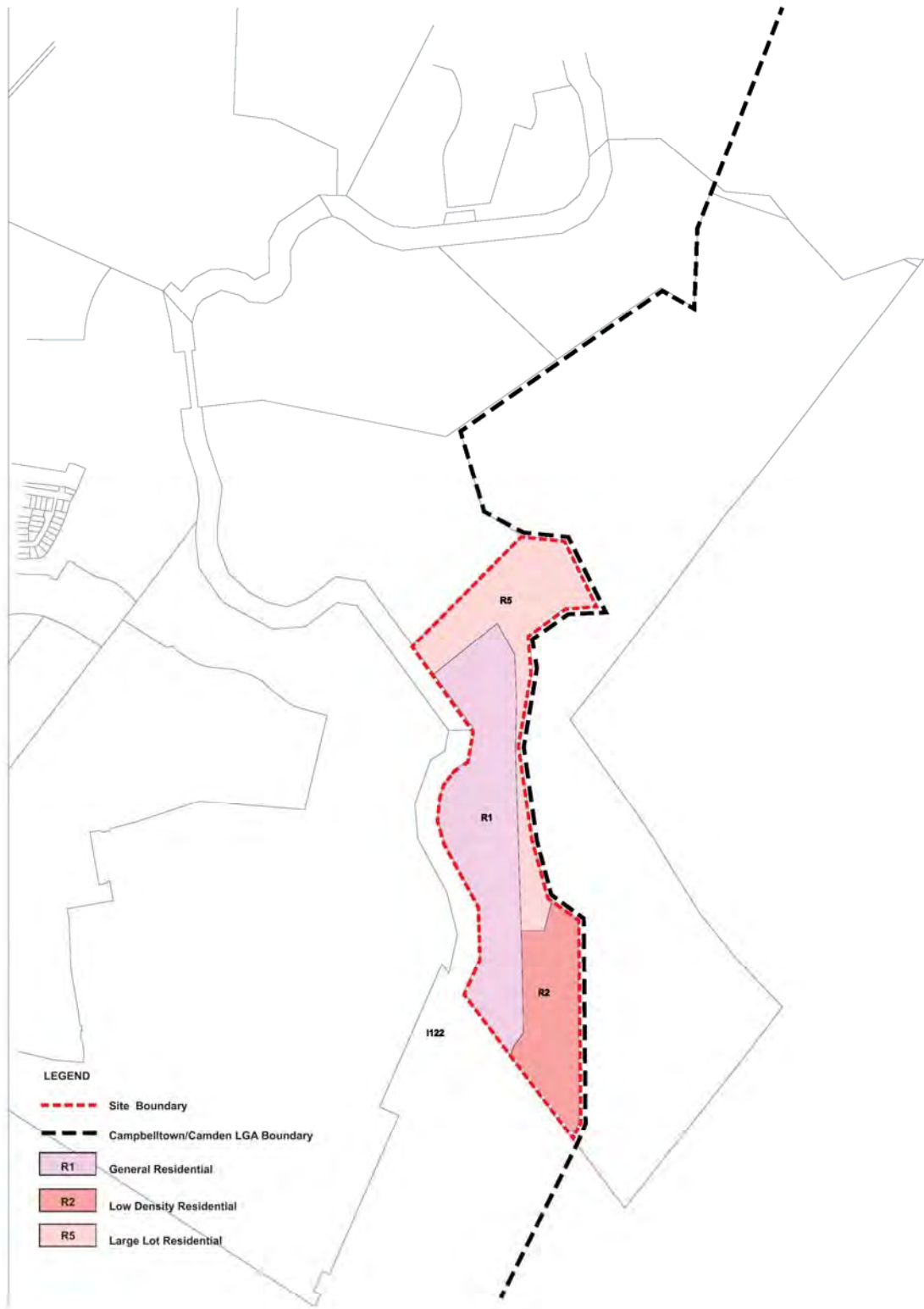
Attachment 1

**ORD04**

Attachment 1: Proposed Zoning Plan

**Attachment 1**





ORD04

Attachment 1

|                              |                               |                  |                           |   |   |   |
|------------------------------|-------------------------------|------------------|---------------------------|---|---|---|
| Client<br>MR STEVEN CHAMBERS | Consultants<br>TIV CONSULTING | SUB PLANNING<br> | North Point / Barwick<br> | JWD design<br>150 James Street<br>Redfern NSW 2016<br>Tel: 02 9230 4164 Fax: 02 9230 4165<br>jwdesign@jwdesign.com.au | Project<br>150 RARY ROAD, GLEDSWOOD HILLS,<br>LOT 4, DP 2402705, LGA CAMDEN<br>Drawing Title<br>ZONING MASTERPLAN | Date<br>03.12.2012<br>Scale<br>1:500 @ A1 |
|------------------------------|-------------------------------|------------------|---------------------------|---|---|---|

**ORD04**

Attachment 2: ILP/Master Plan

**Attachment 1**



|                             |                              |              |                         |           |       |      |             |       |       |    |  |                     |                     |              |
|-----------------------------|------------------------------|--------------|-------------------------|-----------|-------|------|-------------|-------|-------|----|--|---------------------|---------------------|--------------|
| Client<br>MR PETER CHAMBERS | Consultants<br>IN CONSULTING | SIR PLANNING | North Point / Bar Scale | Revisions | Issue | Date | Description | Drawn | Check | IP | Project<br>LOT 4, 170 BARRY ROAD, GLEDSWOOD HILLS<br>Drawing Title<br>MASTERPLAN | Scale<br>1:25000 A4 | Drawing No.<br>L-02 | Issue<br>ADV |
|-----------------------------|------------------------------|--------------|-------------------------|-----------|-------|------|-------------|-------|-------|----|--|---------------------|---------------------|--------------|

Attachment 1 **ORD04**

**ORD04**

Attachment 3: Landscape and Visual Analysis Assessment

**Attachment 1**



STEVEN CHAMBERS

ORD04

MAY 2013

Landscape Visual Analysis  
**190 Raby Road**  
**Lot 4 DP260703 Gledswood Hills**



Attachment 1

**James Mather Delaney Design Pty Ltd**  
Landscape Architects  
ABN 30 128 554 638

190 James Street  
Redfern NSW 2016  
Australia

T +61 2 9310 5644  
F +61 2 9319 4858  
info@jmddesign.com.au  
www.jmddesign.com.au



**ORD04**

**Attachment 1**

This Page is Intentionally Blank

Landscape and Visual Analysis of Lot 4 190 Raby Road

JMD design

ORD04

## Contents

Page

|       |  |    |
|-------|--|----|
| 1     | Landscape and Visual Analysis of Lot 4 Raby Road Gledswood Hills | 1  |
| 1.1   | Introduction   | 1  |
| 1.2   | Purpose of Report  | 1  |
| 1.3   | Site Context   | 1  |
| 1.4   | Project Objectives   | 4  |
| 1.5   | Landscape and Visual Analysis Objectives                         | 4  |
| 1.6   | Methodology  | 4  |
| 1.6.1 | Landscape Site Survey and Analysis                               | 4  |
| 1.6.2 | Visual Survey and Analysis                                       | 4  |
| 1.6.3 | Opportunities and Constraints                                    | 4  |
| 1.6.4 | Recommendations  | 4  |
| 2     | Existing Zoning  | 5  |
| 2.1   | Adjoining Land Release History                                   | 6  |
| 2.1.1 | Land to the East   | 6  |
| 2.1.2 | Land to the North  | 6  |
| 3     | Landscape Site Survey and Analysis                               | 8  |
| 3.1   | Context  | 8  |
| 3.2   | Climate  | 9  |
| 3.3   | Topography and Hydrology   | 10 |
| 3.4   | Slope and Access   | 11 |
| 3.5   | Geology and Soils  | 13 |
| 3.6   | Vegetation   | 14 |
| 3.7   | Indigenous Heritage  | 15 |
| 3.8   | European Heritage  | 16 |
| 3.9   | Services   | 17 |
| 3.10  | Landscape Capability and Contamination                           | 19 |
| 3.11  | Landscape Character  | 20 |
| 4     | Visual Survey and Analysis                                       | 21 |
| 4.1   | Survey   | 21 |
| 4.2   | Visual Analysis  | 29 |
| 4.3   | Opportunities and Constraints                                    | 40 |
| 5     | Referencing  | 45 |
|       | Appendix   |    |
| A     | Visual Analysis -Viewpoints 1-14                                 | 46 |
| B     | Jemena gas Network (NSW) Ltd Landowner Information               |    |
| C     | Transgrid Easement Guide   |    |

Landscape and Visual Analysis of Lot 4 190 Raby Road

Attachment 1

ORD04

Attachment 1

JMD design

## Figures

Page

|   |    |
|---|----|
| Figure 1.1 Location Map - Local Context Greater Sydney Area   | 2  |
| Figure 1.2 Site Map   | 3  |
| Figure 2.1 Laminant Zoning Map  | 5  |
| Figure 2.2 Adjoining Land Releases  | 7  |
| Figure 3.1 View looking South from property Boundary showing SCA Water Supply Canal to the west, pasture land and Badgelly Hill in the Background | 8  |
| Figure 3.2 View looking north from St Gregory's College Property at southern boundary   | 8  |
| Figure 3.3 Site Topography  | 9  |
| Figure 3.4 Hydrology  | 10 |
| Figure 3.5 Slope Analysis   | 11 |
| Figure 3.6 Aspect Analysis  | 12 |
| Figure 3.7 Soils  | 13 |
| Figure 3.8 Geology  | 13 |
| Figure 3.9 Significant Vegetation   | 14 |
| Figure 3.10 Indigenous Heritage   | 15 |
| Figure 3.11 European Heritage - Phases of Subdivision to Gledswood  | 16 |
| Figure 3.12 Services  | 18 |
| Figure 3.13 Land Capabilities and Contamination   | 19 |
| Figure 3.14 Topographical Cross Sections  | 20 |
| Figure 4.1 Landmark Point Location Plan   | 22 |
| Figure 4.2 View Point Location Plan   | 23 |
| Figure 4.3 Views West from Campbeltown LGA Locations  | 24 |
| Figure 4.4 Views East from Camden LGA Locations   | 25 |
| Figure 4.5 View Point Location Plan showing Adjoining Proposed Development  | 26 |
| Figure 4.6 Views East from Camden LGA Locations showing Adjoining Proposed Development  | 27 |
| Figure 4.7 Topographical Cross Sections   | 29 |
| Figure 4.8 View South over Subject Land towards Camden  | 30 |
| Figure 4.9 Comparative View Analysis - View 7   | 31 |
| Figure 4.10 Comparative View Analysis - View 8  | 32 |
| Figure 4.11 Comparative View Analysis - View 9  | 33 |
| Figure 4.12 Comparative View Analysis - View 10   | 34 |
| Figure 4.13 Comparative View Analysis - View 11   | 35 |
| Figure 4.14 Comparative View Analysis - View 12   | 36 |
| Figure 4.15 Comparative View Analysis - View 13   | 37 |
| Figure 4.16 Existing Site Visibility  | 39 |
| Figure 4.17 Site Visibility after Proposed Development  | 40 |
| Figure 4.18 Site Plan showing Views   | 41 |
| Figure 4.19 Section showing Line of View  | 41 |
| Figure 4.20 Land Ridge Top Lots   | 42 |
| Figure 4.21 Section Ridge Top Lots  | 42 |
| Figure 4.22 Opportunities and Constraints   | 43 |
| Figure 4.23 Potential Development Areas   | 44 |

Landscape and Visual Analysis of Lot 4 390 Babby Road

## Figures

Page

December 2012

|                          |    |
|--------------------------|----|
| Appendix                 |    |
| Figure A.1 Viewpoint 1   | 46 |
| Figure A.2 Viewpoint 2   | 47 |
| Figure A.3 Viewpoint 3   | 48 |
| Figure A.4 Viewpoint 4   | 49 |
| Figure A.5 Viewpoint 5   | 50 |
| Figure A.6 Viewpoint 6   | 51 |
| Figure A.7 Viewpoint 7   | 52 |
| Figure A.8 Viewpoint 8   | 53 |
| Figure A.9 Viewpoint 9   | 54 |
| Figure A.10 Viewpoint 10 | 55 |
| Figure A.11 Viewpoint 11 | 56 |
| Figure A.12 Viewpoint 12 | 57 |
| Figure A.13 Viewpoint 13 | 58 |
| Figure A.14 Viewpoint 14 | 59 |

**ORD04**

**Attachment 1**

This Page is Intentionally Blank.



JMD design

# 1 Landscape and Visual Analysis of Lot 4 Raby Road Gledswood Hills

## 1.1 Introduction

JMDdesign have been commissioned by the landowner Mr Steven Chambers to prepare a Landscape and Visual Analysis for 190 Raby Road Gledswood Hills being Lot 4 in DP 260703 Camden LGA ("the Subject Land") as part of a submission to Camden Council.

The Subject Land is 40 hectares of rural pasture land, created by a rural subdivision in 1980, and sits entirely within Camden Council.

The owner, Steven Chambers, purchased the land in 1980, and has used the property for cattle grazing, and other minor agricultural pursuits.

Over the past ten years, due to a demand for residential housing, the land adjoining to the east and the north has recently been rezoned for residential housing estates.

The Landowner, wishes to prepare a planning proposal for the site to enable residential housing to be developed, in conjunction with maintaining landscape and visual amenity.

## 1.2 Purpose of the Report

The purpose of this report is to map existing landscape, visual and scenic qualities of the site and surrounding areas and provide a site analysis and recommendations that will inform the residential planning and development process.

## 1.3 Site Context

The Subject Land currently has private road access to Raby Road and is bounded by St Gregory's College in the south, the SCA - Sydney Water Supply Canal to the west, recently rezoned lands 182 -188 Raby Road to the north west and Macarthur Grange Golf Club to the north.

The Subject Land is bounded on the east side by Campbelltown City Council boundary and the area known as "the Scenic Hills".

The site is located to the east of the Gregory Hills release area, recently released for urban development within the Turner Road Precinct of the Sydney South West Growth Centres.

The proposed extension of Gregory Hills Drive from its current termination point at the Gregory Hills residential development will pass along the southern boundary of the Subject Land and then connect to the western end of Badgally Road east of St Gregory's College linking through to Campbelltown.

ORD04

Attachment 1

JMD design



Figure 1.1: Location Map - Local Context Greater Sydney Area  
(Nearmaps, viewed 21 November 2012)

NOT TO SCALE



2 Landscape and Visual Analysis of Lot 4 190 Raby Road

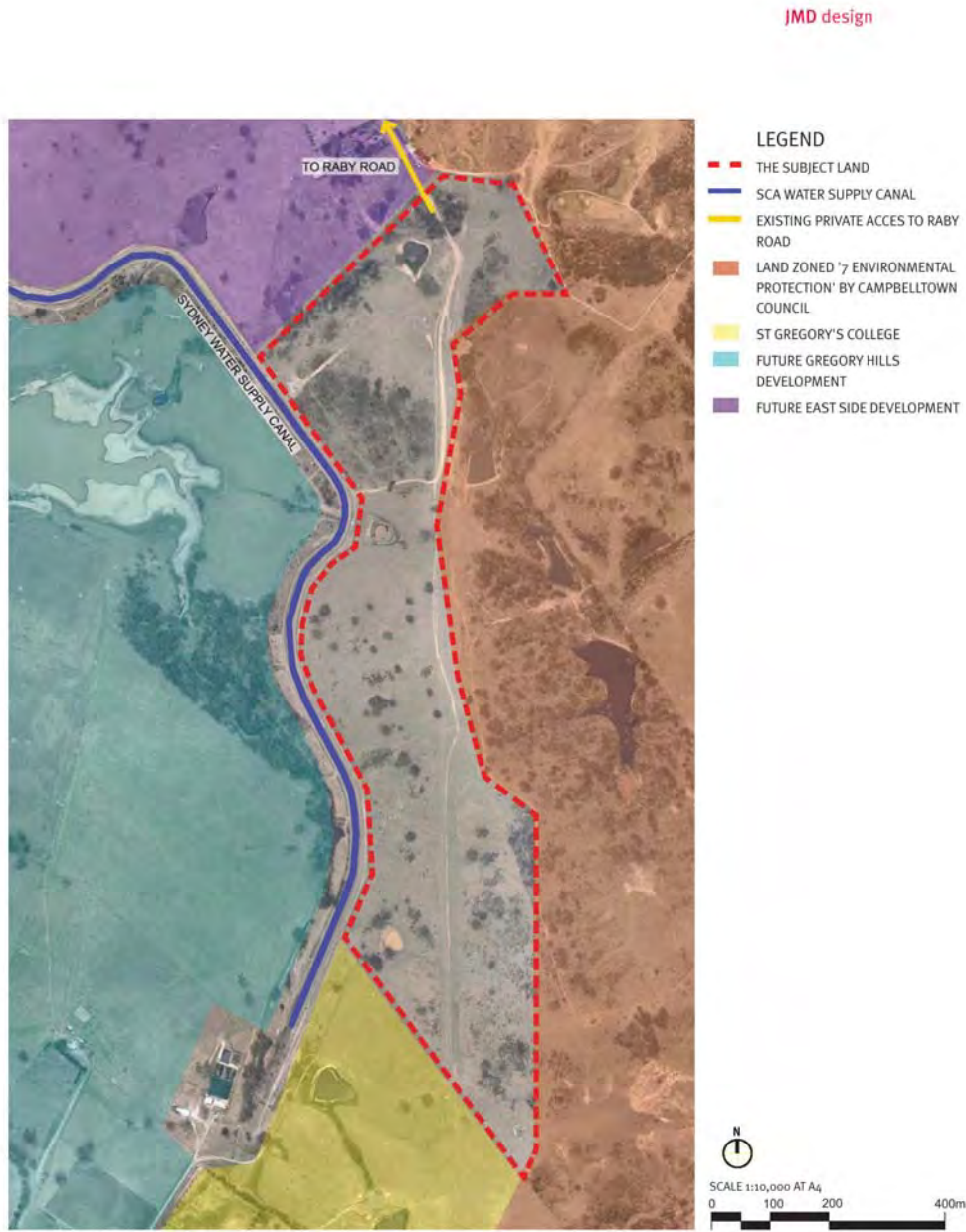


Figure 1.2: Site Map  
(Nearmaps, viewed 21 November 2012)



JMD design

#### 1.4 Project objectives

The Landowner's requirements for the proposed development of the Subject Land are:

- Achieve staged, orderly development having regard to the site's opportunities and constraints;
- Plan a residential development that is identified as best practice in dealing with the scenic qualities of the Gledswood Hills Lands, with any built environments largely "subservient" to such landscape;
- Create a desirable place for all ages and a wide range of household types;

#### 1.5 Landscape and Visual Analysis Objectives

In line with the project objectives for the development of the site the objectives of this landscape and visual analysis are to:

- Assess and identify the visual qualities of the Subject Land;
- Ensure that any proposed development of the Subject Land has no or minimal adverse impact on the local and regional visual quality of the area;
- To identify areas suitable for residential development within the Subject Land;
- To provide guidelines to future residential development of the Subject Land that will reduce the visual and landscape impact of the area.

#### 1.6 Methodology

The methodology employed to undertake this landscape and visual assessment involved the following tasks:

##### 1.6.1 Landscape Site Survey and Analysis

- Review of available studies of surrounding landholdings such as Turner Road Precinct, Camden Lakeside and El Caballo Blanco Gledswood Eastside;
- Review of available Camden Council documents relevant to the Subject Land;
- Review of topographic maps and aerial photography;
- Undertake services and utilities search;
- Prepare site analysis diagrams for site geology and soils, topography, hydrology and drainage, vegetation, heritage, land capability, site character, landscape features, and contamination, services, land zonings;

##### 1.6.2 Visual Survey and Analysis

- Detail visual site survey and photography of Subject Land from various viewpoints surrounding the Subject Land to establish a visual catchment;
- Identify and map prominent landscape elements;
- Review existing site photography to plot visibility of the site from viewpoints;
- Review proposals for future development in the area against development proposals for the Subject Land to determine the visual impact on landscape elements;

##### 1.6.3 Opportunities and Constraints

- Prepare opportunities and constraints plan for the Subject Land;

##### 1.6.4 Recommendations

- Provide recommendations and guidelines for future development to ensure the landscape and visual integrity of the site.

JMD design

## 2 Existing Zoning

The Subject Lands are currently zoned Rural Landscape RU 2 under the Camden Local Environmental Plan 2010. The minimum area of subdivision and minimum area for the erection of a dwelling under such zoning is generally 40 hectares.

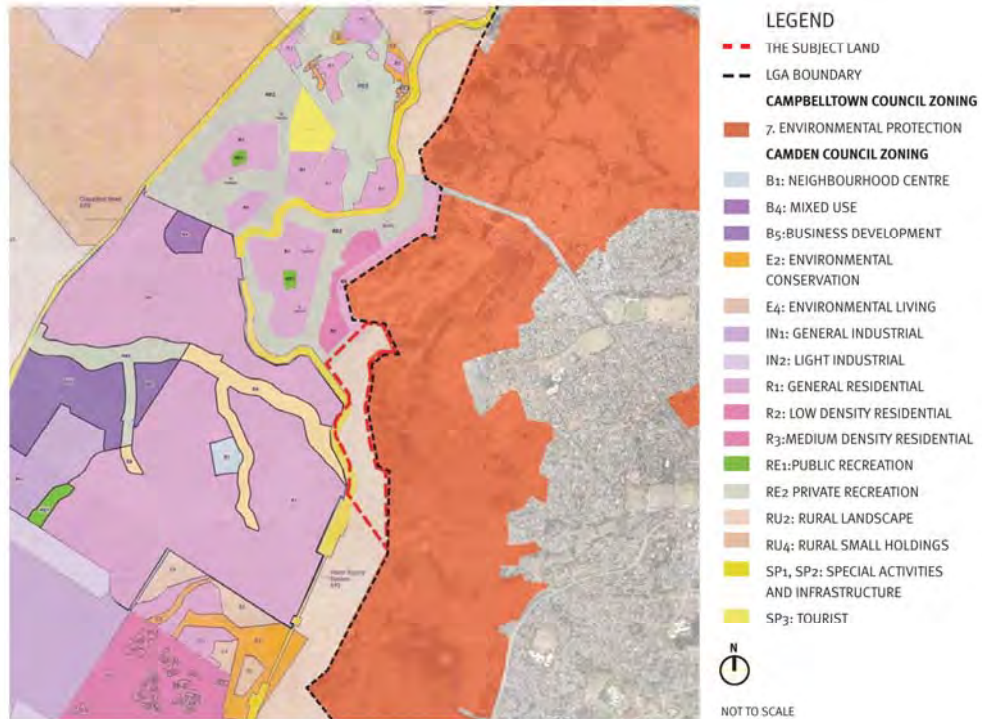


Figure 2.1: Imminent Zoning Map  
 (Nearmaps, viewed 21 November 2012)  
 (Campbelltown City Council, 2010)  
 (Council of Camden, 2008)  
 (NSW Government Department of Planning, 2007)

ORD04

Attachment 1



JMD design

## 2.1 Adjoining Land Release History

### 2.1.1 Land to the East – Turner Road Precinct – Gregory Hills Release Area.

Located to the east of the site, Turner Roads is one of the first Precincts released in the South West Growth Centre.

The 536-hectare precinct was rezoned in December 2007 after 18 months of planning. Turner Road Precinct includes:

- Potential for 4,020 new dwellings for over 12,000 new residents;
- Capacity for 5,000 jobs;
- Ninety-six hectares of employment land;
- A 15,000 square meter town centre;
- 27 kilometers of walking and cycling routes; and
- 77 hectares of open space.

The Precinct is predominately being developed by Dart West / Marist Bros Joint Venture, the release area known as "Gregory Hills".

### 2.1.2 Land to the North – 180 -188 Raby Road -El Caballo Blanco /Gledswood / East Side Rezoning

In October, 2005 on behalf of the proponent, Camden Council resolved to prepare an LES and DLEP for the former El Caballo holding and the adjoining lands known as East Side. The total holding consisted of some 160 hectares and built upon a formerly approved convention/golf resort masterplan for the redevelopment of the El Caballo site. In 2009, due to change of ownership, the proponent, submitted a revised masterplan to create a Golf Course Residential Estate including 860 residences and an 18 hole championship golf course.

The development, to achieve economic viability and deliver a desired natural system outcome, was to include several small strategically clustered urban precincts and a major revegetation scheme. The concept revised masterplan focused on the development being located below central ridgelines when viewed from Camden Valley Way, and Raby Road.

The approved masterplan and Planning Proposal (Draft LEP 151) is currently with the Department of Planning for final gazettal.

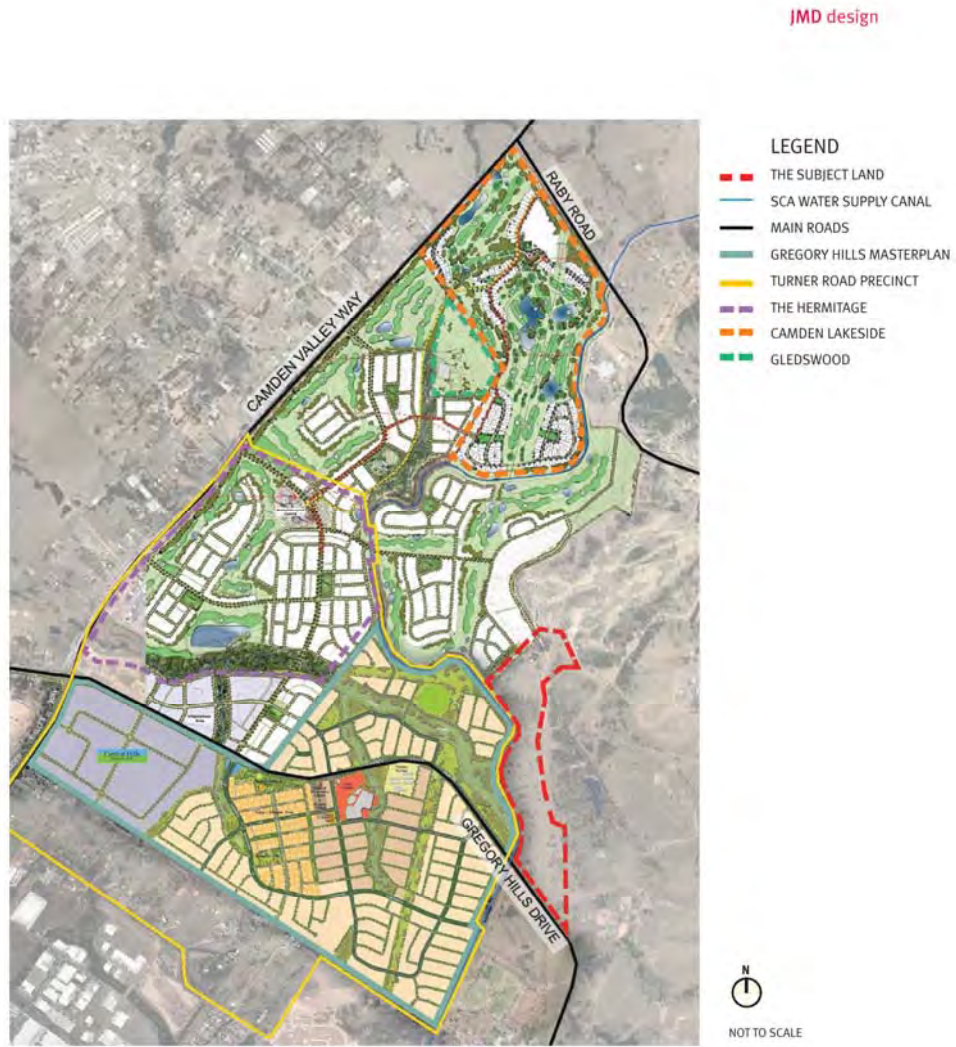


Figure 2.2: Adjoining Land Releases  
(Council of Camden, 2006),  
(Dart West Developments, 2011)  
(Nearmaps, viewed 21 November 2012)

JMD design

### 3 Landscape Site Survey and Analysis

#### 3.1 Context

The Subject Land is located on the rural outskirts of Sydney and within the rapidly developing South West Growth Area. The site is a long narrow irregularly shaped piece of land set along a north-south ridgeline, west of the Camden Campbelltown LGA boundary and land zoned as scenic preservation known as 'the Scenic Hills' which occurs in the Campbelltown LGA. The site area is approximately 40.0 hectares roughly 200-300 metres width by 1700 metres length with a strong westerly aspect overlooking the head waters of South Creek with distant views to the Blue Mountains.

Campbelltown City Centre is located 3 km to the south east with Camden town located 8 km to the south east.

Immediately surrounding the site to the west, north and east are a series of rural holdings of various sizes. One of these holdings is the State Heritage Listed Gledswood which is located approximately 1.5km to the north of the site. To the south of the site is St Gregory's Catholic College, Campbelltown.

The development of Gregory Hills Residential and Employment Lands as part of the Turner Road Precinct is located 1km to the south west. Part of this development is the extension of Gregory Hills Drive which will continue to the east joining up with Badgally Road linking to Campbelltown and form the southern boundary and road access into The Subject Land. Other nearby developments include 'The Hermitage' on Camden Valley Way and Camden Lakeside Golf on Raby Road.



Figure 3.1: View looking South from property Boundary showing SCA Water Supply Canal to the west, pasture land and Badgelly Hill in the Background



Figure 3.2: View looking north from St Gregory's College Property at southern boundary

8 Landscape and Visual Analysis of Lot 4 190 Raby Road



JMD design

ORD04

3.2 Climate

The climate at Camden consists of mild to warm summers with a mean maximum of 29.5 degrees celsius in January and mean minimum of 15.1 degrees celsius in December. Winters are mild with a mean maximum of 19.0 degrees celsius in August and mean minimum of 3.0 degrees celsius in July. The annual mean rainfall is 766.5mm with the driest months being July to September with monthly rainfall of about 40mm and the highest rainfall occurring in February of over 100mm per month. (Ref: Bureau of Meteorology Camden Airport AWS -2012)

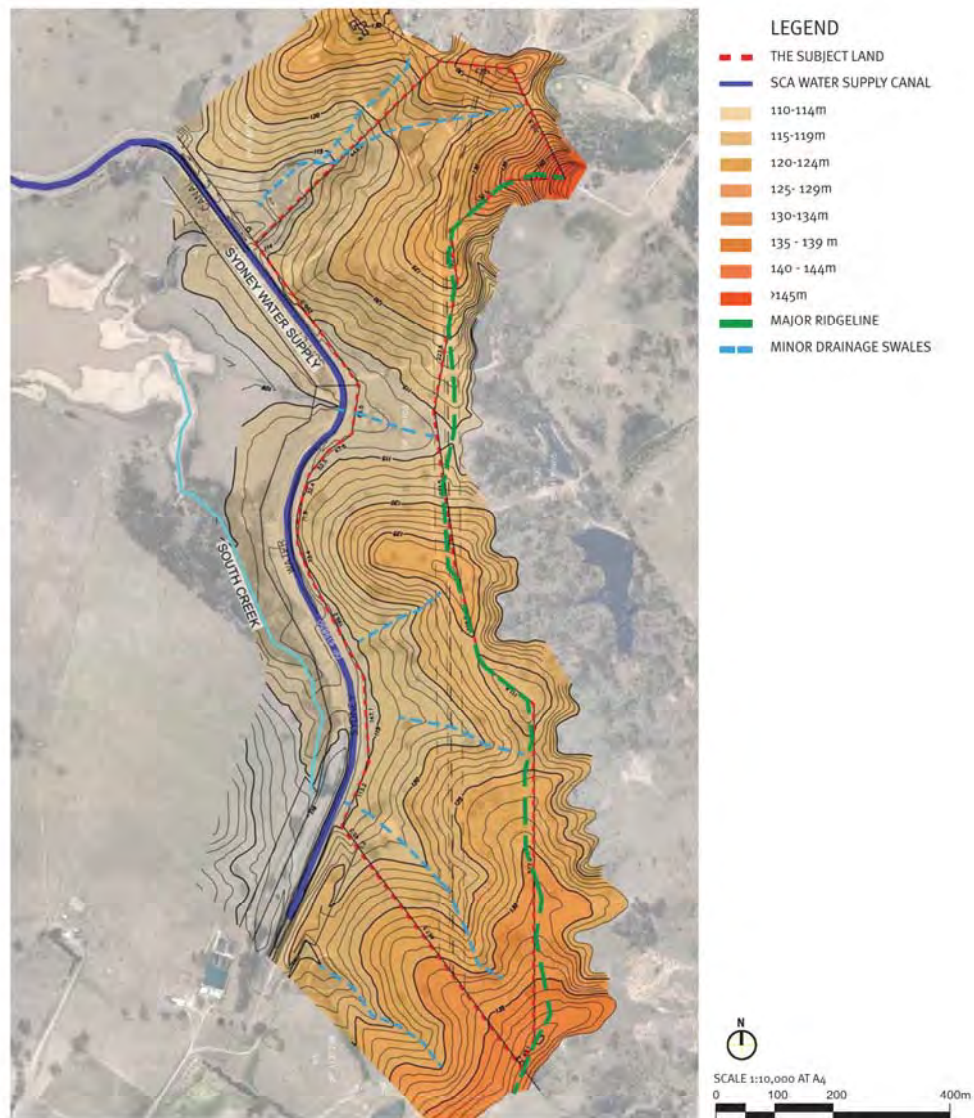


Figure 3.3 : Site Topography  
(Nearmaps, viewed 21 November 2012)  
(YSCO Geomatics, 2012)

Attachment 1

JMD design

3.3 Topography and Hydrology

The Subject Land is dominated by a pronounced ridge that runs north south along the eastern edge of the site which forms the Camden Campbelltown LGA boundary. Heights along the ridgeline vary from 115.0m AHD to the highest point of the site in the north east corner at 148.0m AHD. Badgelly Hill, 196.0m AHD, is the highest point in the area and is located approximately 1200m south of the site along the boundary ridge. The site slopes to the west to the Sydney Water Supply Canal which forms the western boundary of the site. The canal is an open lined channel originally constructed in the 1880's. There are a number of farm dams that exist in the shallow swales along the length of the property. There are no significant water courses on the Subject Land although two small streams are indicated on the Campbelltown 1:25,000 topographic map. These streams flow into the upper reaches of South Creek.

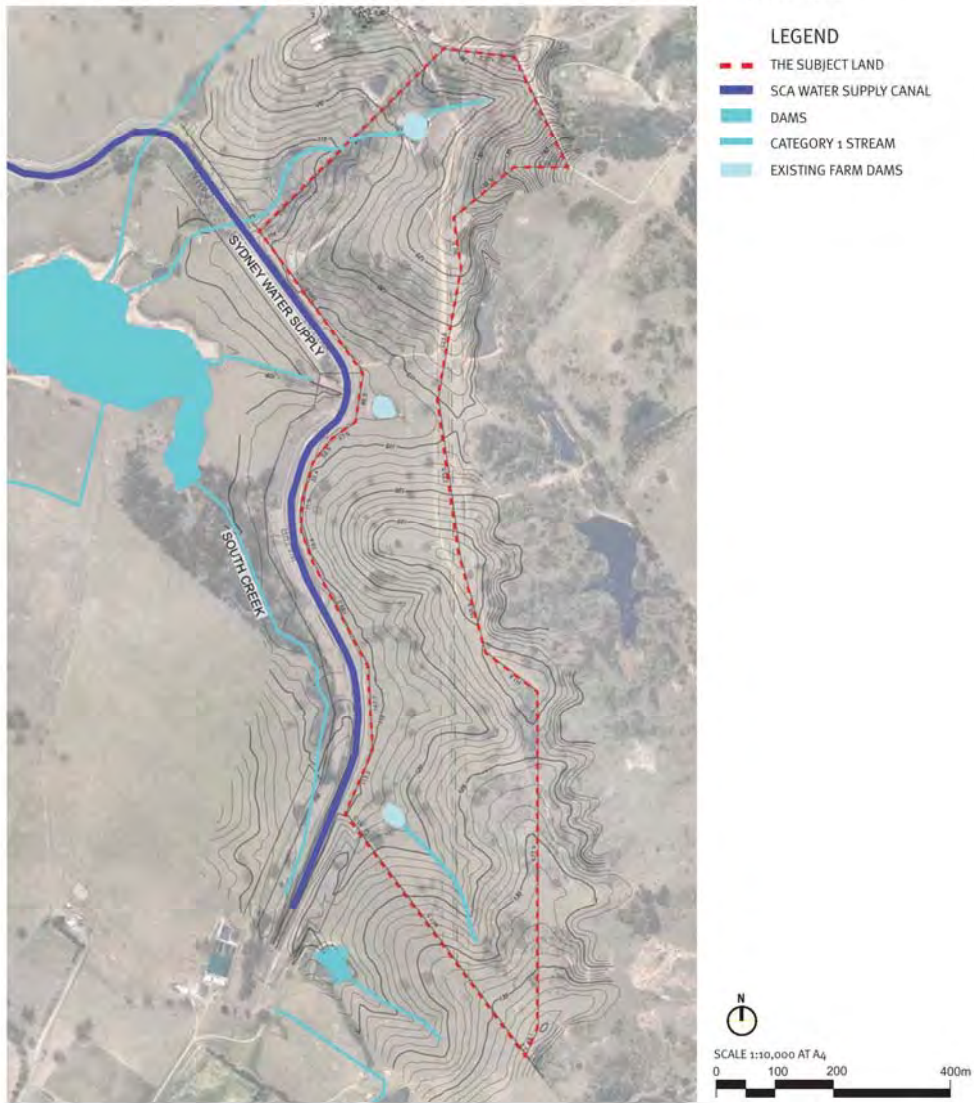


Figure 3.4: Hydrology  
 (Council of Camden, 2012)  
 (Nearmaps, viewed 21 November 2012)  
 (YSCO Geomatics, 2012)

10 Landscape and Visual Analysis of Lot 4 196 Raby Road



JMD design

**3.4 Slope and Aspect**

The site has a predominantly westerly aspect overlooking the SCA, Sydney Water Supply Channel and the riparian corridor of South Creek.

Site slopes are predominantly less than 5% with a small area in the north of the site with slopes in excess of 20%.

No portion of the Subject Land is deemed to be State Protected Lands as no part of the Subject Land:

- has a slope greater than 18 degrees from the horizontal,
- is within 20 metres of, the bed or bank of any part of a river or lake specified in the order or
- any land that is, in the opinion of the Minister, environmentally sensitive or affected or liable to be affected by soil erosion, siltation or land degradation

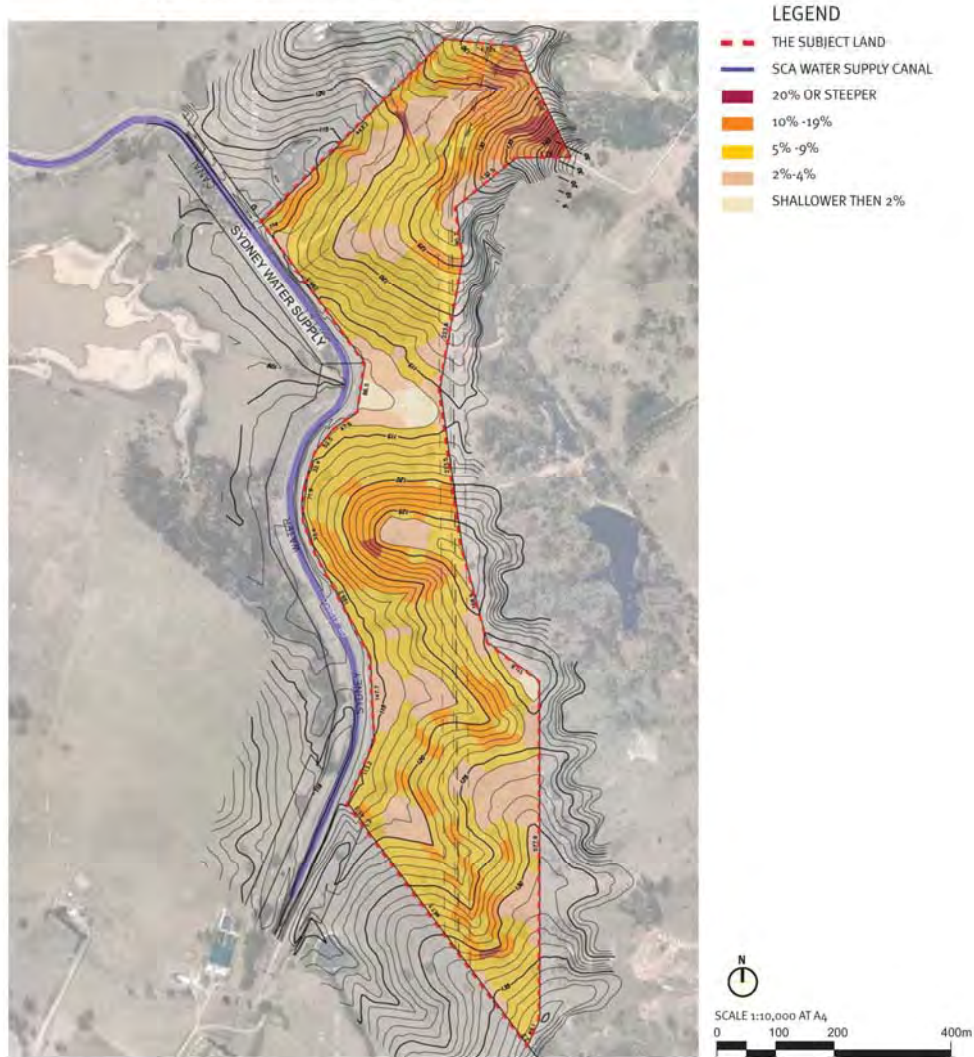


Figure 3.5: Slope Analysis  
(Nearmaps, viewed 21 November 2012)  
(YSCO Geomatics, 2012)

ORD04

Attachment 1

JMD design

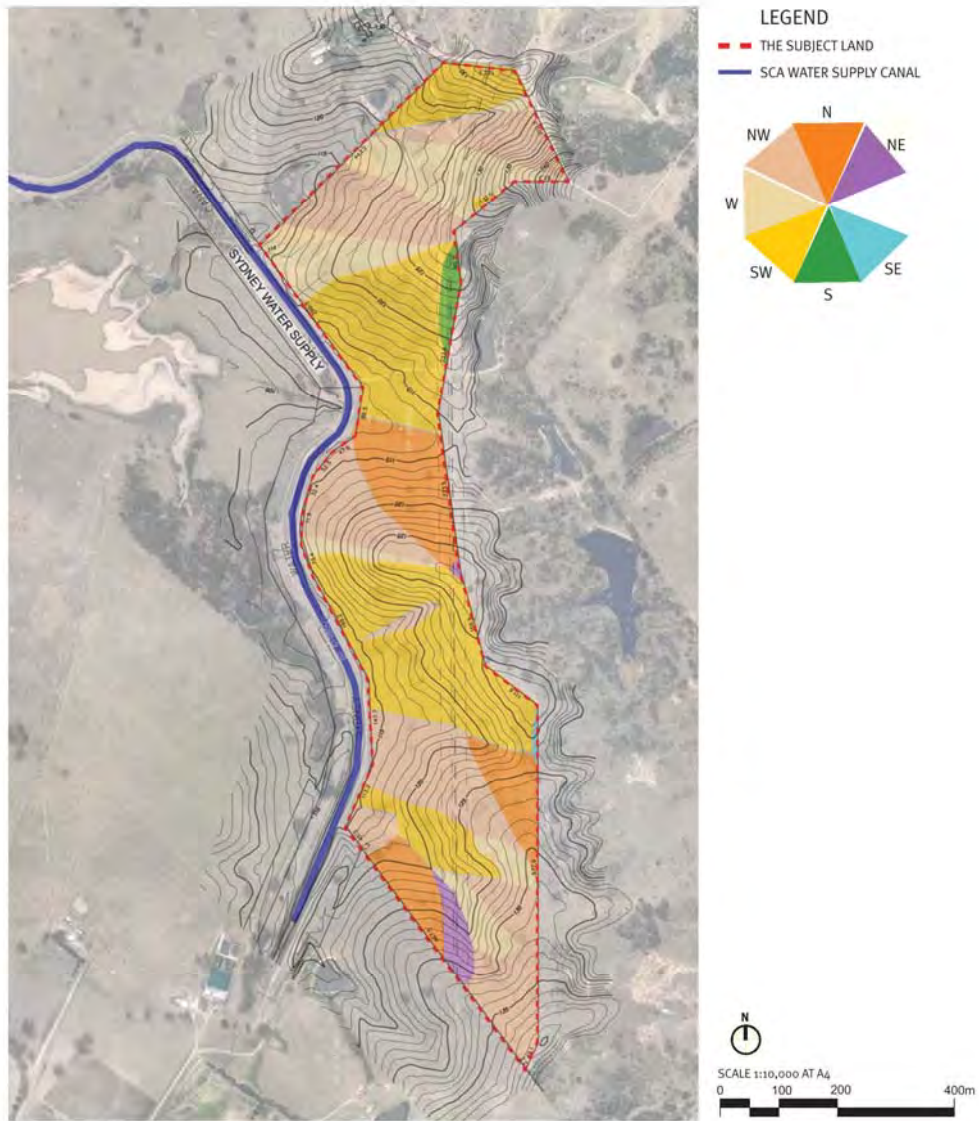


Figure 3.6: Aspect Analysis  
(Nearmaps, viewed 21 November 2012)  
(YSCO Geomatics, 2012)



JMD design

ORD04

### 3.5 Geology and Soils

The geology of the Subject Lands is formed by the Liverpool subgroup of the Wianamatta Group which contains some shale and weak sandstone beds. (Reference: Wollongong 1:250,000 Geological Series Sheet No SI 56-9. NSW Dept of Mines 1966)

The soils of the site are dominated by Blacktown Group (Bt) with some small areas of Luddenham Group (Lu) occurring in the elevated steeper sloping sections of the site. (Reference: Wollongong – Port Hacking Soil Landscape Series Sheet 9029-9129. Hazelton P.A., Bannerman S.M., Tillie P.J., 1990)

Soils of the Blacktown Group result in gently undulating hills with slopes of usually less than 5%. Soils are shallow to moderately deep less than 1.0m deep and are hard setting, moderately reactive highly plastic subsoil with low soil fertility and poor soil drainage.

Soils of Luddenham are found on undulating to rolling hills with slopes of 5-20%. Soils are shallow less than 1.0m deep and have a high soil erosion hazard and are moderately reactive highly plastic subsoil with poor soil drainage.

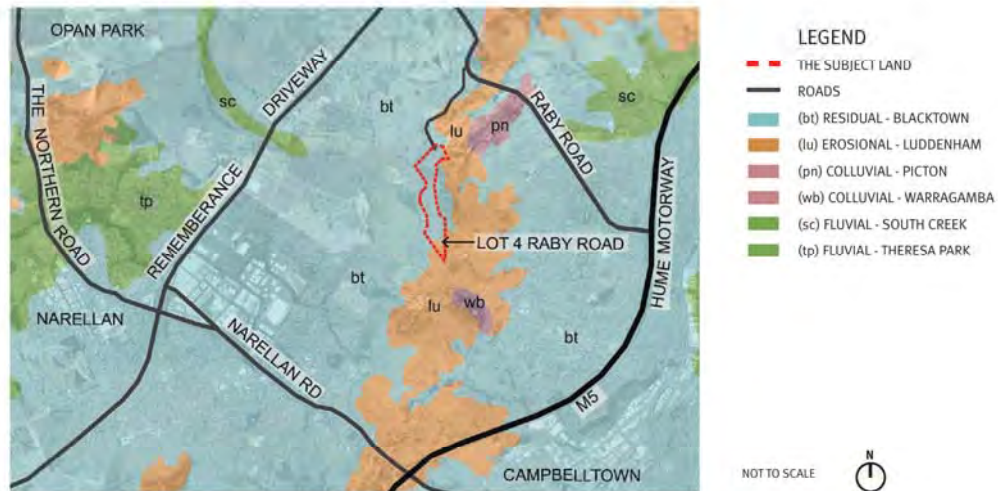


Figure 3.7 : Soils  
(Nearmaps, viewed 21 November 2012)  
(Hazelton,P.A, Bannerman,S.M, Tillie,P,J, 1990)



Figure 3.8 : Geology  
(Nearmaps, viewed 21 November 2012)  
(Geological Survey of NSW Division of Regional Geology and Royal Australian Survey Corps,1996)

Attachment 1

JMD design

3.6 Vegetation

The vegetation of the subject site consists of two vegetation types:

- Pasture grasses;
- Remnant Cumberland Plain Woodland.

Native vegetation on the site consists of scattered remnant eucalypts of Cumberland Plain Woodland Association (CPW). CPW is an Endangered Ecological Community. Camden Council have mapped vegetation within the municipality. These vegetation maps indicate pockets of vegetation within the Subject Land as 'core habitat' and 'support for core habitat'.

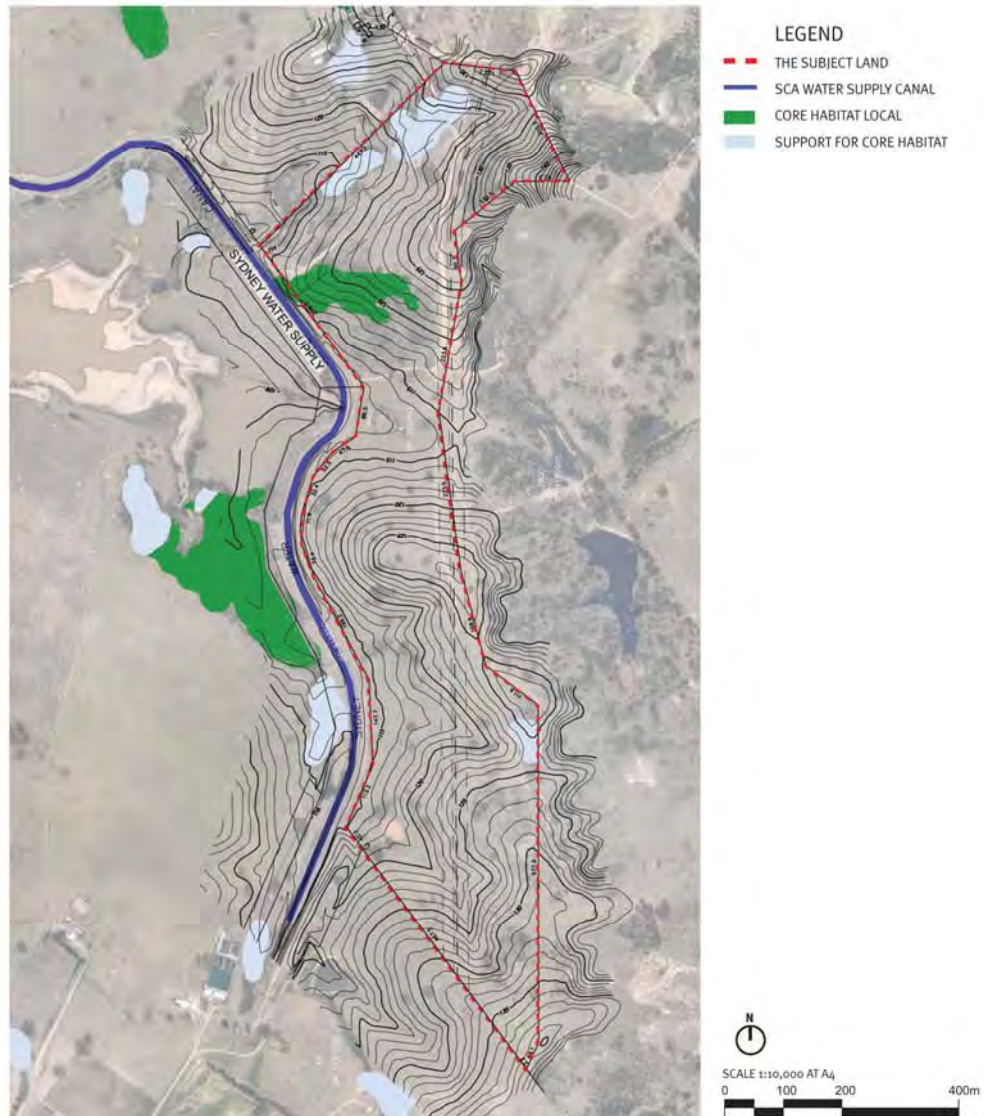


Figure 3.9: Significant Vegetation  
 (Nearmaps, viewed 21 November 2012)  
 (Council of Camden, 2012)  
 (YSCO Geomatics, 2012)



JMD design

ORD04

**3.7 Indigenous Heritage**

The Camden area was settled by the Gundungurra people prior to European settlement with the nearby areas being settled by the Tharawal, Dharug and Wodi-Wodi people. <sup>41</sup>

Prior to 1810 there was limited contact between European settlers and Aboriginal peoples in the area. An Aboriginal Cultural Heritage Assessment Report was undertaken by Biosis in July 2012 that covered the Subject Land. Biosis identified one open camp site adjacent to the Sydney Water Supply Canal.

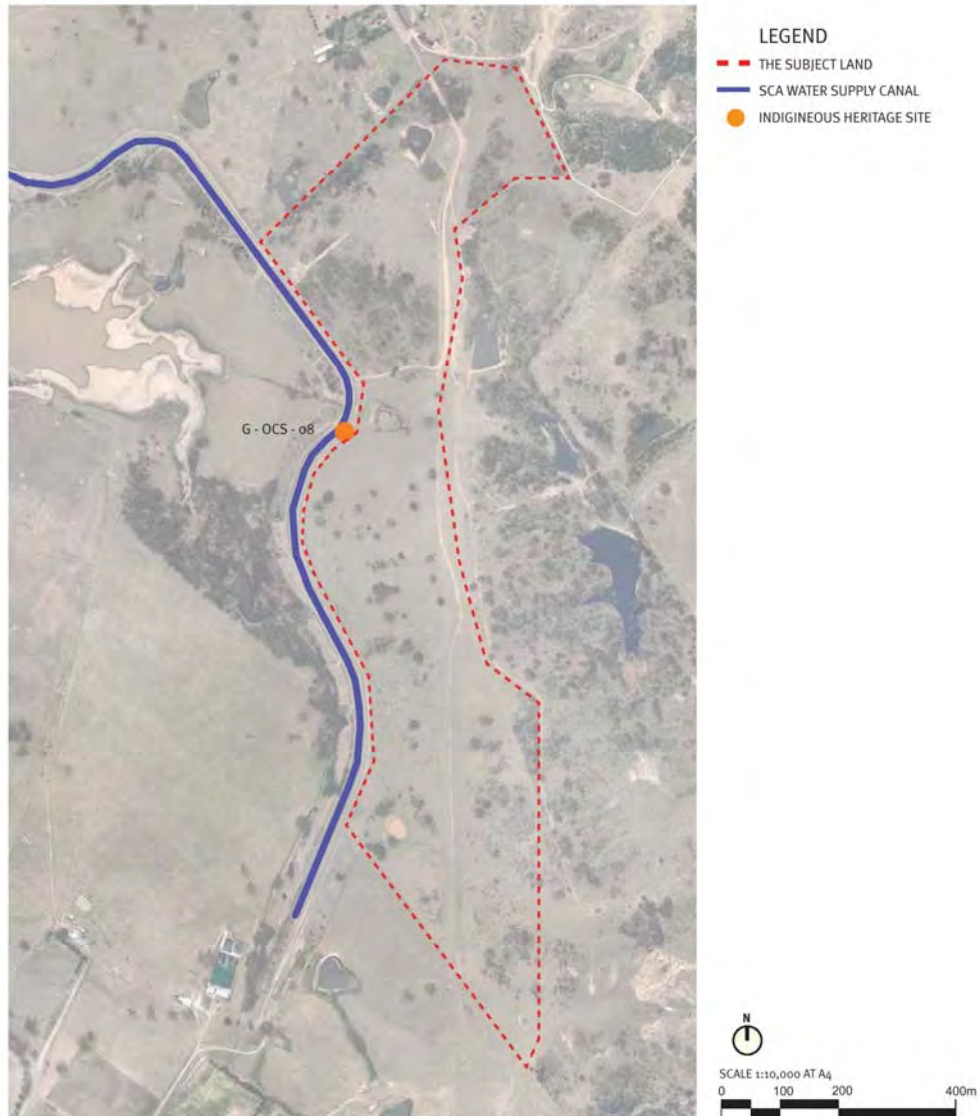


Figure 3.10: Indigenous Heritage  
(AECOM, 2012)  
(Nearmaps, viewed 21 November 2012)

Attachment 1



ORD04

Attachment 1

JMD design

3.8 European Heritage

The dominant heritage elements in the immediate area are Gledswood Estate located to the north of the Subject Lands and the SCA Water Supply Canal. The entire portion of the Subject Land lay within the Gledswood Estate between 1907 until 1959 when it was further subdivided to current configuration.



Figure 3.11 : European Heritage - Phases of Subdivision to Gledswood (Godden Mackay Logan Heritage Consultants, 2008)

The SCA Water Supply Canal was built in 1881 and forms the western boundary of the site. Heritage Consultants Godden Mackay Logan have prepared a Conservation Management Plan for Gledswood in 2008.

The Subject Land is not visible from Gledswood Estate however any new road approaching the site from Raby Road may have distant glimpses to and from Gledswood. No items of European heritage are located on the Subject Land.

JMD design

### 3.9 Services

The site has a number of services affecting future planning and use of the Subject Land. These services are:

- Jemena Gas Networks

Jemena have three easements that pass along the length of the site, a 6m wide easement that contains a 34 inch diameter pipe carrying methane, within a 24.385 wide easement and a 20.0m wide easement east of there, giving a total width of 44.385m.

Restrictions as to activities within the easement are as follows:

Under the terms and conditions of the pipeline affectation, and to maintain the integrity and safe operation of the pipeline it is necessary for Jemena to control a number of activities including:

- Carrying out any excavation, blasting or earthworks within the affectation pipeline area.
- Altering or disturbing existing levels, gradients or contours of the land within the pipeline affectation area.
- Constructing any improvements or installations on the affectation area.
- Using the pipeline affectation area for transport or parking of any heavy vehicles of equipment (e.g. vehicles with axle loading in excess of 8 tonnes per axle), and
- Planting or cultivating trees of any kind upon the pipeline affectation area within 5m of the pipeline.

- Transgrid Easement

A 60.0m wide Transgrid easement exists across the northern end of the site, with two stanchions located within the site. There are various restrictions as to land use that may occur within the easement. Refer Appendix B and C for details of permissible uses of land within the easement

- SCA Water Supply Canal Easement

The western boundary of the Subject Land is formed by the SCA Water Supply Canal. The presence of and views to the canal are of interest however access to this area and adjacent land uses are strictly controlled. SCA has issued DCP guidelines for development adjacent to the SCA Water Supply Canal.

- Coal Seam Gas Exploration

AGL has undertaken studies in the area as part of Stage 3 of the Camden Gas Project – Northern Expansion (09\_0048). Investigations have identified two possible locations for the siting of coal seam gas wells in close proximity to the Subject Land.

The land owner has not granted consent for the location of any gas wells on his land.

Refer Figure 3.12 Services for locations of Services in and around the Subject Land.

ORD04

Attachment 1

JMD design

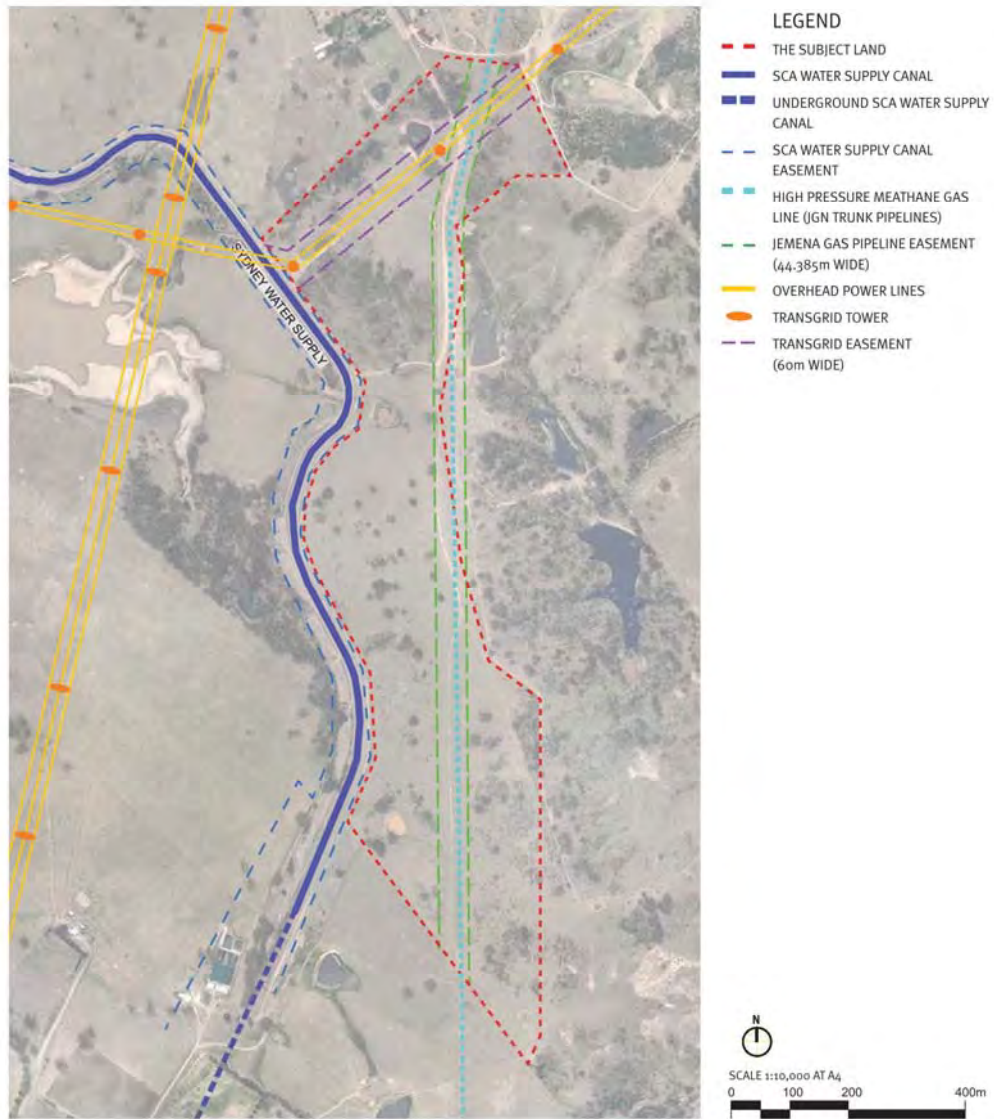


Figure 3.12 : Services  
(Nearmaps, viewed 21 November 2012)  
(YSCO Geomatics, 2012)



JMD design

ORD04

**3.10 Land Capability and Contamination**

The current landuse of the site is as fenced paddocks for the purpose of grazing cattle. The paddocks are generally cleared and grass covered with a range of pasture grasses. The construction of a two storey full brick house was approved by Camden Council BA No 838/80 in 1980 in the south east corner of the site. Construction was commenced however this was never completed and exists as concrete foundations and the initial courses of brickwork. Some dumping of imported spoil has occurred in two areas on the site and these areas have been noted as potential areas of environmental concern (PAEC).

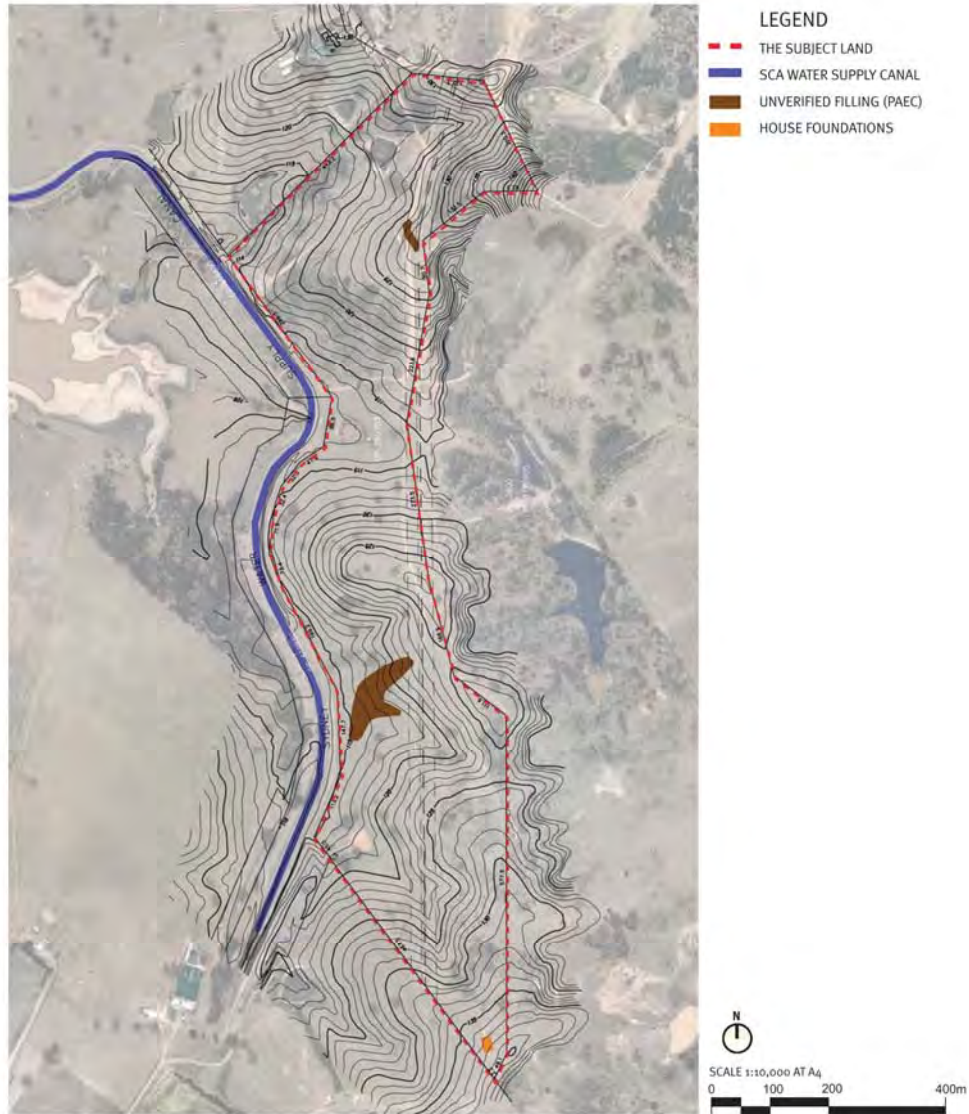


Figure 3.13 : Land Capabilities and Contamination  
(Nearmaps, viewed 21 November 2012)  
(YSCO Geomatics, 2012)

Attachment 1

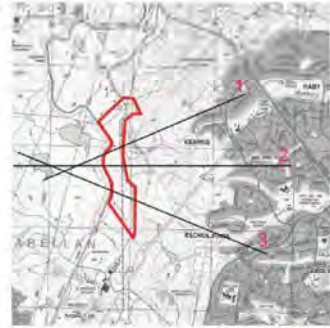
JMD design

### 3.11 Landscape Character

The landscape character of the Subject Land is dominated by the vegetated ridgeline of the Scenic Hills and Badgelly Hill to the south of the Subject Land. A gentle saddle formation exists between the hill at the northern end of the site and Badgelly Hill to the south of the site. The landscape character of the site is rural with cattle grazing in open grasslands with scattered eucalypts and casuarinas broken by the occasional fence line and Transgrid stanchion. The landscape character of the site is fairly homogenous with few or little features.

The SCA Water Supply Canal is of visual interest within the area however this feature is not situated on the Subject Land.

The surrounding landscape especially south and west of the Subject Land is currently undergoing a significant change of character from a rural landscape to a more urban landscape with the imminent extension of Gregory Hills Drive and future stages of the Gregory Hills and Turner Road developments.



NOT TO SCALE

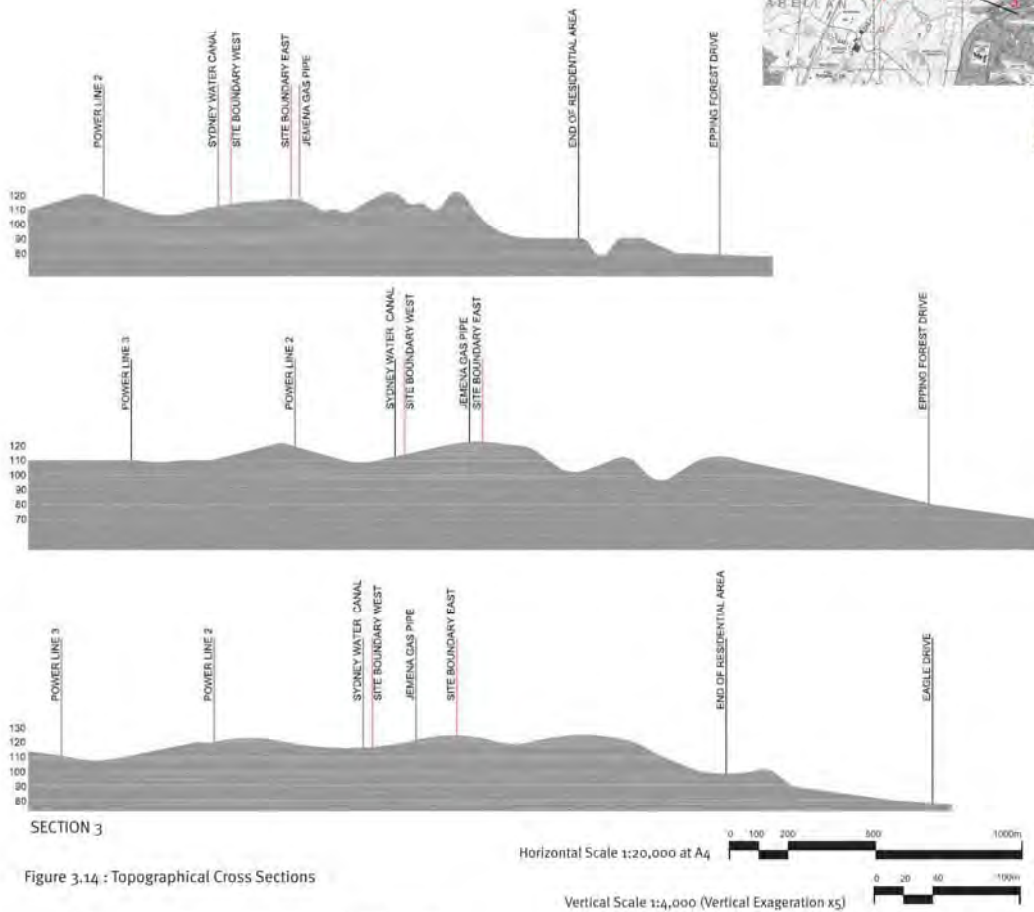


Figure 3.14 : Topographical Cross Sections

20 Landscape and Visual Analysis of Lot 4 390 (Baby Road)



JMD design

## 4 Visual Survey and Analysis

### 4.1 Survey Methodology

This section of the report concentrates on the visual survey of the Subject Land and an analysis of the visibility of the site from existing and proposed adjoining residential areas.

The method used to determine visibility of the site was to undertake a detailed visual survey of the site on a clear day to identify areas around the Subject Land from where significant views to the site could be obtained. A number of landmark points were identified around the Subject Land and view points to the Subject Land were identified by driving throughout the surrounding areas to ascertain if the landmark points could be seen. Photograph points were identified and photos both single frame and panoramic were taken. A total of 14 Viewpoints were studied around the Subject Land. Landmarks were identified and located on plan to determine location and extent of view cone.

All viewpoints external to the Subject Land were chosen for the clarity of view from these points viewing back towards the Subject Land. Views to the Subject Land that were obscured or screened with landforms, vegetation or built elements were not investigated.

Viewpoints 1-7 were chosen as they provide clear views from the most prominent locations in the Campbelltown LGA towards the ridgeline of the Scenic Hills. These views are generally more distant views towards the site due to the topography and landuse of the Campbelltown LGA and are in the range of 1km to 2km distance.

The purpose of these viewpoints, Views 1-7, was to determine if the Subject Land was visible from within the Campbelltown LGA area and whether the proposed development would impact on the visually sensitive Scenic Hills area.

Viewpoint 1 is taken from a low point on Raby Road north of Macarthur Grange Country Club with good views up the valley of the golf course to the northern ridge of the Subject Land. The Subject Land was not visible from this viewpoint as indicated in Appendix A Page 44 of the report.

Viewpoint 2 is taken further east along Raby Road with a good view south along the complex ridgeline of the Scenic Hills. The Subject Land was not visible from this viewpoint as indicated in Appendix A Page 45 of the report.

Viewpoint 3 is taken from the roundabout at the intersection of Raby Road and Eagle Vale Drive. This viewpoint was chosen as it provided a clear view of the Scenic Hills and a wide panorama in the direction of the Subject Land. The Subject Land was not visible from this viewpoint as indicated in Appendix A Page 46 of the report.

Viewpoint 4 is taken from Clark Reserve within the residential area of Kearns. This viewpoint was also selected as it provided a clear view of the Scenic Hills and a wide panorama in the direction of the Subject Land. The Subject Land was not visible from this viewpoint as indicated in Appendix A Page 47 of the report.

Viewpoint 5 is taken from Frontignan Street, Eagle Vale on the suburban edge. The foreground is dominated by a rural landscape with a clear view of the Scenic Hills and a wide panorama in the direction of the Subject Land. The Subject Land was not visible from this viewpoint as indicated in Appendix A Page 48 of the report.

Viewpoint 6 is taken from an elevated location on Eagle Vale Drive adjacent Minchinbury Terrace and Minchinbury Reserve, Eagle Vale with clear views over the residential area of Eagle Vale towards the Scenic Hills. This view indicated that any tall elements along the southern ridgeline area of the Subject Land may be visible from elevated areas of Campbelltown LGA.

ORD04

JMD design

Viewpoint 7 is taken from an elevated hilltop location south of the Subject Land. The view is along the ridgeline saddle stretching between Badgelly Hill and the northern telephone tower above the Macarthur Grange Country Club. Oblique views north into the Subject Land are possible from this location.

Viewpoints 8-14 are taken from a distance range of 500m – 1km from points with clear views to the Subject Land.

Viewpoints 8 – 12 are located in areas understood to be developed for residential purposes in the next few years and were chosen as it was believed that the Subject Land would be most visible from these points.

Viewpoints 8 – 12 are discussed in detail in Appendix A on Pages 51-55.

Each viewpoint photo was analysed and visible areas of the site and surrounds were noted on a topographic map of the Subject Land and surrounds, refer Appendix A for Viewpoint Site Survey Results and Commentary.

Each of the topographic plans were then overlayed to determine the most visible areas of the site. The most visible areas being those areas viewed from most viewpoints. From a review of the maps it became obvious that the Subject Lands had little visibility from the Viewpoints in Campbelltown LGA this is demonstrated from a review of Viewpoints 1-7. Refer Figure 4.3 Views west from Campbelltown LGA.

Parts of the Subject Land is Visible from Viewpoint 7. The view from this point is taken from the middle of field in an unusually elevated position allowing views over the ridge into the site. This view is not considered representative and is discussed with the more visible view points in section 4.2 Visual Analysis.

Viewpoints 7 – 13 were identified to be the most visible to any development of the Subject Lands. Refer Figure 4.4 Views east from Camden LGA in undeveloped state. The Subject Land was not visible from Viewpoint 14.

Each of the Viewpoints 7-13 were then analysed in two ways. The first being as the site and surrounds currently exist in their current rural state. The second being with proposed future developments superimposed on the existing landscape to determine how future developments would affect views to and from the Subject Land. For the purposes of these images the proposed future developments takes the form of an orange band to represent the volume and bulk of the future development.

Refer Figure 4.6 – Views east from Camden LGA in developed state

Attachment 1

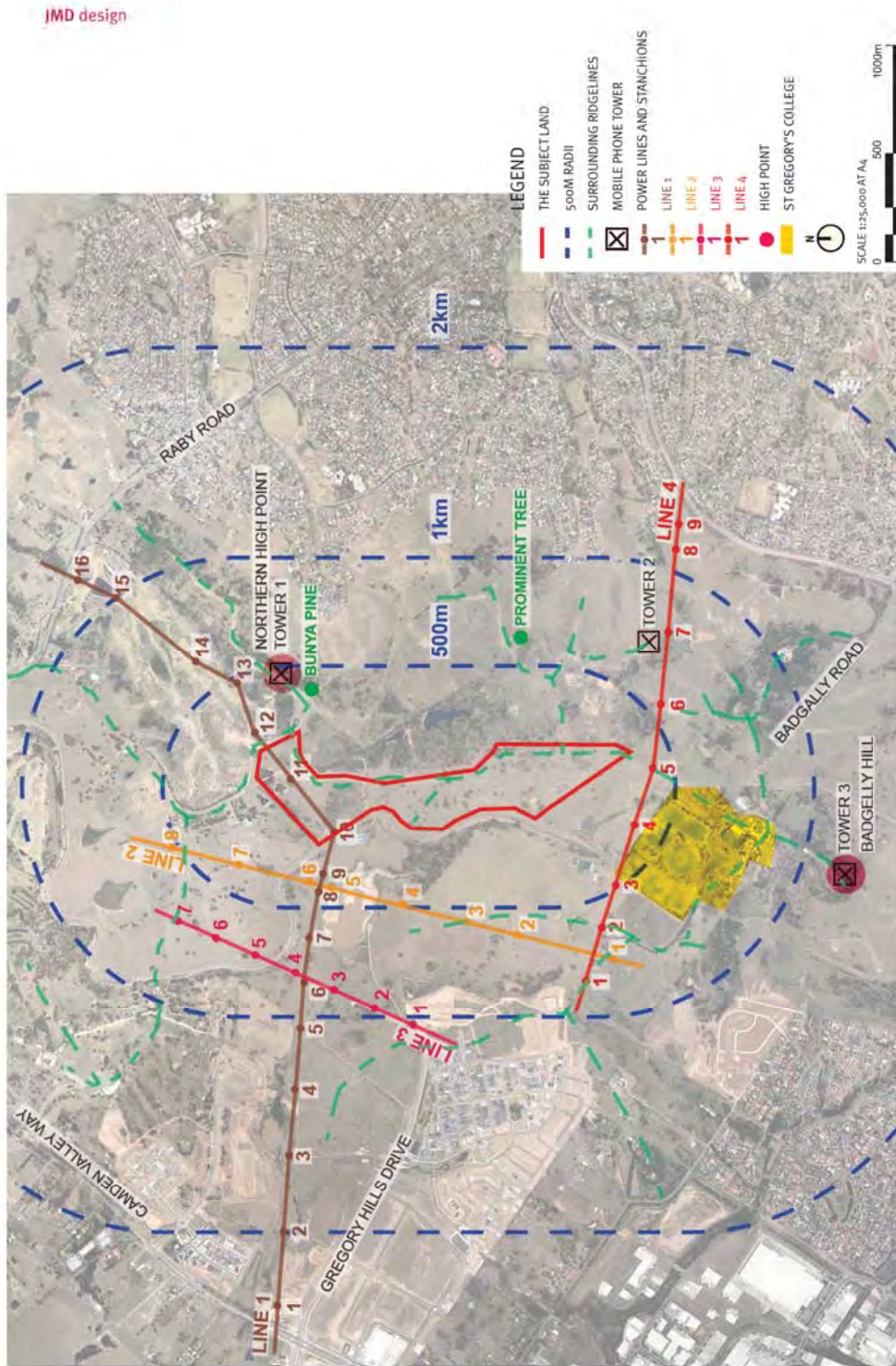


Figure 4.1 :Landmark Point Location Plan  
 (Nearmaps, viewed 21 November 2012)  
 (Land and Property Information, 2001)



Attachment 1  
ORD04

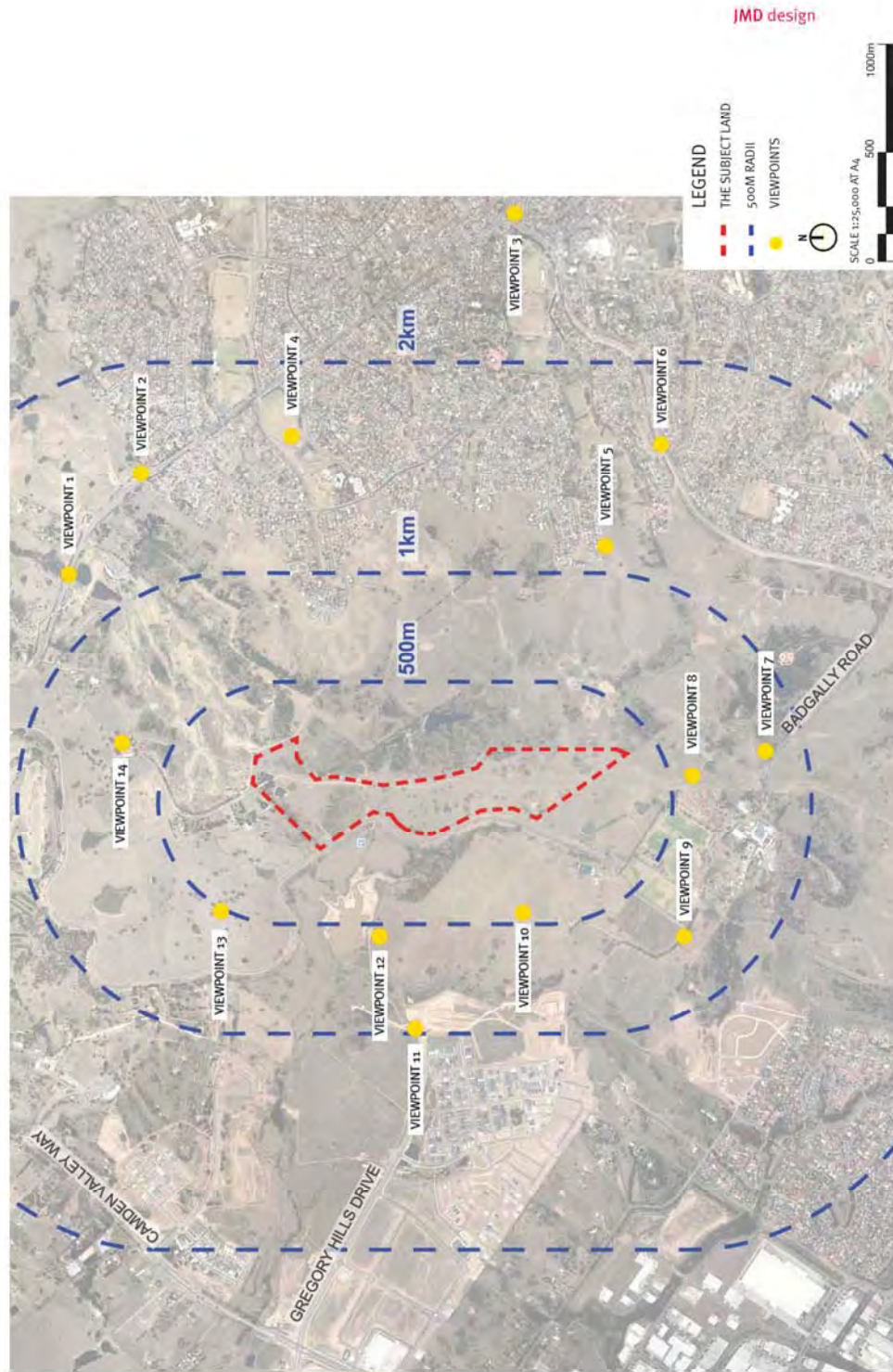


Figure 4.2 : View Point Location Plan  
(Nearmaps, viewed 21 November 2012)

JMD design

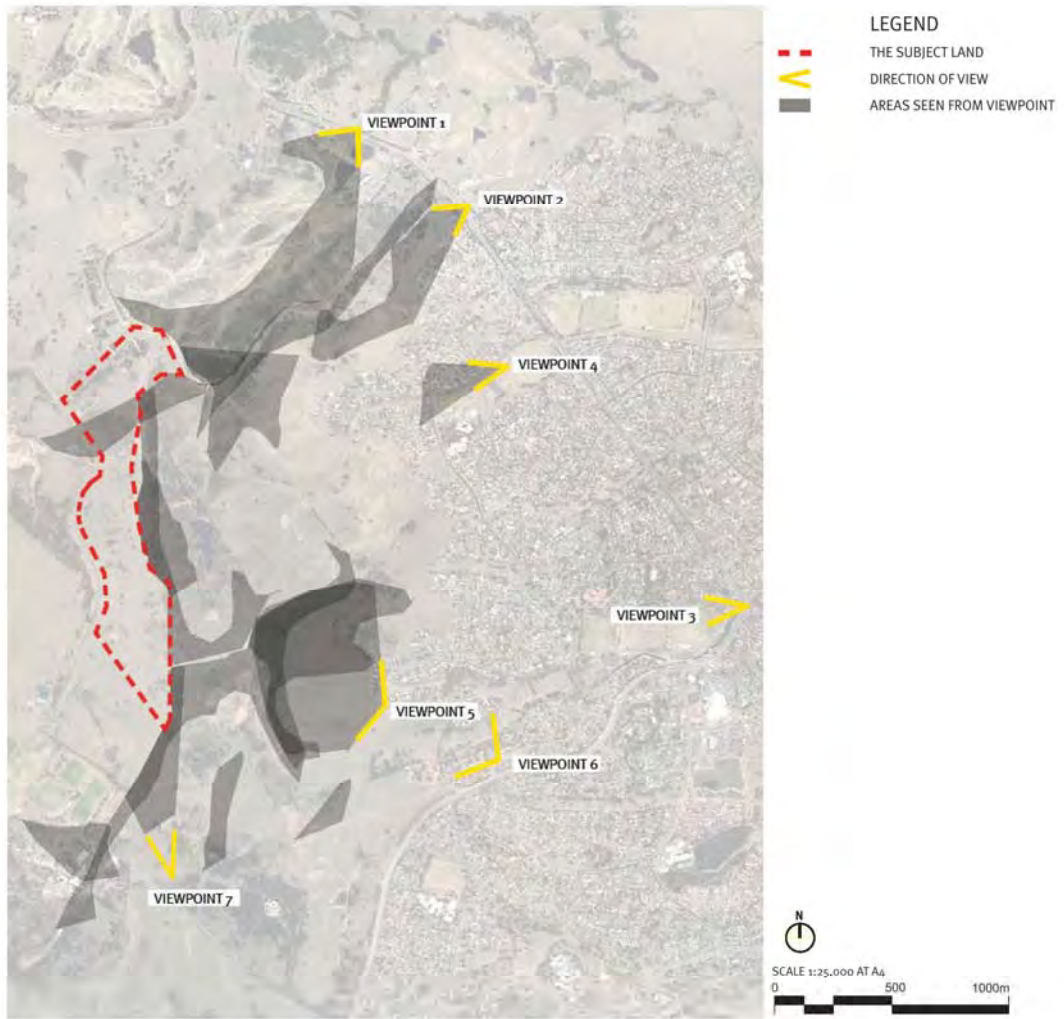


Figure 4.3 : Views West from Campbelltown LGA Locations (Photo locations 1 - 7)  
(Nearmaps, viewed 21 November 2012)



ORD04

Attachment 1

JMD design

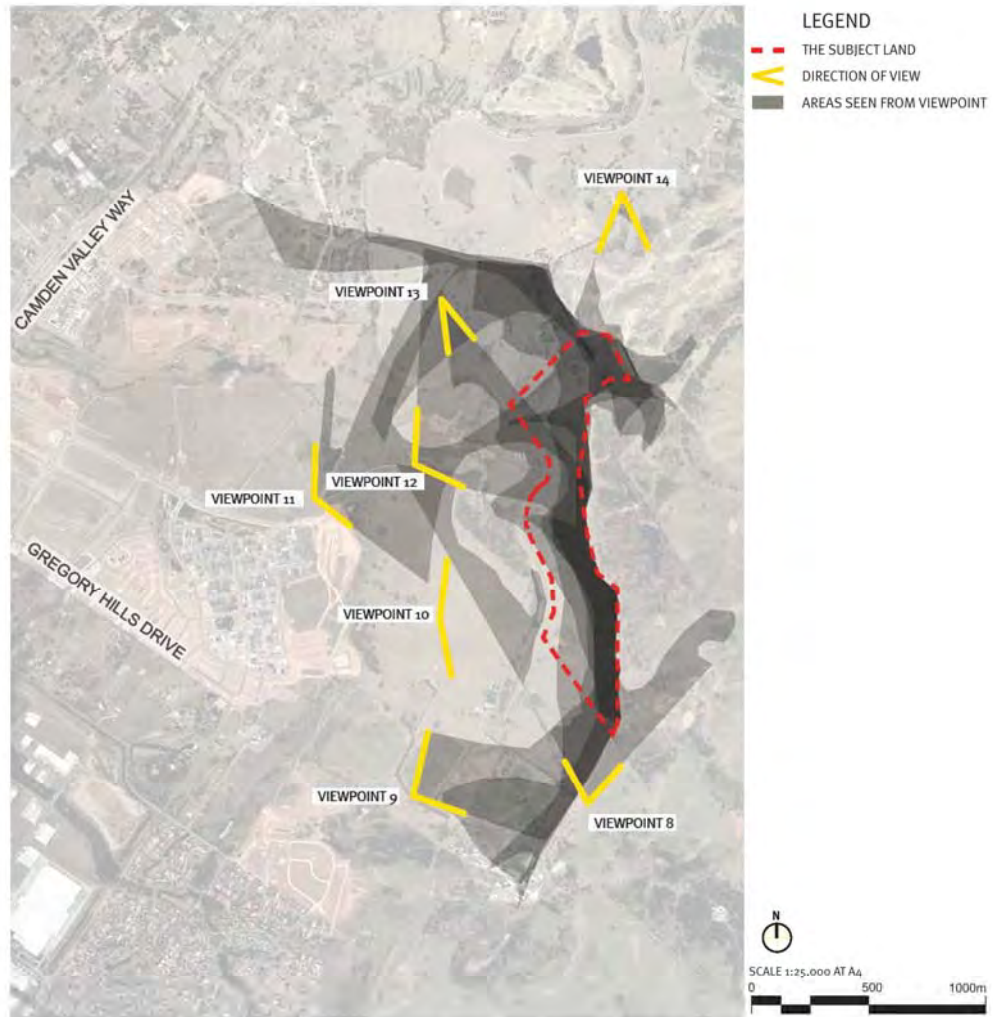


Figure 4.4 : Views East from Camden LGA Locations (Photo locations 8 -14)  
(Nearmaps, viewed 21 November 2012)

JMD design

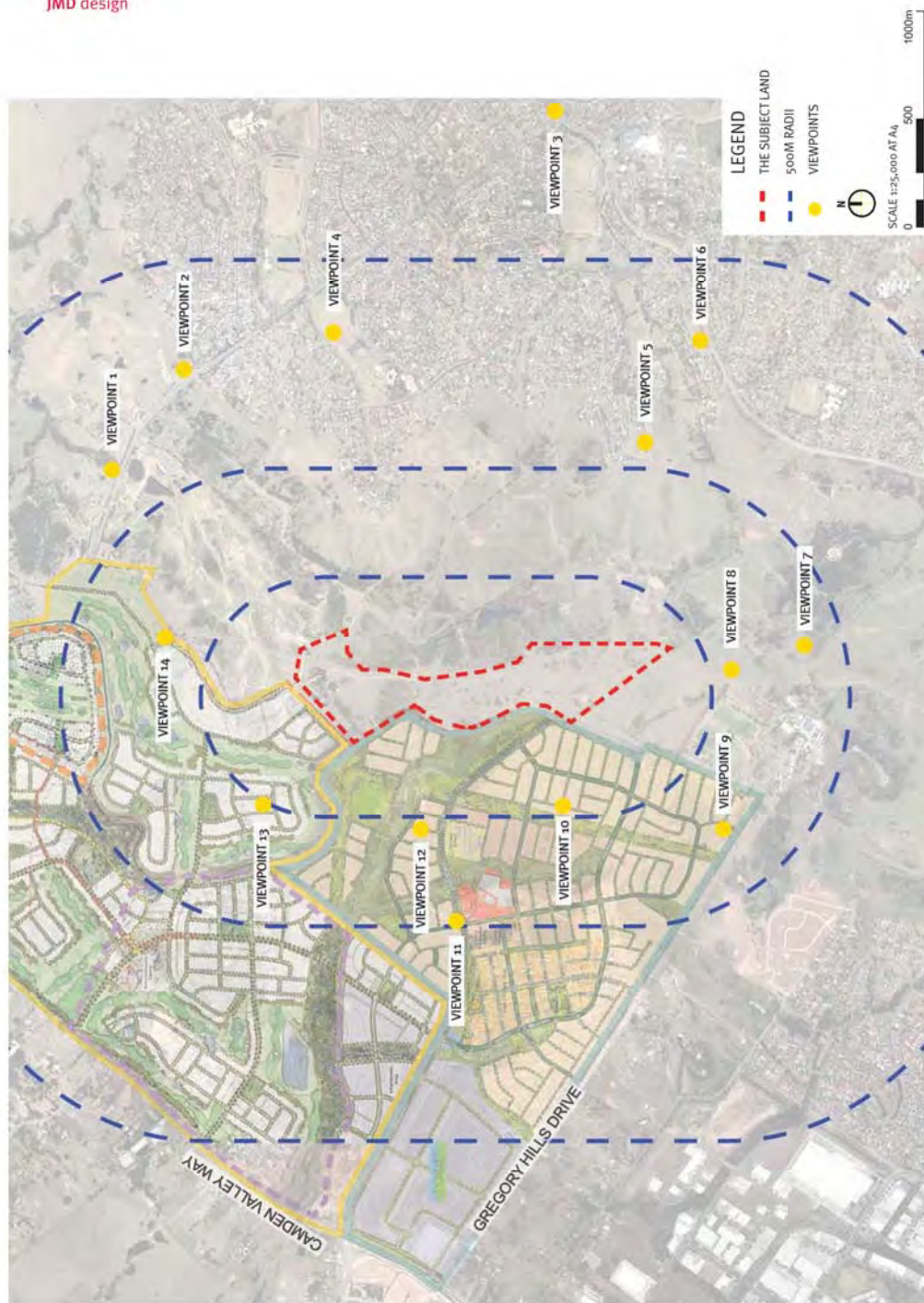


Figure 4.5 : View Point Location Plan Showing Adjoining Proposed Development  
 (Council of Camden, 2006),  
 (Dart West Developments, 2011)  
 (Nearmaps, viewed 21 November 2012)



ORD04

Attachment 1

JMD design



Figure 4.6 : Views East from Camden LGA Locations Showing Adjoining Proposed Development  
(Council of Camden, 2006),  
(Dart West Developments, 2011)  
(Nearmaps, viewed 21 November 2012)

JMD design

ORD04

4.2 Visual Analysis

Following a review of each of the Viewpoints it is apparent that The Scenic Hills ridgeline forms the edge to the visual catchment of views to and from the Subject Land. Due to the ridgeline it is not possible to see any portion of the site west of the ridgeline as all of the viewpoints east of the Scenic Hills ridge (with the exception of Viewpoint 7) are a considerable distance from the Subject Land and at a lower elevation than the ridge so that the viewer is looking up towards the ridge with views to the site deflected over the site. However, it is possible to identify some vertical elements within the site that occur at or near the ridge top. It is recommended that some controls be placed on development along the ridgeline to ensure that the development does not become visible from areas east of the ridge ie Viewpoints 1-6.

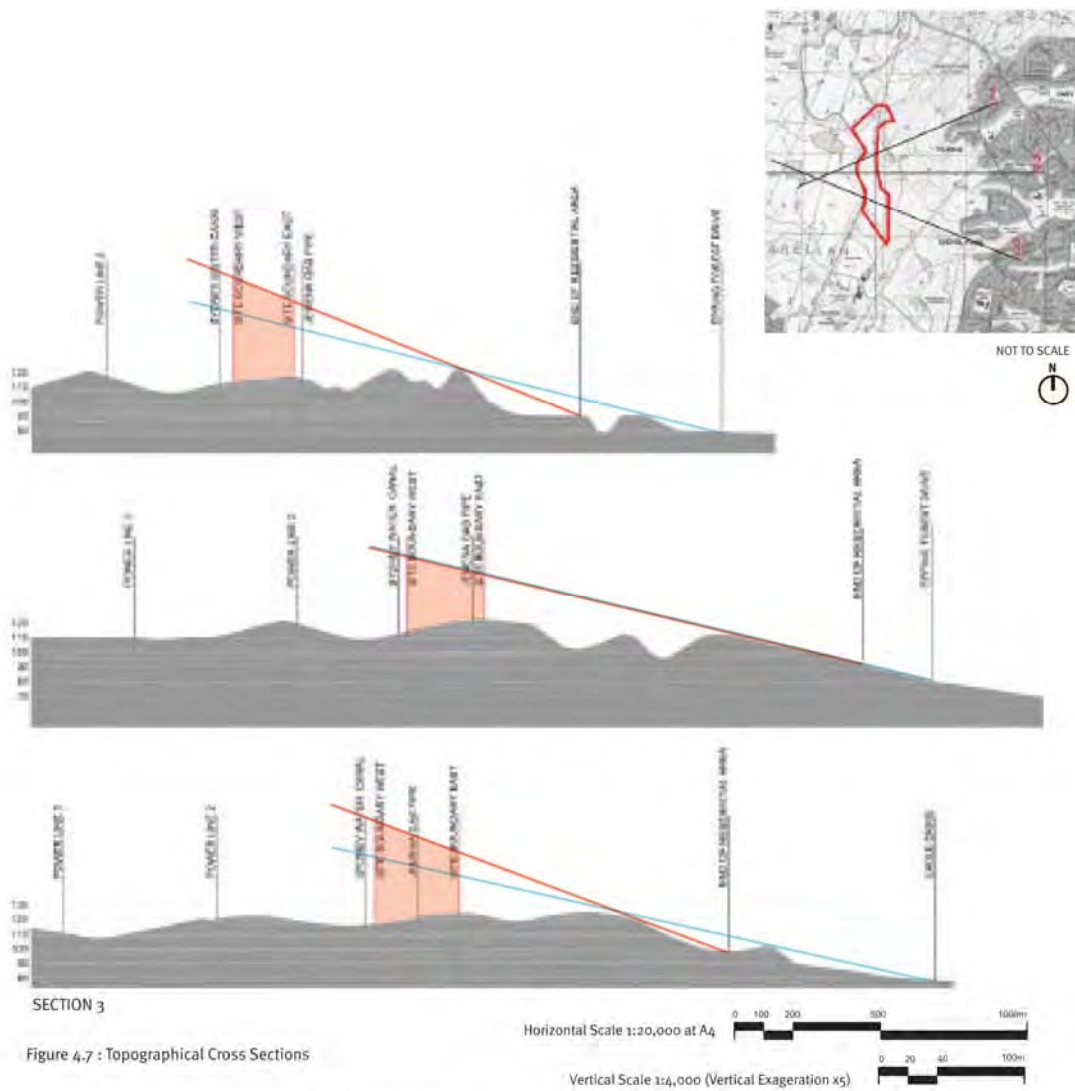


Figure 4.7 : Topographical Cross Sections

Attachment 1



ORD04

Attachment 1

JMD design

The site is visible to varying degrees west of the Scenic Hills Ridgeline as the area currently exists in an undeveloped state. The viewpoints with highest visibility are Viewpoints 7 - 13. The Comparative View Analysis Diagrams Figure 4.7 – Figure 1.13 demonstrate that there will be very few areas of the Subject Lands visible from Viewpoints 7-13 when the proposed future developments in Gregory Hills and El Caballo Blanco, Gledswood Eastside Rezoning and Turner Road Structure Plan are finalised.

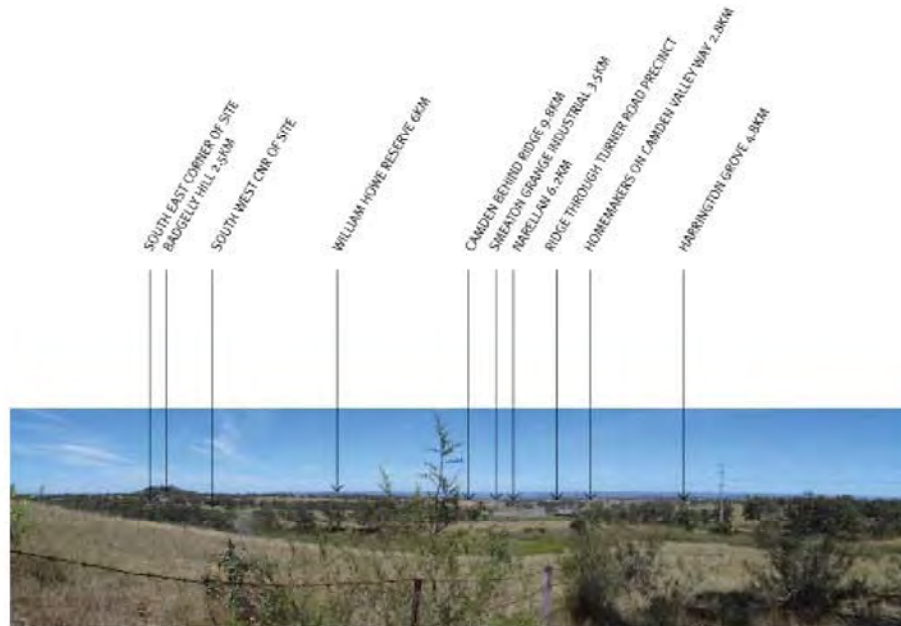


Figure 4.8 View south from North East corner of site over subject land towards Camden.

Distant views from elevated areas of the Subject Land to the south and south-west towards Camden are screened by Badgelly Hill and the east west ridgeline through the Dartwest Precinct. The township of Camden (9.5km from Subject Land) was not visible from the Subject Land however areas of the Nepean River floodplain around Kirkham were visible.

Distant views (7.5km +) to the west from elevated areas of the Subject Land are towards the ridgeline of Macquarie Grove Road and the vegetated hills west of Harrington Park. Housing in Oran Park is barely visible with a foreground of trees along the South Creek riparian corridor and a backdrop of vegetated hills behind Oran Park Views to the north and specifically the Gledswood property are screened by landform and vegetation.

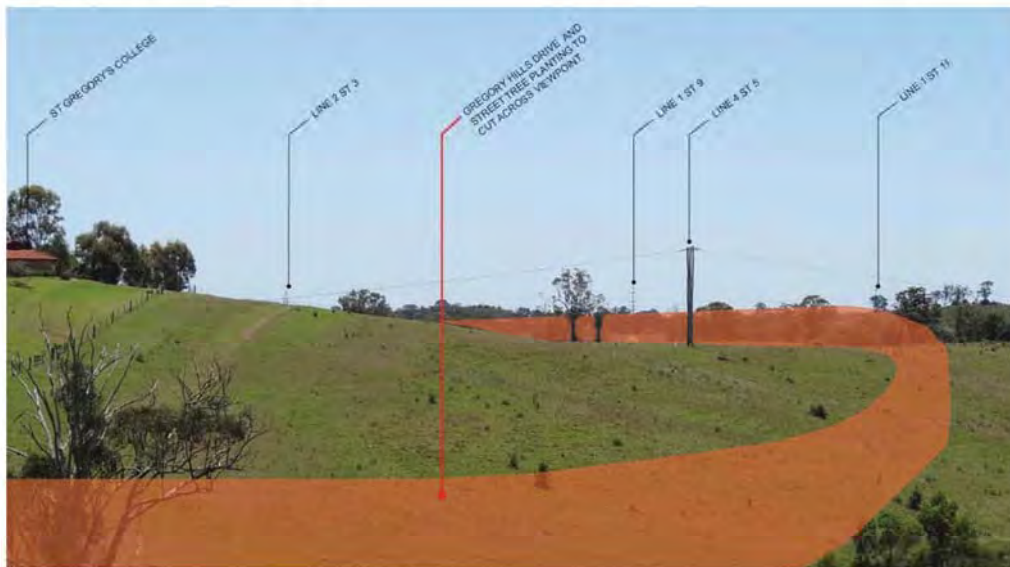
Views to the north and specifically the Gledswood property are screened by landform and vegetation.

JMD design



VIEW 7

| View 7 – 600m south of subject land   |  |  |
|---|--|--|
| Description of view   | Visual sensitivity of view   | Visual impact of development of site   |
| View north from an elevated field across a valley and small pond located north of Badgally Road and east of the entry into St Gregory's. The view is interesting as it captures the very southern end of the site in the middle ground and the northern end of the site in the background. The middle of the site is not visible over the ridge of The Scenic Hills. St Gregory's College is visible in the far LHS and Stanchion 5 of Line 4 (3 pole support) of is visible in the middle of the shot and Stanchions 10 and 11 of Line 1 are visible in the background.. | Subject land is visible from this viewpoint due to the elevation of the viewpoint. The view is looking across and into the site. | The view to the subject lands from Viewpoint 7 will be severely disrupted by the extension of Gregory Hills Drive to link to Badgally Road. Gregory Hills Drive will cut across the entire viewpoint and the anticipated street tree planting when mature will screen views to the Subject Land. |



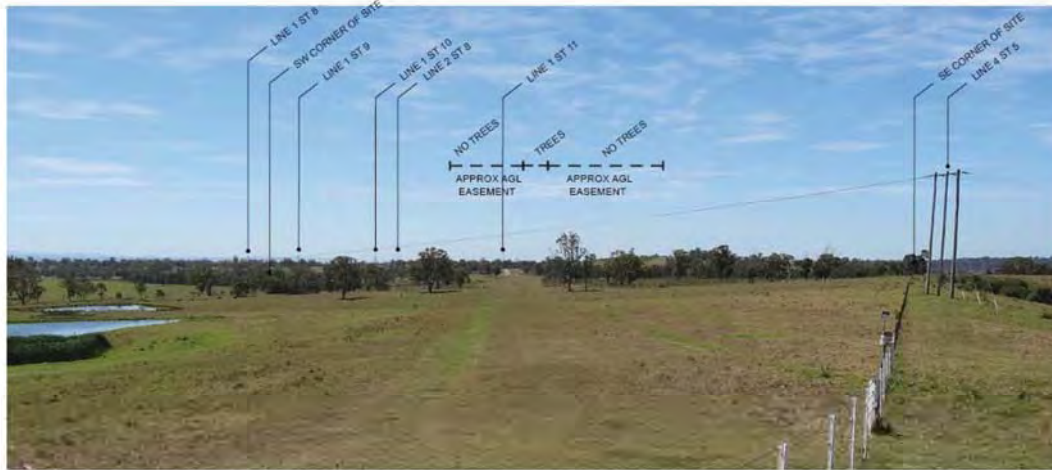
FUTURE VIEW 7

Figure 4.9: Comparative View Analysis - View 7

ORD04

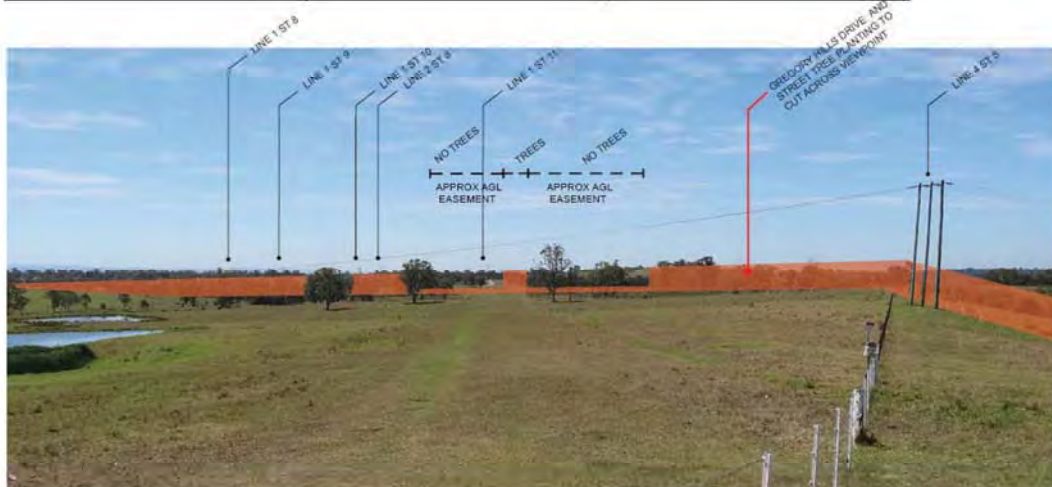
Attachment 1

JMD design



VIEW 8

| View 8 – 300m south of subject land  |   |  |
|--|---|--|
| Description of view  | Visual sensitivity of view  | Visual impact of development of site   |
| <p>View north from paddock edge north of St Gregory's College. This view has a very rural character with the foreground dominated by a fence and paddock. The fence line on the RHS marks the western edge of the Scenic Hills. The cleared central area of the photo is evidence of the AGL pipeline easement which is over 40 metres wide in this location. The view across paddocks is broken by gentle folds in the landform and the scattered trees that exist over the subject lands. In the background the stanchions of the Transgrid Easement of Line 1 and 2 are visible. In the far distance on the LHS the ridgeline of the Blue Mountains is visible.</p> | <p>The subject land is very visible and open to views from St Gregory's College from this view point.</p> | <p>The view to the subject lands from Viewpoint 8 will be disrupted by the extension of Gregory Hills Drive to link to Badgally Road. Gregory Hills Drive will cut across the entire viewpoint and the anticipated street tree planting when mature will screen views to the Subject Land. An opening may exist in the planting along the Gregory Hills Drive extension due to the Jemena Gas line easement.</p> |



FUTURE VIEW 8

Figure 4.10: Comparative View Analysis - View 8

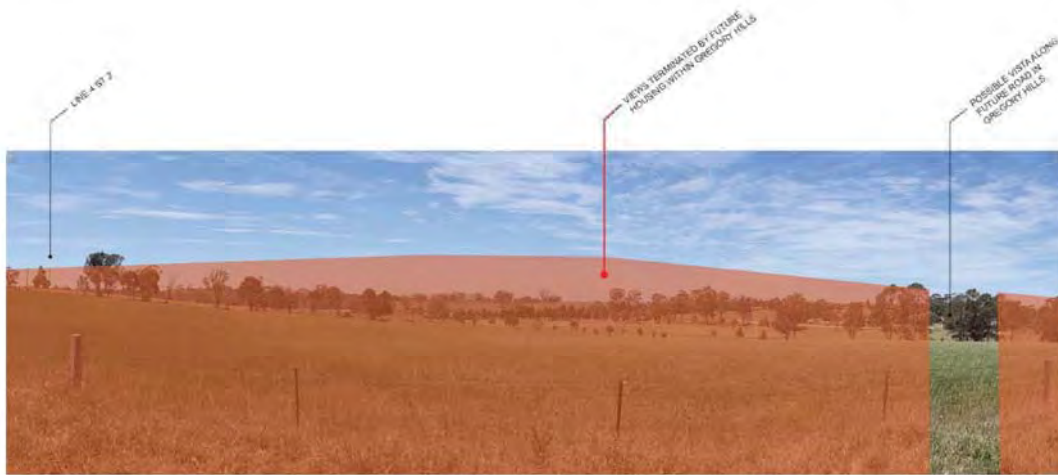


JMD design



VIEW 9

| View 9 – 850m southwest of subject land   |   |  |
|---|---|--|
| Description of view   | Visual sensitivity of view  | Visual impact of development of site   |
| View northeast from internal road of St Gregory's College looking down over paddocks and the college sports fields. This view has a very rural character with the foreground dominated by a farm fence and paddock. The view is broken up by remnant eucalypt trees and wind break plantings of Tallowwoods along the northern edge of the sports field. In the RHS of the view the College are evident and in the middle left are the sheds of the school plant nursery. | The only portion of the subject land visible from this location is the southern edge of the site. The remaining portion of the site is screened from view by the landform and existing trees and riparian vegetation within the South Creek corridor. | The view to the subject lands from Viewpoint 9 will be limited due to the extension of Gregory Hills Drive to link to Badgally Road. |



FUTURE VIEW 9

Figure 4.11: Comparative View Analysis - View 9



ORD04

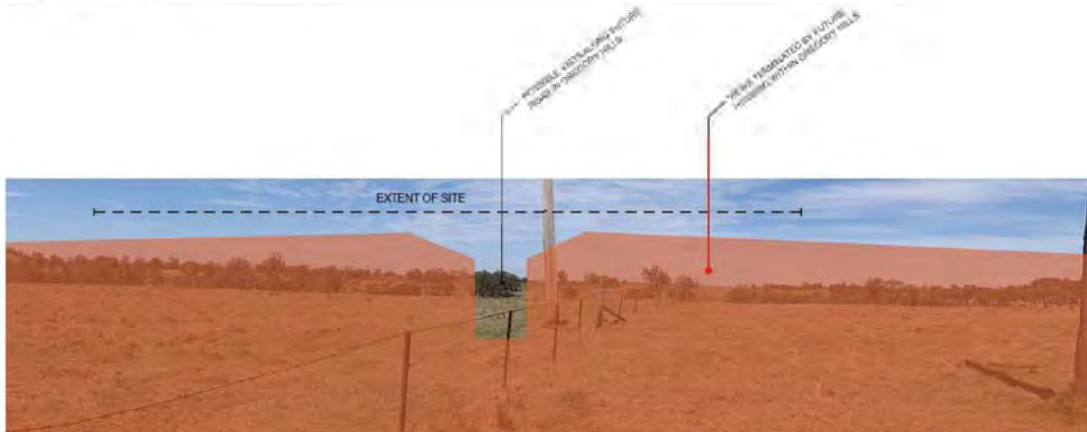
Attachment 1

JMD design



VIEW 10

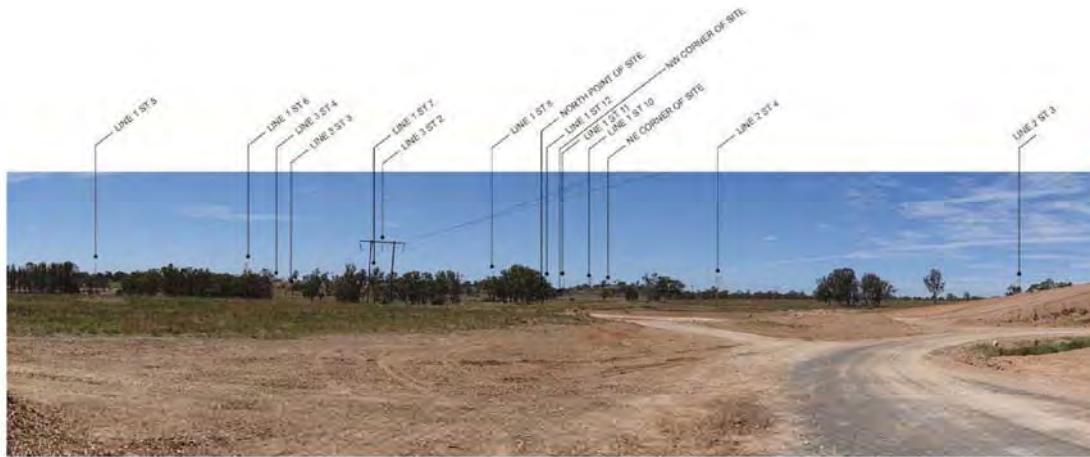
| View 10 – 500m west of subject land   |  |   |
|---|--|---|
| Description of view   | Visual sensitivity of view   | Visual impact of development of site  |
| View east from an elevated internal road of St Gregory's College looking across paddocks and the South Creek riparian corridor to the subject lands. This view has a very rural character with the foreground dominated by open paddocks sloping away. The middle and background are dotted with scattered remnant eucalypts in the paddocks and more dense eucalypt and casuarina regrowth along the riparian corridor. Stanchions in the Transgrid Easement along Lines 1 and 2 are visible in the far LHS. | The upper areas of the subject land are reasonably visible from this location as the viewing point is elevated and looks across a valley to the site. The vegetation of the riparian corridor is lower than the viewpoint and scattered allowing views to the site. The lower portions of the site is screened from view by the landform and existing trees and riparian vegetation within the South Creek corridor. | The viewpoint is located within the future development area of Gregory Hills. The current road pattern of the proposed Gregory Hills development orientates roadway vistas away from the subject lands towards the riparian corridor. Views from the proposed Gregory Hills development will be terminated by future housing within the Gregory Hills area. Any glimpses towards the subject lands will be further screened by vegetation within the riparian corridor. |



FUTURE VIEW 10

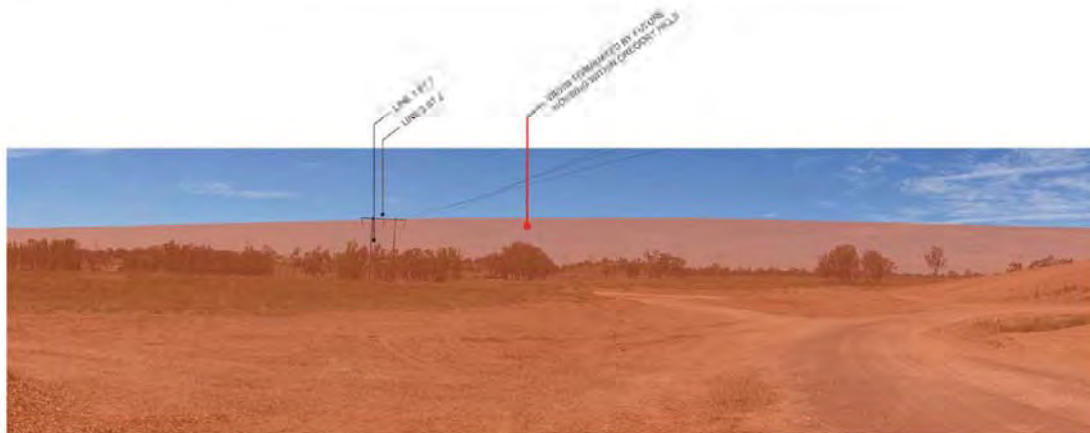
Figure 4.12: Comparative View Analysis - View 10

JMD design



VIEW 11

| View 11 – 1000m west of subject land  |  |   |
|---|--|---|
| Description of view   | Visual sensitivity of view   | Visual impact of development of site  |
| View east nor-east from a low lying area near the future town centre of Gregory Hills focusing towards the elevated northern end of the site. The foreground is dominated by earthworks activity associated with the Gregory Hills Development. The middle and distant views are of a gently rolling rural landscape heavily affected by Transgrid Easements. Stanchions of Lines 1, 2 and 3 are visible in the photos. A tight band of eucalypts and casuarina mark the line of the South Creek riparian corridor. | The upper northern areas of the subject land are reasonably visible from Viewpoint 11 as the land is cleared between the viewpoint and the site. The remainder of the subject land is screened by existing vegetation along the South Creek riparian corridor. | The viewpoint is located within the future development area of Gregory Hills, north of the proposed Town Centre on Gregory Hills Drive. At this point Gregory Hills Drive is orientated directly toward the subject lands however the existing vegetation along the South Creek riparian corridor will screen views to the site as it currently does. Any other views towards the subject lands will be screened by future buildings or additional revegetation works within the riparian corridor. |



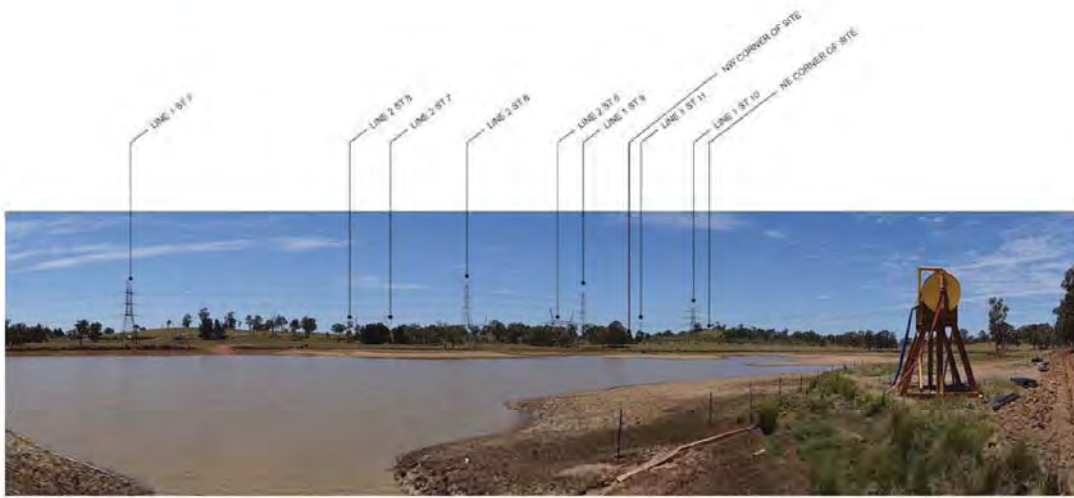
FUTURE VIEW 11

Figure 4.13: Comparative View Analysis - View 11

ORD04

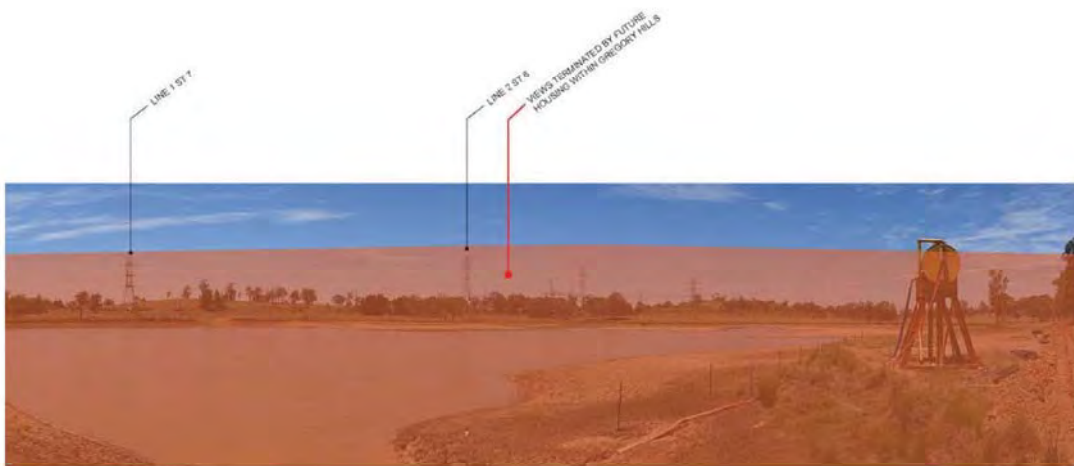
Attachment 1

JMD design



VIEW 12

| View 12 – 500m west of subject land  |   |  |
|--|---|--|
| Description of view  | Visual sensitivity of view  | Visual impact of development of site   |
| View nor-east from a low lying area on edge of dam on South creek focusing towards the elevated northern end of the site. At this point the remainder of the site is screened by heavy South Creek riparian corridor vegetation. The foreground is dominated by the existing dam on South Creek which will be removed and rehabilitated as part of the South Creek riparian corridor works. The middle and distant views are of a gently rolling rural landscape heavily affected by Transgrid Easements. Stanchions of Lines 1 and 2 are visible in the photos. The hills in the distance are sparsely dotted with remnant eucalypts. | The upper northern areas of the subject land are clearly visible from Viewpoint 12 as the land is cleared between the viewpoint and the site and cleared within the Transgrid Easement. The remainder of the subject land is screened by existing vegetation along the South Creek riparian corridor. | Viewpoint 12 is located on the southern edge of the South Creek riparian corridor within the future development area of Gregory Hills. It is expected that the subject lands will be sufficiently screened from views from Gregory Hills by the future development and rehabilitation works required within the South Creek riparian corridor. |



FUTURE VIEW 12

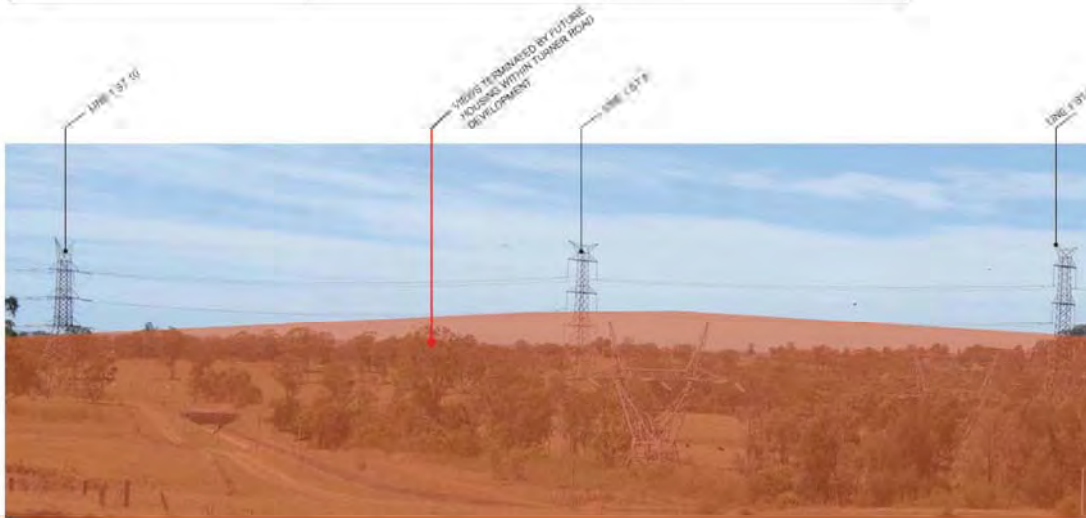
Figure 4.14: Comparative View Analysis - View 12





VIEW 13

| View 13 – 600m north west of subject land   |   |  |
|---|---|--|
| Description of view   | Visual sensitivity of view  | Visual impact of development of site   |
| View south east toward middle of subject lands from an elevated ridgeline in a field in an adjacent rural property. This view has a rural character with the foreground dominated by open paddocks sloping away down to the Sydney Water Supply Canal. Stanchions in the Transgrid Easement along Lines 1 and 2 are prominent with the stanchion 5 of Line 4 marking the far end of the subject lands. The middle ground is a combination of fenced paddocks dotted with scattered remnant eucalypts and more dense eucalypt and casuarina regrowth along the riparian corridor. The terracotta roofs of St Gregory's College are visible on the RHS of the view. | The elevated middle and southern areas of the subject land are clearly visible from Viewpoint 13 as the land is cleared between the viewpoint and the site and cleared within the Sydney Water and Transgrid Easement. The lower areas of the subject land are screened by existing vegetation along the South Creek riparian corridor. | Viewpoint 13 is located on an adjacent elevated rural property northwest of the subject land. Proposed housing development of Gregory Hills in the vicinity of the sports fields will dominate the middle ground of this view. The subject site will still be visible over the roof tops of the Gregory Hills Development. |



FUTURE VIEW 13

Figure 4.15: Comparative View Analysis - View 13



ORD04

Attachment 1

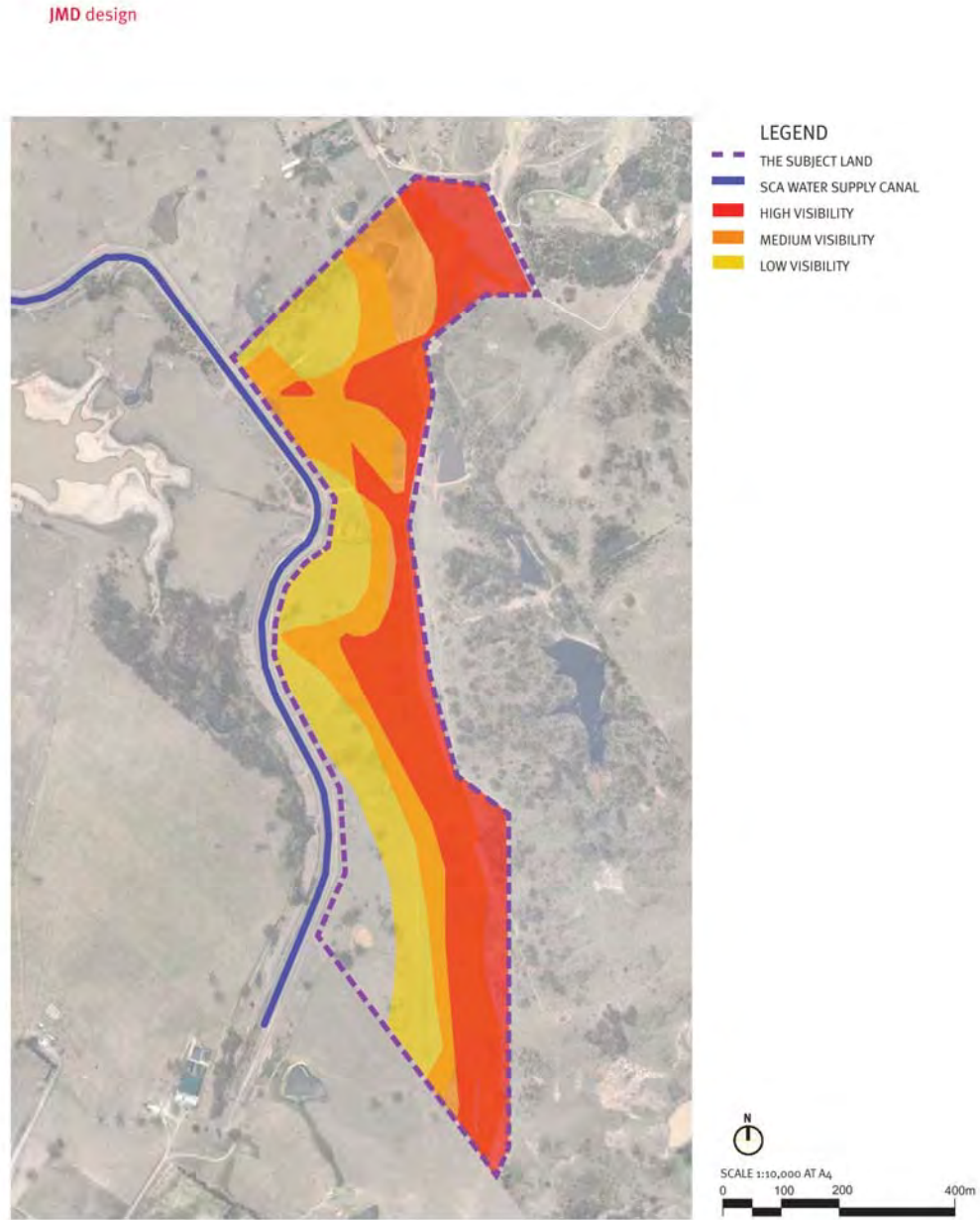


Figure 4.16 : Existing Site Visibility Under current Situation  
(Nearmaps, viewed 21 November 2012)

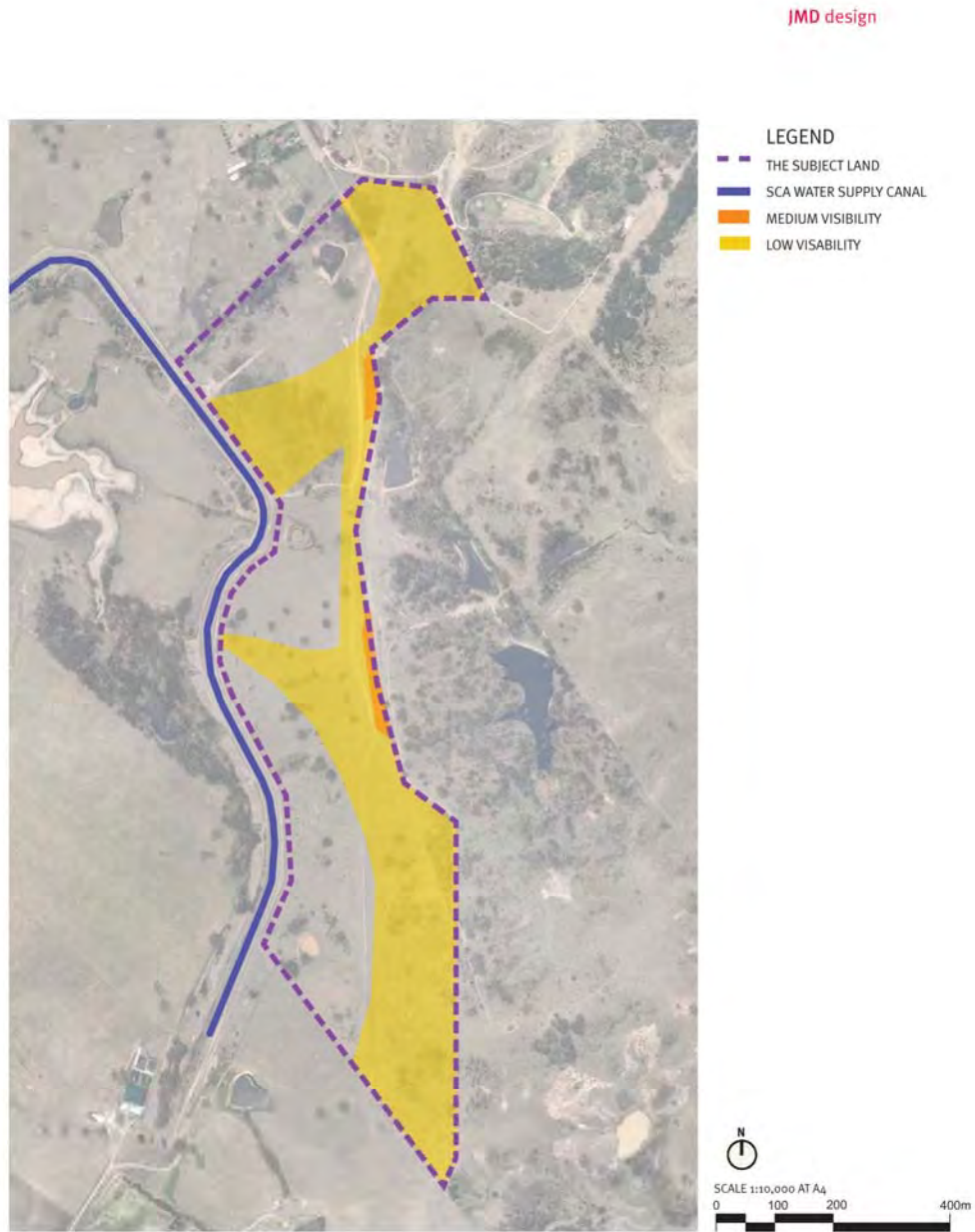


Figure 4.17 : Site Visibility After Proposed Adjacent Developments are complete  
(Nearmaps, viewed 21 November 2012)

ORD04

JMD design

#### 4.3 Opportunities and Constraints

The findings of the landscape survey and analysis and visual survey and analysis are combined to provide an opportunities and constraints plan for the proposed future residential development of the site.

The opportunities and constraints plan indicated that there are significant areas within the Subject Land that could be successfully developed as R1 General Residential land. These areas are located west of and below the Jemena Gas Easement. These areas had the following characteristics:

- Gently sloping land;
- Located away from riparian corridors;
- Lightly vegetated;
- Located outside of easements ie Transgrid and Jemena;
- Low visibility from surrounding areas;
- Located away from Scenic Hills ridgeline;

Other areas of the Subject Land that are more constrained whether it be by steeper slope, electricity easements, gas services, existing vegetation or greater visibility will be more appropriately zoned R2 or R5 and will include buffer planting using locally native species and mounding areas and/or restrictions as to use or built form.

Refer to figures 4.18 - 4.21 which demonstrate lot treatment along property boundary ridgeline to The Scenic Hills on the following pages

Some building restrictions should be applied throughout the development as follows:

- Building materials to be recessive in colour;

Attachment 1





Attachment 1  
ORD04

JMD design

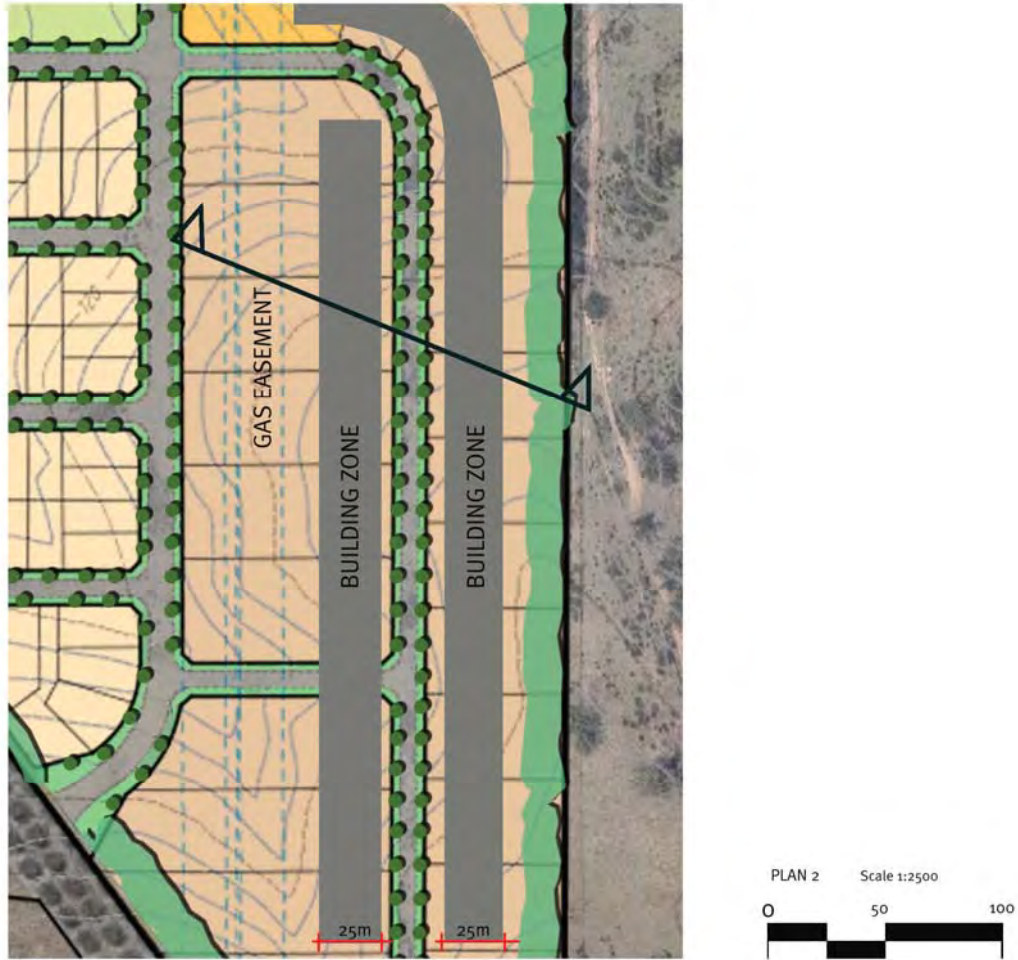


Figure 4.20: R2 Low Density Residential

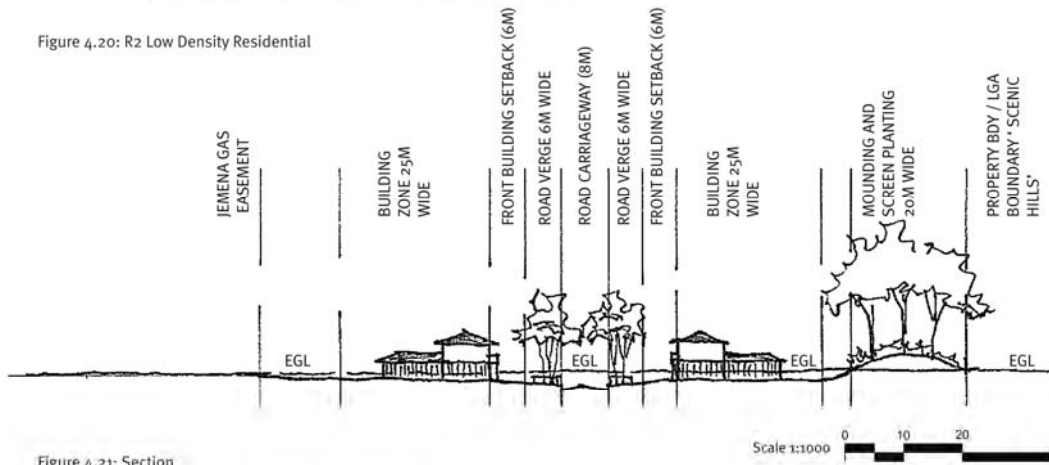


Figure 4.21: Section

42 Landscape and Visual Analysis of Lot 4 190 Ruby Road

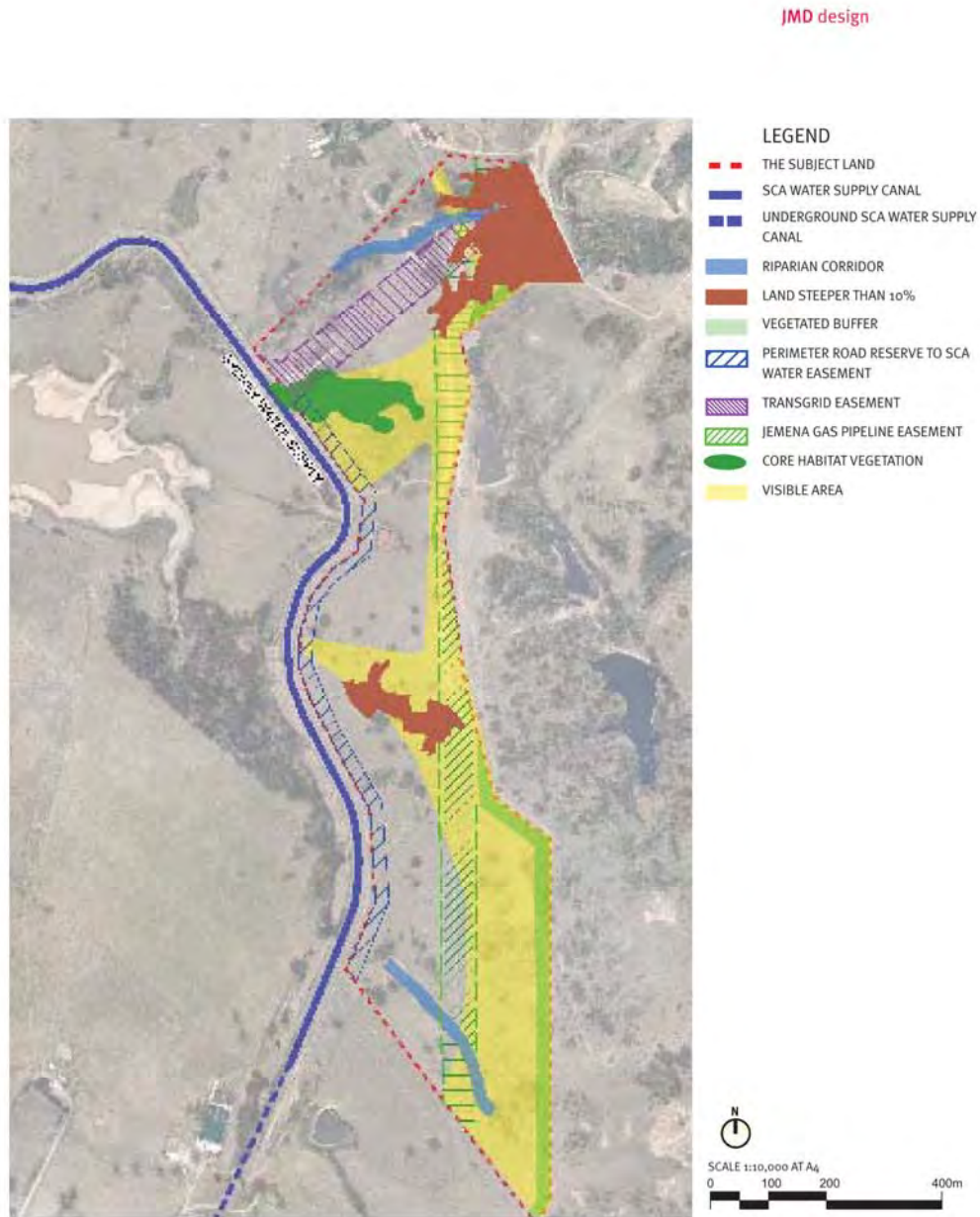


Figure 4.22 : Opportunities and Constraints Map  
(Nearmaps, viewed 21 November 2012)  
(Council of Camden, 2012)

ORD04

Attachment 1

JMD design

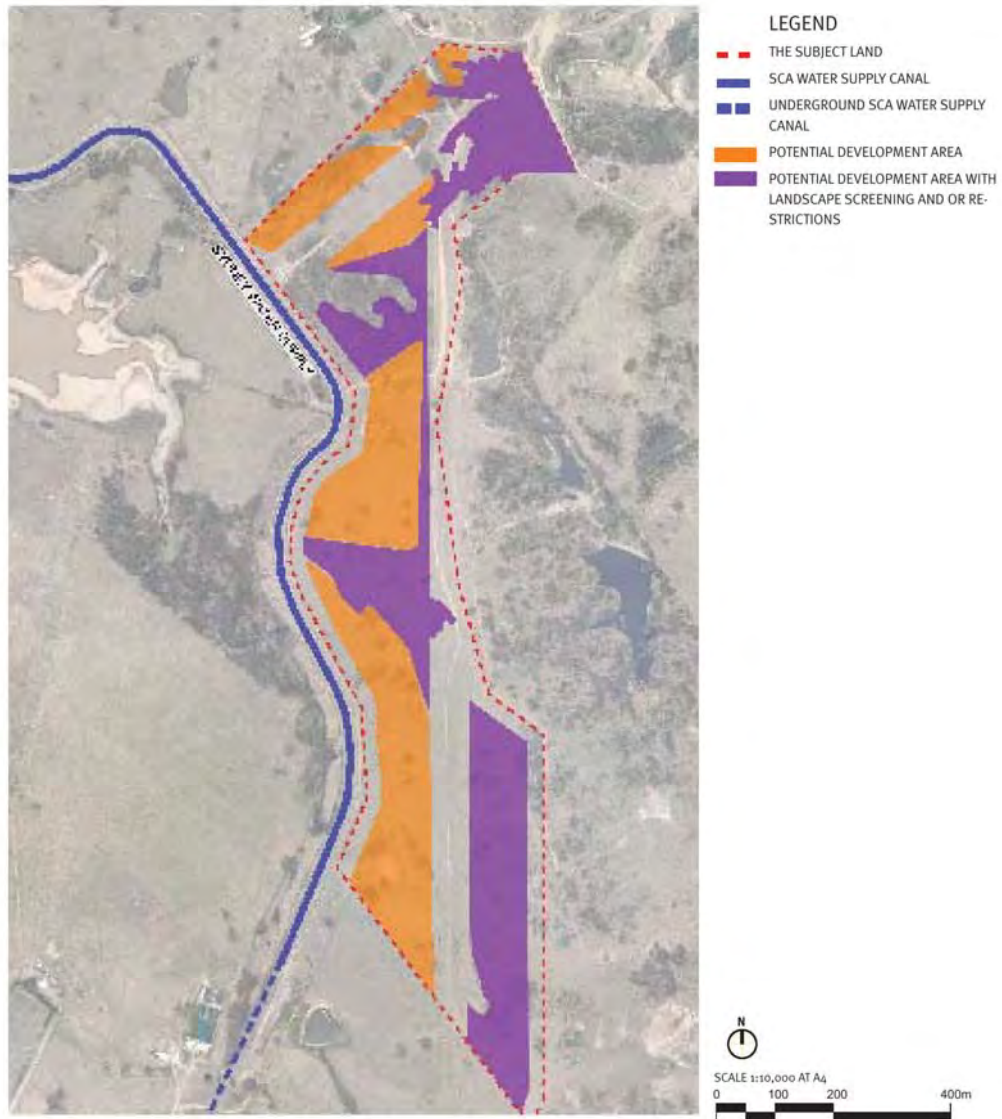


Figure 4.23 : Potential Development Areas  
(Nearmaps, viewed 21 November 2012)



JMD design

## Referencing

- AECOM, 2012, *Camden Gas Project Northern Expansion Submissions Report*, AECOM, Sydney
- Association of Australian Dial Before You Dig Services Ltd, 2011, *Job No 5930082*, viewed 23 November 2012, <http://1100.com.au>
- Bureau of Meteorology, 2012, *Climate Statistics for Australian Locations*, viewed 30 November 2012 [http://www.bom.gov.au/climate/averages/tables/cw\\_068192.shtml](http://www.bom.gov.au/climate/averages/tables/cw_068192.shtml)
- Campbelltown City Council, 2010, *Camden Local Environmental Plan 2010, Land Zoning Map – Sheet LZN\_016*, Campbelltown City Council
- Council of Camden, 2006, *Draft Camden Development Control Plan 2006 (Camden Lakeside)*, Camden Council, Camden.
- Council of Camden, 2008, *Draft Local Environmental Plan No. 151*, Camden Council, Camden.
- Council of Camden, 2012, *Hydrology and Vegetation Map*, Camden Council, Camden.
- Dart West Developments, 2011, *Gregory Hills Masterplan*, Development planning Strategies
- Godden Mackay Logan Heritage Consultants, 2008, *Gledswood Conservation Management Plan*, Godden Mackay Logan, Redfern
- Geological Survey of NSW Division of Regional Geology and Royal Australian Survey Corps, 1996, *Wollongong 1: 250,000 Geological Series Sheet S1 56-9*, Second Edition, NSW Department of Mines, NSW
- Hazelton, P.A, Bannerman, S.M, Tillie, P.J, 1990, *Wollongong-Port Hacking Soil Landscape series Sheet 9029-9129*, Soil Conservation Service of NSW
- Jemena Gas Networks (NSW) Ltd, (n.d.), Jemena Gas Networks (NSW) Ltd Landowner Information, viewed 12 December 2012 <http://jemena.com.au/assets/what-we-do/assets/jemena-gas-network/Landowner%20Information.pdf>
- Land and Property Information, 2001, *Campbelltown 9029-1N Third Edition, Topographic and Orthophoto Map 1:25,000*, Land and Property Information, Bathurst.
- Nearmaps, 2012, *Camden*, viewed 21 November 2012, <https://www.nearmap.com>
- NSW Government Department of Planning, 2007, *State Environmental Planning Policy (Sydney Region Growth Centres) 2006, South West Growth Centre Land Zoning Map (Edition 2) Sheet LZN 009*, NSW Government Department of Planning
- Transgrid, (n.d.), *Transgrid Easement Guide*, viewed 7 December 2012, <http://www.transgrid.com.au/pe/lwp/Documents/TransGrid%20Easement%20Brochure%20FINAL.pdf>
- YSCO Geomatics, 2012, *Plan of Land at 190 Raby Road Gledswood Hills, Being Lot 4 in DP260703*, Camden LGA, YSCO Geomatics, Artarmon



**ORD04**

**Attachment 1**

This Page is Intentionally Blank.

JMD design

December 2012

Appendix A  
190 Raby Road  
Lot 4 DP260703 Gledswood Hills



James Mather Delaney Design Pty Ltd  
Landscape Architects  
ABN 30 128 554 638

190 James Street  
Redfern NSW 2016  
Australia

T +61 2 9310 5644  
F +61 2 9319 4858  
info@jmddesign.com.au  
www.jmddesign.com.au

ORD04

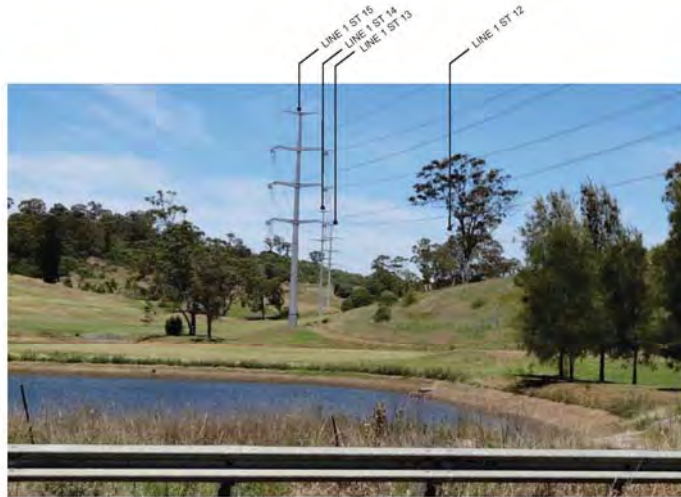
Attachment 1

ORD04

Attachment 1

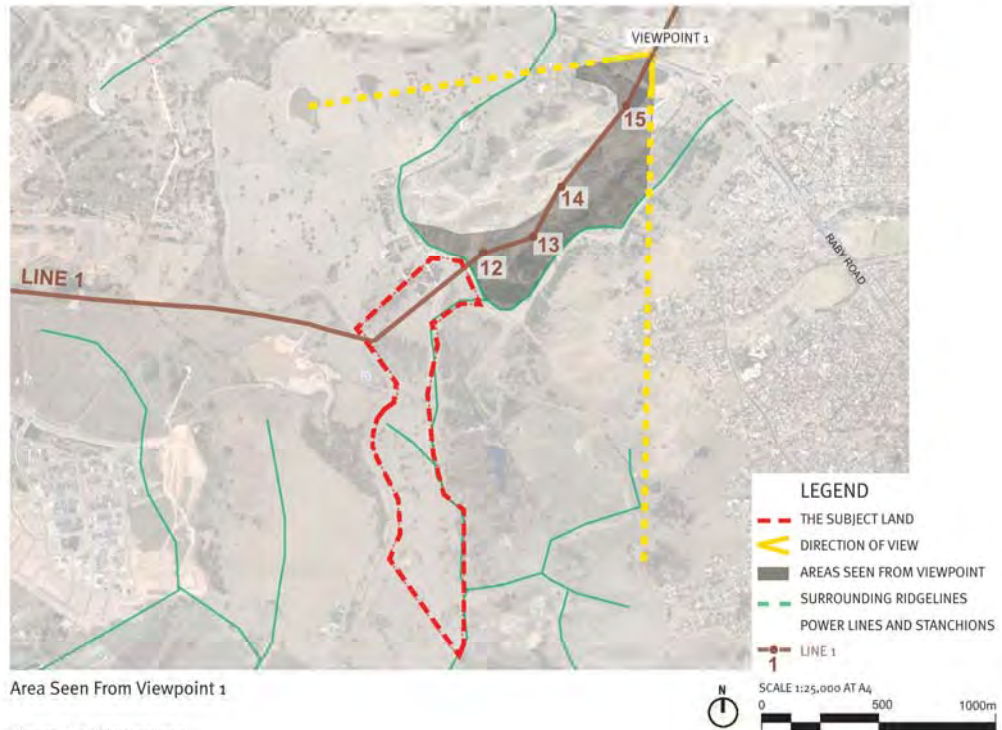
JMD design

### A Visual Analysis - Viewpoints 1-14



Viewpoint 1

| View 1 – 1200m north of subject land   |   |                                      |
|--|---|--------------------------------------|
| Description of view  | Visual sensitivity of view  | Visual impact of development of site |
| View south from Raby Road up valley of Macarthur Grange Golf Course along Transgrid Easement of Line 1 | Subject land is not visible from this viewpoint due to the high northern ridge between the subject land and the viewpoint | Nil                                  |



Area Seen From Viewpoint 1

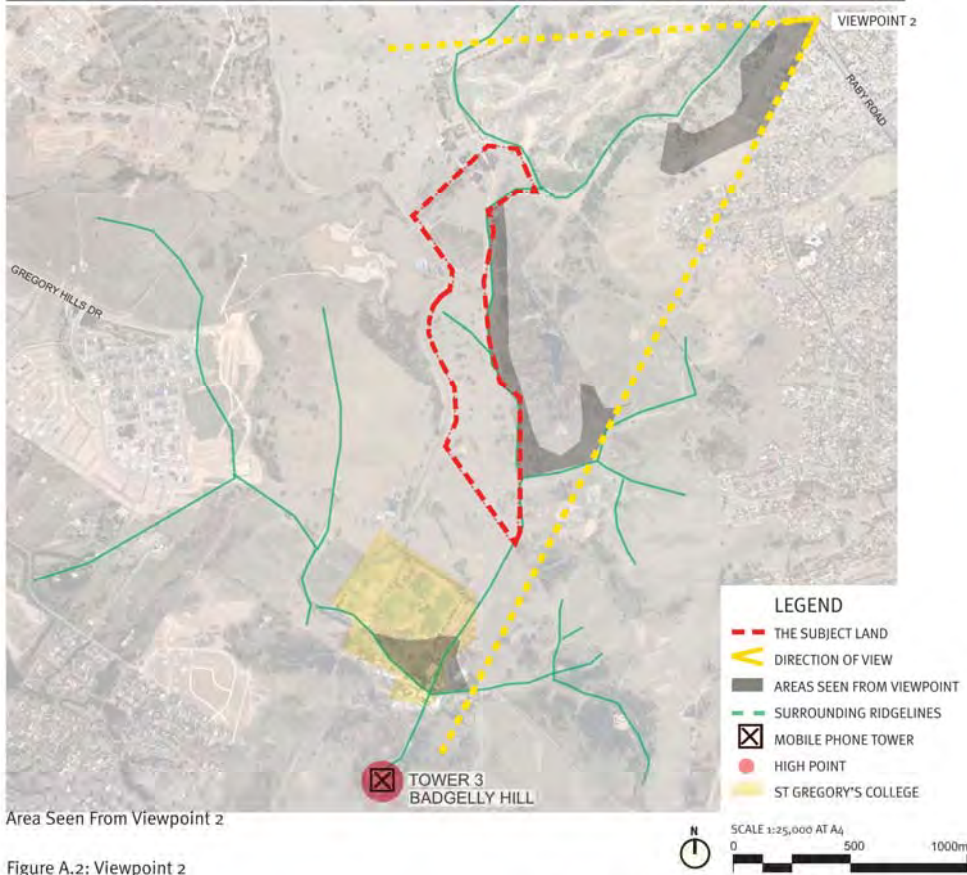
Figure A.1: Viewpoint 1



JMD design

Viewpoint 2

| View 2 – 1400m north east of subject land   |  |                                      |
|---|--|--------------------------------------|
| Description of view   | Visual sensitivity of view   | Visual impact of development of site |
| View south from Raby Road along eastern edge of Scenic Hills. Houses in foreground on LHS are off Missouri St Keams. Terracotta roof in background is borders accommodation at St Gregorys. Telephone towers are on Badgelly Hill | Subject land is not visible from this viewpoint due to Scenic Hills ridgeline. | Nil                                  |



Area Seen From Viewpoint 2

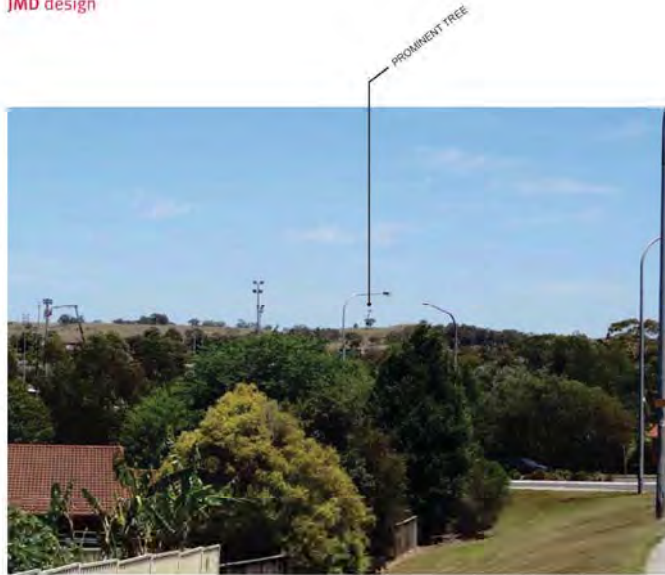
Figure A.2: Viewpoint 2



ORD04

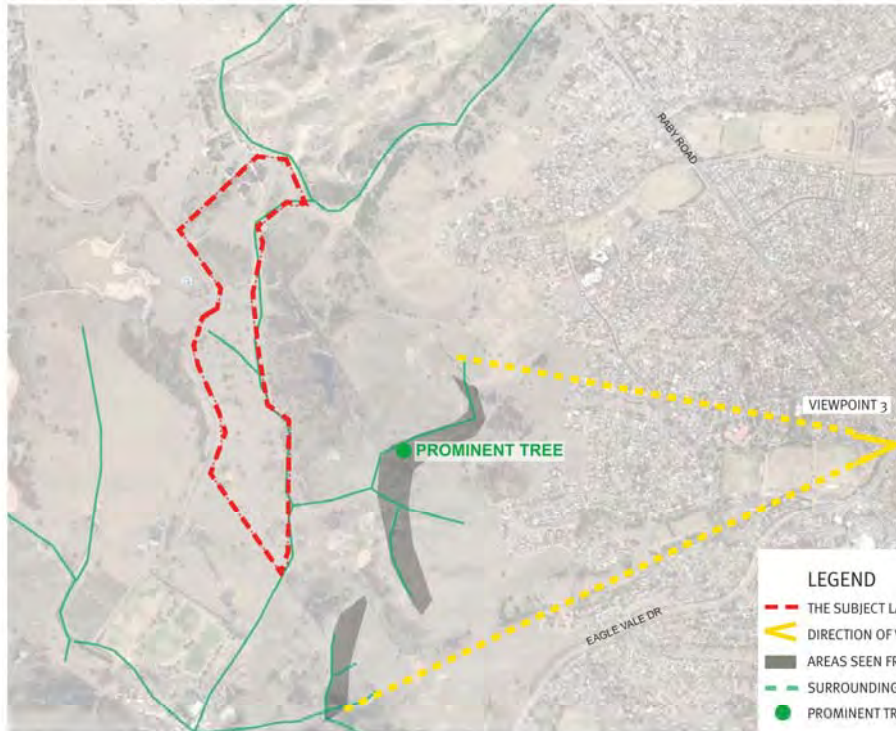
Attachment 1

JMD design



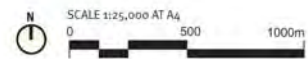
Viewpoint 3

| View 3 – 2500m east of subject land  |  |                                      |
|--|--|--------------------------------------|
| Description of view  | Visual sensitivity of view   | Visual impact of development of site |
| View west from east side of roundabout at intersection of Raby Road and Eagle Vale Drive over Eschol Park Sports Complex to the Scenic Hills. The prominent tree is visible on a ridge in centre of view | Subject land is not visible from this viewpoint due to Scenic Hills ridgeline. | Nil                                  |



Area Seen From Viewpoint 3

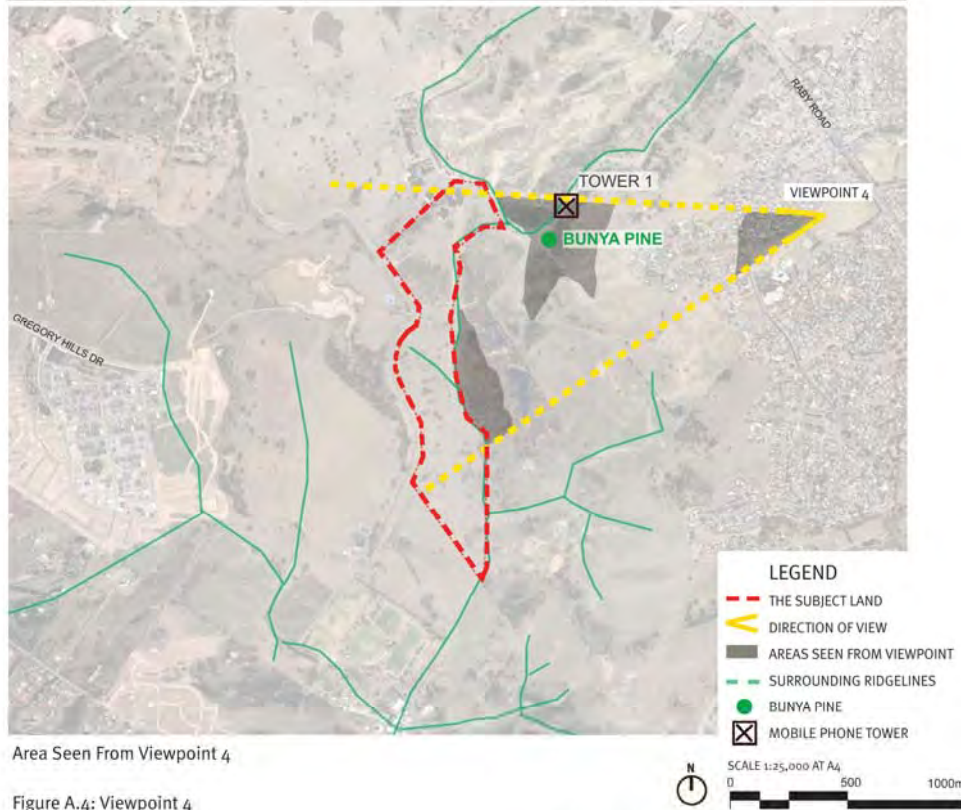
Figure A.3: Viewpoint 3





Viewpoint 4

| View 4 – 1500m east of subject land   |   |  |
|---|---|--|
| <b>Description of view</b><br>View southwest from carpark of sports fields at Clark Reserve Kearns to the Scenic Hills. Telephone tower 1 and the Bunya Pine on RHS mark northern edge of the subject land. | <b>Visual sensitivity of view</b><br>Subject land is not visible from this viewpoint due to Scenic Hills ridgeline. | <b>Visual impact of development of site</b><br>Nil |



Area Seen From Viewpoint 4

Figure A.4: Viewpoint 4



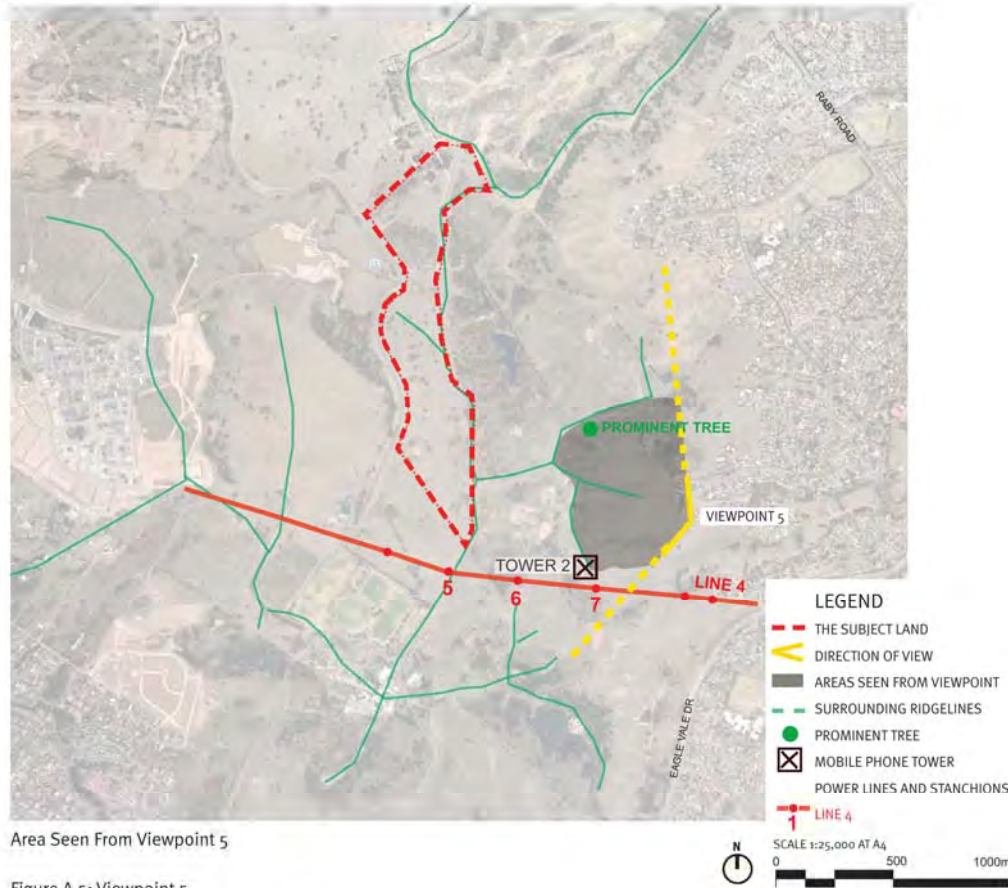
ORD04

Attachment 1



Viewpoint 5

| View 5 – 1000m east of subject land  |  |   |
|--|--|---|
| Description of view  | Visual sensitivity of view   | Visual impact of development of site  |
| View west from western end of Frontignan St Eschol Park up to the Scenic Hills. On RHS view captures houses at the western end of Chasselas Avenue and pans over the Scenic Hills capturing the rolling hills and rural character of the area. The prominent tree is visible on the ridge on the RHS and the Telephone Tower 2 and power poles of Line 4 are visible on the LHS. | Subject land is not visible from this viewpoint due to Scenic Hills ridgeline. | The upper portion of Stanchion 5 of Line 4 is just visible over the ridgeline indicating that any high elements occurring within the Subject Lands may be visible from the Campbelltown side of the Scenic Hills. |





Viewpoint 6

| View 6 – 1500m south east of subject land   |  |   |
|---|--|---|
| Description of view   | Visual sensitivity of view   | Visual impact of development of site  |
| View north west across a broad valley from open space area between Eagle Vale Drive and Minchinbury Terrace. The strange tree is visible on the ridge in the middle of the shot with Telephone Tower 2 and power poles of Line 4 visible in the LHS. St Gregory's College is located over the ridge in the far left of the frame. | Subject land is not visible from this viewpoint due to Scenic Hills ridgeline. | The upper portion of Stanchion 5 of Line 4 is visible and Line 1 St 10 is barely visible over the ridgeline indicating that any high elements occurring within the Subject Lands may be visible from the Campbelltown side of the Scenic Hills. |

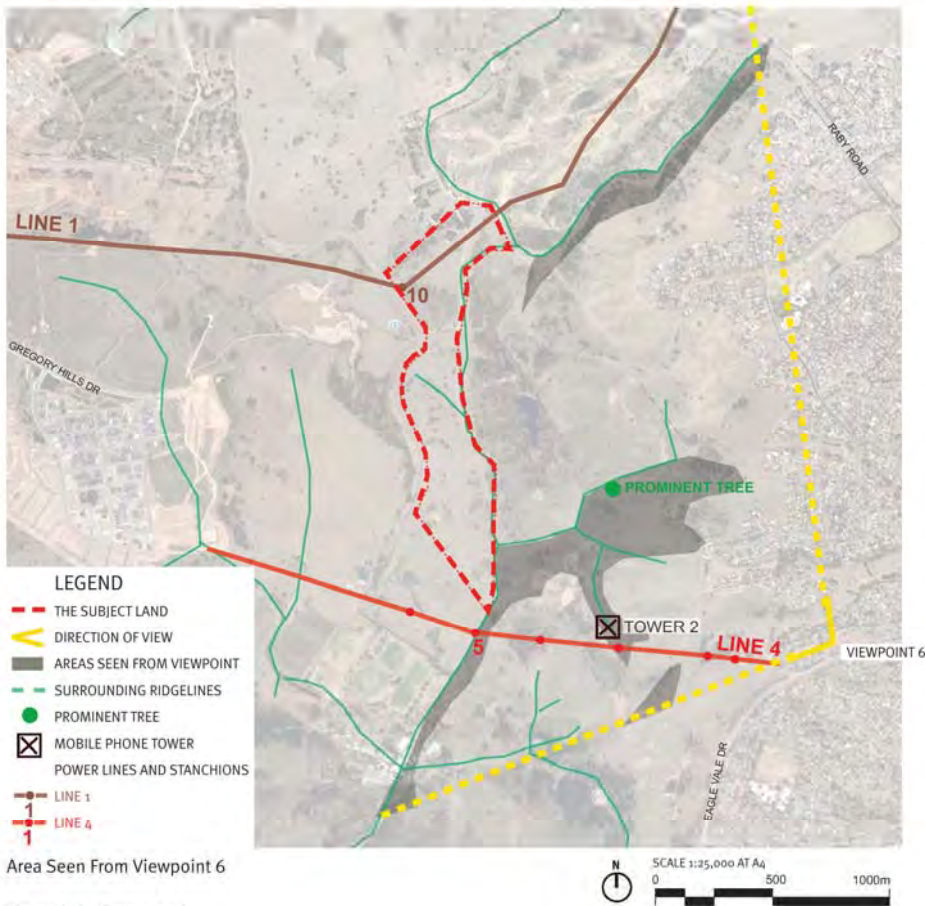


Figure A.6: Viewpoint 6



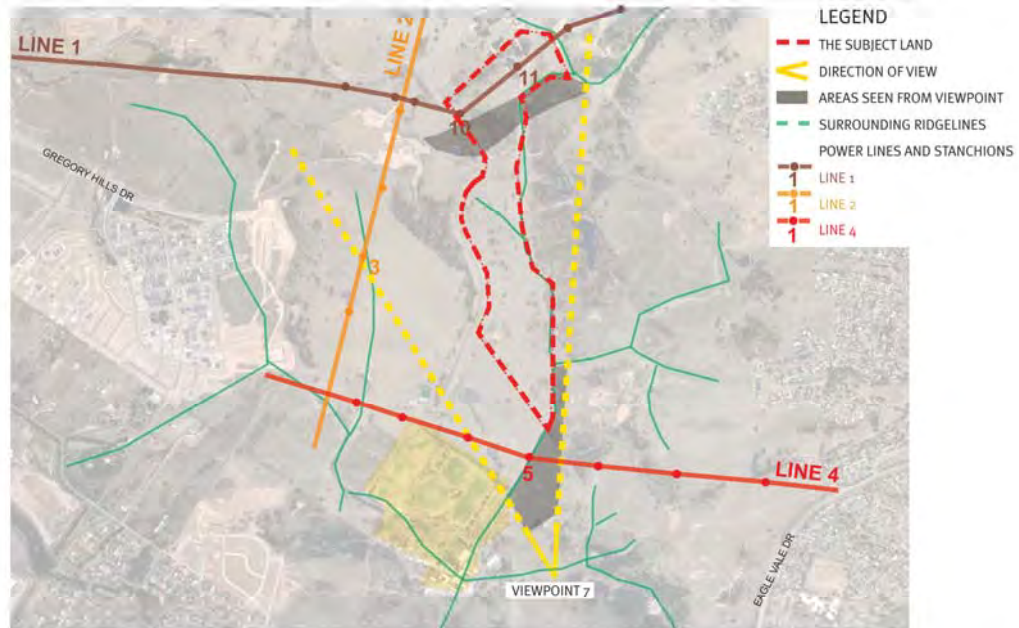
ORD04

Attachment 1



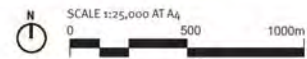
Viewpoint 7

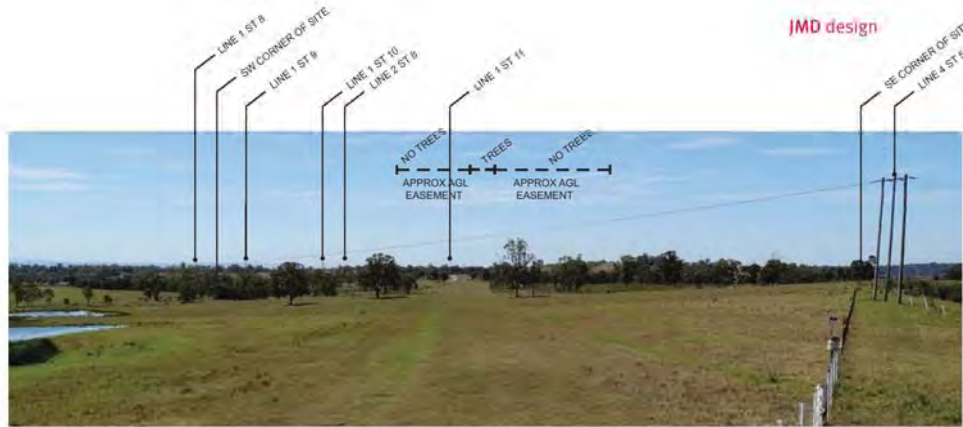
| View 7 – 600m south of subject land   |  |  |
|---|--|--|
| Description of view   | Visual sensitivity of view   | Visual impact of development of site   |
| View north from an elevated field across a valley and small pond located north of Badgally Road and east of the entry into St Gregory's. The view is interesting as it captures the very southern end of the site in the middle ground and the northern end of the site in the background. The middle of the site is not visible over the ridge of The Scenic Hills. St Gregory's College is visible in the far LHS and Stanchion 5 of Line 4 (3 pole support) of is visible in the middle of the shot and Stanchions 10 and 11 of Line 1 are visible in the background.. | Subject land is visible from this viewpoint due to the elevation of the viewpoint. The view is looking across and into the site. | The view to the subject lands from Viewpoint 7 will be severely disrupted by the extension of Gregory Hills Drive to link to Badgally Road. Gregory Hills Drive will cut across the entire viewpoint and the anticipated street tree planting when mature will screen views to the Subject Land. |



Area Seen From Viewpoint 7

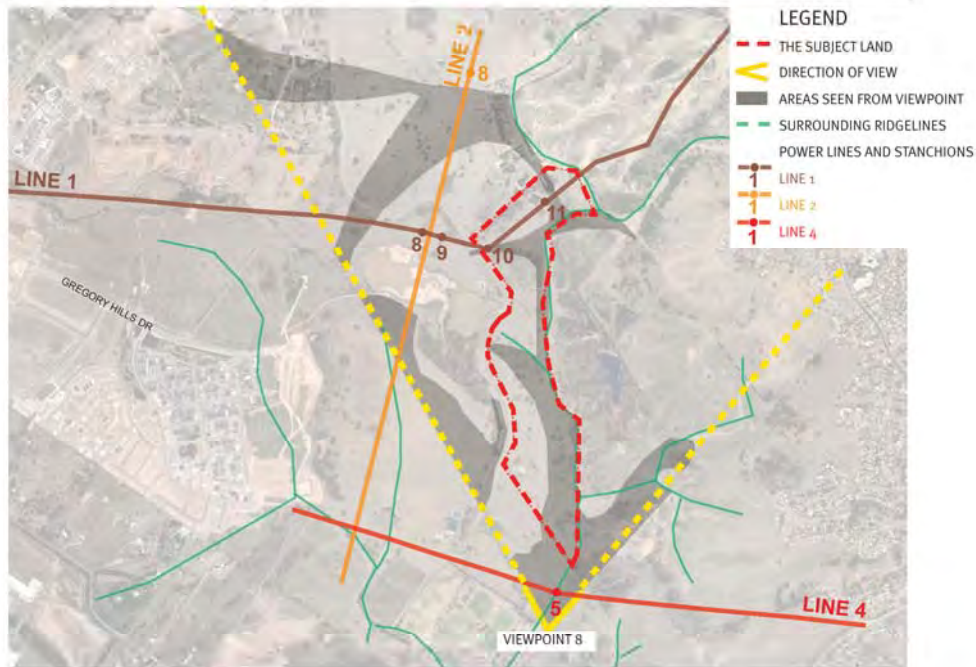
Figure A.7: Viewpoint 7





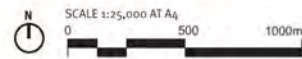
Viewpoint 8

| View 8 – 300m south of subject land  |   |  |
|--|---|--|
| Description of view  | Visual sensitivity of view  | Visual impact of development of site   |
| <p>View north from paddock edge north of St Gregory's College. This view has a very rural character with the foreground dominated by a fence and paddock. The fence line on the RHS marks the western edge of the Scenic Hills. The cleared central area of the photo is evidence of the AGL pipeline easement which is over 40 metres wide in this location.</p> <p>The view across paddocks is broken by gentle folds in the landform and the scattered trees that exist over the subject lands.</p> <p>In the background the stanchions of the Transgrid Easement of Line 1 and 2 are visible. In the far distance on the LHS the ridgeline of the Blue Mountains is visible.</p> | <p>The subject land is very visible and open to views from St Gregory's College from this view point.</p> | <p>The view to the subject lands from Viewpoint 8 will be disrupted by the extension of Gregory Hills Drive to link to Badgally Road. Gregory Hills Drive will cut across the entire viewpoint and the anticipated street tree planting when mature will screen views to the Subject Land. An opening may exist in the planting along the Gregory Hills Drive extension due to the Jemena Gas line easement.</p> |



Area Seen From Viewpoint 8

Figure A.8: Viewpoint 8





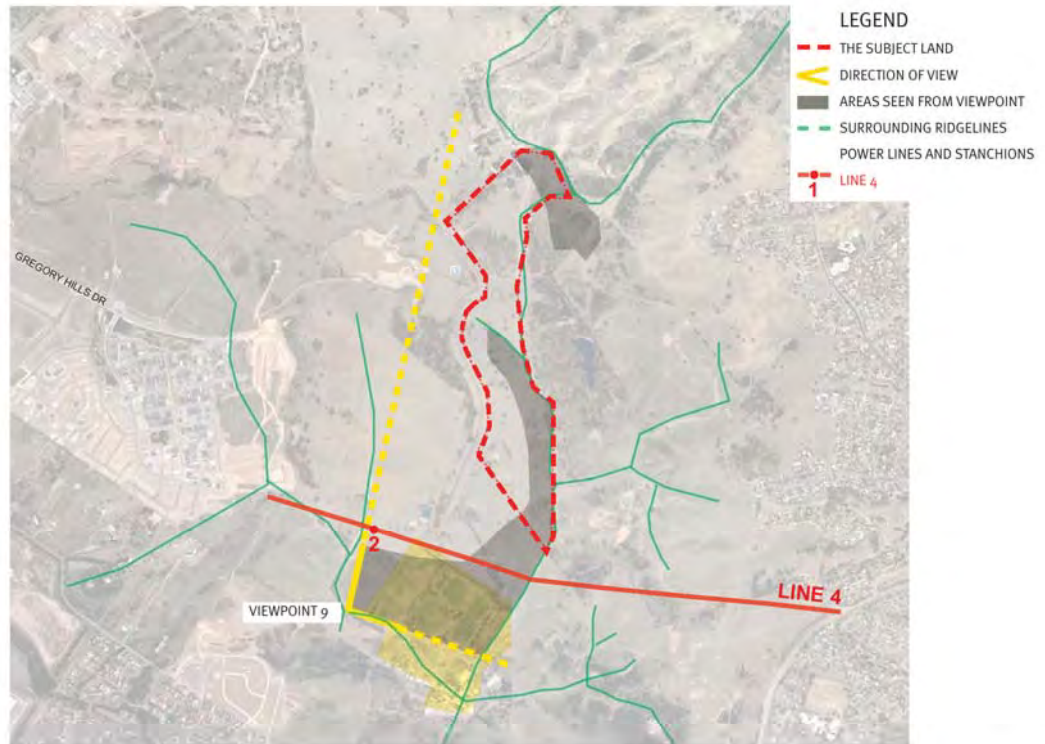
ORD04



Viewpoint 9

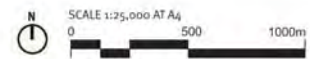
| View 9 – 850m southwest of subject land   |   |  |
|---|---|--|
| Description of view   | Visual sensitivity of view  | Visual impact of development of site   |
| View northeast from internal road of St Gregory's College looking down over paddocks and the college sports fields. This view has a very rural character with the foreground dominated by a farm fence and paddock. The view is broken up by remnant eucalypt trees and wind break plantings of Tallowwoods along the northern edge of the sports field. In the RHS of the view the College are evident and in the middle left are the sheds of the school plant nursery. | The only portion of the subject land visible from this location is the southern edge of the site. The remaining portion of the site is screened from view by the landform and existing trees and riparian vegetation within the South Creek corridor. | The view to the subject lands from Viewpoint 9 will be limited due to the extension of Gregory Hills Drive to link to Badgally Road. |

Attachment 1



Area Seen From Viewpoint 9

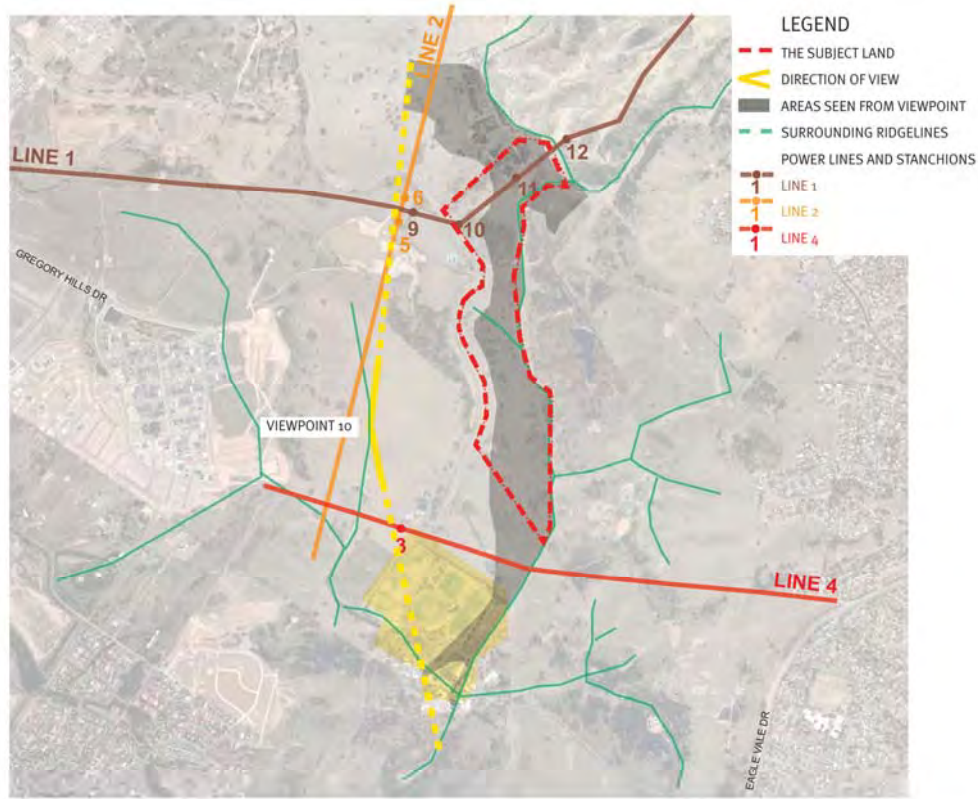
Figure A.9: Viewpoint 9





Viewpoint 10

| View 10 – 500m west of subject land   |  |   |
|---|--|---|
| Description of view   | Visual sensitivity of view   | Visual impact of development of site  |
| View east from an elevated internal road of St Gregory's College looking across paddocks and the South Creek riparian corridor to the subject lands. This view has a very rural character with the foreground dominated by open paddocks sloping away. The middle and background are dotted with scattered remnant eucalypts in the paddocks and more dense eucalypt and casuarina regrowth along the riparian corridor. Stanchions in the Transgrid Easement along Lines 1 and 2 are visible in the far LHS. | The upper areas of the subject land are reasonably visible from this location as the viewing point is elevated and looks across a valley to the site. The vegetation of the riparian corridor is lower than the viewpoint and scattered allowing views to the site. The lower portions of the site is screened from view by the landform and existing trees and riparian vegetation within the South Creek corridor. | The viewpoint is located within the future development area of Gregory Hills. The current road pattern of the proposed Gregory Hills development orientates roadway vistas away from the subject lands towards the riparian corridor. Views from the proposed Gregory Hills development will be terminated by future housing within the Gregory Hills area. Any glimpses towards the subject lands will be further screened by vegetation within the riparian corridor. |



Area Seen From Viewpoint 10

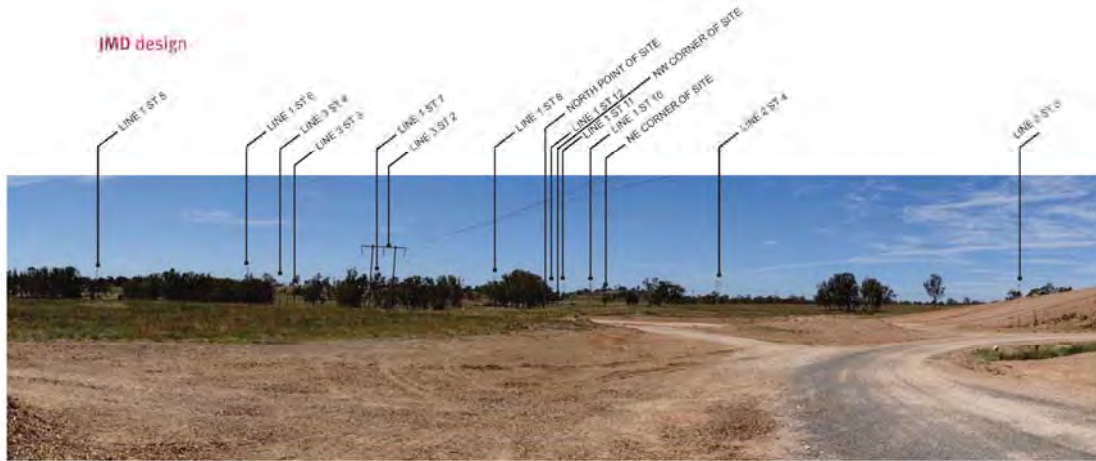
Figure A.10: Viewpoint 10





ORD04

Attachment 1



Viewpoint 11

| View 11 – 1000m west of subject land  |  |   |
|---|--|---|
| Description of view   | Visual sensitivity of view   | Visual impact of development of site  |
| View east nor-east from a low lying area near the future town centre of Gregory Hills focusing towards the elevated northern end of the site. The foreground is dominated by earthworks activity associated with the Gregory Hills Development. The middle and distant views are of a gently rolling rural landscape heavily affected by Transgrid Easements. Stanchions of Lines 1, 2 and 3 are visible in the photos. A tight band of eucalypts and casuarina mark the line of the South Creek riparian corridor. | The upper northern areas of the subject land are reasonably visible from Viewpoint 11 as the land is cleared between the viewpoint and the site. The remainder of the subject land is screened by existing vegetation along the South Creek riparian corridor. | The viewpoint is located within the future development area of Gregory Hills, north of the proposed Town Centre on Gregory Hills Drive. At this point Gregory Hills Drive is orientated directly toward the subject lands however the existing vegetation along the South Creek riparian corridor will screen views to the site as it currently does. Any other views towards the subject lands will be screened by future buildings or additional revegetation works within the riparian corridor. |



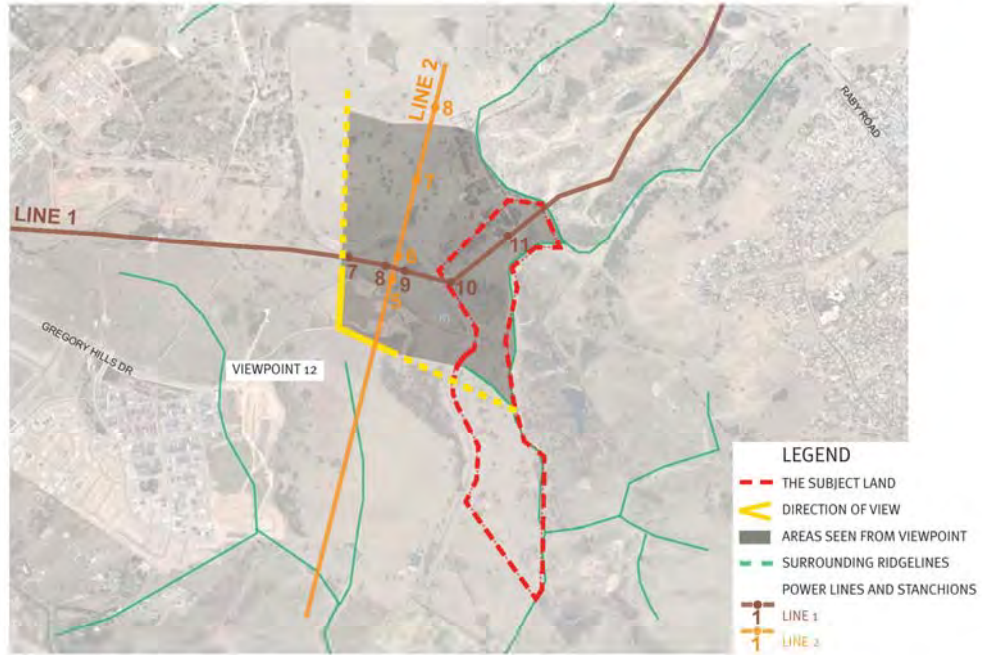
Area Seen From Viewpoint 11

Figure A.11: Viewpoint 1



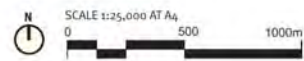
Viewpoint 12

| View 12 – 500m west of subject land  |   |  |
|--|---|--|
| <b>Description of view</b>   | <b>Visual sensitivity of view</b>   | <b>Visual impact of development of site</b>  |
| View nor-east from a low lying area on edge of dam on South creek focusing towards the elevated northern end of the site. At this point the remainder of the site is screened by heavy South Creek riparian corridor vegetation. The foreground is dominated by the existing dam on South Creek which will be removed and rehabilitated as part of the South Creek riparian corridor works. The middle and distant views are of a gently rolling rural landscape heavily affected by Transgrid Easements. Stanchions of Lines 1 and 2 are visible in the photos. The hills in the distance are sparsely dotted with remnant eucalypts. | The upper northern areas of the subject land are clearly visible from Viewpoint 12 as the land is cleared between the viewpoint and the site and cleared within the Transgrid Easement. The remainder of the subject land is screened by existing vegetation along the South Creek riparian corridor. | Viewpoint 12 is located on the southern edge of the South Creek riparian corridor within the future development area of Gregory Hills. It is expected that the subject lands will be sufficiently screened from views from Gregory Hills by the future development and rehabilitation works required within the South Creek riparian corridor. |



Area Seen From Viewpoint 12

Figure A.12: Viewpoint 12





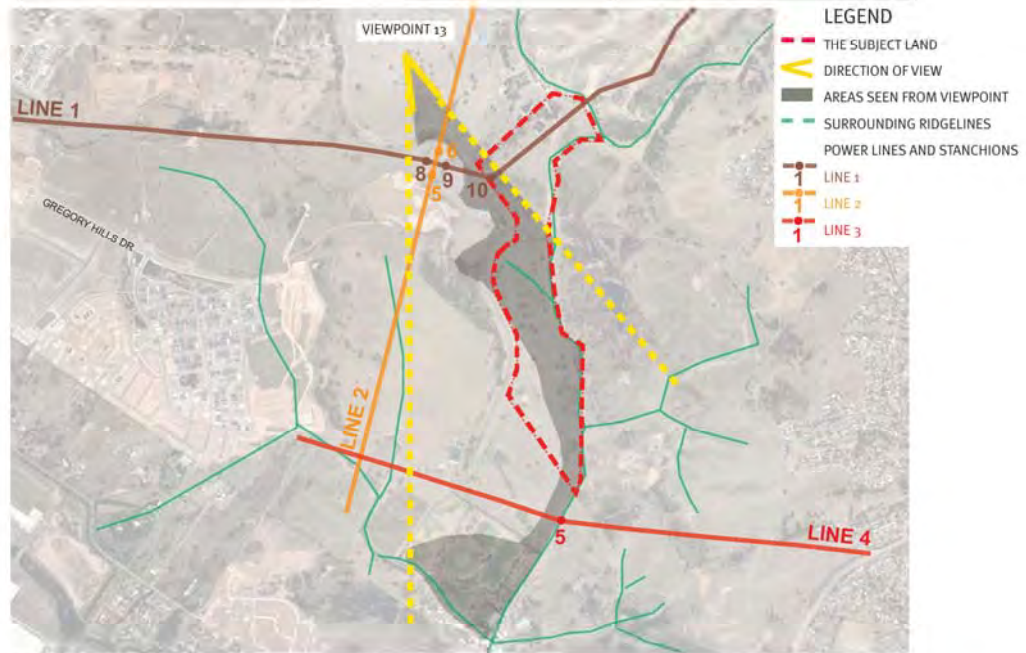
ORD04



Viewpoint 13

| View 13 – 600m north west of subject land   |   |  |
|---|---|--|
| Description of view   | Visual sensitivity of view  | Visual impact of development of site   |
| View south east toward middle of subject lands from an elevated ridgeline in a field in an adjacent rural property. This view has a rural character with the foreground dominated by open paddocks sloping away down to the Sydney Water Supply Canal. Stanchions in the Transgrid Easement along Lines 1 and 2 are prominent with the stanchion 5 of Line 4 marking the far end of the subject lands. The middle ground is a combination of fenced paddocks dotted with scattered remnant eucalypts and more dense eucalypt and casuarina regrowth along the riparian corridor. The terracotta roofs of St Gregory's College are visible on the RHS of the view. | The elevated middle and southern areas of the subject land are clearly visible from Viewpoint 13 as the land is cleared between the viewpoint and the site and cleared within the Sydney Water and Transgrid Easement. The lower areas of the subject land are screened by existing vegetation along the South Creek riparian corridor. | Viewpoint 13 is located on an adjacent elevated rural property northwest of the subject land. Proposed housing development of Gregory Hills in the vicinity of the sports fields will dominate the middle ground of this view. The subject site will still be visible over the roof tops of the Gregory Hills Development. |

Attachment 1



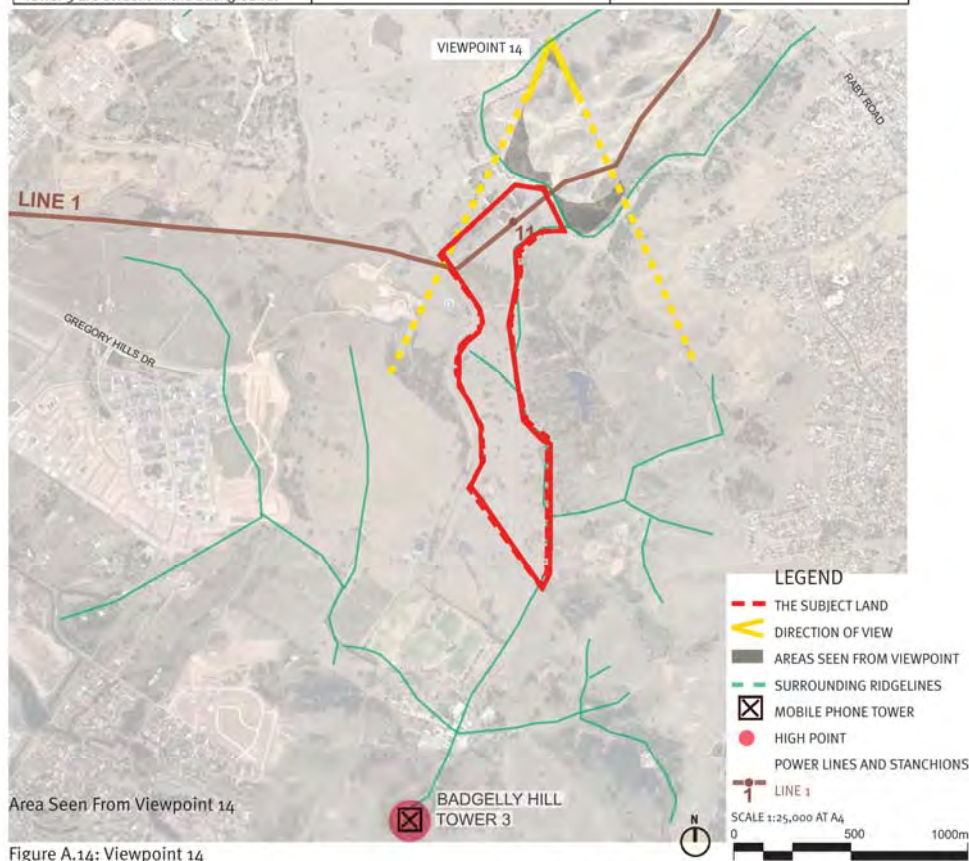
Area Seen From Viewpoint 13

Figure A.13: Viewpoint 13



Viewpoint 14

| View 14 – 700m north of subject land   |  |                                      |
|--|--|--------------------------------------|
| Description of view  | Visual sensitivity of view   | Visual impact of development of site |
| View south from an elevated unnamed access road off Raby Road to the northern edge of the site. This view has a rural character with fenced paddocks and scattered eucalypts in the foreground. The view drops off into a deep valley which is the Macarthur Grange Golf Course. The middle distance is the high ridge that forms the northern edge of the site. Badgally Hill and the Telecommunications Tower 3 are evident in the background. | Subject land is not visible from this viewpoint due to the high northern ridge between the subject land and the viewpoint. | Nil.                                 |





**ORD04**

**Attachment 1**

This Page is Intentionally Blank.

JMD design

ORD04

## Appendix B

Jemena gas Network (NSW) Ltd Landowner Information

**190 Raby Road  
Lot 4 DP260703 Gledswood Hills**



Attachment 1

**James Mather Delaney Design Pty Ltd**  
Landscape Architects  
ABN 30 128 554 638

190 James Street  
Redfern NSW 2016  
Australia

T +61 2 9310 5644  
F +61 2 9319 4858  
info@jmddesign.com.au  
www.jmddesign.com.au

ORD04



Jemena Gas Networks (NSW) Ltd

**JEMENA GAS NETWORKS (NSW) LTD**  
***LANDOWNER INFORMATION***

Attachment 1

This document has been formulated by the Company to advise you with:

- information regarding the pipeline and the pipeline affectation area which traverses the property;
- controlled activities in relation to the pipeline affectation area.

### **The Pipeline**

The pipeline was constructed and operates as a licensed pipeline under the NSW Pipelines Act 1967. It is constructed of high-tensile steel pipe with welded joints and is either 864mm (34 inch O.D.) or 508 mm (20 inch O.D.) or 355.6mm (14 inch O.D.) or 273mm (10.75 inch O.D.) diameter.

The pipeline is protected from corrosion by a cathodic protection system, and a continuous polyethylene coating.

The pipeline cover varies according to the location and topography, and changes in the surface level after installation. As such, we are unable to advise a standard depth of cover for any properties.

The pipeline carries natural gas for use in Sydney, Newcastle and Wollongong. The pipeline is capable of supplying enough gas each day to fill a domestic sewer pipe (100mm diameter) from earth to the moon four times, or cover 2500 football fields 1 metre deep.

### **Pipeline Affectation Area**

An affectation has been acquired through the property, under the Pipelines Act, 1967. The affectation is generally 24.385 meters wide although in some locations this width varies. The pipeline is generally located approximately 6 metres from the western side (left hand side heading north) of the pipeline affectation.

Pipeline warning signs are placed at regular intervals including road crossings, some fence crossings, creek crossings, etc., and generally indicate the location of the pipeline. In addition, through rural areas, boundary fence posts straddling the pipeline are painted white. Nevertheless, we do not rely on the pipeline being directly below the warning signs or being in a straight line between the warning signs, but physically locate the pipeline before approving work in the vicinity.

### **Access for Maintenance**

Jemena or persons authorised by Jemena have a right of access through parts of your property to patrol the pipeline and affectation area and carry out any necessary maintenance. Jemena's appointed patrol officer will normally make prior arrangements with the landowner or occupier before entering the property. The local patrol officer will make direct contact with you regarding specific local activities or issues affecting your property.

### **Controlled Activities**

The licensed pipeline operates at high pressure and whilst this is completely safe under normal circumstances, third party interference to the pipeline is unlawful and dangerous.

Soil erosion or third party interference along the affectation area can affect the safe operation of the pipeline. Should you observe such occurrences Jemena would appreciate it if you contact us as soon as possible on our emergency telephone number **132 909**.



ORD04

Attachment 1

Under the terms and conditions of the pipeline affectation, and to maintain the integrity and safe operation of the pipeline it is necessary for Jemena to control a number of activities including:

- a) Carrying out any excavation, blasting or earthworks within the affectation pipeline area.
- b) Altering or disturbing existing levels, gradients or contours of the land within the pipeline affectation area.
- c) Constructing any improvements or installations on the affectation area.
- d) Using the pipeline affectation area for transport or parking of any heavy vehicles or equipment (e.g. vehicles with axle loading in excess of 8 tonnes per axle), and
- e) Planting or cultivating trees of any kind upon the pipeline affectation area within 5m of the pipeline.

#### **Further Advice and Information**

Should you wish to carry out any excavations, earthworks or development on or near the pipeline affectation area, a pipeline patrol officer can call on you, without charge, to give you information or advice and to monitor any approved earthworks. To arrange a site meeting, please contact the Pipeline Patrol Officer for your area:

|                |              |                                |
|----------------|--------------|--------------------------------|
| Anthony Slater | 0402 060 370 | Hawkesbury R. to Kooragang Is. |
| Peter Smith    | 0402 060 374 | Windsor to Hawkesbury R.       |
| Mick Rawiri    | 0402 060 373 | Leppington to Windsor          |
| Mick Hollins   | 0427 310 649 | West Hoxton to Wollongong      |

For further information and advice regarding the pipeline or affected area's terms and conditions please do not hesitate to contact the Land Services Department on telephone **(02) 9397 9000**

Yours faithfully  
Jemena Gas Networks (NSW) Ltd

**ORD04**

**Attachment 1**

This Page is Intentionally Blank

Landscape and Visual Analysis of Lot 4 190 Raby Road

JMD design

ORD04

## Appendix C Transgrid Easement Guide

**190 Raby Road  
Lot 4 DP260703 Gledswood Hills**



Attachment 1

**James Mather Delaney Design Pty Ltd**  
Landscape Architects  
ABN 30 128 554 638

190 James Street  
Redfern NSW 2016  
Australia

T +61 2 9310 5644  
F +61 2 9319 4858  
info@jmddesign.com.au  
www.jmddesign.com.au

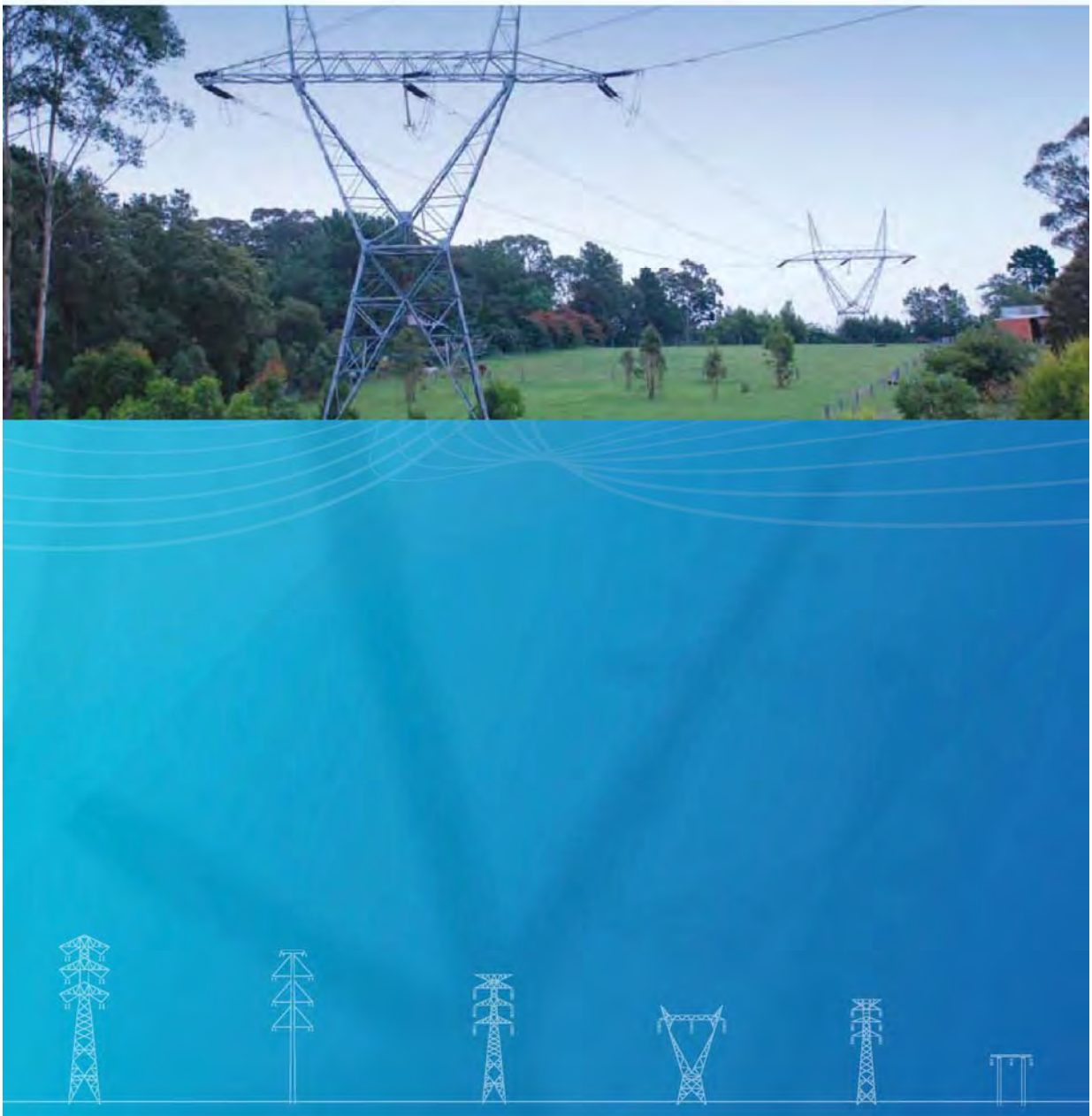


ORD04



Attachment 1

### TransGrid Easement Guide



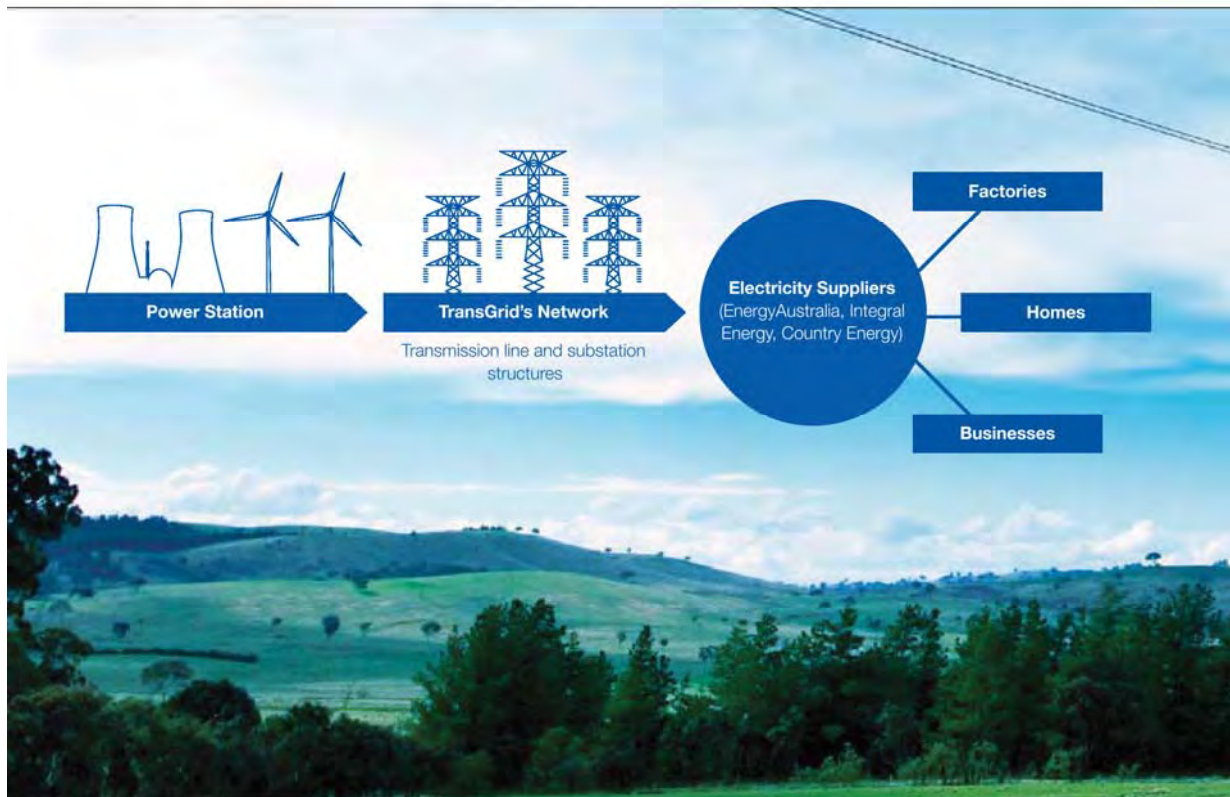
# Who is TransGrid?

TransGrid is the owner, operator and manager of the largest high voltage transmission network in Australia, connecting generators, distributors and major end users in New South Wales.

The transmission network is connected to Queensland and Victoria providing a robust electricity system that enables interstate energy trading.

TransGrid is committed to providing a safe, reliable, efficient and environmentally responsible high voltage electricity service to our customers and the community.

Electricity is transported by TransGrid across the state via 12,500 kilometres of high voltage transmission lines. These power lines are supported by around 36,000 structures made from concrete, wood or steel.





ORD04

## Purpose of this brochure

Most of TransGrid's transmission lines cross private property, which TransGrid requires access to in order to conduct routine maintenance both on and around the transmission lines.

TransGrid establishes easements immediately below and on either side of the lines to ensure we can access the area for routine line inspections and repairs, as well as in the case of an emergency.

This brochure has been produced to provide general information to landholders, community members and the general public living near transmission line easements.

This brochure provides details on the activities that may or may not be permitted within an easement.

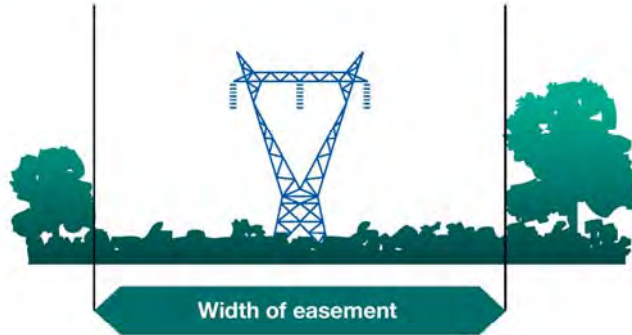
Attachment 1



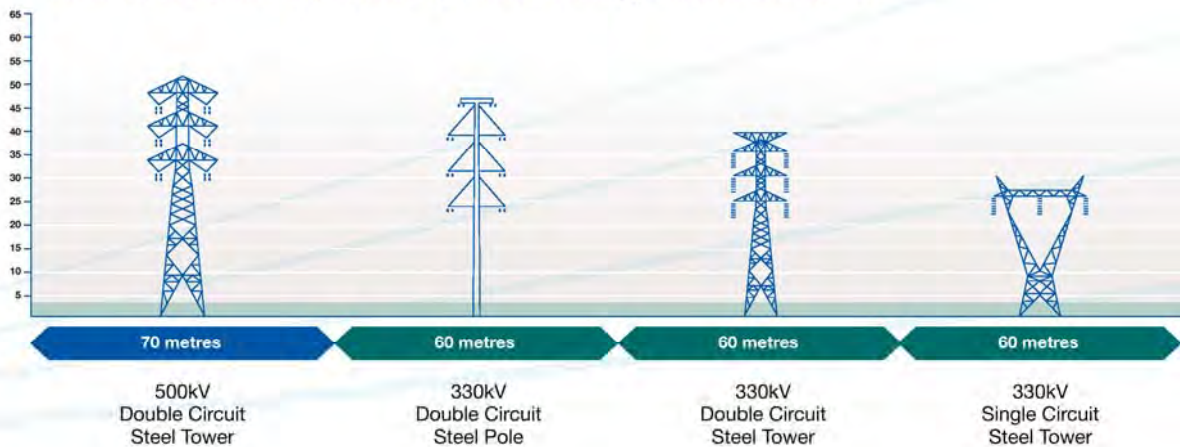
# What is an easement?

An easement is a 'right of way' along the route of a transmission line. Easements vary in width depending upon the operating voltage and design of the transmission line. Generally speaking the higher the voltage, the larger the easement required. Some typical easement widths and structure designs are shown in the diagram at the bottom of this page.

Easements are acquired for two essential reasons. The first is so that TransGrid can construct, reconstruct, operate and maintain its lines. The second is to ensure protection of the public by controlling activities under or near the line that may create an unsafe situation.



Some of the structure types used by TransGrid and typical easement widths





ORD04

Attachment 1

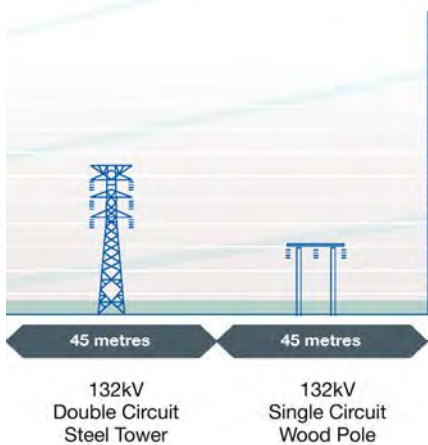
# Transmission line easements and your safety

We seek assistance from both landholders and members of the public to report any unusual or unsafe activities they may observe taking place near a transmission lines or its easement.

TransGrid requires clear access to its easements and associated structures at all times.

Employee and public safety is of the utmost importance to us. Should you observe any unusual or suspicious activity, or if you have any concerns regarding the safe operation of our transmission line assets, please don't hesitate to contact TransGrid directly using the details on the back of this brochure.

- > TransGrid's approval of controlled activities within easements is assessed on a case by case basis. Landowners should contact us if they have any queries regarding easement activities.
- > Landowners are encouraged to seek advice directly from TransGrid on any activities not explicitly described within this brochure.



# What activities are allowed within easements?

## PERMITTED



These activities are **PERMITTED** in easements provided TransGrid's structures remain accessible at all times.

No obstructions are to be placed within 15m of a structure or their supporting ropes, wires or chains.

---

*If in any doubt about the safety of any activity, please contact TransGrid directly.*

## MAY BE PERMITTED



The following activities **MAY BE PERMITTED** within easements, subject to prior written approval from TransGrid.

---

*Advice should always be sought from TransGrid in instances when transmission line conductors (wires) are higher above the ground than usual, such as over gullies or gorges.*

## NOT PERMITTED





Some activities are **NOT PERMITTED** in an easement for the safety of both the community and operation of the transmission lines. Here is a list of examples of these activities:

---

**Note:** *It is extremely important to keep trees, machinery and other structures well away from transmission lines, as they can sag in extreme weather conditions.*




ORD04

- 
- 
- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Agricultural activities, subject to restrictions in machinery height of under 4.3m</li> <li>2. Most domestic recreational activities (excluding the flying of kites and model aircraft)</li> <li>3. Gardening, provided that mature plant height is under 4m</li> </ol> | <ol style="list-style-type: none"> <li>4. Vehicle parking, provided vehicle height is under 4.3m</li> <li>5. Storage of non-flammable materials, under 2.5m</li> <li>6. Minor structures under 2.5m such as washing lines or barbecues (provided that metallic parts are earthed)</li> </ol> |
|---|--|

Attachment 1

- 
- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Operation of machinery exceeding 4.3m</li> <li>2. Building of fencing and yards</li> <li>3. Landscaping</li> <li>4. Use of irrigation equipment</li> <li>5. Installation of utilities such as electricity, telephone and water</li> <li>6. Outbuildings such as sheds, stables, garages and carports</li> <li>7. Additions of unroofed verandas and pergolas to residences</li> </ol> | <ol style="list-style-type: none"> <li>8. Sporting and recreational facilities (including tennis courts)</li> <li>9. Swimming pools, if the pool is not within 30m of a transmission line structure</li> <li>10. The development of subdivisions (including the constructions of roads)</li> <li>11. Excavation</li> <li>12. Quarrying activities, earthworks and dam construction</li> </ol> |
|---|---|

- 
- |  |   |
|--|---|
| <ol style="list-style-type: none"> <li>1. The construction of houses, buildings or other substantial structures</li> <li>2. The installation of fixed plant or equipment</li> <li>3. The storage of flammable materials or explosives</li> <li>4. The storage of garbage materials or fallen timber</li> </ol> | <ol style="list-style-type: none"> <li>5. Planting vegetation with a mature height which exceeds 4m</li> <li>6. Any obstructions placed within 15m of a transmission line structure or supporting ropes, wires or chains</li> <li>7. Flying of kites or model aircraft</li> </ol> |
|--|---|

*When planting trees within the easement area choose a tree whose mature height does not exceed 4m. Do not plant trees that could eventually touch or fall across the high voltage lines.*

**For further information please contact TransGrid using the details provided:**

Head Office - Sydney  
201 Elizabeth St  
Sydney NSW 2000

Postal:  
PO BOX A1000  
Sydney South NSW 1235

Ph: (02) 9284 3000  
[www.transgrid.com.au](http://www.transgrid.com.au)

Central NSW – Orange  
64-84 William St

Postal:  
PO Box 906  
Orange NSW 2800

Ph: (02) 6360 8711

Southern NSW - Yass  
Perry Street

Postal:  
PO Box 139  
Yass NSW 2582

Ph: (02) 6226 9666

Northern NSW – Newcastle  
Wirra Crescent

Postal:  
PO Box 93  
Waratah NSW 2298

Ph: (02) 4967 8678



[www.transgrid.com.au](http://www.transgrid.com.au)



## ORDINARY COUNCIL

ORD05

**SUBJECT: 2 AND 4 SHARMAN CLOSE AND 1A STEWART STREET,  
HARRINGTON PARK**

**FROM:** Director Governance

**BINDER:** Amendment 24 - Struggletown

### PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft Planning Proposal for Lots 1 and 2 DP 740422 (No. 2 and 4 Sharman Close) and Lot 1 DP 329195 (No. 1a Stewart Street), Harrington Park to add additional permitted uses on the site.

### BACKGROUND

A draft Planning Proposal for 2 and 4 Sharman Close and 1a Stewart Street, Harrington Park was submitted to Council on 11 March 2013 and **is provided as Attachment 1 to this report**. The site is within "Struggletown" and is bounded by the Northern Road to the west and Camden Valley Way to the south. A site map for this site is shown below.

### MAIN REPORT

The site is currently zoned R2 Low Density Residential and has additional permitted uses under Schedule 1(12) of the Camden LEP 2010. These additional permitted uses are function centres, restaurants or cafes, and retail premises (but limited to retail premises that sell arts and crafts).

#### The Proposal

The proposal is to add three additional permitted uses to the subject site. These proposed additional permitted uses are business premises, office premises and takeaway food and drink premises. The house on the corner, known as 2 Sharman Close, is a listed heritage item.



Site Map

The subject site is a strategic and visible location and has an identity that is enhanced by the Struggletown Heritage Conservation Area and heritage item. Currently the uses on the site include two restaurants and an office premises. Note that the office premise is within a heritage item and exists because of the Heritage Incentives Clause, otherwise it would not be a permissible use.

It is important that the area continues to have a distinctive identity. This is contingent on any development and use being sympathetic to this identity but also that an acceptable range of uses is permitted so that there is continued activation of the site.

### Studies

Given the minor nature of this Planning Proposal it is recommended that no studies are required for this change to the LEP. It is noted that the access and parking is restricted. Given that the site is within a heritage conservation area, opportunities for any intensification of uses on the site is limited. Parking would need to be considered on it merits at the development application stage.

### Public Agency Consultation and Public Exhibition

It is also recommended that no public agency consultation is required. However the Planning Proposal will be publicly exhibited for 28 days in the following manner:

- letter to surrounding residents and landowners advising of the details of the public exhibition;
- an advertisement be placed in the Camden Advertiser in the first and third week of the exhibition period;
- exhibition material displayed at Narellan and Camden Customer Service Centres and Libraries; and
- exhibition material will be available on Council's website.

At the conclusion of the exhibition period, a report will be submitted back to Council detailing any submissions received to the draft Planning Proposal.

### LEP Delegation

Council intends to use its delegation pursuant to Section 23 of the Environmental Planning and Assessment Act 1979 for this Planning Proposal. This will enable Council to streamline the processing of the amendment to the Camden LEP. The request for delegation will be made as part of the Gateway submission. The General Manager is Council's nominated officer.

### Where to from here

If Council resolves to support the draft Planning Proposal it will be forwarded to the DPI for Gateway Determination. If Gateway Determination to proceed is received the draft Planning Proposal will be placed on exhibition for 28 days. At the conclusion of the exhibition period the matter will be reported back to Council for consideration of any submissions received and for final determination of the Planning Proposal.

Given that this Planning Proposal is minor in nature it is anticipated that the rezoning process will take approximately 6 months from the time of Gateway Determination.

---

### FINANCIAL IMPLICATIONS

There are no financial implications to Council as a result of this Planning Proposal.

### CONCLUSION

The draft Planning Proposal to add additional permitted uses to 2 and 4 Sharman Close and 1a Stewart Street, Harrington Park has merit to progress to the next stage as it provides appropriate further additional permitted uses to the subject site, which will allow suitable activation and use of the site.

Should Council resolve to proceed with the draft Planning Proposal it will be forwarded to Gateway for determination. Following the public exhibition period the draft Planning Proposal and any submissions will be reported back to Council.

### RECOMMENDED

**That Council:**

- i. endorse the draft Planning Proposal for the rezoning of Lots 1 and 2 DP 740423 (2 and 4 Sharman Close) and Lot 1 DP329195 (1a Stewart Street) Harrington Park, and forward it to the Department of Planning and Infrastructure for Gateway Determination;**
- ii. upon favourable Gateway Determination place the draft Planning Proposal on public exhibition for 28 days; and**
- iii. require a report be brought back to Council following the completion of the public exhibition.**

### ATTACHMENTS

1. draft Planning Proposal



## **CAMDEN COUNCIL**

### **DRAFT PLANNING PROPOSAL**

**Amendment to Camden LEP 2010 in relation to  
the 'Struggletown Precinct' Lot 2 in DP 740422  
No. 2 Sharman Close, Lot 2 in DP 740422 No 4  
Sharman Close and Lot 1 in DP 329195 No 1a  
Stewart Street, Harrington Park**

June 2013



**ORD05**

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

---

**TABLE OF CONTENTS**

|  |    |
|--|----|
| Introduction                             | 2  |
| Part 1 - Objectives or Intended Outcomes | 3  |
| Part 2 - Explanation of Provisions       | 4  |
| Part 3 – Justification                   | 4  |
| Part 4 – Community Consultation          | 15 |

**Attachment 1**

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

---

### ***Introduction***

This planning proposal refers to the land identified as Lot 1 in DP 740423 (No 2 Sharman Close), Lot 2 in DP 740422 (No 4 Sharman Close) and Lot 1 in DP 329195 (No 1a Stewart Street), Harrington Park (refer to **Figure 1**). The subject site has a dual frontage to Sharman Close to the south and Stewart Street to the west. The subject site is irregular in shape with a total area of 2349m<sup>2</sup>. The subject site is generally level and contains a number of buildings used for commercial and restaurant purposes. The group are listed in Camden Council Local Environmental Plan 2010 as a heritage conservation area, being the Struggletown Heritage Conservation Area (Schedule 5 – No 1120), except No 1a Stewart Street, which adjoins the Item.

### **Figure 1 – Location Map**

The Site adjoins a number of residential properties in Harrington Park. The Site is currently being used for two restaurants, a bakery, a food and drink premises and office premises.

The zoning of the Site under the Camden Local Environmental Plan 2010 (LEP 2010) is R2 – Low Density Residential, notwithstanding the ‘commercial’ use of the properties. Under Schedule 1 (12) Additional Permitted Uses there are a limited number of permitted uses to that permitted in the R2 Zone, as follows:

ORD05

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

---

- (2) Development for the purposes of function centres, restaurants or cafes, and retail premises (but limited to retail premises that sell arts and crafts) is permitted with development consent.

The limited range of uses, together with the zoning restricts opportunities to value add to the strategic nature of the Site, having regard to developments opposite the Site, which provide a full range of retail and commercial uses.

The purpose of this planning proposal is to allow the Site to provide additional landuses in a manner compatible with the site context for the purposes of takeaway food and drink premises, and business premises and office premises. This would provide a logical development opportunity to expand the existing permitted uses and to ensure that the Heritage Item is conserved and preserved. The limited permitted uses under Schedule 1(12) Camden LEP 2010 has made it difficult for the owners to market the development, particularly if any of the existing uses should cease. The art gallery that has operated from one of the buildings for a number of years has ceased trading.

However, the use of the Site must be provided in a way that does not allow for inappropriate development given the residential nature of the immediate area. Hence a limited number of additional landuses, as indicated above, would be appropriate without impacting on the amenity of these residential premises.

Council expects that it will not need to undertake consultation with a range of State Government agencies given that the proposal is to add additional landuses under Schedule 1(12). Council has reviewed the option of additional landuses by amending the Schedule and this is the most appropriate option rather than rezoning to a commercial zone.

Given that no technical studies will be required for this Planning Proposal Council considers a six month timeframe would be appropriate for the proposal to be finalised.

#### ***Part 1 - Objectives or Intended Outcomes***

It is intended to allow additional landuses on the Site that includes a takeaway food and drink premises, and business premises and office premises.

The objective of the proposal is to facilitate value adding to the Site in a way that sensitively interfaces with surrounding residential development and to maintain the conservation and preservation of the Heritage Item (2 Sharman Close). The Planning Proposal as submitted to Council maintains the current R2 – Low Density Residential zone, which provides the following stated objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow for educational, recreational, community and religious activities that support the wellbeing of the community.

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

---

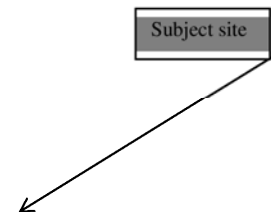
- To minimise conflict between land uses within the zone and land uses within adjoining zones.

The intended outcomes of the proposal include:

- Allow additional landuses that provide for the continued conservation and preservation of the Heritage Item; and
- Preserve the residential amenity of the immediate area.

### ***Part 2 - Explanation of Provisions***

The site is currently zoned 'R2 Low Density Residential' under Camden LEP 2010. An extract of the LEP map as it relates to the subject site is provided in **Figure 2** below.



### **Figure 2 – Current Zoning Map (extract from LZN – 012)**

It is proposed to amend Camden LEP 2010 by permitting additional landuses to that provided in Schedule 1(12).

### ***Part 3 – Justification***

The proposed rezoning would ensure that there was additional development potential for the land, other than that permitted by the current zoning for residential purposes, particularly given the strategic location of the Site.



ORD05

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

---

The Site is ideally located on the corner of a major intersection of Camden Valley Way and Narellan Road. The Council has recently supported the rezoning of the land to the west known as the Narellan Triangle from B5 to B2 to allow a major shopping precinct to be developed. It is also located immediately opposite other commercial landuses that include restaurants and bulky goods retail outlets.

Whilst it is located in the immediate vicinity of these retail/commercial uses, vehicular access to the site is difficult and it is considered that a commercial zone would be inappropriate given limited onsite parking opportunities. Hence the need to limit the types of landuses, but having regard to the unique qualities of the site within a heritage conservation area (No 2 Sharman Close is a heritage item) and the need to have re-adaptive uses to conserve the Item and setting. The proposed landuses are such that there would be minimal impact on other residential properties adjoining the Site.

The following uses are permissible in the R2 zone in Camden LEP 2010, apart from those listed in Schedule 1(12):

Bed and breakfast accommodation; Boarding houses; Dual occupancies; Dwelling houses; Group homes; Home industries; Medical centres; Places of public worship; Roads; Seniors housing; Any other development not specified in item 2 or 4

Whilst the following landuses are prohibited.

Agriculture; Air transport facilities; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Exhibition homes; Extractive industries; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Mortuaries; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Retail premises; Rural industries; Sewerage systems; Sex services premises; Storage premises; Tourist and visitor accommodation; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Wharf or boating facilities; Wholesale supplies

It is proposed to amend the existing planning controls to facilitate the land uses listed below:

Takeaway food and drink premises

Restaurants are permissible, but takeaway food is not permissible. There is very little difference between these uses and the addition of this use would overcome the definition in the LEP.

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

---

### Business and Office premises

Currently a home loan firm operates from No 2 Sharman Close and this use was approved under the Heritage Incentives provisions of Camden LEP 2010, which allowed for the conservation of the heritage item. However, such uses would not be permitted in the remaining buildings on the Site, particularly if one or more of the current uses ceased and finding a suitable and permissible use would be restricted. The art gallery that has operated from one of the buildings for a number of years has ceased trading and the building is currently vacant.

Since the previous planning review for Narellan in 2004, a number of matters of significance have become apparent:

1. 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; and
3. 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 convenient access to centre based services and employment to be achieved.

### **Section A – Need for the planning proposal**

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

The proposal is embedded in the numerous strategic sub-regional planning documents, including the Metropolitan Strategy and Draft South West Sydney Strategy. The proposal has not been the result of a specific strategic study or report.

#### **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 additional landuses. It represents the most logical way of achieving the intended objectives and outcomes, with there being no readily available and better alternative under the prevailing legislation.

#### **3. Is there a net community benefit?**

---

March 2013

Page 6

ORD05

Attachment 1

ORD05

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

Yes. The following **Table 1** addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009).

| Evaluation Criteria  | Y/N | Comment   |
|--|-----|---|
| Will the LEP be compatible with agreed State and regional strategic directions for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?  | Y   | The proposed rezoning is compatible with the Metropolitan Plan 2036 and the Draft South West Subregional Strategy.  |
| Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?  | Y   | The subject Site is identified within a key strategic centre or corridor being proximate to the Narellan Town Centre that provides a full range of services and facilities and the emerging Gregory Hills Centre that provides for mainly bulky goods premises. |
| Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?   | N   | The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the site as it is currently zoned for low-density residential purposes, with additional permitted uses.                                    |
| Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?  | Y   | All other spot rezonings before Council in the Camden Local Government Area generally comply with Council's strategic directions. This proposal also complies with the higher level Government Strategies.  |
| Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?  | Y   | The site when rezoned will facilitate employment close to residential areas and growth areas.   |
| Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?  | Y   | The proposal will have no impact on the residential supply of land, as the Site has been used for non-residential uses for a number of years.   |
| Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport? | Y   | The existing public infrastructure is adequate to meet the needs of the proposal. The site is serviced and is connected to the sewerage system located within the immediate area. It is unlikely that roads will need to be upgraded by this proposal.          |
| Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?  | N   | The proposal will result in less travel distances with employment being located near existing residential areas. A bus service also operates along Narellan Road and Camden Valley Way.   |
| Are there significant Government investments in infrastructure or  | N   | The proposal does not require significant investment in public infrastructure, but it will  |

March 2013

Page 7

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

| Evaluation Criteria  | Y/N | Comment  |
|--|-----|--|
| services in the area where patronage will be affected by the proposal? If so, what is the expected impact?   |     | utilise the existing infrastructure and services.  |
| Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding? | Y   | The site has been identified for heritage conservation purposes and this will be maintained by allowing additional permitted uses.<br><br>The land is not mapped as flood prone or subject to other hazards that would restrict development. |
| Will the LEP be compatible or complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community?<br><br>Will the public domain improve?  | Y   | The proposal is compatible with adjoining residential land uses the Harrington Park estate. The site is not an isolated area and is well serviced by existing infrastructure.  |
| Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?  | N   | The development will contribute to the improved trade of nearby facilities/centres.  |
| If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?   | N/A | N/A  |
| What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?   | Y   | The proposal will provide additional landuses to assist in the conservation of the heritage item.  |
| Will the public domain improve?  | Y   | The proposal will achieve the requirements of the LEP by ongoing conservation of the heritage item.  |

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes a balanced and appropriate use of land and is generally in keeping with the adjoining residential and heritage character.
- The proposal will contribute to the identified need for additional landuses in the immediate area.
- The proposal will not result in any significant adverse environmental impacts.
- It will create local employment opportunities to the benefit of the local economy.



## 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.

#### *The Metropolitan Plan for Sydney 2036*

The planning proposal contributes to the achievement of a number of the Plan's strategic directions and objectives.

*"The Metropolitan Strategy seeks to strategically locate employment, ensure good management of existing land resources, ensure there is sufficient supply of suitable commercial sites and employment lands and efficiently utilising existing infrastructure".*

The Metropolitan Strategy City of Cities: A Plan for Sydney's Future was released in 2005 and set the overall strategic vision for the Growth Centres. In December 2010, the NSW Government released Metropolitan Plan for Sydney 2036 - updating the Metropolitan Strategy and integrating it with the \$50.2 billion Metropolitan Transport Plan.

As a 25 year planning strategy, the aims and objectives of *City of Cities* remain integral to the delivery of new communities in the Growth Centres under the *Metropolitan Plan*:

- More jobs are expected to be located in the regional cities and specialised centres of Western Sydney, including areas that will have direct access to and from the Growth Centres.
- Major Centres, including Leppington in the South West Growth Centre and Rouse Hill in the North West Growth Centre, will be a focus for shopping, health and tertiary education and some medium and high density housing.

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

- Improved suburban towns, villages and neighbourhoods will provide healthier environments and access to high quality and suitable housing, jobs, transport choices and open space.
- The Sydney Metropolitan region's transport network will be expanded and improved to provide access to jobs and services. Investment in the rail network and strategic bus corridors will provide faster and direct public transport linking towns, villages and neighbourhoods to areas where jobs are concentrated.
- By concentrating the bulk of new development in the Growth Centres, valued rural and resource lands will be protected. Green areas will be preserved to provide habitat for native animals and recreational opportunities for residents and visitors.
- Subregional planning will incorporate the plans for the Growth Centres in the wider North West and South West subregions. Planning for new jobs and population growth in the Growth Centres will be considered alongside Sydney-wide objectives.

The Planning Proposal is consistent with the above aims of Strategic Direction B.

#### *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). This site is located directly opposite the subject Site and has been the subject of a Planning Proposal to rezone that land to B2 – Local Centre;
- 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

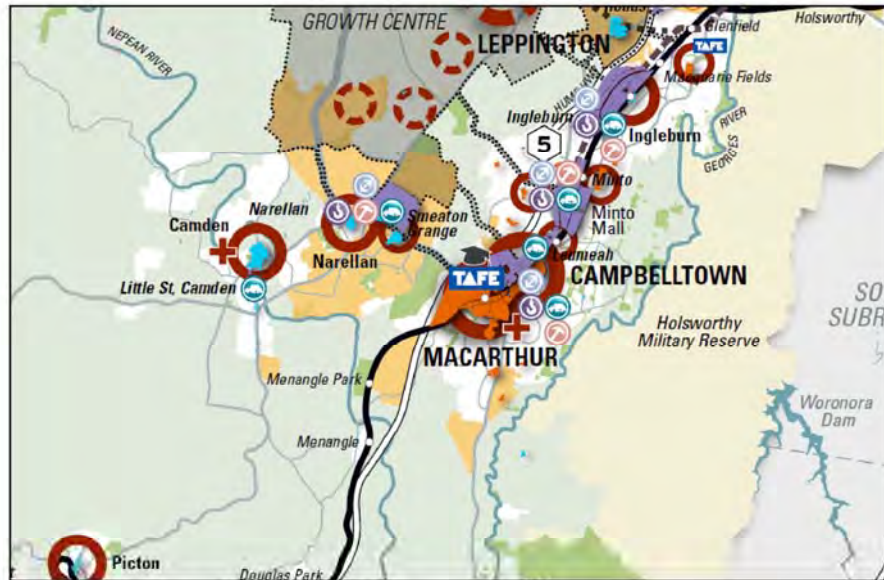
ORD05

Attachment 1

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

- 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 subject document does not specifically identify the subject land; however, Narellan is identified as a centre for employment (refer to **Figure 3** below). The subject land is on the fringe of the Narellan Town Centre (directly opposite).



**Figure 3 – Context to Subregional Strategy**

*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-

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

- 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.

#### Regional Policies and Strategies

A number of regional policies and strategies have been developed, particularly focussing on the employment and industrial development of the south west sector of Sydney, and the region known as "MACROC" (or Macarthur Regional Organisation of Councils). MACROC comprises Camden, Camden and Wollondilly LGAs (the Outer South Western Sydney accommodating approximately 240,000 people).

In this regard the subject land is located on the fringe of Urban Release Areas and close to employment workforce. Employment opportunities for future residents of these areas are essential to meet the objectives of the above Policies.

#### Greater Western Sydney Regional Economic Profile 2006

The Greater Western Sydney Regional Economic Profile provides a comprehensive coverage and analysis of economic and business conditions for Greater Western Sydney, concluding that Greater Western Sydney offers a competitive business environment and is the largest manufacturing region in Australia. The proposal is consistent with this document by providing employment opportunities.

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

The Camden Strategic Plan portrays a vision of Camden in the year 2040, as adopted at the Council meeting of 14 December 2010. To realise this vision 6 key direction areas are established around which strategies and actions are fashioned.

The areas of most relevance include:

- Actively Managing Camden's Growth.
- Healthy Urban and Natural Environments.
- A Prosperous Economy.
- Effective and Sustainable Transport.
- An Enriched and Connected Community
- Strong Local Leadership

#### **Actively Managing Camden's Growth**

The development proposal is consistent with the relevant aspects of the Growing Pains – Key Challenges Objectives. The subject site is located within an established area and by permitting additional landuses will be consistent with managing growth.



Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

### Healthy Urban and Natural Environments

The proposal will not impact on any nearby natural system.

### A Prosperous Economy

The development proposal is focused upon contributing to a positive urban design outcome to conserving the heritage item through continued use of the buildings for commercial uses.

### Effective and Sustainable Transport

The site provides development that is readily accessible to public transport. A bus service operates along Narellan Road and Camden Valley Way.

### An Enriched and Connected Community

Customers will have the opportunity to be involved with and linked to facilities and services in the Narellan Town Centre and broader vicinity.

### A Strong Local Leadership

Not applicable to this development planning proposal.

#### 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.

| S.117 Direction       | Contents   | Planning Proposal  | Consistent |
|-----------------------|--|--|------------|
| 3.1 Residential Zones | The objectives of this direction are:<br>a) to encourage a variety and choice of housing types to provide for existing and future housing needs;<br>b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and<br>c) to minimise the impact of residential development on the environment and resource lands. | The planning proposal will not rezone the land to a business zone, but will permit additional landuses that will conserve the heritage item through continued use. | Yes        |
| 3.4                   | The objective of this direction is   | The proposal provides for the  | Yes        |

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

|  |  |   |     |
|--|--|---|-----|
| Integrating land use and transport     | to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following objectives:<br>a) improving access to housing, jobs and services by walking, cycling and public transport;<br>b) increasing the choice of available transport and reducing dependence on cars;<br>c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car;<br>d) supporting the efficient and viable operation of public transport services; and<br>e) providing for the efficient movement of freight. | provision of other services and facilities, that will be available to the public. This will reduce travel length to these services for the local community. |     |
| 4.1 Acid Sulphate Soils                | The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.  | The subject site is not known to be affected by acid sulfate soils.   | Yes |
| 6.1 Approval and Referral Requirements | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.  | It is not intended to include provisions in the LEP.  | Yes |

### Section C – Environmental, Social and Economic Impact

**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No, the site is well removed from ecological corridors.

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

The site is not affected by any environmental constraints.

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

The proposal has positive social and economic contributions and will provide additional diversity and supply of a much needed employment and will contribute to local businesses.

ORD05

Planning Proposal for amendment to Camden LEP 2010 in relation to Sharman Close, Harrington Park

---

#### **Section D – State and Commonwealth interests**

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

All services are readily available or can be augmented to the site.

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

The Planning Proposal is minor in nature and does not need referral to state and Commonwealth public authorities.

#### ***Part 4 – Mapping***

No maps will be amended.

#### ***Part 5 – Community Consultation***

Should a Gateway Determination be received that supports proceeding with the planning proposal, it is recommended that it will be publicly exhibited for a period of 28 days.

It is considered that no consultation is required with public authorities under section 56(2)(d) of the EP&A Act 1979, as amended, given the minor nature of the proposal.

#### ***Part 6 – Project Timeline***

It is recommended that the timeline for this Planning Proposal should be 6 months from the time of Gateway Determination.

Attachment 1

---

## ORDINARY COUNCIL

ORD06

ORD06

**SUBJECT: WHITE PAPER RESPONSE TO DEPARTMENT OF PLANNING & INFRASTRUCTURE**

**FROM:** Director Governance

**BINDER:** White Paper

---

### PURPOSE OF REPORT

The purpose of this report is to inform Council of the NSW Government's White Paper for the proposed reforms for the NSW Planning System. The White Paper is open to community and industry feedback and this report seeks Council's endorsement to submit comments to the Department of Planning and Infrastructure (DPI) in relation to the proposed reforms.

### BACKGROUND

In July 2012 the NSW Government released *A New Planning System for New South Wales – Green Paper* inviting comment. The Green Paper set out the major proposed reforms for the NSW Planning framework. Council considered a report on the Green Paper at its meeting of 25 September 2012, and subsequently forwarded a submission to the DPI (provided as **Attachment 1 to this report**).

Since then there has been extensive consultation with key stakeholders to further refine the planning system to one that facilitates sustainable development, integrating social, economic and environmental considerations whilst delivering streamlined and efficient approvals.

### MAIN REPORT

In April 2013 the DPI released *A New Planning System for NSW – White Paper*. The White Paper responds to questions and issues raised in submissions and builds on the core philosophy behind the Green Paper. It sets out details of how the new system will be implemented and is accompanied by draft legislation.

Council is generally supportive of the changes proposed within the White Paper. The new planning framework proposes a simpler, more strategic planning system focused on improved planning outcomes for all users. Council looks forward to continuing to work closely with DPI to implement the new planning system over the coming period.

Council staff have undertaken a thorough review of the white paper documentation, including attending a number of workshops run by the DPI. From this review and subsequent workshops and discussions, it is evident that there are noted gaps between the visions and philosophies espoused in the white paper and the legal mechanisms within the legislation. In addition, significant detail regarding transitional provisions and timeframes have not been addressed in the Draft Exposure Planning Bill or Planning Administration Bill.

Staff have prepared a detailed submission providing comment on the White Paper (provided as **Attachment 2 to the report**). The submission responds to the 6 key areas of reform contained within the White Paper, being;



1. Delivery Culture
2. Community Engagement
3. Strategic Planning
4. Development Assessment
5. Provision of Infrastructure and
6. Building Regulation and Certification.

While the submission provides more detailed background and discussion, the following outline highlights the major concerns and recommendations for each of the key areas.

### **Delivery Culture**

The new culture will promote cooperation and community participation in the planning process, requiring a positive, pragmatic attitude with a commitment to finding innovative solutions. A key change from the current planning framework will be the increased use of *eplanning* to deliver planning services.

#### Concerns/Recommendations

*Nil*

#### Implications to Council

- Increased resourcing and system requirements to implement an extended *eplanning* system.

### **Community Participation**

Council supports the initiative of early community participation in the planning process. Under the proposed framework communities will have a key role in the preparation of plans and visions for their local areas. The new framework proposes four (4) levels of strategic planning, and a reduced emphasis on community engagement at the development assessment stage. The White paper also advocates for increased use of social media platforms to engage a wider subsection of the community.

#### Concerns/Recommendations

- Management of community expectations and potential conflict between community visions and government requirements.
- Education of the community to ensure there is an understanding of the emphasis on strategic planning and not on engagement at the development assessment stage.
- Ability to adequately engage the community where consultation is in a “greenfield area” and the long term impact on sustainability.

#### Implications to Council

- Increased staff resources and skill requirements to undertake increased community engagement, including engagement through social media.

### **Strategic Planning**

The proposed changes to the strategic planning framework will provide a transparent and accountable structure, which clearly demonstrates future directions for the

development of NSW. The white paper proposes four (4) levels of strategic planning; NSW Planning Policies, Regional Plans, Sub-regional Delivery Plans and Local Plans.

Local Plans will replace LEP's, DCP's and S.94 plans with all these functions being contained in the one document. The Local Plan will be strategic in nature and must deliver on the objectives contained higher in the hierarchy of strategic documents.

The Local Plan will contain 13 broad landuse zones, including 1 Residential zone. Development intensity will be managed by the development guides which will utilise building envelope controls not height and FSR maps as previously mandated.

#### Concerns

- Inadequate provisions within Draft Planning Bill (2013) to give legal weight to visions and character statements contained within Local Plans.
- Timeframes for transitional provisions to enable Councils to complete and implement required changes and undertake appropriate consultation.

#### Recommendations

- Strengthen the proposed gateway process by including Council representatives on the gateway determination panel.
- Ensure that there is an appropriate mechanism to enable all strategic plans to be modified and updated where information changes and becomes available following more detailed planning assessments. This will also enable a "bottom up" approach in addition to the "top down" philosophy.
- Further information regarding the alignment of regional and sub regional boundaries is requested along with the opportunity to be part of any further discussions regarding boundary alignment and definition.

#### Implications to Council

- Cost and resourcing implications of community consultation, and modification of existing planning controls and landuse controls to that prescribed within the new legislation.
- Reduction in notification of development applications that will trigger the need for community consultation.

#### Objections by Council

- Ability of the DPI to directly rezone land and impose mandated development controls within a subregional delivery plan for growth precincts, utilising urban release area zones in subregional delivery plans. Direct zoning by the DPI is contrary to the philosophy and transparency of the proposed planning system.

---

## Development Assessment

Council supports the shift to a performance based system as outlined within the White Paper. The proposed changes will achieve decisions that are faster and more transparent but with no less rigour, introduce a greater use of code complying development, removing layers of assessment and reforming development assessment in NSW.

The new framework proposes 5 assessment tracks, exempt development, complying development, code development, merit development and prohibited development. In addition the framework proposes decreased requirements for notification and referrals.

### Concerns

- Community consultation for Local Plan within future “greenfield” areas regarding what is and isn’t “code” development. This will not capture future residents to whom the development will apply.
- Community education regarding the changes to consultation around development applications needs to be rigorous to ensure the community has an understanding of the role they may play.
- Standardisation of conditions of consent, one size doesn’t always fit all, need for some level of flexibility.
- Concern regarding the level of detailed information provided for merit and code assessment, and the relationship to stop the clock provisions.
- Ability to protect and enhance heritage properties in the vicinity of exempt and complying development, and negotiate improved heritage outcomes.
- Level of participation of local government prior to the issue of a strategic compatibility certificate. Council is supportive of this as an interim measure only provided there is a provision for consultation with Council.

### Implications to Council

- Potential cost of setting up and operating Independent Hearing Assessment Panels (IHAP), should it become mandatory.
- Increased emphasis on code development (proposed to have 80% of all development assessed as code)

## Infrastructure Provision

The White Paper proposes planning and delivery of infrastructure that supports development, for the first time integrating land use planning and infrastructure provisions. Introducing contestability to involve the private sector early in the process and attain the best possible outcomes for the community.

### Concerns

- Ministers retaining administrative control of biodiversity offset contributions. As the governing body charged with preparing the Local Plan from which biodiversity offsets are derived, Council must retain care and control of the implementation of this important environmental initiative.

- The spatial intent of Growth Infrastructure Plans needs to be better defined as this will have significant effect on the success of the plans

#### Implications to Council

- Three year limit on holding contributions. This will impede Councils ability to provide local infrastructure, in advance of the completion of a development, particularly for greenfield areas.
- Timing of payments for contributions deferred to point of sale. This will expose Councils to financial risk of non-payment and increased administration costs and delay the timeframe for the provision of infrastructure.

#### Objections by Council

- Removal of Voluntary Planning Agreements (VPA's). Council as part of the South West Growth Centre has negotiated and administered a number of VPA's with a good level of success to see a timely delivery of housing and infrastructure. Any changes that affect the viability of existing VPA's are strongly objected to.
- Proposal to expand the role of IPART in the preparation of local infrastructure contribution plans. With the prescribed parameters of essential and non-essential infrastructure, and the introduction of benchmark rates for capital costs, the role of IPART is diminished if not irrelevant.
- Regional Growth Fund should include the provision for funding of regional and sub-regional community recreational and cultural facilities as this is an identified gap under the current State Infrastructure contributions (SIC).
- Administration of local infrastructure contributions that essentially empower the Minister to re-apply local infrastructure contributions for other purposes, potentially outside of the LGA (7.9(4) of the Planning Bill 2013 – Exposure Draft). This proposal fundamentally undermines the integrity of the new legislation. Council can see no tangible merit in the creation of such a legislation instrument and strongly recommends its removal.

### **Building Certification**

Proposed changes to building regulation and certification will rebuild confidence in the quality and safety of buildings, and provide clarity around certification hierarchies, reducing delays in the construction process.

#### Concerns

- Requirement for standardised format of building manuals, and further clarity as to who is responsible for the provision, monitoring and maintenance of such manuals.
- Council strongly opposes the proposal to allow independent subdivision certifiers to issue subdivision certification for works to be dedicated to Council. The issue relates to the long term maintenance implications on Councils and ensuring the assets meets community needs.

#### Implications to Council

- Subdivision works that do not meet Council standards or will incur additional maintenance cost.



## Budget Implications

The transition to the planning framework proposed under the White Paper will require significant resourcing by Council, in particular in the areas of staff training and information technology. Further investigation on the costing implications of the White Paper will need to be undertaken when formulating the 2014/15 budget when more information is available about the timing of the changes to be implemented.

## Process from Here

Submissions on the White Paper close on June 28, 2013. Following close of submissions the DPI will prepare a discussion document outlining submissions received during the exhibition period. It will outline how the government has responded to feedback and any changes that have been made. It is understood that the first reading of the Planning Bill will be undertaken in parliament at the spring session with an expectation that the legislation will be in force from early 2014.

Subject to approval it is proposed to forward **Council's submission**, as attached, along with a covering letter to the DPI in response to the white paper exhibition period.

The NSW Government will continue to prepare transitional provisions that will enable the transition from the current legislation and framework to the new proposed framework and work with Councils to ensure all planning and assessment processes already underway can continue uninterrupted.

## FINANCIAL IMPLICATIONS

There are no financial implications to Council at this stage. However there will be a need to consider allocation of appropriate funds in the 2014/2015 budget to resource the initial set up costs to enable the transition from the current planning framework to that proposed under the White Paper.

It is not envisaged that there will be significant ongoing financial implications to Council following the initial setup costs.

## CONCLUSION

The NSW Government released A New Planning System for NSW – *White Paper* in April 2013 and invited comment by the community and key stakeholders. The White paper responds in detail to issues and concerns raised by the Green Paper exhibition in September of 2012.

The submission identifies the concerns, implications and support of Council for the proposed changes. It is anticipated that further details provided through amended regulations and planning circulars will further clarify questions raised as part of the submission.

In general Council is supportive of the wider philosophy of the planning reform proposed within the White Paper and looks forward to continuing to work with DPI to implement change. Council also offers its services to DPI to work as a model LGA for the implementation of the new planning system in Greenfield release area.

---

## **RECOMMENDED**

### **That Council:**

- i. note the initiatives of the NSW Government for the proposed reforms to the NSW planning system;**
- ii. forward a submission to the Department of Planning and Infrastructure as outlined in this report;**
- iii. undertake further investigation on the costing implications of implementing the White Paper for consideration in the 2014/2015 budget; and**
- iv. request the Minister consider Camden Council be utilised as a model for the implementation of the new planning system in growth areas.**

### **ATTACHMENTS**

- 1. Green Paper submission**
- 2. White Paper Submission**

**ORD06**

ORD06

Attachment 1



## **CAMDEN COUNCIL SUBMISSION**

# **GREEN PAPER – A NEW PLANNING SYSTEM FOR NSW**

August 2012

Green Paper – A New Planning System for NSW

---

## **Introduction**

The green paper – the first consultative step in the development of a new planning system for NSW – brings forth a simplified and streamlined planning system dialled into greater community participation, strategic focus, streamlined approvals and provision for infrastructure. The four reforms will delineate from the traditional planning processes to date and facilitate a new planning culture for professionals to adapt.

## **Summary of Submission**

In a whole, Council concur with the initiatives of the reform. It is appreciated that the reforms integrate a higher level of community involvement in the early strategic planning stages. If administered efficiently and effectively in the 'front end', pressures are likely to be alleviated in the 'back end' of assessment and compliance stages of the development proposal. The fundamental concerns that Council have in relation to the proposed reforms are detailed under the following reform headings.

## **Fundamental Reforms**

### *Community and Stakeholder Engagements*

As outlined by the green paper, early and genuine engagement is an empowering experience for communities. It has the potential to create greater certainty for all parties and facilitates timely processing of development at a later stage. Early in the planning process is the time when the community can have a 'real say' and have the capacity to effect 'real change', rather than later in the process at the development stage when the rules have been established and there is very little opportunity for significant input. To facilitate meaningful engagement, the community needs to be able to access the planning system and associated documents with ease. These principles as espoused in the green paper are strongly supported.

Early community participation in the planning process is no doubt a desirable principle, however some challenges exist in practice and implementation. Some of these challenges are outlined below:

- Engagement early is often hypothetical and at a broad level which is difficult for many people to grasp. Such thinking can require a higher level of conceptual thought and cognitive ability. It is often difficult for people to fully comprehend the outcome when discussing such matters at a conceptual level. It is only when a real proposal exists that people may understand the



ORD06

Attachment 1

Green Paper – A New Planning System for NSW

---

realities and implications. Similarly, it is often difficult to engage the community on matters until it affects them and they therefore have a more meaningful understanding of the issues.

- The likely time lag between community engagement and development on the ground could create the sense that the community is not being consulted. In new release areas, for example, the community may not exist in the early stages of planning which could result in a community that has been unable to participate in the shaping of their community.
- If Councils are to engage the community in a meaningful manner, unique consultation strategies other than those traditionally employed are necessary. This may require additional resources and skills that may not be readily available in all Councils. Quality and meaningful community engagement requires a high level of skill for those designing and executing such strategies. It may also require a longer timeframe than traditionally made available depending on the engagement strategies to be implemented.
- It is noted that the green paper identifies the need for a Public Participation Charter. Given the range of different issues, demographics, geography and available Council resources, this should not be a once size fits all approach. It would be appropriate for the legislation to require such a charter to be developed and to set a minimum standard, but then to allow the Council to negotiate with its community their particular approach and appropriate strategies given the nature of the community.
- What if any link will exist between the community engagement required by the Integrated Planning and Reporting legislation and the associated Community Strategic Plans? These plans were developed on the basis of significant community engagement and should relate in some way, and be co ordinate with the engagement required by the planning legislation.
- As already experienced as part of the community strategic planning process required by the IP&R legislation, and a range of other planning exercises, there is always the potential for the inevitable tension between the vision and desires of the community with the policy and direction of the government, for example, areas designated by the government for higher residential densities or new urban release areas, which is inconsistent with the desire of the community. We therefore need to be very clear with the community as to when they can make a difference and when decisions have already been made. The boundaries of any community engagement process should always be made clear to participants. Given the need for higher level strategy and planning, and for implementation of best practice principles for

the benefit if the broader good, the reality is that the desire of the community cannot always be reflected in the planning for a place. We need to be honest and transparent about this reality and the significant limitation this places on true community engagement.

- What is any community consultation will occur at the development application stage? While it is agreed that early engagement should limit the need to consultation later in the process, given some of the issues identified above, some involvement at a later stage would appear to be necessary.

### Strategic Planning

The planning of communities, present and future, requires robust strategic direction and policy to guide its development in natural, built, social and economic environments. Complexity and duplication between current Environmental Planning Instruments are evident in the current setting of the planning system, which can create confusion, holes and angst for both the community and planning professionals alike.

It is acknowledged that the 'New Planning System' seeks to introduce a clear hierarchy of state, regional, sub-regional and local plans with the intent to simplify the interaction between all documents and provide certainty to the community, stakeholders and the industry. However, Council raises the following concerns surrounding the implementation of the plans:

- The aims of the Green Paper introduce a new set of planning instruments focused on a broad picture planning direction and narrowing down to the local level. Council is concerned with the implementation of the new planning instruments as this could create confusion with the public and professionals alike. It is foreseen that a transition period will be required in the interim, which could have adverse impacts such as stifling development and creating loopholes within the system.
- Local Government will be directly involved with the implementation of Subregional Delivery Plans and Local Land Use Plans. Previously, Council undertook the cumbersome and costly task of redefining their LEP's and creating a consolidated standard template LEP. Again it appears that Council will be required to undertake a similar task to formulate and implement the Subregional Delivery Plans and Local Land Use Plans. The resourcing of this project will prove difficult for Council again being a cumbersome and costly task.

ORD06

Attachment 1

Green Paper – A New Planning System for NSW

---

- The introduction of compulsory government agency consultation at the strategic planning stages is completely supported. However, this could have multiple consequences on development. The strategic planning stage, whilst conceptual in nature, negates the finer details that would usually be brought to light at the development applications stage. Taking this into consideration, strategic planning projects will go into more depth and detail than traditionally experienced. Conversely, switching off the need for government agency consultation at the development application stage (detailed stage) may neglect potential environmental impacts.
- The Green Paper describes that the Local Land Use Plan is to be constructed on a much broader level, similar to a Council's Strategic Plan. There also seems to be a lack of detail on how development control will be enforced, if any such plan was to be developed to that detail. Should development controls be integrated into the Local Land Use Plan, questions arise pertaining to the legal enforcement of the controls. DCP's have the capacity to be varied to cater for an appropriate development complimentary to site constraints, however should the controls be given a legal weighting, developments to the letter of the law may not always be the best outcome. Alternatively, if the Local Land Use Plan is not given the legal weighting, the variation of certain controls and the setting of precedents may put Council's in a vulnerable position.
- The Green Paper introduces a planning system provided with greater flexibility in the assessment of development applications. It introduces a higher degree of merit assessment for development than what the current planning system provides for. With this, opinion and subjective assessments are introduced, which may increase conflict in development applications between the applicant and assessment officer. In this regard, the proposed planning system potentially increases the appeals to the Land and Environment Court, which has adverse impact on the costs and delays of development.

#### Development Assessment and Compliance

Council are generally agreeable to many of the concepts put forth. Council support the retention of the 82A review process under a new act. The standardisation of development consent conditions and the simplification of the language used in planning documents is a concept supported by Council. Practical details on how this will be applied are required to give any further comment. The white paper should

Green Paper – A New Planning System for NSW

---

look at outlining when/how conditions can be tailored if required to a particular application and outline this process in detail.

The Amber light approach to development application is considered a good approach that will assist all involved in the planning process to achieve good, desirable planning outcomes. The ability of this approach to achieve this outcome will depend upon how the process is implemented and formalised in any new act.

Expanding the role of the Joint Regional Planning Panel to increase involvement in the assessment of current applications would facilitate a more directive assessment to be undertaken by the officer, as the panel can provide additional direction on points of non compliance and how they should be addressed. This will assist both Councils staff and developer as it ensures the consent authorities position and direction is known from the onset.

Concerns are raised in relation to the following:

- General concerns are raised over the changes to information requirements at the assessment stage. Provisions need to be provided for upfront ensuring that the relevant information is provided at the development application stage. If the aim of the new act is to have development applications approved in concept and detail to be provided at a later stage i.e. prior to construction certificate, the act should be amended to allow for the conditioning of information to come back to the Council for approval to ensure that the endorsed strategy at the DA stage is a viable on the ground development.
- Concern with time frames and accountability of officers to assess applications, details outlining how more stringent time frames will be imposed ensuring that expedition of applications does not decrease the quality of assessment.
- Removing external agency concurrence at the application stage if a concept that is generally supported. Concerns are raised over external agencies ability to undertake this process and to what level the detail in concept can be provided at the strategic level and filtered down.
- Council is concerned over the identified need to create independent expert panels to determine applications traditionally determined by the elected Councillors. Concern is raised as stated on page 50 of the paper, in 2010 *'only 3 percent of development applications made in NSW were determined by elected Council'*. The creation of independent review panels seems tedious and excessive, unless as shown in the cases of Liverpool and Wollongong just cause is given to revoke the elected official's role in determining applications.

---

Camden Council Submission

Page 6 of 10

ORD06

Attachment 1



ORD06

Attachment 1

Green Paper – A New Planning System for NSW

---

- Council would invite more details to be provided outlining how local land use plans will be structured. Questions are also raised over the idea of ‘minor’ in relation to variations and if guidelines will be developed to help inform this aspect to ensure continuity in assessments.
- Whilst its agreed that the market can adequately determine factors of supply and demand, Council are concerned that market forces alone will be detrimental to a local area as the viability of existing developments may be lessened as a result if due consideration to new proposals and their impact is not considered.

#### Infrastructure Planning and Co-ordination

Council generally agrees with the principles of the infrastructure planning and co-ordination as it seeks to integrate the planning and provision of infrastructure with the strategic planning for growth. It is expected that the new legislative system will effectively integrate and align preparation and adoption of all contributions plans concurrently with all other strategic planning documents. This is also pertinent to preparation of Growth Infrastructure Plans that are linked to strategic plans. Such an initiative may prove a defining element of this legislative reform, particularly in how it relates to housing delivery and as it seeks to simplify, streamline, and provide greater certainty, in the delivery of Infrastructure.

Notwithstanding this, Council raises the following concerns and comments in relation to Infrastructure Planning and Co-ordination:

- Council generally acknowledges that under the provisions of the existing planning legislation, the *Local Government Act 1993*, and general local government industry best practice, there remains the opportunity for contestability and third party access in infrastructure provision. However, the proposed planning system should ensure it does not enable ‘cherry picking’ opportunities for infrastructure provision; that being, where non-government entities choose only to deliver items of infrastructure that promise more than marginal returns on capital investment e.g. social, environmental infrastructure;

In addition, the results for public private partnerships in NSW to date have been mixed. A ‘World’s Best Practice’ standard is required (and should be legislated) for the provision of infrastructure delivery partnerships, to ensure transparency, viability, accountability etc.

- With regard to the integrated planning initiative reflected between the ‘*State Infrastructure Strategy*’, ‘*NSW Long-Term Transport Masterplan*’ and the

*'Growth Infrastructure Plans'* a need exists to ensure their connection to *'NSW 2021'*, with clear line of sight between concept/strategy and delivery. A further option available in promoting definitive integrated infrastructure planning, exists in the opportunity for legislated correlation between infrastructure provision under the new planning system, and the integrated planning and reporting framework under the *Local Government Act 1993*;

- It is critical that Local Government is engaged early in the process of preparing new Growth Infrastructure Plans. As the preparation of Growth Infrastructure Plans will be a spatial approach, they may traverse more than one local government area, resulting in the need for advanced, meaningful consultation. Also, any development activity and market evidence used in the preparation of new Growth Infrastructure Plans must be truly impartial and independently sourced.
- With regard to the proposed framework intended to facilitate public priority infrastructure, it is strongly believed that the following outcomes must be achieved to effectively implement priority infrastructure:
  - *Early project definition* - The intent of this element is to focus on 'how' projects will proceed and manage any impacts when they are identified later; as opposed to whether the project 'will' proceed. Council is concerned as to whether in the event that significant issues are identified at mid-point or latter stages, the project would proceed regardless, given the extent of investment to that point;
  - *Early and coordinated engagement of relevant government agencies* - Council would advocate the need for a prescriptive model as to how relevant government agencies are to work together, and how issues such as funding resources will be addressed;
  - *Effective community participation* - The Green Paper clearly infers a strong focus on project delivery; with 'interim only' approvals in place prior to the project commencement. Effective community participation must entail meaningful opportunities to comment at key project milestones.
- Council raises concerns in regards to the policy direction which defines infrastructure requirements by performance outcomes in contributions plans and agreements, rather than lists of assets. The performance outcomes should form part of the development guidelines (Local Land Use Plans) and approved at the time development consents are granted. Local contributions plans and works in kind/voluntary planning agreements should be viewed

as the mechanisms where the private sector gives effect to these performance outcomes in accordance with development consent approvals.

- Due to the Green Paper's lack of detail, it is difficult to gauge the nexus, acquisition powers, coordination and administration of the proposed Regional Open Space Levy. Concerns are raised pertaining to the nexus of this Levy to fund and provide local open space and drainage and the affect on local councils' ability to facilitate provision of local open space and drainage.
- As a result of the growth occurring from the South West Growth Centre, Camden Council is responsible for administering an increasing number of contributions plans and negotiating a high number of works in kind/voluntary planning agreements. This provides community facilities and infrastructure to be provided in a timely fashion to cater to the needs of the community as the demand increases. Council feels it is at a point that it can cater for the needs of the community whether it is infrastructure or facilities provided through the contributions plan or provided by the developer through a WIKA or VPA. Council believes that alterations to the current system may disrupt the timing of delivery of these assets for the community and we welcome the opportunity to participate in the Task force proposed to be set up to develop solutions relevant to the administration of development contributions.

#### Delivering a New Planning System

Notwithstanding the above comments, the implementation of the proposed changes to the planning system will be undoubtedly difficult and not without its challenges. Whilst a greater amount of detail will be released in the White Paper, throughout this submission Council briefly mentions the challenges on the implementation of each reform. In particular, Council raises the following concerns:

- The transition period between the current and proposed planning instruments will prove to be the most difficult. Whilst detail is not provided in the Green Paper, savings and transitional provisions introduced to each new plan will need to be watertight to provide certainty to the public and professionals alike. In addition, the savings and transitional provisions should also take into consideration projects in progress or those which are to commence.
- The major shift in focus to the strategic planning stages has serious cost implications upon the organisation. A greater emphasis on the strategic planning stages may involve the reallocation, retraining and development of

Green Paper – A New Planning System for NSW

---

staff to suit a new role description. Furthermore, the period of transition may also pose threats to the delayed timing of projects with increased uncertainty for all stakeholders involved in each project.

#### **Conclusion**

Camden Council welcomes the opportunity to comment on the green paper reforms. The proposal to simplify and streamline the NSW planning system is long overdue and it is fully supported by Council. The matters contained in Council's submission are provided with the intention of reinforcing the principles of the proposed reforms.

---

Camden Council Submission

Page 10 of 10

ORD06

Attachment 1



ORD06

Page | 1



**Camden Council**  
**Submission to**

***A New Planning System for NSW –  
White Paper***

**June 2013**

## Section 1.0 Executive Summary

The Executive Summary contains a summary of the detailed analysis undertaken by Council officers on the White Paper. This summary highlights Council's concerns, recommendations, implications, and where Council has an outright objection to the proposal. Further detail regarding each point can be found in the second section of this report Section 2.0 *Detailed Analysis*.

### 1. Delivery Culture

#### Concerns

Nil

#### Recommendations

*Council recommends the following activities be undertaken:*

- Early roll out of training and professional development for planning staff
- Integration of all monitoring and reporting requirements into the monitoring and reporting requirements of the Local Government Act 1993

#### Implications for Council

- Increased resourcing and system requirements to implement an extended *eplanning* system.

#### Opposed to

Nil

### 2. Community Participation

#### Concerns

- Management of community expectations and potential conflict between community vision and government requirements
- Finding the balance of the level of community consultation, and ensuring it is meaningful and relevant to planning process.
- Difficulty faced when engaging with communities in greenfield development and the long-term impact on social sustainability

#### Recommendations

*Council recommends the following activities be undertaken:*

- Further information and engagement to be provided to Councils regarding the role of DPI and the DG in the development and delivery of the *eplanning* system.
- Review of specialist staff within the DPI to help facilitate the transition to the *eplanning* system (i.e. GIS and mapping experts)

- Consideration be given to existing community strategic plans to ensure the system is not wholly top down.

#### **Implications for Council**

- Increased resourcing and system requirements to implement an extended *eplanning* system.
- Up-skilling of staff to enable the delivery of the key principles of community consultation, or where necessary outsourcing of work.

#### **Opposed to**

Nil

### **3. Strategic Planning**

#### **Concerns**

- Additional resources and skill sets will be required to be provided at the Strategic Planning level to ensure Council fully participates in and deliver the expanded hierarchy of strategic plans
- Undertaking Strategic Impact Assessment at this broad level will not provide robust detailed analysis and could be misinterpreted
- Ability to enforce legal intent of “visionary character statements” within an LEP
- Lack of detail around the alignment of regional and sub regional boundaries.

#### **Recommendations**

*Council recommends the following activities be undertaken:*

- Reword Principle 1 (of new strategic planning framework) to ensure that sustainable development is the main focus. This will further strengthen the intent of the new legislation
- All strategic planning documents need to be “live” documents that are constantly updated where relevant information has changed
- Documents need to be top down and bottom up where appropriate to maintain relevance, this is important given the legislative weight of these documents.
- The acquisition of land for public purposes have a legal trigger within both the local plan and sub regional development plan. Providing greater flexibility to acquire key lands in a timely manner.
- Strengthen legislative requirements for vision and character statements within the Local Plan
- Strengthen the gateway process by inviting Council representatives to determination meetings to answer questions from the panel
- Further information and details be provided to Councils in regards to the use and restrictions on suburban character zones in development codes
- Need to have the ability to reflect community vision and planning intent within standardised zones.

**Implications for Council**

- Consolidation of existing zones within current Camden LEP to 13 zones
- Budget implications for resourcing of staff time to convert current LEP and DCP into the acceptable format under the proposed legislation.

**Opposed to**

- Direct zoning of by the DPI through the sub regional delivery plans, this process is contrary to the philosophy and transparency of the proposed planning system.
- Setting mandatory parameters and development standards within sub regional delivery plans (as per above response).

**4. Development Assessment****Concerns**

- Community consultation for Local Plan within future "greenfield" areas regarding what is and isn't code development. This will not capture future residents to whom the code development will apply
- Community education regarding the changes to consultation around development applications needs to be rigorous to ensure the community has an understanding of the role they may play
- Reduction of community and councillor involvement in the consideration of development applications, with only Merit applications requiring community consultation
- Council consultation prior to the issue of a strategic compatibility certificate
- Standardisation of conditions of consent, one size doesn't always fit all, need for some level of flexibility
- Concern regarding the level of detailed information provided for merit and code assessment, and the relationship to stop the clock provisions
- Ability to protect and enhance heritage properties in the vicinity of exempt and complying development, and negotiate improved heritage outcomes

**Recommendations**

*Council recommends the following activities be undertaken:*

- Legislative mechanism be developed for Councils to charge fees to consider variations to complying development certificates
- Further information around the timeframes for merit development is requested.
- Additional information and information/education sessions on changes to the compliance and enforcement provisions.

**Implications for Council**

- Potential cost of setting up and operating Independent Hearing Assessment Panels (IHAP)
- Potential up-skilling development assessment staff



- Reduced control of decision making in development assessment

## **5. Infrastructure Provision**

### **Concerns**

- Limited detailed information around the biodiversity offset scheme
- The spatial intent of Growth Infrastructure Plans need to be better defined as this will have significant effect on the success of the plans.

### **Recommendations**

*Council recommends the following activities be undertaken:*

- Formulation of a working group involving local government representatives for the drafting of contributions planning guidelines
- Councils are able to participate in the drafting of the terms of reference for Sub regional Planning Boards
- Further information is forwarded to Councils regarding guidelines for the allocation of funding collected by treasury, and how this will be administered.
- Growth Infrastructure Plans should be subject to same requirements as Local Plans i.e. benchmarking of costs, stringent annual reporting, time limit on holding contributions revenue etc.
- Alignment of all associated infrastructure strategy (*i.e. Sydney Water Growth Servicing Plan*) with Growth Infrastructure Plan reviews
- Regional Growth Fund should include the provision for funding of regional and sub-regional community recreational and cultural facilities
- Inclusion of a mandatory provision that VPA's are attached to the title of land without requiring the consent of owners (as per a Development Contribution applying to that land)
- Inclusion of land valuation and indexation methodology in the legislative framework to enable strengthened legal interpretation
- Benchmark rates must have the flexibility to reflect the unique circumstances of individual projects.

### **Implications for Council**

- Inability to "pool contributions for longer than three year period may prevent Councils ability to forward fund local infrastructure in advance of the completion of the development.

### **Objections**

- Removal of Voluntary Planning Agreements. Council as part of the South West Growth Centre has negotiated and administered a number of VPA's with a good level of success to see timely delivery of housing and infrastructure. Any changes that affect the viability of existing VPA's is strongly objected to.
- Proposal to expand the role of IPART in the preparation of local infrastructure contribution plans. With the prescribed parameters of essential and non-essential

infrastructure, and the introduction of benchmark rates for capital costs. Is IPART therefore required?

- Timing of payments for contributions deferred to point of sale. This will expose Councils to financial risk of non-payment and increased administration costs and delay the timeframe for the provision of infrastructure.
- Three year limit on holding contributions. This will impede Councils ability to provide local infrastructure, in advance of the completion of a development, particularly for greenfield areas.
- Administration of local infrastructure contributions that essentially empower the minister to re-apply local infrastructure contributions for other purposes, potentially outside of the LGA. (7.9(4) of the Planning Bill 2013- Exposure Draft). This proposal fundamentally undermines the integrity of the new legislation. Council can see no tangible merit in the creation of such a legislation instrument and strongly recommends its removal.

## 6. Building Regulation and Certification

### Concerns

- Concern regarding the ability of certain professional accredited with the BPB to certify whether a modification is required, detailed guidelines are requested to be developed.

### Recommendations

*Council recommends the following activities be undertaken:*

- Standardised format for building manuals, and further clarity as to who is responsible for this provision.

### Opposed by Council

- Council strongly opposes the proposal to allow independent subdivision certifiers to issue subdivision certificated for works to be dedicated to Council. The issue relates to the long term maintenance implications on Councils.

### Implications for Council

- Potential for subdivision works to be certified and local infrastructure to be dedicated to Council without a legal mechanism for Council to certify works as meeting the standards required for dedicated.

## Section 2.0 Detailed Analysis

### 1. Delivery Culture

| Issue   | Council Comment   |
|---|---|
| <b>Achieving a change in the planning culture</b> | <p><b>Cultural Change Action Group</b><br/>           Roll out of training sessions to help implement new planning system, and professional/best practice guides<br/>           Council is supportive of this initiative. It is recommended that any training sessions be implemented well in advance of the implementation of any new legislation or requirements under the new planning system.</p> <p><b>Implementation of <i>eplanning</i> system</b><br/>           Council is in principle supportive of an extended <i>eplanning</i> system; however, consideration needs to be given to the increased resourcing, and systems requirements. Consideration also needs to be given as to whether the Department of Planning and Infrastructure (DPI) will require a standardised system to be implemented across all councils and who would undertake this development.</p> |
| <b>Planning System Performance</b>                | <p><b>Performance monitoring of strategic plans</b><br/>           Ongoing monitoring of all levels of strategic plans is supported by Council in principle. It is recommended that all monitoring and reporting be integrated into existing reporting and monitoring requirements required under the Local Government Act 1993.<br/>           Further information on reporting requirements for Councils is also requested.</p>   |
| <b>General Comments</b>                           | Generally Camden Council is supportive of the proposed changes to the culture of delivery in the NSW Planning System.   |

## 2. Community Participation

| Issue   | Council Comment  |
|---|--|
| <p><b>Community Participation Charter</b></p> | <p><b>7 Key Principles for community participation</b></p> <p>Council is supportive of the principles of the Community Participation Charter, particularly the intention to ensure that information is accessible and easy to read, the partnership approach and inclusiveness.</p> <p>The Community Participation Charter needs to acknowledge the tension that can exist between the vision and desires of the community with the policy and direction of the government, for example, areas designated by the government for higher residential densities or new urban release areas, which is inconsistent with the desire of the community. Community Participation in these instances needs to include a very clear and upfront understanding of what the community can influence, and where policy and direction has already been established.</p> <p>Council raised in its submission to the Green Paper the importance of ensuring that the Community Participation Charter is not a one-size-fits-all approach. Council is satisfied that this has been addressed through the requirement of each local planning authority to design their own Public Participation Plans. This will enable Councils to take into account their own local context when establishing how they will go about engagement with the community, including different community needs and demographics.</p> <p>If councils are to engage the community in a meaningful manner, unique consultation strategies other than those traditionally employed will be necessary. This may require additional resources and skills that may not be readily available in all councils. Council submits that the government should make resources available to councils to assist in ensuring Community Participation can be carried out at the local level in line with the intention contained within the Community Participation Charter. This should include access to funding and training in addition to the publication of guidelines as noted in the White Paper.</p> |
| <p><b>Early Community Involvement</b></p>     | <p>Council is supportive of early and genuine engagement with the community in shaping the future of their local places. This is not only empowering for communities, it fosters ownership and participation by people in their communities and places.</p>  |



ORD06

Attachment 2

|  |  |
|--|--|
|  | <p>This is an essential part of creating proud, sustainable and strong communities over time.</p> <p>Early engagement in the planning process is when the community can effect real change, and to have the greatest chance of achieving planning outcomes that are consistent with the community's vision for the future. It also enables community to have informed input and greater understanding of the planning process and the many complexities and considerations that are involved. Early engagement means that the community can feel that planning outcomes have been achieved "with them" not "done to them".</p> <p>Camden Council is concerned that the hierarchy of plans means that a range of state policy and direction has been set before the community has an opportunity to participate. The Camden area is a clear example where tension can exist between community vision for the future, and government policy. The establishment of the South West Growth Centre, and Camden's significant role in housing a large proportion of Sydney's growing population, was in contradiction to the community's desire to see the Camden area retain its rural and country town nature and lifestyle.</p> <p>This situation means that the community had limited capacity to influence planning outcomes in the Camden area. For the intent of the new planning system to be delivered, future government policy of that nature will need to involve community participation at a local level. It is not clear in the White Paper how the government intends to undertake this process. As mentioned previously, all community engagement of this kind needs to clearly identify the extent the community can truly influence state policy.</p> <p>A further point for consideration is areas such as the Camden LGA where there are significant greenfield development sites. Early engagement regarding future visions for the community are difficult in this situation, and consultation with surrounding communities is often soured by the desire to retain rural lands and low density developments. In this instance Council is required to lead the vision for the new communities having regard to State Government strategic planning documentation, whilst balancing appropriate community feedback.</p> <p>The detailed approach to community participation in the Subregional Delivery Plans is acknowledged. It will be</p> |
|--|--|

|   |   |
|---|---|
|   | <p>important when considering community participation at the Subregional level to ensure that input from residents of smaller Local Government Areas is given equal weight to that of larger areas to ensure that local outcomes can be delivered consistent with local community desires.</p>  |
| <p><b>Using Information Technology to deliver Planning Services</b></p> | <p>Council is supportive of the provision of <i>eplanning</i> services and the utilisation of information technology for the purposes of consultation and increased participation.</p> <p>However it is also noted that facilitation of a standardised system will be an additional expense incurred by Council. Processes such as 3D modelling whilst innovative and effective will place significance cost on Councils.</p>   |
| <p><b>Comment re relationship to legislation</b></p>                    | <p>As noted above, Camden Council is concerned that the hierarchy of plans in the new planning system means that by the time the community is setting the vision at the local level, a range of policy and direction has already been set which may limit or preclude the achievement of the local vision.</p> <p>Communities are already establishing their vision for their local area through the Community Strategic Plans under the Integrated Planning and Reporting requirements of the Local Government Act. Camden Council recommends that these Community Strategic Plans be given significant consideration and weight throughout each level of the planning hierarchy to ensure that the planning system is not wholly "top down".</p> <p><i>s.2.7 (Planning Bill 2013 – Exposure Draft) Identifies that : the DG is to establish and facilitate the online delivery of planning services and information (including the NSW Planning Website). – Council requests further information regarding the role of the DG in rolling out this system across local government.</i></p> |
| <p><b>General Comments</b></p>  | <p>The new requirements for community participation are supported by Camden Council, however consideration needs to be given to ensuring that the community is not "over consulted". Community participation in the planning system needs to be integrated with other community engagement activities to ensure that greatest value is being achieved from our communities without requiring numerous and onerous community participation opportunities.</p> <p>Community Participation Plans will need to ensure that community engagement processes "close the loop" and provide timely feedback to residents about planning outcomes.</p>  |

ORD06

---

|  |  |
|--|--|
|  | <p><b>Specialist Skills of Staff</b><br/>Concern that staff will require significant up-skilling to enable delivery of the key principles of community participation, or significant resources will need to be allocated to engage specialist consultants.</p> |
|--|--|

Attachment 2

### 3. Strategic Planning

| Issue  | Council Comment  |
|--|--|
| <p><b>Principles of new Strategic Planning framework</b></p>   | <p>P1 – Whilst economy and productivity are both outcomes supported by Council it is considered that the principle should be focused solely on sustainable development of which the economy and productivity are core components along with the social, environmental and cultural development.</p> <p>P2 – Agreed that all strategic planning documentation should be integrated with infrastructure provision, caution needs to be used to ensure identified infrastructure is both funded and required to ensure public expectations are not raised, where delivery is not viable.</p> <p>P3 – P10 Agreed</p>   |
| <p><b>Hierarchy of Plans</b></p> <ul style="list-style-type: none"> <li>• NSW Planning Policies</li> <li>• Regional Growth Plans</li> <li>• Subregional Delivery Plans</li> <li>• Local Plans</li> </ul> | <p><b>NSW Planning Policies</b></p> <p>The current State Environmental Planning Policies are too descriptive, and contain a high level of detail. Council is supportive of the proposed reduction of “policies” and the removal of development standards, within the policies.</p> <p>It is noted that the existing raft of SEPP’s contain a significant amount of often conflicting development controls. Significant analysis of these controls must be undertaken to ensure these controls are not merely transferred to Local Plans creating additional hold ups and assessment.</p> <p>Council looks forward to further working with DPI and reviewing the DRAFT NSW Planning policies in this regard.</p> <p><b>Regional Growth Plans</b></p> <p>It is proposed that the current Metropolitan Strategy for Sydney to 2031 will be utilised as the Regional Growth Plan for Sydney. Council agrees in principle to fully utilising existing documents such as this, it is suggested that a review of the DRAFT Metropolitan Strategy be undertaken at the conclusion of the development of the revised NSW Planning Policies. This will help ensure the clear line of sight between strategic plans.</p> <p><u>Infrastructure in Regional Growth Plans</u> – The white paper identifies that regional growth plans will identify “approved and existing infrastructure”. It is recommended that consideration be given to showing proposed infrastructure as well, as this will help set community expectations and facilitate the early identification of corridors required. In this regard it is recommended that the ability to modify all strategic documents on an ongoing basis be considered.</p> |



ORD06

Attachment 2

Page | 13

| Issue | Council Comment  |
|-------|--|
|       | <p>This will enable the documents to be relevant and up to date.</p> <p>Whilst it is undoubtedly important to have a top down planning hierarchy it is equally important to feed from the bottom up where information becomes available or more detailed. When considering infrastructure detailed assessment and changes are likely at the local Plan and Subregional Planning phases. This should then be reflected in the Regional Planning documents.</p> <p>The text regarding regional plans also noted that the trigger for acquisition of land for public purposes (i.e. a transport corridor) will be through Local Plans. Council recommends that this mechanism be for local infrastructure only, and a separate trigger be created for larger subregional and regional infrastructure projects. This would enable early purchase of properties and opportunistic purchase where local plans are not yet in place.</p> <p><u>Strategic Impact Assessment</u> – The proposal to undertake strategic impact assessment of Regional Plans is supported by Council in principle. Council is however concerned at the level of accuracy of such an assessment given the detail of information within Regional Plans. Strategic impact assessment at this level will not be able to accurately assess impacts, socially, or financially on the community, therefore any results may be misleading.</p> <p><u>Alignment of Boundaries</u></p> <p>Council requests further information regarding the alignment of regional and sub regional boundaries with the opportunity to be part of any further discussions regarding boundary alignment and definition.</p> <p><b>Subregional Delivery Plans</b></p> <p>The White Paper identifies that Subregional Development Plans will enable “direct rezoning” of identified precincts by DPI. <b>Council objects to this proposal.</b></p> <p>This is contrary to the wider approach of the new planning system, where the Subregional Plans are identified as being strategic in nature and that all land use zoning be contained within the Local Plans.</p> <p>Council understands that direct rezoning is proposed in order to expedite the release of key lands for redevelopment, however, it is considered that maintaining the same transparent system for all land zoning is the preferred option, and that all rezoning should be undertaken and contained within Local Plans.</p> |

| Issue | Council Comment  |
|-------|--|
|       | <p>Setting of Mandatory Development Parameters within Sub Regional Development Plans for key precincts is also objected to by Council. As identified above this goes against the wider philosophy of the new planning system, and is a variation to the way planning controls will be facilitated across the wider the LGA. This would also remove a layer of transparency to the process.</p> <p>The text within the white paper suggests that Sub Regional Development plans will be reviewed every four years. It is recommended by Council that these documents be the subject of continual review, and update. Key precincts such as growth centre areas will change significantly within a four year period. It is also important to note that due to the legislative weight of strategic planning documents (at a development assessment stage) they must be current and enforceable, and up to legal challenge.</p> <p><u>Growth Infrastructure Plans –</u> Growth infrastructure plans will identify infrastructure required, it is therefore recommended that they also contain a trigger for acquisition. (It has previously been identified that triggers for acquisition of land for public purposes would be contained within Local Plans).</p> <p><u>Alignment of Boundaries</u></p> <p>Council requests further information regarding the alignment of regional and sub regional boundaries with the opportunity to be part of any further discussions regarding boundary alignment and definition.</p> <p><u>Use of future urban release areas “zone”</u></p> <p>Council requests additional information regarding the alignment of future urban release areas. It is important that any zoning or identification of growth areas that increase the potential of land is well defined, otherwise this may create potential conflicts and objections from landowners. This will also need a level of accuracy to be reflected within Local Plans.</p> <p><b>Local Plans</b><br/><b>Part 1- Strategy</b></p> <p>Council is supportive of this initiative to provide a vision and link strategic outcomes with state and subregional planning requirements. Consideration needs to be provided as to what legislative weight will be provided against the strategy in application of merit based assessment. If consideration is to be given, there will need to be careful analysis and consideration of potential wording. Wording</p> |

ORD06

Attachment 2

| Issue | Council Comment   |
|-------|---|
|       | <p>subject to interpretation is also potentially subject to legal challenge. It is also noted that the Draft Planning Bill provides no legal status for the "Vision" or key LGA facts, as identified by figure 21 of the white paper.</p> <p><b>Part 2 – Planning Controls</b><br/>Reduction to 13 land use zones is supported by Council in principle, however it is requested that further detailed examination of a sample of existing LEP's and unique zones be investigated and rigorously tested prior to enforcement of the new zone categories.</p> <p>Enterprise Corridor Zone – Council requests further information on what qualifies as an "enterprise corridor zone", and how it will differ from the commercial zone. It is recommended that a number of sample developments and current zonings be tested against the parameters of the Enterprise Zone, to test viability of the zone.</p> <p><u>Suburban Character Zone</u><br/>Council requests additional information in regards to the use of suburban character zones, and what restrictions may relate to applying this zone.</p> <p><b>Part 3 – Development Guides</b><br/><u>Building envelopes</u><br/>Council is supportive in principle of the use of building envelopes. However it is noted that significant time and resourcing will be required to redevelop Councils existing planning controls. Therefore it is requested that the DPI work closely with Councils to set timeframes for Local Plan preparation and assist with resourcing.</p> <p><u>Development Codes</u><br/>Sub Regional Delivery Plans will prescribe controls for growth precincts and enterprise corridors – Council objects to these being contained within Sub Regional Development Plans and requests to maintain uniformity by having these codes contained within Council Local Plan. This also applies to Exempt and Complying codes for identified growth precincts.</p> <p><u>Heritage</u><br/>Concern of how development in the vicinity of a heritage item or precinct will be controlled to avoid heritage impact, particularly if the exempt and complying stream is used? Further clarification is sought as to potential restrictions Council can impose to restrict development</p> |

| Issue  | Council Comment   |
|--|---|
|  | <p>near or in the vicinity of heritage items.</p> <p><b>Part 4 – Contributions</b><br/><i>See comments re Infrastructure</i></p> <p><b>Planning Proposals</b><br/>Council supports the continuation of gateway determinations, with an improved emphasis on the analysis of the strategic merit of a project. Gateway assessment currently requires significant information that is less strategic in nature. It is hoped that the proposed new top down planning hierarchy will remove this requirement resulting in the improvement of gateway determination times.<br/>It is also identified that there is potential for increased involvement of Council officers at the Gateway determination meetings to quickly answer questions relating to the development and avoid further deferrals on decisions.</p> |
| Referrals<br>Concurrences and<br>Other Planning<br>Related Approvals | <p><b>Early engagement and ability to switch off concurrence requirements</b><br/>Council supports this initiative, where significant early stage consultation has been undertaken.</p> <p><b>One Stop Shop</b><br/>The notion of a “one stop shop” is supported provided that the legislation provides stringent timeframes around referrals that utilise this facility.<br/><br/>The one stop shop should not merely act as an intermediary point between agencies, adding yet another layer of complexity to the referral process.</p>   |
| Comment re<br>relationship to<br>legislation                         | <p><b>Division 3 – Local Plans - 3.11</b><br/>No legislative effect is given to the vision or future character of the area. This was highlighted as a key change to Local Plans in the text of the White Paper (Figure 21). However, there appears to be no legislative link to require this.</p>   |
| General<br>Comments  | <p>In principle the proposed changes around strategic planning are supported by Council.</p> <p>It is recommended that more consultation be held with key stakeholders including local government as to the final makeup of the four (4) levels of strategic planning.</p>  |



#### 4. Development Assessment

| Issue  | Council Comment   |
|--|---|
| A new development assessment system for NSW – 7 Key Principles | The 7 key principles aim to ensure that development aligns with the vision and outcomes of the strategic plan developed with the community and are supported by Council.  |
| One Assessment system – different assessment tracks            | <p><b>Exempt</b></p> <p>It is recommended that further community education be undertaken in this matter. The current standards are not user friendly and require a skilled planner to understand restrictions, limitations and requirements. It is also noted that while some activities may be exempt under Planning legislation they may trigger other approvals such as water and sewer authority.</p> <p><b>Complying</b></p> <p>The current exempt and complying development codes are extremely stringent in nature; often a small minor variation can eliminate a proposal from this development track and require a detailed assessment. While it is proposed to provide Council the ability to approve variations to complying development applications (lodged to Council by the certifier), it is recommended some guidelines be published around the transparency of variations. Additionally, in the instance a variation is proposed and Council is required to assess this variation, a fee should be applicable along with a specific timeframe for this assessment.</p> <p>It is recommended a detailed review of existing and proposed controls be undertaken with industry professionals to enable them to better educate the community and understand the application of any exempt and complying provisions.</p> <p><u>Heritage and complying development</u></p> <p>If Exempt and Complying criteria are too general or simplistic adverse heritage impact could occur.</p> <p><b>Code</b></p> <p>In principle Council supports “code” assessments. It is recommended that a set of guidelines be developed that will further inform the process, where changes are made to plans at a CC stage, i.e. in terms of what triggers a modification approval.</p> <p>Consultation with the community at Local Plan stage will require input into determining what development will be Code. Councils concern is that whilst people are being notified at Local Plan stage, this will not capture the people who will be living there when the Code DA is</p> |

| Issue                  | Council Comment  |
|------------------------|--|
|                        | <p>lodged, i.e. east Leppington, Leppington North (Greenfield area) strategic plans are being made but very few residents present to raise issues.</p> <p>Overall it is recommended that significant education (around the ability to submit submissions for development applications) be undertaken with the community to ensure that there is an understanding of their role in the assessment of developments.</p> <p><u>Heritage</u></p> <p>For an application to be considered “Code Assessment” all matters of assessment have to be covered in Subregional Plans, Local Plans and Development Guidelines. These will have to be effective in setting the heritage standard required. There appears to be limited opportunity to reject an application under this stream and limited flexibility to negotiate a good heritage outcome.</p> <p>It is also noted that there will be no opportunity to seek the opinion of the community of the details of a DA affecting heritage properties, which could assist Council’s assessment.</p> <p>Code Assessment is described on page 129 of the White Paper as being required to “contribute positively to the street”. This is a subjective measure of aesthetics not of impact on heritage significance. Council raises concerns regarding how this will be subjectively considered.</p> <p><b>Merit</b></p> <p>Council is supportive of the “Amber Light” approval process whereby a DA cannot be refused unless notice of proposed refusal is given to the applicant. This will allow for the potential re-design of a DA to ensure compliance with applicable plans and controls. Whilst Council supports this concept, further detail is required in relation to timeframes involved for assessing a potential re-design.</p> <p>Additionally, in the instance a DA needs to be redesigned, Council may require further up-skilling of staff and additional funding should be provided to Council’s to accommodate this.</p> <p><b>Prohibited</b></p> <p>Council supports the provision of a prohibited track and as set out above, in the instance notice of refusal is given to an applicant, a timeframe will need to be provided to ensure the efficient determination of DAs.</p> |
| IHAP and Expert Panels | Whilst Council supports the use of Joint Regional Planning Panels, IHAP and Planning Assessment Commissions, Council is concerned  |

ORD06

Attachment 2

| Issue   | Council Comment  |
|---|--|
|   | that Councils decision making role will be minimised in large scale/complex DAs in the instance independent expert panels are mandated. Clarification is sought as to whether thresholds will be imposed when these expert panels are required, i.e. similar to JRPP thresholds.   |
| Standardisation of development consent conditions | Council fully supports the provision of clear, concise and user friendly conditions. Council does note that a "one size fits all" set of standardised conditions will not work for all Councils within NSW. This should be factored in to any further work undertaken on standardisation of development consent conditions.  |
| Restricting Stop the Clock                        | Council supports the restriction on the 'stop the clock' provisions in that it will allow the efficient assessment of DAs. However, Council is concerned that the standard of information provided which is to demonstrate compliance with plans/policies needs to be clearly defined for applicants to ensure there is sufficient information to assess the DA.   |
| Appeals and Reviews                               | Council supports greater access and more efficient appeal rights for applicants in the DA process. However, Council notes that the introduction of clear controls and policies should alleviate the necessity for appeals as the objectives of each zone should be transparent and achievable.   |
| Compliance and Enforcement                        | Council welcomes the consolidation of compliance powers and the introduction of a three (3) tier offences system. Council notes that compliance powers need to be comprehensive and clear to allow enforcement to be undertaken by officers. Guidance will need to be provided to Councils to ensure they remain abreast of changes and have the necessary skills to ensure enforcement is undertaken efficiently and effectively. |
| General Comments                                  | Council is supportive of the proposed changes in principle. However, additional funding to cater for additional staff requirements, IT upgrades etc will need to be in place if Councils are to fully embrace these changes.   |

## 5. Provision of Infrastructure

| Issue                                       | Council Comment  |
|---|--|
| Integrating and coordinating infrastructure | <p>Chapter 7.1 Integrating and Coordinating Infrastructure</p> <ul style="list-style-type: none"> <li>• Legislated integration of infrastructure and strategic land use planning</li> </ul> <p>Council provides in principle support for the intended integration of infrastructure and strategic land use legislation. To ensure an effective change is brought about to the planning system for NSW, it is crucial that suitable statutory weight is applied by way of support.</p> <p>As part of any legislative framework there should be ample opportunity for the affected parties to participate and provide comment as part of any community consultation process. In this regard, where landowners are affected by proposed infrastructure in Regional Growth Plans, Subregional Delivery Plans etc it is important they be afforded the chance to provide input into the preparation, review and implementation of these plans/strategies, given the potential implications associated with their outcome.</p> <p>A further option available in promoting definitive integrated infrastructure planning exists in the opportunity for legislated correlation between infrastructure provision under the new planning system for NSW, and the integrated planning and reporting framework under the <i>Local Government Act 1993</i>.</p> <ul style="list-style-type: none"> <li>• NSW Infrastructure Planning Policy (supplementing legislation) <ul style="list-style-type: none"> <li>– Metropolitan/Regional Growth Plans <p>In the formulation of Metropolitan/Regional Growth Plans, greater consistency is recommended across states as well as between state and federal processes, to promote greater integration between all areas engaged in the planning of infrastructure in support of major employment and housing growth. For example, the 'reform and investment framework' utilised by Infrastructure Australia is not altogether consistent with the various state and territory frameworks; there exists an opportunity therefore to promote improved horizontal as well as vertical integration via the NSW Infrastructure Planning Policy initiative.</p> </li> <li>– Subregional Delivery Plans/Growth Infrastructure Plans <p>Specific commentary on Subregional Delivery Plans/Growth Infrastructure Plans is provided elsewhere in this submission. With regard to a sub-set of the latter, there is insufficient information available in the White Paper with regard to the operative provisions of the biodiversity offset</p> </li> </ul> </li> </ul> |



ORD06

Attachment 2

| Issue                       | Council Comment   |
|-----------------------------|---|
|                             | <p>scheme. In this regard, Council would reserve its position on the issue subject to more detail becoming available, and the associated impacts of implementing such a scheme.</p> <p>- Local Plans<br/>Detailed comments on the implications of proposed changes to development contributions planning via Local Plans are provided elsewhere in this submission. It is acknowledged that the operative provisions for Local Plans, not covered in detail in the White Paper, will have a considerable influence on how development contributions planning is implemented. In this regard, as occurred in previous planning reform processes, Council would again welcome the opportunity to participate in a formal 'working group' tasked with the drafting of contributions planning guidelines.</p> <ul style="list-style-type: none"> <li>• Subregional Planning Board to implement administration of NSW Infrastructure Planning Policy</li> </ul> <p>As noted in detail elsewhere in this submission, the opportunity for Council to work with government to develop subregional growth infrastructure priorities, via participation on a Subregional Planning Board is acknowledged and conditionally supported. It is important that Council is afforded the opportunity of meaningful engagement in the formulation of NSW Infrastructure Planning Policy, as it is suitably placed to ensure 'grass roots' planning of infrastructure reflects demand.</p> |
| Growth Infrastructure Plans | <p>Chapter 7.2 Growth Infrastructure Plans</p> <ul style="list-style-type: none"> <li>• Spatial approach to growth infrastructure planning and delivery; agencies to coordinate infrastructure for a particular area, rather than on their respective portfolio priorities</li> </ul> <p>The 'Growth Infrastructure Plan' initiative is supported by Council, as it reflects the potential to facilitate coordinated infrastructure delivery (particularly in the Greenfield areas of the Camden local government area) in support of housing and employment growth. However, notwithstanding the intent that Subregional Delivery Plans will inform Growth Infrastructure Plans, further clarification is sought as to the intended spatial extent of the latter i.e. the extent of a Growth Infrastructure Plan reflecting the parameters of a Subregion would result in a particularly large, potentially cumbersome strategy, reflecting areas that may have competing infrastructure needs subject to</p>  |

| Issue | Council Comment   |
|-------|---|
|       | <p>the type/stage of development therein. Therefore, it is recommended that Growth Infrastructure Plans are targeted in such a way as to ensure their implementation is efficient and effective in support of housing and employment growth e.g. spatial infrastructure requirements across a five and ten year timeframe for a grouping of re-zoned precincts in the South West Growth Centre i.e. East Leppington, Leppington North, Austral, Leppington. While the preparation of Growth Infrastructure Plans identifies an opportunity for Council to integrate improved coordination with Local Infrastructure Plans, it is noted that the former should also reflect any existing or future infrastructure strategies at the Federal Government level.</p> <ul style="list-style-type: none"> <li>Agency infrastructure planning to include asset management plans will now consistently cater for growth infrastructure to meet housing and employment development priorities.</li> </ul> <p>The intent that, as part of the process in allocating infrastructure funding, agency asset management plans will play a role in supporting growth infrastructure to meet housing and employment development priorities, requires clear guidelines as to its application. An appropriate weighting should be applied to any consideration of asset management plans and the role they play in effective and efficient provision of infrastructure.</p> <ul style="list-style-type: none"> <li>Subregional Planning Boards – local councils to work with government to develop subregional growth infrastructure priorities</li> </ul> <p>The opportunity for Council to work with government to develop subregional growth infrastructure priorities, via participation on a Subregional Planning Board is acknowledged, and conditionally supported subject to the availability of further information. It is important that Council is afforded the opportunity of meaningful engagement in the preparation of subregional growth priorities, and that involvement in the Board's operation provides such an opportunity to contribute toward the planning for infrastructure to facilitate growth in the Camden local government area e.g. opportunity for Council to influence regional priorities. Furthermore, the opportunity for Council to contribute toward drafting of the 'terms of reference' of the Subregional Planning Board would also be appropriate.</p> <p>In the context of the intended initiative of Subregional Planning Boards, for the purposes of preparing and identifying</p> |

ORD06

Attachment 2

| Issue | Council Comment   |
|-------|---|
|       | <p>infrastructure, Council would recommend the terms 'regional, subregional' be clearly defined. For example, if planned infrastructure services the whole Camden local government area, or one or more South West Growth Centre precincts in the Camden local government area, are these services defined as subregional or regional?</p> <p>Further to the structured functionality of Subregional Planning Boards (and the aforementioned point made regarding priorities), Council requests further information on how access to funding collected by NSW Treasury for regional projects in the Camden local government area will be administered.</p> <ul style="list-style-type: none"> <li>• Growth Infrastructure Plans to show the relationship of growth infrastructure with the utilisation of existing infrastructure and approved plans for future infrastructure</li> </ul> <p>As in the case for the preparation of Local Plans, there is a need to demonstrate a causal link (nexus) between the provision of infrastructure (via Growth Infrastructure Plans) and the demand for it from the future/incoming population. The rationale behind this requirement is sound in that it ensures that any latent demand and/or spare capacity is factored into the ultimate calculation of development contributions. A similar principle should be applied to Growth Infrastructure Plans in showing the relationship of growth infrastructure with utilisation of existing infrastructure, and plans for future infrastructure.</p> <ul style="list-style-type: none"> <li>• Growth Infrastructure Plans to be 'Evidence Based', 'Prioritised', 'Dynamic', and 'Performance Based'</li> </ul> <p>Council supports the intent of the criteria identified (e.g. evidence/performance based, prioritised etc.) in preparation of Growth Infrastructure Plans. However, to ensure full integration between infrastructure provision and strategic land use planning (as the White Paper infers) it is important that Growth Infrastructure Plans are subject to the same planning requirements as say that of Local Plans. That being, any operative provisions required by Local Plans should equally be reflected in Growth Infrastructure Plans (e.g. benchmarking of costs, stringent annual reporting, time limit on holding contributions revenue etc.) to promote equity, consistency and expected best practice.</p> <ul style="list-style-type: none"> <li>• Annual rolling priorities for Growth Infrastructure Plans</li> </ul> <p>Council acknowledges and provides in principle support for annual priorities for Growth Infrastructure Plans, and offers the following</p> |

| Issue                                | Council Comment   |
|--------------------------------------|---|
|                                      | <p>comment.</p> <p>As in the case of proposed scrutiny of 'Local Plans', Growth Infrastructure Plans should be subject to the same stringent annual reporting requirements, to instil confidence in their planned intent and delivery.</p> <p>It is important that 'clear line of sight' exists from the annual priority program depicted in Growth Infrastructure Plans, through to Subregional Delivery Plans, Regional Growth Plans etc. In this regard, it is noted that priorities depicted in Growth Infrastructure Plans may not necessarily reflect the objectives of the communities they serve; that being, there is no evident link between Growth Infrastructure Plans and the Community Strategic Plan for the Camden local government area. Council would strongly recommend this issue be given due consideration in further development of the new planning system for NSW.</p> <ul style="list-style-type: none"> <li>Growth Infrastructure Plans to be reviewed every four years</li> </ul> <p>Council notes the intended timeframe for Growth Infrastructure Plan review is consistent with that indicated for Local Plans; this alignment is nominally supported. Where possible, it would be prudent for any associated infrastructure strategy (e.g. Sydney Water Growth Servicing Plan) cycles to align with the review timeframe for Growth Infrastructure Plans, given they will largely influence elements of the infrastructure to be delivered therein.</p> |
| Contestable Infrastructure Provision | <p>Chapter 7.3 Contestable Infrastructure Provision</p> <ul style="list-style-type: none"> <li>Where infrastructure works are required to support growth, the opportunity to deliver works is contested by public and private providers</li> </ul> <p>It is acknowledged that the intent of 'Contestable Infrastructure Provision' is to ensure that where there are infrastructure works required to support growth, the opportunity is available to contest the delivery of these works by both public and private providers. Council is supportive in principle of this initiative, in that it is consistent in part with the contestable provisions enshrined in the <i>Local Government Act 1993</i>; that being, an independent and impartial process is conducted to ensure the procurement of services are retained on the basis of provision of 'best value', promoting a suitable return on investment for allocated public monies.</p>   |

ORD06

Attachment 2

| Issue          | Council Comment  |
|----------------|--|
|                | <ul style="list-style-type: none"> <li>• Contestability assessments include 'Value for Money', 'Timeliness', 'Innovation', 'Risk Allocation', and 'Consumer Protection'</li> </ul> <p>Notwithstanding this conditional statement of support, the following issue is noted. The concept of 'Contestable Infrastructure Provision' has long existed in NSW, in the form of 'Works-In-Kind' arrangements for the delivery of local infrastructure (contributions). Such arrangements have enabled the private sector to deliver infrastructure in support of facilitating development, in lieu of monetary contributions. However, there is anecdotal evidence historically of a 'cherry-picking' phenomenon, whereby developers deliberately choose projects that enable their development (e.g. open space embellishment for marketing purposes), and avoid projects that do not (e.g. environmental, drainage etc). In this regard, the 'Contestable Infrastructure Provision' reflected in the White Paper must encapsulate safeguards to ensure projects contested in Growth Infrastructure Plans are those reflecting greater support of growth, as opposed to purely facilitating aesthetic development outcomes.</p> <ul style="list-style-type: none"> <li>• Infrastructure NSW will lead the contestability assessment, supported by other State Government agencies</li> </ul> <p>The White Paper depicts the intent (on occasion) for Council to participate in contestability assessments. Further to the following comments regarding involvement in guideline preparation, and acknowledgement that Council will require assistance to increase its capacity to conduct these assessments, this initiative is considered an appropriate measure to ensure local involvement in the process to support infrastructure provision.</p> <p>With regard to the preparation of guidelines to support evidence based contestability assessments, it is noted the Department of Premier and Cabinet will lead this process. Council would request that it be involved in drafting of these guidelines, given the possibility of involvement in any future contestability assessment process. A 'World's Best Practice' standard is required (and should be legislated) for the provision of infrastructure, to ensure transparency, viability, accountability etc.</p> |
| Infrastructure | Chapter 7.4 Infrastructure Contributions   |



| Issue         | Council Comment  |
|---------------|--|
| Contributions | <ul style="list-style-type: none"> <li>• Removal of capped contributions and introduction of benchmark rates for capital cost of essential works in local infrastructure contributions</li> </ul> <p>Council un-conditionally supports the removal of capped contributions It is encouraging that the White Paper acknowledges that capped contributions would facilitate only poor planning outcomes, and that development contributions planning remains based on a system of reasonableness, apportionment and nexus.</p> <p>Notwithstanding the removal of capped contributions, the introduction of benchmark rates for capital cost of essential works in local infrastructure contributions requires further detailed explanation. For example, while it is acknowledged that benchmarks should reduce the administrative cost of Local Plan preparation and review, it is important that the benchmarks provide sufficient detail of the necessary specifications and inclusions prescribed for infrastructure provision. That being, will the benchmark provision result in a standard rate of quality regardless of where infrastructure is delivered? How will this be reflected given the at time variable cost implications associated with geographical location? Will benchmark costs encapsulate life-cycle costing implications to ensure total asset management outcomes? Furthermore, Council in certain circumstances may encounter works that exceed any benchmark rate, such as for road construction that includes re-location of major utility services.</p> <p>In addition to the intent of benchmark rates for capital cost in local infrastructure contributions, Council would also advocate the use of the same approach to Regional Infrastructure Contributions, to ensure consistency across the entire contributions planning framework.</p> <ul style="list-style-type: none"> <li>• Introduction of Regional Infrastructure Contributions recover part costs of regional and State roads (replacing SIC levy)</li> </ul> <p>The previous introduction of the State Infrastructure Contribution (SIC levy) resulted in a heavy impact on issues such as housing affordability. SIC schedules inclusive of 'miscellaneous' line items valued between \$137M and \$339M further highlighted this infrastructure funding mechanism as far less robust in contrast to locally prepared development</p> |

ORD06

Attachment 2

| Issue | Council Comment   |
|-------|---|
|       | <p>contribution plans. In light of these past issues, it is important that the introduction of Regional Infrastructure Contributions ensure an equitable, reasonable and transparent means of funding infrastructure.</p> <p>For example, the White Paper suggests that the provision of infrastructure funding will be determined “within the context of budget priorities”. What needs to be made clear is in fact the context i.e. what weighting is applied to prioritising regional infrastructure, versus subregional infrastructure etc.</p> <p>Council requests details of financial modelling undertaken by NSW Treasury to date, of the projected yield of Regional Infrastructure Contributions and the timing thereof. As Regional Infrastructure Contributions are based on a percentage of the capital investment value of a development (or the area of land used for development), forward projections are crucial to effectively plan for regional infrastructure.</p> <p>It is noted in clause 7.21 of the <i>Planning Bill 2013 – Exposure Draft</i>, the intent that a condition of development consent that imposes a regional infrastructure contribution in accordance with the Local Plan may not be disallowed or amended by the Land and Environment Court on appeal under Part 9. Council would question the rationale as to why the same provision is not applied to a condition of development consent that imposes a local infrastructure contribution.</p> <ul style="list-style-type: none"> <li>• Biodiversity offset contributions established for the conservation or enhancement of the natural environment</li> </ul> <p>Council objects to the intent of the respective Ministers retaining administrative control of biodiversity offset contributions (including the proceeds of the sale of any land dedicated in payment of biodiversity offset contributions). As the consent authority, and the governing body charged with preparing the Local Plan from which biodiversity offset contributions are derived, Council must retain care and control of the implementation of this important environmental initiative.</p> <ul style="list-style-type: none"> <li>• Introduction of Regional Growth Fund (funding regional open space and drainage land)</li> </ul> <p>With regard to the introduction of a Regional Growth Fund, Council would advocate the inclusion of regional and</p> |

| Issue | Council Comment   |
|-------|---|
|       | <p>subregional recreational &amp; cultural community facilities. Consistent with the intent of funding regional open space and drainage land acquisition, the Regional Growth Fund should also facilitate funding of community recreational &amp; cultural facilities to ensure funding will be shared by all development in a region and to facilitate the creation of sustainable communities</p> <p>For example, the South West Growth Centre will require the future delivery of significant regional and subregional recreational (active and passive) and community facilities. The future provision of these facilities are currently without a secure funding source, creating un-certainty as to whether the future population will have access to this essential social infrastructure.</p> <ul style="list-style-type: none"> <li>• Use of Voluntary Planning Agreements significantly curtailed, only available in exceptional circumstances</li> </ul> <p>Council would question the rationale as to why the use of Voluntary Planning Agreements will be limited in Local Plans under a new planning system. As a part of the South West Growth Centre, Council is responsible for the administration of a large number of works-in-kind and Voluntary Planning Agreements, all of which provide infrastructure in a timely manner in support of housing growth. Any significant change to the planning system that would adversely affect these operative provisions would considerably undermine Council's capacity to facilitate the delivery of infrastructure, thus impeding the release of developable land.</p> <p>With regard to the administrative function of Voluntary Planning Agreements, Council would advocate a 'mandatory' provision to ensure they are registered to run with land ownership without consent of any interested parties in the subject land. The principle is consistent with that of development contribution plans, which run with the land automatically and call up the requirement for contributions in relation to any development that occurs on the land.</p> <ul style="list-style-type: none"> <li>• IPART to assume an expanded role in the preparation of local infrastructure contribution plans</li> </ul> <p>Council questions the need for an expanded (or any) role for IPART in the preparation of local infrastructure contribution</p> |

ORD06

Attachment 2

| Issue | Council Comment  |
|-------|--|
|       | <p>plans. The key rationale for IPART's involvement was premised on the inclusion of 'inappropriate' infrastructure types in certain development contribution plans in NSW. However, with the prescribed parameters of essential and non-essential infrastructure, and the introduction of benchmark rates for capital costs, the role of IPART is largely diminished, if not irrelevant.</p> <p>The fundamental concern to date of IPART's involvement in the preparation of local infrastructure plans has been the period of time added to the planning process involved in bringing developable land to market. Adding timeframes that had otherwise not previously existed, IPART involvement now potentially adds several months to the process, exposing all stakeholders to un-warranted risk, adversely impacting upon the provision of infrastructure in support of housing growth.</p> <ul style="list-style-type: none"> <li>No clear guide on the available capacity for land valuation and indexation methodology for local infrastructure contribution plans</li> </ul> <p>While it is acknowledged that issues such as land valuation and indexation methodologies for local infrastructure contribution plans would be enshrined in a future review of the development contribution practice notes, Council would seek to re-enforce the need for these parameters by advocating for their inclusion in either the amended Act and/or Regulations. Historically, the issue of indexation has been left open to interpretation, resulting in costly litigation and exposure to Councils (particularly in growth areas). Through the legislative implementation of indexation methodologies (particularly those that relate to land valuation), greater certainty for all stakeholders may be realised in the strive for supporting housing growth.</p> <ul style="list-style-type: none"> <li>Timing for payment of contributions to be deferred closer to the point of sale</li> </ul> <p>Council would strongly oppose any proposal resulting in the deferral of contributions payment closer to the point of sale of land as part of any development. Deferral of payments will expose Council to financial risk of non-payment, as well as higher administration costs (the latter incurred as a result of the need for monitoring and enforcement). It will also potentially result in the delay of the timing of provision of required</p> |

| Issue | Council Comment  |
|-------|--|
|       | <p>infrastructure.</p> <p>In addition to the inherent risk exposure to Council, there exists a potential threat to the end consumers of development e.g. homeowner. This may occur in the event of a developer (either deliberately or inadvertently) not paying the development contributions, thus potentially having an adverse impact on housing affordability.</p> <ul style="list-style-type: none"> <li>• Three year limit on holding contributions revenue</li> </ul> <p>In the context of the other 'payment method' issue identified as part of the new planning system i.e. timing deferred closer to point of sale, the proposed three year limit on holding contributions revenue has the potential to negate Council's capacity to effectively manage the delivery of local infrastructure. Historically one of the key impediments to the provision of local infrastructure in support of housing growth has been the constraints around cash-flow. A degree of respite emerged through previous planning reform resulting in the ability to 'pool' contributions, enabling Council to deliver certain projects in advance of full development in a local area. However any time limit initiative will simply re-instate prior impediments in a different form. Council would therefore recommend the removal of this future requirement, in the interest of promoting effective and efficient local infrastructure delivery.</p> <ul style="list-style-type: none"> <li>• Administration of local infrastructure contributions</li> </ul> <p>Council strongly objects to the intent of clause 7.9(4) of the <i>Planning Bill 2013 – Exposure Draft</i>, as it essentially empowers the Minister to re-apply local infrastructure contributions for other purposes, potentially outside of the local government area. Such action would fundamentally undermine the integrity of the subject Local Plan, adversely affecting the future population reliant upon infrastructure without a funding source. Council can see no tangible merit in the creation of such a legislative instrument, and strongly recommends its removal.</p> <p>A recurring impediment identified in facilitating developable land is highlighted in the precinct planning for the South West Growth Centre; specifically, the issue of land ownership fragmentation. Areas such as Austral/Leppington North are comprised of multiple small lot landowners, resulting in a disjointed approach to</p> |



ORD06

Attachment 2

| Issue | Council Comment  |
|-------|--|
|       | <p>infrastructure implementation. This would be further exacerbated by the 'three year limit on holding contributions revenue' Any existing or future initiative to address this issue should be enshrined formally in the new planning system for NSW, to ensure developable land is available as soon as is practicable.</p> <p>In regard to clause 7.19 of the <i>Planning Bill 2013 – Exposure Draft</i>, Council recommends the planning control provisions of a Local Plan should include provision to the effect that development consent is not to be granted for development unless arrangements satisfactory to the consent authority have been made for the making of a contribution towards the provision of local infrastructure by the Council in relation to the development. Similar to the intent enshrined in clause 7.19 of ensuring regional infrastructure by the State, expanding this clause to include local infrastructure will provide a fail-safe mechanism to under-score the integrity of funding for infrastructure in support of housing growth.</p> <p>Council strongly objects to the intent of Division 10.1 Ministerial enforcement powers, of the <i>Planning Bill 2013 – Exposure Draft</i>.</p> <p>This section of the exposure draft represents an issue of significant concern in that it empowers the Minister to intervene in the planning of infrastructure without the need for reference to the affected stakeholders. The clause would effectively enable the Minister to:</p> <ul style="list-style-type: none"> <li>- Direct Council to impose a contribution that would otherwise not be permissible under the very same legislation;</li> <li>- Determine what Council must accept as a material public benefit;</li> <li>- Identify where (or where not) contributions may be imposed;</li> <li>- Vary the value rate of indirect contributions, creating uncertainty for Council in forward planning of infrastructure using this methodology;</li> <li>- Stipulate when a development is to be completed i.e. the time within which contributions under the Act are to be applied;</li> <li>- Direct Council to use infrastructure contributions for a purpose other than that for which they were paid. This creates the potential for inconsistency in the standard upon which all Councils would otherwise be required to comply; and</li> <li>- Direct Council to make a joint contributions plan, without</li> </ul> |

| Issue | Council Comment   |
|-------|---|
|       | <p>consultation with the affected stakeholders.</p> <p>With regard to Division 10.1 and 10.3 of the <i>Planning Bill 2013 – Exposure Draft</i>, it is evident that the intent of the draft exposure Bill is to ensure that the office of the Minister is empowered to resume Council planning powers and exempt any determination made by any Court with regard to development contributions. Council questions the equity and merit of such an initiative. The intent may well have the undesired effect of marginalising communities in NSW, as a result of un-due influence subject to the discretion of the Minister.</p> <p>7.4 Infrastructure Contributions</p> <ul style="list-style-type: none"> <li>• Removal of capped contributions and introduction of benchmark rates for capital cost of essential works in local infrastructure contributions</li> </ul> <p>With regard to the essential list of infrastructure items, these definitions do not provide any certainty as to whether or not Council will be able to levy contributions towards the acquisition of land where required to provide such infrastructure. In some cases developers will be able to offset contributions via the dedication of land; however that is may not always be the case.</p> <p>If Council cannot raise funds via Local Infrastructure Plans to acquire land for future capital infrastructure to support new development, then other mechanisms need to be made available to Council either via raising rates revenue or access to funding raised by Regional Infrastructure Contributions.</p> <p>Concern is also raised that further definitions of local roads, local drainage works, open space and community facilities will be imposed by the regulations, practice notes or IPART. Those definitions could significantly limit the types of facilities Council can raise funding for under Local Infrastructure contributions. Significant community consultation will be undertaken to inform Local Plans and the subsequent infrastructure required for growing communities. There is the potential for a disconnect between what the community identifies as essential infrastructure in its Local Plan and what could be legislated or imposed by IPART. This is important as it may prevent Council from achieving the outcomes identified in the Local Plan and what is expected by the community.</p> <ul style="list-style-type: none"> <li>• Three year limit on holding contributions revenue</li> </ul> |

ORD06

Attachment 2

| Issue | Council Comment  |
|-------|--|
|       | <p>Council is also concerned that clause 7.9(4) of the <i>Planning Bill 2013 – Exposure Draft</i> enables the Minister to take contributions raised in one local government area and apply them to another local government area within the identified ‘sub-region’, without any provision to repay those funds back toward the local government area they were originally collected under. This is contrary to the intent of the White Paper, which states on p.164:</p> <p><i>“Parties should only pay for infrastructure that they will benefit from. When benefits are shared between groups, the distribution of costs should reflect this”.</i></p> <p>Chapter 7.5 Public Priority Infrastructure</p> <ul style="list-style-type: none"> <li>Public Priority Infrastructure projects are those determined by the State Government and identified in high level strategies such as the <i>State Infrastructure Strategy</i> and the <i>NSW Long Term Transport Master Plan</i></li> </ul> <p>The need for acknowledgment of significant projects defined as ‘Public Priority Infrastructure’ is supported. However, the criteria on which projects are so defined should be extended beyond sole identification in high level strategies. In the event that projects emerge that are not identified in these strategies, yet have an impact of equal value, a provision must be available to enable the project to be determined ‘Public Priority Infrastructure’.</p> <p>For example, the intent of early project definition should not be to focus on ‘how’ projects will proceed (at the expense of determining ‘if’ they will proceed), only to manage any impacts when they are identified later. Council is concerned as to whether in the event that significant issues are identified at mid-point or latter stages, the project would proceed regardless, given the extent of investment to that point.</p> <ul style="list-style-type: none"> <li>Declaration of Public Priority Infrastructure projects preclude the need for any further planning approval (other than environmental assessment)</li> </ul> <p>Council would not support the proposal that any project declared as ‘Public Priority Infrastructure’ will not require any further planning approval. Notwithstanding the significance of the subject projects, it is important that as part of any</p> |

| Issue | Council Comment   |
|-------|---|
|       | <p>subsequent planning approval process, that the affected stakeholders i.e. the community are afforded the opportunity to input into the planning approval process.</p> <p>For example, the White Paper indicates that projects identified in the <i>State Infrastructure Strategy</i> would not require any further planning approval (other than environmental assessment), given they would be designated as Public Priority Infrastructure. As the community have had little (if any, on occasion) input into the preparation of the aforementioned Strategy, any absence of a planning approval process will facilitate a by-pass of the stakeholders most likely affected. It is important therefore to ensure that appropriate measures are enshrined in the new planning system to safeguard the interests of both those whom will benefit, and be affected by Public Priority Infrastructure.</p> |

ORD06

Attachment 2

## 6. Building Regulation and Certification

| Issue   | Council Comment  |
|---|--|
| Improving Building Regulation and Certification | <p>Council supports a better quality building design approach and is also supportive of approving a 'concept' approach to development. However, to endorse a concept plan, this will need to be prepared by a suitable qualified consultant to ensure its viability. Council notes that the BPB will need to work closely with stakeholders to ensure this method of approval provides sufficient detail to allow the construction and use/occupancy of a development without any significant issues or requirement for amendments to plans.</p> <p>Council also supports the removal of the need for separate certifying authority for Construction Certificate and PCA as this leads to confusion for applicants and slows down the construction process. Additionally, the requirement to provide a BCA compliance certificate is also considered to be a positive step to progressing construction of a development and ensuring full compliance with BCA is achieved.</p>   |
| Better Construction Compliance                  | <p>Clearer delineation of the roles and responsibilities of Councils, and certifiers is supported by Council. The current system is not clear where Council's role begins and ends when works are being certified by a private certifier.</p> <p>Changes to mandatory inspections, by increasing inspections of all buildings at critical stages, including safety, structure, and sound insulation, is supported by Council. In addition, clarification and changes to documentation requirements at each stage is further supported to ensure compliance with relevant design standards prior to works commencing.</p> <p>Council also raises concerns with the ability of certain professionals accredited by the BPB to certify whether a modification is required. Whilst this is a positive step to minimising development delays there will need to be clear guidelines as to what constitutes a modification. In relation to managing unauthorised building work and missed inspections, Council acknowledges this as an issue but is concerned that this will make it difficult to rectify unauthorised work and potentially encourage inspections to be missed. Clarification on what the certain conditions and requirements are is requested.</p> <p>Council raises significant concerns with the proposal to allow a Subdivision Certifier to approve subdivision work and issue subdivision certificate for works which are to be dedicated to Council. The issue here relates to the long term maintenance of assets. Council strongly opposes the ability of a private certifier to certify works that will be dedicated to Council.</p> |



| Issue  | Council Comment   |
|--|---|
| Improving life cycle building performance and compliance | <p>Council supports the changes in principle to fire safety schedules however, Council requests that the proposed building manual which is to be issued with the Occupation Certificate and the executive summary of key building manual information should be a standard format used by both Council Certifiers and private certifiers to ensure consistency within the building industry.</p> <p>Council also requests that under the proposed changes, all existing fire safety measures should be listed on any compliance schedule and subsequently placed in the building manual as these form an integral part of the design of the overall building.</p> <p>Council raises concerns with the requirement for all class 1b-9 buildings will have to obtain and comply with a simplified building manual. Who will be responsible for this manual? Councils concern is that builders/owners/purchasers will rely on Council for this information. Clarity as to who will be responsible for this provision is required.</p> |
| Better support systems and governance                    | <p>Council welcomes the enhanced requirements on accredited certifiers including improving auditing and disciplinary action. Council also notes the requirement of ongoing education and training which will require time and financial resourcing.</p>   |

ORD06

Attachment 2



ORD07

## ORDINARY COUNCIL

ORD07

**SUBJECT: REQUEST FOR SPONSORSHIP - LIGHT UP CAMDEN 2013**  
**FROM:** Director Governance  
**BINDER:** Sponsorship

---

### PURPOSE OF REPORT

The purpose of this report is to advise Council of the Light Up Festival Committee's request for monetary support of the 2013 Light Up Camden event.

### BACKGROUND

Each year Argyle Street Camden plays host to the annual Light Up Camden event that celebrates the start of the Christmas season. For a number of years Council has donated \$5,000 annually from the Public Relations budget towards this event which is organised by the Camden Light Up Committee, a Sub-Committee of the Camden Chamber of Commerce. In 2011, Council resolved to provide an additional \$3,000 donation and an additional \$5,000 in 2012 towards the staging of the event from Consolidated Ward Funds.

### MAIN REPORT

The Light Up Camden event has been running for a number of years and brings together a large cross section of the community to celebrate the start of the Christmas season. The event has grown in popularity over the years and in 2012 it was estimated that crowd numbers were in the vicinity of 25,000. This is a huge increase on the estimated 9,000 who attended the 2010 Light Up Camden event. It is not possible to provide numbers for 2011 as the event was cancelled due to inclement weather.

The estimated attendance of 25,000 last year makes this event the second largest in the annual Events Calendar, with only the Camden Show surpassing those numbers.

Correspondence received from the Light Up Camden Festival Committee indicates that the move to a Saturday event was unanimously well received and that businesses in Camden reported an 'all time high' in trading. The additional two hours of the 2012 event also provided the opportunity to showcase performances of 300 children from 11 local schools as well as a number of local performers.

Council currently has a \$5,000 allocation in the Public Relations budget to be donated to the Light Up Camden event. In addition to the budget allocation, in kind support is also provided in the form of advertising and promotion via Council's weekly advertisement and Let's Connect.

This year the Chairperson of the Light Up Camden Festival Committee has written inviting Council to support the event as the Sole 2013 Co-Sponsor at a value of \$20,000. This level of sponsorship would provide major exposure for Council. However, if this level of sponsorship was not accepted, the correspondence requests that Council consider contributing the same level, \$10,000, as last year which would also provide acknowledgement of Council as a sponsor. **A copy of the**

---

correspondence from the Light Up Camden Festival Chairperson is provided with the Business Paper Supporting Documents.

### **GENERAL COMMENTS**

A separate request for sponsorship has also been received from the Narellan Chamber of Commerce and a report is being prepared for determination by Council at its next meeting.

As Camden continues to grow, it is possible that requests for financial assistance could be received from other organisations wishing to stage similar events within the Local Government Area. Council may wish to consider the option of one signature Light Up Event in the Camden LGA in a location to be determined. An example of this concept is the Tree Lighting event in Martin Place.

### **FINANCIAL IMPLICATIONS**

No additional money has been allocated in the 2012/13 budget for this increase in sponsorship. Council may wish to utilise money from its Consolidated Ward Funds, of which \$17,217.10 is available for use (as at 20 June 2013).

### **CONCLUSION**

It is considered that Light Up Camden is a large and worthwhile community event and the opportunity for Council to support it is worthy of consideration.

### **RECOMMENDED**

**That Council determine the matter.**

### **ATTACHMENTS**

1. Correspondence from Light Up Camden Festival Chairperson - *Supporting Document*



ORD08

## ORDINARY COUNCIL

ORD08

**SUBJECT: COUNCIL SEAL - RELEASE OF EASEMENTS - YOUNG CIRCUIT, ELDERSLIE**

**FROM:** Director Governance

**BINDER:** Council Properties - Easements

---

### PURPOSE OF REPORT

To obtain a Council resolution to affix the Council Seal to a plan of subdivision and/or the associated 88B instrument and dealing document for the removal of an easement to drain water, an easement for onsite detention and a restriction on the use of land that benefits Council.

### MAIN REPORT

The easements were created as part of DA 905/2004, specifically Stage 4A, Young Circuit, Elderslie. This stage of the subdivision created 16 residential lots, 1 residue lot, to be dedicated to Council, and 1 lot to be used as a drainage reserve (Lot 399 DP 1161921) **as shown in Attachment 2 to this report.**

The drainage reserve has been relocated to the adjoining lot, future Lot 1000 of DP 1160422, **as shown in Attachment 3 to this report**, which has been approved as part of DA 305/2007. Due to this relocation the easements and restriction on the use of the land have become redundant. It has always been intended that the easements would be made redundant following the relocation of the drainage reserve and subsequent conversion of the property into residential lots, prior to the release of the land.

The former drainage reserve, (Lot 399 DP 1161921) left vacant by the relocation has been converted into 3 residential lots with a further 2 lots completing the second stage of the subdivision, Stage 4A/2. An easement to drain water is proposed in the subdivision of Lot 399 which will benefit Lots 411 – 416 and Lot 400 **as shown in Attachment 4 to this report.** Council has assessed and approved the design of Stage 4A/2 and the drainage line has been constructed to allow for the upstream catchment to flow to the reserve at Lot 1000 DP 1160422 without restriction. Under this new easement, Council's right to drain water will be maintained.

The Subdivision Certificate has not been released for Stage 4A/2 and therefore the release of the current easements cannot occur until the proposed easement has been registered.

As the release of the subdivision will remove the easement to drain water, an easement for onsite detention and a restriction on the use of land that benefit Council, the Council Seal must be affixed to the plan of subdivision and/or the associated 88B instrument and dealing document in order for registration with the Land and Property Information Authority.

This is a procedural requirement and Council staff has investigated the existing and proposed easements and are satisfied all legislative requirements have been met.

---

## **FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

## **RECOMMENDED**

**That the Council seal be affixed to the Plan of Subdivision and/or the associated Section 88B Instrument and dealing document of Lot 399 DP 1161921 for the removal of an easement to drain water, an easement for onsite detention and a restriction on the use of land associated with Stage 4A, Young Circuit, Elderslie, upon the release of the Subdivision Certificates.**

## **ATTACHMENTS**

1. Site plan showing location of redundant easements
2. Deposited Plan showing redundant easement
3. Plan showing relocated drainage reserve
4. Plan showing easement to be created



ORD08

Attachment 1



Site plan showing location of redundant easements

This map has been prepared from Council records by the Land Information section. If you intend to rely on this information you should have this verified.  
Camden Council accepts no responsibility for any errors or omissions. This map should not be reproduced without the permission of Camden Council.

Scale: 1:1800 Printed Date: 14.06.13





Attachment 3  
ORD08



Sheet 1 of 1 sheets

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

PLAN FORM 2 (A2)

DRAFT ONLY  
SUBJECT TO FINAL SURVEY

**SCHEDULE OF SHORT & CURVED BOUNDARIES**

| No. | BEARING    | CHORD No. | BEARING    | CHORD |
|-----|------------|-----------|------------|-------|
| 1   | 384°55'40" | 6.655     | 181°53'40" | 5.655 |
| 2   | 194°55'40" | 6.655     | 341°27'15" | 3.035 |
| 3   | 149°55'40" | 1.56      | 335°50'40" | 4.355 |
| 4   | 151°27'15" | 4.535     | 239°55'40" | 5.655 |
| 5   | 341°27'15" | 2.335     | 281°55'40" | 5.655 |
| 6   | 284°55'40" | 5.655     | 335°49'40" | 2.54  |
| 7   | 149°55'45" | 2.5       | 190°22'45" | 5.655 |

- (E1) EASEMENT TO DRAIN WATER 1.5 WIDE
- (E2) EASEMENT TO DRAIN WATER 1.5 WIDE (D.P. 1159169)
- 'A' BENEFITED BY EASEMENT TO DRAIN WATER (D.P. 1109169)
- (E3) EASEMENT FOR UNDERGROUND CABLES 1 WIDE
- (E4) EASEMENT FOR PADMOUNT SUBSTATION 3.55 WIDE
- (R1) RESTRICTION ON THE USE OF LAND
- (R2) RESTRICTION ON THE USE OF LAND
- (E5) EASEMENT FOR ACCESS AND MAINTENANCE 0.8 WIDE
- (E51) EASEMENT FOR ACCESS AND MAINTENANCE 0.9 WIDE

D.P. 1160422  
DRAFT 28.02.13

LCA: CAMDEN  
Locality: ELDERSUE  
Subdivision No.:

PLAN OF SUBDIVISION OF  
LOT 4051 IN D.P. 1153052.  
Surveyor: IBA Woodall & Co.  
Vice-Chief Surveyors  
A-4719301 email: info@iba.com.au  
Date of Survey: xxxxxxxx  
Surveyor's Reference: 14835-10C





## ORDINARY COUNCIL

ORD09

**SUBJECT: ADOPTION OF THE 2013/14 RESOURCE STRATEGY, DELIVERY PROGRAM & OPERATIONAL PLAN (INCLUDING BUDGET)**

**FROM:** Director Governance

**BINDER:** 2013/14 Delivery Program

---

### PURPOSE OF REPORT

The purpose of this report is to adopt the revised Integrated Planning & Reporting Package - *Transforming Community Vision into Action*. The issues to be addressed are:

- Present to Council the results of the community engagement process and submissions received from the public regarding the Resource Strategy, Delivery Program and Operational Plan;
- Inform Council of the changes to the Resource Strategy, Delivery Program and Operational Plan since the package was placed on public exhibition;
- Adoption of the Resource Strategy, including the Asset Management Policy, Asset Management Strategy and Asset Management Plans, Workforce Plan and Long Term Financial Plan;
- Adoption of the 2013/14 Delivery Program, Operational Plan, Revenue and Pricing Policy (including the Fees and Charges Schedule);
- Adoption of a 3.40% rate increase under Section 506 of the *Local Government Act* in accordance with the allowable increase announced by IPART;
- Adoption of a 1.10% special variation rate increase under Section 508(2) of the *Local Government Act* in accordance with the increase approved by IPART.

As required under the *Local Government Act*, Council is also required to resolve the following:

1. Making of the rates and annual charges for 2013/14,
2. Authorisation of expenditure and voting of money for 2013/14.

### BACKGROUND

Council's Integrated Planning and Reporting package contains 4 key components:

1. Community Strategic Plan – *Camden 2040*,
2. Resource Strategy (comprising a Long Term Financial Plan, Asset Management Plans and a Workforce Plan),
3. Delivery Program spanning 4 years, and
4. Operational Plan representing Year 1 of the Delivery Program (including the 2013/14 Budget).



Council adopted its first Integrated Planning and Reporting package in June 2011, and is required under the *Local Government Act* to review all aspects of the package following each ordinary council election.

*Camden 2040* was reviewed in early 2013 following the election in September, which involved engaging with 1,300 residents. Council adopted the review of *Camden 2040* on 14 May 2013, following public exhibition.

The remaining elements of the package, namely the Resource Strategy and 2013/14-2016/17 Delivery Program incorporating the 2013/14 Operational Plan and Budget, were prepared in response to the community priorities identified in the review of *Camden 2040*. These were publicly exhibited from Friday 17 May to Friday 14 June 2013. These documents are now ready for formal adoption by Council.

These documents will next undergo wholesale review following the ordinary council elections in 2016.

### **MAIN REPORT**

The review of the Integrated Planning and Reporting package following each council election ensures that the community's vision and priorities remain current, and the associated delivery mechanisms (Resource Strategy and Delivery Program) continue to respond appropriately.

The Draft Resource Strategy and 2013/14 – 2016/17 Delivery Program and Operational Plan (including the 2013/14 Budget) were publicly exhibited from 17 May to 14 June 2013 inclusive. The exhibition was advertised in a local newspaper, and copies of the documents were made available on Council's website as well as at Council's Customer Service Centres (Narellan and Camden) and the Camden and Narellan Libraries.

### **FEEDBACK SUMMARY**

Three submissions were received during the period (of which, two related to the Draft fees and charges schedule and are discussed later in this report). **A copy of each of the submissions is provided in Supporting Documents.**

This submission made on the Draft Delivery Program focused on the management of the ibis population in Lake Annan, and the proposal that Council construct a footbridge across to the island, undertake remedial work on the island and install picnic facilities to enable its recreational use by residents. The submission proposes that this would assist in the management of the ibis population through the introduction of human activity, as well as providing a recreational attraction for the area.

Council adopted a Management Plan for the Australian White Ibis in Lake Annan in April 2013. This Management Plan acknowledges the ibis as a protected species under the National Parks and Wildlife Act, and the role of Lake Annan as a refuge colony. Given the protected nature of the white ibis Council has no intention to remove the population completely.

A range of management strategies are currently in place under the Management Plan to reduce the breeding and nesting opportunities so that the population might be reduced, thereby reducing the impact on local residents and environment. Council is currently in the process of reviewing the broader Plan of Management for Lake Annan. The submission will be considered as part of this review.

**FINANCIAL IMPLICATIONS**

**2013/14 OPERATING PLAN & BUDGET**

The Draft 2013/14 Budget has been amended to include expenditure revotes which were identified as part of the March Review of the 2012/13 Budget (Council Resolution ORD 122/13 – 28/05/2013).

There have been no other changes to the Draft 2013/14 Budget since its adoption for the purpose of public exhibition. A summary of Council's budget is provided in the following table:

| Total Cash Budget                   | 2013/14 Draft Budget | 2013/14 Amended Budget | Variation (Revotes) |
|-------------------------------------|----------------------|------------------------|---------------------|
| Gross Expenditure                   | \$142,669,800        | \$148,951,200          | \$6,281,400         |
| Less:                               |                      |                        |                     |
| Works In-Kind Land & Infrastructure | \$40,404,600         | \$40,404,600           | \$0                 |
| Non Cash Funded Depreciation        | \$15,599,500         | \$15,599,500           | \$0                 |
| <b>Net Cash Budget Expenditure</b>  | <b>\$86,665,700</b>  | <b>\$92,947,100</b>    | <b>\$6,281,400</b>  |

Council's budget position for the 2013/14 financial year remains a balanced budget.

**Proposed Special Rate Variation & Community Infrastructure Renewal Program**

Council was advised by IPART on 11 June 2013 that its application for a 1.10% special rate variation for the purposes of Community Infrastructure Renewal was successful. The 1.10% special rate variation is a one-off increase in rates for a period of 6 years. Council will be required to reduce its rates by an equivalent amount of income in the 2019/20 rating year.

The approved special rate increase will be used to part-fund the continuation of the Community Infrastructure Renewal Program, which is a \$6 million program aimed at addressing the increase in Council's infrastructure renewal backlog. The program is to be completed over a 6 year period and is funded as follows:

| Community Infrastructure Renewal Program Continuation | Funding            |
|---|--------------------|
| Special Rate Variation (includes growth)              | \$2,500,000        |
| Low Interest Loan (State Government)                  | \$2,000,000        |
| Internal Cash Reserves                                | \$1,500,000        |
| <b>Total Program Funding</b>                          | <b>\$6,000,000</b> |

At the time of preparing this report, Council had not received advice from the Division of Local Government regarding its application under the Local Infrastructure Renewal Scheme (LIRS) for a \$2 million low-interest loan for the purposes of infrastructure renewal. An announcement is expected by late June 2013. If Council is unsuccessful in its application under this scheme, Council will need to consider alternative funding sources to maintain a \$6 million program, or consider reducing the scope of the program.

Expiry of the 2010 Approved Special Rate Variation

It is important to note that the current approved special rate variation of 4.50%, which was approved in June 2010, is due to expire 30 June 2013. As advised by the Division of Local Government, Council is required to reduce its general rate income by \$1,307,510 before the 2013/14 rates are levied. Council may then apply the new one-off special rate variation of 1.10% which will remain in place for 6 years generating \$2.5 million.

Loan Borrowings Program

As part of formally adopting the 2013/14 budget, Council is required to endorse the level of proposed loan borrowings. Council was advised on the 14 May 2013 of the intention to introduce a loan reduction program for recurrent loan borrowings in the 2013/14 budget.

The aim of the loan reduction program is to gradually phase out Council's reliance on its recurrent loan borrowing (currently \$1.6 million per annum) over the next 10 years. This program will generate interest savings of approximately \$1.7 million over the next ten years.

It is proposed to reduce the level of loan borrowings for 2013/14 to \$1.35 million, which will be used to part-fund Council's Road Reconstruction Program.

Reserve Transfers

In adopting the 2013/14 budget for the purpose of public exhibition, Council endorsed a range of reserve transfers which are required to be formally adopted as part of this report. The following table details these transfers:

| Transfers from Reserve         | Amount      | Reason  |
|--------------------------------|-------------|---|
| Central Admin Building Reserve | \$1,000,000 | This allocation has been committed by Council to part fund the continuation of the Community Infrastructure Renewal Program.  |
| Capital Works Reserve          | \$500,000   | This allocation has been committed by Council to part fund the continuation of the Community Infrastructure Renewal Program.  |
| Capital Works Reserve          | \$150,000   | Additional funds are required to purchase a drainage truck. This purchase is not a replacement vehicle and therefore cannot be funded from Council's plant replacement reserve.                     |
| Camden Town Centre Reserve     | \$50,000    | Funds are required to review/update the 2008 Camden Town Centre Strategy.   |
| Water Savings Action Reserve   | \$13,900    | Funds will be used to implement a range of water saving initiatives.  |
| Transfers from Reserve         | Amount      | Reason  |
| Asset Renewal Reserve          | \$179,500   | The purpose of this allocation is to establish the Asset Renewal Reserve. This reserve will be used to fund future works required for the replacement / renewal of ageing community infrastructure. |
| Working Funds Reserve          | \$11,800    | This reserve transfer will be used to fund the minor budget deficit identified in the 2014/15 budget (Year 2 of the Delivery Program).  |

---

### Creation of the Asset Renewal Reserve

In adopting the 2013/14 budget for the purpose of public exhibition, Council endorsed the creation of the Asset Renewal Reserve. Council is now required to formally approve the creation of this reserve as part of this report.

Over the next 4 years of the Delivery Program, it is proposed to transfer a total of \$698,800 to this reserve. The amount transferred to this reserve each year will be considered by Council as part of adopting the annual Operational Plan. The transfer to this reserve for 2013/14 is \$179,500.

As part of the March Review of the 2012/13 budget, Council approved a transfer to the Asset Renewal Reserve of \$53,417. The total balance in this reserve after the 2013/14 reserve transfer will be \$232,917.

Funds from this reserve should only be used for the replacement and/or maintenance of existing assets. The reserve should not be used for asset upgrades, the building of new assets or for operational purposes.

Coupled with the recent approval of the continuation of the Community Infrastructure Renewal Program, the creation of this reserve will further strengthen Council's ability to address the renewal of ageing community infrastructure in a timely and responsible manner.

### Changes to the Draft Schedule of Fees and Charges

The Draft 2013/14 Fees and Charges have been prepared on the basis of a 5.00% increase over the prior year unless specific statutory or other reasons warrant a different percentage increase. There were two (2) submissions made during the public exhibition period. Three amendments are required to the Draft Fees & Charges Schedule.

#### 1. Camden Town Farm – Produce Market Stall Fees (GST Inclusive)

Council received two (2) submissions from residents regarding the increase in fees for the hire of stalls at the Camden Town Farm produce markets. Specifically, the residents objected to the increase in stall space hire (without power) of \$11.00 to \$13.75 and the increase in stall space hire (with power) of \$16.50 to \$19.25.

These fee increases were inconsistent with the proposed fees & charges recommended by the Camden Town Farm 355 committee, which recommended a smaller increase of \$12.10 for stall space hire (without power) and \$18.15 for stall space hire (with power).

It is recommended that Council amend the fee increase for both of these charges to \$12.10 for stall space hire (without power) and \$18.15 for stall space hire (with power).

#### 2. Mount Annan Leisure Centre – Better Body Challenge (GST Inclusive)

A fee was erroneously omitted from the Draft Fees and Charges under the Community & Recreation Facilities section. The fee will be applied to members and non-members of the Mount Annan Leisure Centre who enrol in the Better Body Challenge Fitness program. The program enrolment fee will be \$29.50 per fortnight for members and \$45.00 per fortnight for non-members.

It is recommended that the fee be included within the adopted Schedule of Fees and Charges.

### 3. Mount Annan Leisure Centre – Peak Fitness Program (GST Inclusive)

A fee was erroneously omitted from the Draft Fees and Charges under the Community & Recreation Facilities section. The fee will be applied to members of the Mount Annan Leisure Centre who participate in the Peak Fitness program. The program fee will be \$15.00 per visit.

It is recommended that the fee be included within the adopted Schedule of Fees and Charges.

### 2013/14 List of Unfunded Works & Services

At the March Quarterly Review of the 2012/13 budget, Council was advised that as part of presenting the results of the public exhibition process of the Draft 2013/14 to 2016/17 Delivery Program and Operational Plan, a revised list of unfunded works and services would be presented to Council.

**The revised list of unfunded works and services is attached in Supporting Documents.**

### **RATES & CHARGES FOR 2013/14 AND AUTHORISATION OF EXPENDITURE**

Rates and charges must be made by resolution of Council. In moving the adoption of the appropriate resolution, it is necessary to note that under the *Local Government Act, 1993*:

- All Councils are required to levy a separate Domestic Waste Management Charge. This charge must reflect the reasonable cost of providing the service as general rate revenue cannot be used to finance domestic waste management services;
- Revenue derived from domestic waste management services must be accounted for as a distinct activity from any trade waste or other waste service activity;
- Ratepayers who become eligible for pensioner concessions during the course of the year will become entitled to claim a proportionate rebate of their rates;
- Pension ratepayers who sell their land or lose eligibility for this concession will lose entitlement to a proportion of any previously granted rebate;
- Quarterly rate billing of each instalment must be given unless a ratepayer has, of course, paid their rates in full;
- Interest charges on overdue rates will only be applied to an overdue instalment;
- Interest charges on overdue instalments will be calculated on a daily basis;
- Rate instalments become payable on prescribed dates;
- Ratepayers who fail, for any reason, to pay an instalment on time will not be required to pay the balance of annual rates assessed immediately and will not be prevented from paying by quarterly instalments; and



- The rate of interest on overdue rates and charges is fixed by the Minister for Local Government pursuant to Section 566 of the *Local Government Act, 1993*. The Minister for Local Government has determined that the maximum rate of interest payable on overdue rates and charges for the 2013/14 rating year is 9%.

#### Authorisation of Expenditure

In relation to the authorisation of expenditure, Regulation 211 of the *Local Government (General) Regulation, 2005 to the Local Government Act 1993* provides:

- A Council, or a person purporting to act on behalf of a Council, must not incur a liability for the expenditure of money unless the Council at the annual meeting held in accordance with subclause (2) or at a later ordinary meeting:
  - a) has approved the expenditure; and
  - b) has voted the money necessary to meet the expenditure.
- A Council must each year hold a meeting for the purpose of approving expenditure and voting money.

#### **2013/14 RATING POLICY**

##### Rating Income

Council has agreed to maintain its current rating structure and as such:

1. Council has the following categories/sub-categories for rateable land in the Camden Local Government Area:

Residential  
Business  
Farmland Intensive  
Farmland Ordinary

2. up to 50% of total rates will be raised by a base amount on all rateable assessments and such charge be the same for each category/sub-category.
3. that the ad-valorem rate for each category/sub-category be based on the following rating mix:

|                    |     |   |
|--------------------|-----|---|
| Residential        | 1.0 |   |
| Business           | 2.7 | (i.e. 2.7 times the residential ad-valorem rate)  |
| Farmland Intensive | 0.9 | (i.e. 0.90 times the residential ad-valorem rate) |
| Farmland Ordinary  | 0.5 | (i.e. half the residential ad-valorem rate)       |

4. based on the above rating categories, the ad-valorem rates and base charges would be charged as follows:

| Rate Category      | Base Charge | Ad-Valorem Rate |
|--------------------|-------------|-----------------|
| Residential        | \$615.00    | 0.232745        |
| Business           | \$615.00    | 0.628412        |
| Farmland Intensive | \$615.00    | 0.209471        |
| Farmland Ordinary  | \$615.00    | 0.116373        |

The above base charge and ad-valorem includes the permissible increase in rate income of 3.40% and special variation approved by IPART of 1.10%, resulting in an overall increase in rate income of 4.50%.

In accordance with Section 508(2) of the Local Government Act, the special variation approved in 2010/11 of 4.50% which expired on 30 June 2013 has been removed from general rate income.

The change in the ad-valorem from council's draft Revenue Policy is largely a result of recognising additional rateable assessments from land releases in new release areas throughout the LGA. The subsequent budget adjustment relating to this change will be reported to Council at the first quarterly review (September) of the 2013/14 budget.

Waste Management Service Charges

The proposed 2013/14 Domestic Waste Service charges range from a base amount of \$107.30 for vacant properties to \$501.90 for 240 litre bins, reflecting an increase of 6.00% on 2012/13 charges. The most used service, the 120 litre urban service will increase by \$16.40 per annum.

The increase is a result of an increase in operational costs incurred by the waste management service due to inflation and operational conditions such as fuel costs and waste disposal fees. It should be noted that 2.00% of this increase relates to the impact of the carbon tax on disposal costs.

The complete list of bins available can be found in Council's Fees and Charges and will be recommended for adoption as the 2013/14 annual charges.

Merchant Service Fees

The 2013/14 Revenue and Pricing Policy introduces the on-charging of the merchant service fee on credit card transactions. The on-charging of the fee is on a cost recovery basis. Council will not make a profit from its introduction. The fee will range from 0.495% to 0.693% and will depend on the credit card provider.

The fee will become effective from 1 July 2013. All residents/customers will be notified through various means of advertising including rate notices and signs on the customer service counters. All customers will be advised before they complete any transaction that the use of a credit card incurs a transaction fee.

The introduction of this fee means that residents will no longer be subsidising customers who choose to use a credit card as their preferred method of payment for fees and charges.

### Stormwater Management Levy

Council has taken the approach that this levy should be used to fund the ongoing maintenance and cleaning costs of drainage infrastructure, and improve the quality of water flowing into our streams and rivers. It is proposed that there be no change to the Levy for the 2013/14 Program Budget.

#### 1. Annual Charge for stormwater management services

The levy is to be charged as follows:

- a) for land categorised as residential - \$20.
- b) for residential Strata lots - \$10 (50% of the adopted charge as applied to residential properties).
- c) for land categorised as business - \$20 (per 700 square metres or part thereof, the business levy is capped at \$1,000).
- d) for business strata complexes - \$20 (per 700 square metres or part thereof. The cost is then divided on a pro-rata basis between the lots. The business strata levy is capped at \$1,000 for each individual parcel).

#### 2. Exemptions from the Levy

The following exemptions apply to the Stormwater Management Levy

- Land exempt from rating under the *Local Government Act 1993*.
- Vacant Land (as defined under the *Local Government (General) Amendment (Stormwater) Regulation 2006*).
- Land owned by the Dept of Housing.
- Some land managed under the *Aboriginal Housing Act*.
- Pensioners (see below).

Ratepayers who currently receive a pension rebate will be exempt from this levy providing they qualify for the pension rebate at 1 July of any given rating year.

#### 3. Stormwater Management Levy Program of Works

The Stormwater Management Levy will generate approximately \$404,400 in the 2013/14 financial year. Council will need to adopt the program of works as part of this report. Further details of the works to be funded from the levy can be found under the Revenue Policy Section of the Operational Plan, Pages 12-17.

### CONCLUSION

Under the Integrated Planning and Reporting Requirements of the *Local Government Act* Council is required to review its Integrated Planning and Reporting Package following each ordinary election. Council's Community Strategic Plan, *Camden 2040*,



was reviewed in early 2013 following engagement with 1,300 residents and visitors to the area. The reviewed *Camden 2040* was adopted by Council on 14 May 2013.

The remaining elements of the Integrated Planning and Reporting Package, namely the Resource Strategy and 2013/14-2016/17 Delivery Program incorporating the 2013/14 Operational Plan and Budget, were prepared in response to the community priorities identified in the review of *Camden 2040*. These were publicly exhibited from Friday 17 May to Friday 14 June 2013.

Three submissions were received during this period, of which two submissions related to the Draft Fees and Charges schedule. The submission for the management of the ibis population is an activity in the Delivery Program, which involves implementing the recently adopted Management Plan for the Ibis Population in Lake Annan. The proposal in the submission to enable human recreational activity on the island will be considered as part of the current review of the broader Plan of Management for Lake Annan.

The Resource Strategy and 2013/14-2016/17 Delivery Program are now ready for formal adoption by Council. This will satisfy Council's Integrated Planning and Reporting Requirements under the *Local Government Act*.

**RECOMMENDED**

**That Council:**

- i. adopt the Resource Strategy; including Asset Management Policy, Asset Management Strategy and Asset Management Plans, Workforce Plan and Long Term Financial Plan;**
- ii. adopt the 2013/14 - 2016/17 Delivery Program & Operational Plan;**
- iii. adopt the 2013/14 Budget and Revenue Policy as set out below:**
  - **expenditure totalling \$148,951,200 as summarised in the 2013/14 Operational Plan and Program Budget and that the funds to cover such expenditure be voted;**
  - **the 2013/14 List of unfunded Works and Services,**
  - **the 2013/14 Fees and Charges, including those amendments proposed within this report,**
  - **the introduction of on-charging of Merchant Service Fees on credit card transaction,**
  - **the continuation of the Stormwater Management Levy as outlined in this report and program of works in the 2013/14 Operating Plan,**
  - **approve the level of loan borrowings identified within the 2013/14 budget of \$1,350,000 to part-fund Council's road reconstruction program and the adoption of a Loan Reduction Program for recurrent loan borrowings,**
  - **adopt the creation of an Asset Renewal Reserve,**
  - **approve the following reserve transfers:**

| <b>Transfers from Reserve</b> | <b>Amount</b> |
|-------------------------------|---------------|
|-------------------------------|---------------|

|                                |             |
|--------------------------------|-------------|
| Central Admin Building Reserve | \$1,000,000 |
| Capital Works Reserve          | \$650,000   |
| Camden Town Centre Reserve     | \$50,000    |
| Water Savings Action Reserve   | \$13,900    |
|                                |             |
| <b>Transfer to Reserve</b>     |             |
| Asset Renewal Reserve          | \$179,500   |
| Working Funds Reserve          | \$11,800    |

- reduce general rate income by \$1,307,510, which represents the expiration of the special rate variation (approved June 2010), as at 30 June 2013;
- adopt a 3.40% rate increase under Section 506 of the *Local Government Act*, in accordance with the allowable increase announced by IPART,;
- adopt a one-off 1.10% special variation rate increase under Section 508(2) of the *Local Government Act* for a period of six years in accordance with the increase approved by IPART;
- adopt the following ad-valorem rates to be levied on the land value of all rateable assessments for 2013/14 financial year:

| Rate Category      |          |
|--------------------|----------|
| Residential        | 0.232745 |
| Business           | 0.628412 |
| Farmland Intensive | 0.209471 |
| Farmland Ordinary  | 0.116373 |

- in accordance with Section 537(b) of the *Local Government Act, 1993*, note the percentage of base amount to total yield for the 2013/14 financial year for each class of rate is:

| Rate Category      |        |
|--------------------|--------|
| Residential        | 48.83% |
| Business           | 12.95% |
| Farmland Intensive | 25.24% |
| Farmland Ordinary  | 23.40% |

- adopt a base amount of \$615.00 to be levied for each rateable assessment for the 2013/14 financial year,
- adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 9.00%; and

iv. formally thank those who made submissions.

ATTACHMENTS

1. Unfunded Works & Services List - *Supporting Document*
2. Public Submissions - *Supporting Document*