



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**27 June 2017**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



## COMMON ABBREVIATIONS

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

General Manager  
Ron Moore      Mayor  
Lara Symkowiak

Director Customer and Corporate Services  
David Reynolds

Manager Governance and Corporate  
Services  
Charles Weber

Director Planning and Environmental Services  
Nicole Magurren

Director Community Infrastructure  
Vince Capaldi

# SEATING DIAGRAM

Camden Council Meeting

Councillor  
Rob Mills

Councillor  
Theresa Fedeli

Councillor  
Peter Sidgreaves

Councillor  
Michael Morrison

Councillor  
Ashleigh Cagney

Councillor  
Eva Campbell

Councillor  
Paul Farrow

Councillor  
Cindy Cagney

Public Address

Public Seating

Media





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# ORDINARY COUNCIL

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## ORDINARY COUNCIL

SUBJECT: PRAYER

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### PRAYER

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

Amen

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

Amen

\*\*\*\*\*

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

Amen

\*\*\*\*\*

### AFFIRMATION

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

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

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

\*\*\*\*\*

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

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

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## **ORDINARY COUNCIL**

**SUBJECT:       ACKNOWLEDGEMENT OF COUNTRY**

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



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## ORDINARY COUNCIL

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the *Local Government Act 1993*, be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.



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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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

### **RECOMMENDED**

**That leave of absence be granted.**





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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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

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

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

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

### **RECOMMENDED**

**That the declarations be noted.**



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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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The Public Address session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

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

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

### **RECOMMENDED**

**That the public addresses be noted.**



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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 13 June 2017.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 13 June 2017, copies of which have been circulated, be confirmed and adopted.**



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## **ORDINARY COUNCIL**

**SUBJECT:       MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).



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## ORDINARY COUNCIL

### ORD01

**SUBJECT: PROPOSED REGISTERED CLUB, ANCILLARY BOTTLE SHOP, SIGNAGE AND ASSOCIATED SITE WORKS - 61-73 RODEO ROAD, GREGORY HILLS**

**FROM:** Acting Director Planning and Environmental Services

**TRIM #:** 17/170440

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**APPLICATION NO:** 648/2016  
**PROPERTY ADDRESS:** 61-73 Rodeo Road, Gregory Hills  
**APPLICANT:** Capital Syndications Pty Ltd  
**OWNER:** Moorebank Sports Club

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a proposed registered sports club, ancillary bottle shop, signage and associated site works at 61-73 Rodeo Road, Gregory Hills.

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

### SUMMARY OF RECOMMENDATION

That Council determine DA 648/2016 for a proposed registered sports club, ancillary bottle shop, signage and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 648/2016 seeks approval for a proposed registered sports club, ancillary bottle shop, signage and associated site works.

Specifically the proposed development involves:

- Proposed two storey registered community sports club with a total gross floor area of 3063m<sup>2</sup> and total public floor area of 1732.54m<sup>2</sup>;
- Capacity for 1,712 patrons;
- Employment of 150 staff with 50 staff on the premises at one time;
- Proposed bistro, café, bar areas, internal dining, and lounge areas;
- Alfresco dining area on the northern side of the club;
- Indoor and alfresco gaming areas;
- Children's play area;



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- Ground floor reception areas;
  - Office and administration areas;
  - Ancillary retail bottle shop;
  - Cool rooms, bulk storage, kitchen, water and waste services workshop, waste room and loading dock;
  - Car parking for 369 vehicles, six motorcycle spaces and 20 bicycle spaces;
  - Taxi rank and vehicle drop off zone ancillary to the main foyer;
  - Signage; and
  - Associated site works.

The proposed operating hours for the club are:

Sunday to Wednesday – 10:00am to 11:00pm

Thursday – 10:00am to midnight

Friday – 10:00am to 3:00am

Saturday – 10:00am to 2:00am

The proposed restaurant closing times:

Sunday to Thursday – 9:00pm

Friday and Saturday – 9:30pm

The capital investment value of the works is \$12.6 million.

The proposal does not nominate the total number of gaming machines. A licence for gaming machines is required to be obtained from Liquor and Gaming NSW. DA approval for the number of gaming machines is not required.

**A copy of the proposed plans is provided as an attachment to this report.**

### **THE SITE**

The site is commonly known as 61-73 Rodeo Road, Gregory Hills and is legally described as Lot 1000 DP 1214963.

The site has a frontage of 71.5m to Gregory Hills Drive and 105m to Rodeo Road and has a maximum depth of 134m. The site has an overall area of 1.4ha. The site is currently vacant, is clear of vegetation and has a fall of 2.5m from the west to the east.

The subject site is located within the Turner Road employment area of the South West Growth Area. The subject site is presently bounded by the Turner Road business park to the north and west, a riparian corridor to the east and south and industrial development to the southeast.



**KEY DEVELOPMENT STATISTICS**

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

Clause	Standard	Proposed	Compliance
<b>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>			
4.3 Height of Buildings	Maximum permitted building height of 15m for land that has frontage to Gregory Hills Drive.	Proposed maximum building height of 10.5m.	Yes
6.1 Public Utility Infrastructure	Appropriate public utility infrastructure to service the development.	Services are available to the subject site. A standard condition is recommended that requires services to be connected prior to the issue of an occupation certificate.	Yes
<b>Turner Road Development Control Plan 2007 (2016 as amended)</b>			
2.1 Indicative Layout Plan	Development to be consistent with Figure 2 – Indicative Layout Plan (ILP) <b>(See attachment).</b>	The site is identified to be business development on ILP. The proposal is consistent with the ILP.	Yes
2.5 Hierarchy of	Development to be consistent with Table 1.		



Centres and Employment Areas	<p><u>Table 1</u> Requires the Turner Road business development area to provide for bulky goods retail, business premises, light industry, warehouse and distribution and small scale retail.</p>	The proposed club will provide a significant business activity within the Turner Road employment area that will provide employment opportunities to residents of the surrounding locality.	Yes
6.6 Bushfire Hazard Management	<p>Subject to detailed design at DA stage, the indicative location and widths of the required asset protection zones (APZ) are to be provided generally in accordance with Figure 24 (15m APZ) (<b>See attachment</b>):</p> <ul style="list-style-type: none"> <li>- Are to be located wholly outside of a core riparian zone (CRZ) but may be located within the buffer areas to the CRZs,</li> <li>- Are not to increase the maintenance burden on public lands, and</li> <li>- Buildings adjacent to APZs are to be constructed in accordance with the requirements of Appendix 3 of <i>Planning for Bushfire Protection 2006 (PBP 2006)</i> and <i>Australian Standard 3959-1999 - Construction of Building in Bushfire Prone Areas</i>.</li> </ul>	<p>The subject site is identified to be bushfire affected and is identified in Figure 24 to require a 15m APZ. A bushfire report was submitted with the DA to confirm that the proposal complies with PBP 2006 and relevant Australian Standards.</p> <p>A 15m APZ has been nominated on the plans and identified in the bushfire report. The APZ is located entirely within the subject site and will not increase maintenance on public land.</p>	Yes
6.10 Acoustics	Commercial developments to comply with Council's Environmental Noise	The acoustic report submitted in support of the proposed development confirms	Yes





	Policy (ENP).	the proposal complies with Council's ENP. The report assesses noise sources associated with the club from patrons utilising the internal areas of the club as well as the car park area. A condition is recommended to ensure that the development complies with the acoustic report.	
8.2 Stormwater and Construction Management	Stormwater concept plan is required which complies with relevant stormwater targets and Council's engineering specification.	A stormwater plan has been submitted with the DA. Council staff have assessed this plan and are satisfied that the proposal complies with the Engineering Design Specifications and stormwater targets.	Yes
8.6 Safety and Surveillance	Buildings should be designed to overlook streets, lanes and other public or communal areas to provide casual surveillance.  Developments are to avoid creating areas for concealment and blank walls facing the street.  All developments are to incorporate the principles of <i>Crime Prevention Through Environmental Design</i> (CPTED).	The club is designed to provide surveillance to Gregory Hills Drive, Rodeo Road and the adjoining riparian corridor.  The building has been articulated to incorporate glazing screened with timber battens to enhance the architectural merit on each elevation.  A CPTED report was submitted with the DA. The DA was referred to the Camden Local Area Command who has identified the site as a 'low crime risk' and identified the proposed as acceptable.	Yes  Yes  Yes
B3.1 Land Uses	Development is to be undertaken generally in accordance with the preferred land use plan in Figure 2 ( <b>see attachment</b> ) which identifies the site as for bulky good or highway	The proposal is considered to be compatible with its surroundings and is consistent with the control's objectives which is to seek 'to provide for a range of	Yes



	<p>retail land uses.</p> <p>Active uses that provide visual interest are to front Gregory Hills Drive.</p>	<p>employment generating developmen' and 'to maximise opportunities for local employment.' The proposed land use therefore achieves the intent of this control.</p> <p>The proposed development will provide a visually interesting frontage to Gregory Hills Drive.</p>	<p>Yes</p>
<p>B3.4 Public Domain and Interface Area</p>	<p>CPTED principles to be incorporated into the design of the development.</p>	<p>A CPTED assessment has been submitted as part of the DA which is satisfactory.</p>	<p>Yes</p>
	<p>Developments along Gregory Hills Drive to provide visual interest through active frontages and articulated building facades, have high quality landscaping not dominated by parking areas, emphasise entry points and corner elements, and avoid long expanses of blank walls.</p>	<p>The proposed development is compliant with this criteria in that it provides a sufficiently active and visually interesting façade, high quality landscaping, addresses and emphasises the corner of Gregory Hills Drive/Rodeo Road and avoids the use of blank walls.</p>	<p>Yes</p>
	<p>Developments along Riparian Corridors and Open Space Links:</p> <p>Minimum setback to the boundary of the riparian corridor or open space land of 2.0m.</p>	<p>A 19m setback is provided to the boundary of the riparian corridor.</p>	<p>Yes</p>
	<p>Building facades directly facing the riparian corridor or open space land shall be both structurally and visually articulated to avoid the appearance of unduly long unbroken walls. Where possible, openings shall be provided in facades</p>	<p>The building façade has been activated with glazing and doors leading out from the dining area. There are some retaining walls and landscaping which will provide passive surveillance.</p>	<p>Yes</p>



	fronting riparian corridors or open space areas to provide passive surveillance of the open space land.		
B3.5 Site Planning	5m setback required from Gregory Hills Drive.	5m setback provided to Gregory Hills Drive.	Yes
	2m to riparian corridor and rear setback.	19m provided from the building to the riparian corridor boundary.	Yes
	3m to Rodeo Road.	3m setback provided to Rodeo Road.	Yes
	Front setbacks are to be landscaped.	The building setbacks along each of the two road frontages will be appropriately landscaped.	Yes
	Parking area to be broken up by landscaping. Provide convenient, safe and comfortable pedestrian access to the building entrance.	The parking area has been provided with dense landscaping which adequately screens the parking from both street frontages. Safe pedestrian access to the building entrance has been provided.	Yes
	Provide on-site stormwater detention (OSD) which complies with Table 10 of Part A.	An appropriate on-site stormwater detention system has been proposed as part of this development.	Yes
B3.6 Building Design	Scale and massing of buildings to reinforce urban character of the precinct. Larger scale buildings or building elements should be used to signify prominent corners and activity nodes.	The proposed development's scale and massing is suitable for the desired character of this area. The prominent Gregory Hills Drive/Rodeo Road corner has been sufficiently articulated.	Yes
	Facades visible from the public domain are to include a high proportion of glazing and be provided with architectural articulation	All of the facades visible from the public domain will contain a high proportion of glazing and be articulated through a	Yes



	<p>Blank building facades facing the primary street frontage are not permitted.</p> <p>Glazing shall not exceed 20% reflectivity</p> <p>The use of metal cladding is discouraged on front elevations, unless it can be satisfactorily demonstrated that it forms part of an architectural design.</p> <p>Sun shading for west facing windows, articulated roof forms, emphasis of customer entries and the use of high quality materials and finishes.</p> <p>Rooftop structures (plant), where visible from the public domain, are to be incorporated into the design of the building to create an integrated appearance.</p>	<p>variety of building materials and landscaping.</p> <p>No blank building facades are proposed facing the primary street frontage.</p> <p>A standard condition is recommended to address this matter.</p> <p>Metal cladding is not proposed.</p> <p>A condition is recommended that requires sun-shading devices to be provided along the building's western elevation. The proposed roof form will be articulated and the entries emphasised. High quality materials and finishes have been proposed.</p> <p>A standard condition is recommended to ensure that roof mounted equipment shall be integrated into overall design of the building and not appear visually prominent from any public view.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
B3.7 Employment Operations	<p>Access, parking and loading to be in accordance with Camden DCP 2011.</p>	<p>The proposed development complies with Section B5.1 of the Camden DCP with regards to access, parking and loading/unloading.</p>	<p>Yes</p>



	<p>The DA must detail the operating hours, delivery details and lighting details.</p> <p>The DA should provide proposed locations of external light sources and extent of light spillage outside of the subject property.</p>	<p>The DA has provided sufficient information regarding these matters.</p> <p>A standard condition is recommended to ensure that a detailed lighting plan shall be submitted prior to the issue of a construction certificate. The lighting must comply with AS 4282 and AS 1158.</p>	<p>Yes</p> <p>Yes</p>
B3.9 On Site Landscaping	<p>Front setbacks are required to be landscaped.</p> <p>A concept landscaping plan is to be provided with the DA and native landscaping is to be used where possible.</p>	<p>The front setbacks will be adequately landscaped.</p> <p>A satisfactory landscaping plan has been submitted with the DA. Native landscaping has been utilised where possible.</p>	<p>Yes</p> <p>Yes</p>
<b>Camden Development Control Plan 2011</b>			
B4.1 General Requirements for Signs	Signs to not detract from amenity/character.	The proposed signs will not detract from the amenity/character of the area.	Yes
	Signs must relate to land use on the site.	The proposed signs will identify the building and its use.	Yes
	Signs must be displayed in the English language.	The proposed signs will be displayed in the English language.	Yes
	Signs must be maintained in good repair and in a clean and tidy condition.	A standard condition is recommended to address this matter.	Yes
	Signs must be located wholly within the property boundaries.	The proposed signs will be located wholly within the property boundaries.	Yes
	Signs must be in scale with development on the site and in the vicinity.	The proposed signs are in scale with the proposed building.	Yes
	Signs must reflect and relate to the land use and building design, colour and style and be in keeping with the design of associated buildings and he	The proposed signs reflect, relate to and are in keeping with the proposed buildings and the character of the area.	Yes



	character of the area.		
B4.4 Commercial and Mixed Use Zones	The total combined display area of signage on the site must not exceed 20% of the visible wall area.	The total combined display area of signage on the site will not exceed 20% of the visible wall area.	Yes
	The numbers of signs must not exceed two per elevation.	A maximum of one sign on two different elevations is proposed.	Yes
	Signs must be located wholly within the property boundaries.	The proposed signs will be located wholly within the property boundaries.	Yes
	Signage illumination must comply with AS 1148 and AS 4282.	A standard condition is recommended to address this matter.	Yes
B5.1 Off Street Car Parking Rates/ Requirements	<p><u>Registered Club</u> One car parking space per 5m<sup>2</sup> GFA of lounge, beer garden, auditorium, billiard room, restaurant, plus 25 car parking spaces per 100m<sup>2</sup> of remaining public floor area. (includes kids club)</p> <p><u>Retail Premises/Shop/Kiosk</u>  Less than 200m<sup>2</sup> – One car parking space per 30m<sup>2</sup> GFA.</p> <p>One bicycle and one motorcycle space per 25 car parking spaces in excess of the first 25 car parking spaces.</p>	<p>Total public floor area = 1795.84 m<sup>2</sup> / 5 = 347 spaces required</p> <p>Kids club = (63.30m<sup>2</sup> / 100) x 25 = 16 spaces required</p> <p>Ancillary bottle shop = 43.51 m<sup>2</sup> / 30 = 1 space required</p> <p><b>Total parking required = 364 space</b></p> <p><b>Total parking provided = 369</b></p> <p>Fourteen bicycle and motorcycle spaces required.</p> <p><b>Twenty bicycle and six motorcycle spaces have been provided which is satisfactory.</b></p>	<p>Yes</p> <p>Yes</p>



## ASSESSMENT

### **Zoning and Permissibility**

Zoning:	B5 Business Development
Permissibility:	The proposed development is defined as a 'registered club' by the SEPP which is a permissible land use in this zone.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p>State Environmental Planning Policy No. 55 – Remediation of Land – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy (Infrastructure) 2007 – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy No. 64 – Advertising and Signage – Compliant with conditions recommended.</p> <p>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Compliant with conditions recommended.</p>
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<p>Turner Road Development Control Plan 2007 (2016 as amended) - Compliant with conditions recommended.</p> <p>Camden Development Control Plan 2011 – Compliant with conditions recommended.</p>
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	None applicable.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Two submissions were received (from one property) which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

### **Key Issues**

The key issues associated with the DA are limited to the traffic impacts, acoustic impacts and submissions issues discussed in this report.

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### Traffic Impacts

A traffic report and supporting information were submitted with the DA. The report and supporting information demonstrate that the proposed development will not have a significant negative impact on the surrounding road network and the operation of surrounding intersections.

Council staff have reviewed the report and supporting information and accept their conclusions.

### Acoustic Impacts

An acoustic report was submitted with the DA, which assesses the impacts of the proposed club on the nearby residential zones located to the east and south of the subject site. The report assesses noise sources associated with the club from patrons utilising the internal areas of the club, the car park and the background music. The report confirms that the proposed club can comply with Council's Environmental Noise Policy. A condition is recommended to ensure that the development complies with the acoustic report.

Council staff have reviewed the acoustic report. It is considered that an acceptable level of residential amenity will be provided to the nearby residential zone, which is consistent with Council's Environmental Noise Policy.

### ***Submissions***

The DA was publicly exhibited for 30 days in accordance with the DCP. The exhibition period was from 6 July 2016 to 4 August 2016. Two submissions were received from one property address (objecting to the proposed development).

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

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

1. *A social impact assessment has not been submitted with the DA in accordance with Council's policies.*

### Officer comment:

A Social Impact Assessment (SIA) was submitted to Council for consideration. The SIA concludes that the proposed club is unlikely to have an adverse social impact on the community.

Council's community safety officer has reviewed the SIA and recommends that appropriate responsible service of alcohol principles, security, and noise management be implemented in order to minimise any risks to the community.

Should Council approve the DA, the club will be required to make a licence application for a liquor license and gaming machines under Section 48(3) of the *Liquor Act 2007* to Liquor and Gaming NSW. A condition of consent is recommended to ensure that the appropriate licensing is obtained and submitted to the relevant certifying authority prior to the issue of a construction certificate.





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In addition to the above, the DA was referred to the Camden Local Area Command for a Safer By Design and Crime Prevention through Environmental Design analysis.

The Camden Local Area Command (LAC) has raised no objection to the proposed development. The LAC identified the developments risk rating as being a low crime risk and recommended a number of conditions be included requiring CCTV cameras, lighting, vegetation management and signage. Compliance with the Camden LAC comments is a recommended condition.

**The applicant's social impact assessment is provided as an attachment.**

2. *The application does not provide sufficient car parking for the clubs patron capacity.*

The submitter raised concerns that the car parking was insufficient to cater for total number of proposed patrons.

The proposal originally included a total car parking rate of 239 car spaces.

On review of the DA, Council officers requested amended plans to ensure that the proposal complies with the DCP car parking rates. Amended plans were submitted which decreased the public floor area of the club by 398.7sqm, deleted the outdoor dining area and increased the total car parking rate to a total of 369 car spaces.

The original patronage number also decreased from 2,186 to 1,712 patrons. A condition is recommended to ensure that the club does not exceed 1,712 patrons.

The car parking rate now complies with the DCP.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA648/2016 is recommended for approval subject to the conditions attached to this report.

### **RECOMMENDED**

**That Council approve DA648/2016 for a proposed registered club, ancillary bottle shop, signage and associated site works at 61-73 Rodeo Road, Gregory Hills, subject to the conditions attached to this report.**

### **ATTACHMENTS**

1. Recommended Conditions
2. Proposed Plans
3. Floor Plans
4. Turner Road DCP Figures
5. Social Impact Assessment
6. Public Exhibition and Submissions Map - *Supporting Document*
7. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

### ORD02

**SUBJECT: DRAFT SUBMISSION - REVIEW OF COMPLYING DEVELOPMENT IN GREENFIELD AREAS**

**FROM:** Acting Director Planning and Environmental Services

**TRIM #:** 17/176338

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### PURPOSE OF REPORT

The purpose of this report is to inform Council of the exhibition of the *Review of Complying Development in Greenfield Areas* undertaken by the Department of Planning and Environment (DPE) and to seek Council's endorsement of a draft submission to DPE in response to the review.

A copy of the draft submission has been provided as **Attachment 1 to this report**.

### BACKGROUND

In the Camden Local Government Area (LGA), development consent may currently be granted via two different approvals processes.

The first process involves issuing a development consent following an assessment of a development application by Council against the applicable environmental planning instrument, whether this is the *Camden Local Environmental Plan 2010* (the Camden LEP), or the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP).

The second process involves either Council or an accredited certifier issuing a Complying Development Certificate (CDC) following the assessment of a complying development against the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP). Complying development was introduced by the State Government in 2009 to provide a 'fast-tracked' approval process for development proposals that comply with all of the applicable development controls in the Codes SEPP.

The DPE has undertaken a review of complying development in greenfield areas with the aim of further streamlining the approvals process and reducing development assessment timeframes. The outcomes of the review process have been incorporated into the following documents:

- A **Background Paper (Attachment 2 to this report)** which discusses the issues and barriers to the take-up of complying development in greenfield areas; and
- An **Explanation of Intended Effects (EIE) (Attachment 3 to this report)** which outlines the proposed Greenfield Housing Code (the proposed Code), which is intended to address the issues and barriers raised in the Background Paper.

DPE has placed the Background Paper and EIE on public exhibition until 7 July 2017.




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## MAIN REPORT

The Background Paper and EIE include three key elements:

- A. *The Greenfield Housing Code***, which includes the introduction of a new section to the Codes SEPP;
- B. *Overcoming barriers to housing approvals***, which identifies five main barriers to housing approvals including:
  - the inability to building dwelling houses on lots prior to the registration of a subdivision plan;
  - easements and other instruments under the Conveyancing Act;
  - Roads Act Approvals;
  - Local Government Act Approvals; and
  - interpretation of development standards.
- C. *Subdivision and Masterplan Guidelines***, which discusses possible state-wide guidelines for greenfield subdivision and masterplans.

### **A. The Greenfield Housing Code**

As part of the review of complying development, DPE are proposing to insert new Greenfield Housing Code provisions (the proposed Code) into the existing Codes SEPP. The proposed Code is intended to standardise and streamline the complying development standards that apply to the construction of dwellings on residential-zoned land within any urban release area, including released precincts under the Growth Centres SEPP, and urban release areas mapped under the Camden LEP such as Elderslie and Spring Farm.

The following key concerns of the proposed Code are discussed below:

- Side boundary setbacks;
- Rear boundary setbacks;
- Double garages on narrow lots;
- Landscaped area;
- Principal private open space and solar access;
- Tree planting requirements; and
- Consistency of terminology.

**A detailed comparison table, which compares the controls under the existing Codes SEPP, Camden Growth Areas DCP and the proposed Code, is included as Attachment 4 to this report.**

#### Side setbacks

The ground floor side setbacks under the current Camden Growth Areas DCP, Codes SEPP and proposed Code are generally consistent.

However, the proposed Code does not require the first floor to be stepped back from the side boundary, which will increase the bulk and scale of the dwellings, reduce solar access and privacy, increase overshadowing of adjoining properties and have a negative impact on amenity.



The proposed Code also intends to allow the approval of zero lot line dwellings (nil setback to one side boundary) as complying development. Concern is raised that the proposed Code does not require an easement for access and maintenance to be obtained over the property which shares the boundary with the zero lot line dwelling wall. This will create future access and maintenance issues for the resident of the zero lot line dwelling.

*Comments/Recommendations:*

- Request DPE to ensure that the proposed side setback control does not have an adverse impact upon visual bulk, overshadowing, solar access and privacy of adjoining properties;
- Request DPE to ensure that the proposed Code requires a maintenance and access easement to be obtained on the adjoining lot if it is proposed to construct a dwelling with nil side setback as a CDC.

Rear Setbacks

**Table 2 – comparison of rear setback controls**

Control	Camden Growth Areas DCP	Current Codes SEPP	Proposed Greenfield Code
Ground floor rear setback	4m	3m	3m
First floor rear setback	6m	8m for lots >300m <sup>2</sup> 10m for lots <300m <sup>2</sup>	6m

The rear setback controls included in the proposed Code incorporate the existing 3m ground floor rear setback control from the Codes SEPP, along with the existing 6m first floor rear setback control from the Camden Growth Areas DCP.

The 3m ground floor rear setback control contained in the current Codes SEPP is delivering undesirable planning outcomes. Those dwellings that have been approved under the Codes SEPP within the Camden LGA and adjoining LGAs have rear yards which provide limited opportunity for landscaping, mature vegetation, solar access, ventilation and private open space.

The increased ratio of hard surface area (dwellings, outbuildings, driveways) to soft surface area (lawns and landscaped areas) results in increased stormwater run-off and reduced opportunity for infiltration of rainwater into the soil. An increase in hard surface area may also have long-term sustainability impacts due to the increased heat retention of hard surfaces in summer.

An visual representation of the built form outcome achieved in some Growth Area precincts, including small rear yards with limited opportunities for landscaping and mature trees, is included in the draft submission which is included as **Attachment 1 to this report**.

Concern is raised that retaining a 3m ground floor rear setback in the Codes SEPP and adopting the same 3m ground floor rear setback in the proposed Code will increase the cumulative negative impact of small rear yards in greenfield release areas, particularly if the proposed Code results in a larger uptake of complying development as is intended by DPE.



*Comments/Recommendations:*

- A minimum ground floor rear setback of 4m should be included in the proposed Code, and the current Codes SEPP should be amended to include a minimum ground floor rear setback of 4m to achieve consistency with the Camden Growth Areas DCP.

Double Garages on Narrow Lots

The proposed Code seeks to permit double garages as part of a two storey dwelling on 10m wide lots as complying development. Council's current controls do not currently permit single garages on lots between 10 and 12.5m in width. However, Council officers have undertaken investigations on design criteria for dwellings with double garages on narrow lots (10-12.5m). The design criteria focus on design objectives and controls which require that:

- Dwellings on narrow lots that include double garages must be two storeys in height.
- There is no loss of on-street parking at the front of the property.
- Driveway locations and widths are appropriate.
- Passive surveillance of the street can be obtained.
- The building incorporates high quality urban design features to reduce the bulk and scale of the dwelling, and limit the visual dominance of garages.

A detailed schedule of design controls for dwellings that contain double garages on narrow lots is included in the draft submission. Council officers are supportive of double garages on narrow lots if specific development standards and design criteria are imposed to ensure there is no net loss of on-street parking and that appropriate built form and design outcomes are achieved.

*Comments/Recommendations:*

- Request DPE to incorporate specific design criteria for double garages on narrow lots in the proposed Code to ensure passive surveillance to the street is maintained, the visual impact of double garages on the streetscape is reduced, the availability of on-street car parking is maintained, and the apparent bulk and scale of the dwelling is minimised.

Landscaped Area

**Table 3 – comparison of minimum landscaped area controls**

Camden Growth Areas DCP	Current Codes SEPP	Proposed Greenfield Code
15% for lots <9m width 25% for lots between 9m and 15m width 30% for lots >15m	10% for lots 200-300m <sup>2</sup> 15% for lots between 300 and 450m <sup>2</sup> 20% for lots between 450 and 600m <sup>2</sup> 30% for lots 600-900m <sup>2</sup>	15% for lots 200-300m <sup>2</sup> 50% for lots >300m <sup>2</sup> (subtract 100m <sup>2</sup> from the calculated total)

The minimum landscaped area control included in the proposed Code is generally consistent with the existing Camden Growth Areas DCP and requires a greater amount

of landscaped area to be provided when compared to the current Codes SEPP, which is a positive outcome.

Despite the existing and proposed controls for minimum landscaped area being generally consistent, concern is raised that the minimum landscape area is insufficient to allow the infiltration of rainwater into the soil, which increases stormwater run-off and places additional stormwater load upon the existing and future water cycle management infrastructure during large storm events.

*Comments/Recommendations:*

- Request DPE to undertake further research to understand the cumulative impacts of increasing hard paved areas across greenfield release areas, and the potential cost impact if water cycle management infrastructure needs to be upsized or redesigned to cater for increased stormwater run-off.
- Request DPE to review the minimum landscaped area requirements in both the existing Codes SEPP and the proposed Code to determine the amount of landscaped area that is required to facilitate the infiltration of rainfall, maintain consistency with industry-standard impervious area assumptions used to design the water cycle management network for each release area, and to have regard for the role that landscaped areas play in sustainability.

Principal private open space and solar access

**Table 4 – comparison of PPOS and solar access controls**

Control	Camden Growth Areas DCP	Current Codes SEPP	Proposed Greenfield Code
PPOS	20m <sup>2</sup>	16m <sup>2</sup> for lots of 6-10m width 24m <sup>2</sup> for lots >10m width	No minimum requirement
Solar access	50% of PPOS (including adjoining properties)	No minimum requirement	No minimum requirement

Principle private open space (PPOS) is an area of contiguous open space of sufficient dimensions that is directly accessible from the living area of a dwelling. Concern is raised that the exclusion of minimum PPOS and minimum solar access controls from the proposed Code will have a negative impact upon the amenity of future residents, as there is no requirement for dwellings to be provided with an area which is of sufficient size and has reasonable solar access for the enjoyment of residents.

*Comments/Recommendations:*

- Request DPE to include the current Codes SEPP control for PPOS in the proposed Code, and to amend both the Codes SEPP and proposed Code to include minimum solar access requirements as per the current Camden Growth Areas DCP.

Tree planting requirement

Given the limited space available within the front and rear yards under the proposed Code, the species of tree to be planted will require careful consideration with regards to height and width, growth rates, dropping of branches and invasiveness of root systems to ensure their long-term compatibility within a modern urban environment.



The provision of one tree within the rear setback and one tree within the front setback is supported. However, concern is raised that the existing Codes SEPP allows CDCs to be issued for the removal of trees within 3m of a dwelling, which would enable trees planted under the proposed Code to be removed.

*Comments/Recommendations:*

- The requirement to plant one tree within the rear setback and one tree within the front setback is supported.
- Request DPE to amend the Codes SEPP so that any trees planted in conjunction with a dwelling approved under the proposed Code cannot be removed via a CDC.

Consistency of Terminology

The EIE contains inconsistent terminology regarding the description of the first floor of dwellings, which may cause confusion or misinterpretation of the proposed controls.

*Comments/Recommendations:*

- Request DPE to review the EIE and proposed Code to ensure that consistent terminology is used throughout.

**B. Overcoming barriers to housing approvals**

The inability to build dwelling houses on lots prior to the registration of a subdivision plan

Under the existing legislation, an accredited certifier cannot issue a CDC for development proposed on an unregistered lot where a subdivision certificate has not been released and the deposited plan has not been registered with Land and Property Information. The exhibition package identifies this as a barrier to the uptake of complying development in greenfield areas.

DPE proposes to amend the *Environmental Planning and Assessment Act 1979* (EP&A Act) to allow CDCs to be issued with a 'deferred commencement condition' applied to certificates for the construction of dwelling houses on unregistered lots. A 'deferred commencement condition' means that the consent is not operative (i.e. it cannot be used) until the deferred commencement condition has been satisfied, which in this instance requires the land to be registered.

At the meeting of 14 March 2017, Council considered a report on proposed changes to the EP&A Act via the *Environmental Planning and Assessment Act Bill 2017*, which also proposed to introduce deferred commencement conditions for complying development certificates on unregistered lots. The report of 14 March 2017 (and the subsequent submission to DPE) raised concern with the proposal given the potential conflicts between dwelling design and siting, and the location of services and infrastructure such as drainage lintels, pram ramps, street trees, street lighting posts and residential driveways. Those concerns are reiterated in response to the current proposal.

Council has an existing process for development applications and/or construction certificates for dwellings on unregistered lots, which facilitates timely development in these circumstances and is based on experience of the issues that arise for development on unregistered lots. The process sets out the matters that need to be resolved prior to consent being granted including:

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- a) site/civil works being substantially progressed, including road access and drainage construction;
  - b) completion of final lot levels;
  - c) 'staking' or setting out of the lot by a registered surveyor; and
  - d) installation of essential services and infrastructure.

Council is able to effectively manage these issues where it is the consent authority for both the original subdivision DA and current dwelling DA on unregistered land, as it has access to the necessary information to inform the assessment of the application. However, this information would not be available to a private certifier who is assessing a CDC application on unregistered land.

*Comments/Recommendations:*

- Request DPE to not proceed with the proposed introduction of complying development on unregistered lots, for the reasons outlined in the current draft submission and Council's previous submission on this matter

Easements and other instruments under the Conveyancing Act

Clause 3.4(b) of the Codes SEPP currently states that a new dwelling house cannot be carried out as complying development if it is located over a registered easement.

DPE has identified that clause 3.4(b) acts as a barrier to complying development on narrower lots where zero lot lines are provided and maintenance easements are provided over adjoining properties to enable access and maintenance to occur. DPE is exploring options to amend clause 3.4(b) to allow complying development over registered easements in certain circumstances.

Easements are only created over newly subdivided land in greenfield areas where the land is encumbered by infrastructure (water, drainage, sewerage or electricity assets) or where access is required across the land by a person other than the owner.

Access is often required over narrow lots where zero side boundary setbacks (zero lots lines) are proposed, to ensure that the owner can obtain access over the neighbouring lot to maintain their dwelling. This is supported by the subdivision approval process contained in the Growth Areas DCP, which requires easements to enable access for the maintenance of zero lot line boundary walls.

Concern is raised regarding any changes which allow registered easements to be overlooked when issuing CDCs. If these easements are no longer required, they should be extinguished before a CDC is sought.

*Comments/Recommendations:*

- Request DPE to not allow complying development to occur over registered easements.

Roads Act Approvals

Clause 1.18(1)(e) of the Code SEPP currently states that, before a CDC is issued, written consent from the relevant roads authority must be obtained prior to constructing any works within the road reserve, including kerbs, crossovers or driveways. This is





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consistent with section 138(1) of the *Roads Act 1993* which states that a person must not carry out road works and structures, such as driveways, other than with the consent of the appropriate roads authority.

DPE suggests that CDC approvals may be streamlined by implementing 'in principle' concept approval of the location of a driveway or crossing under the *Roads Act 1993* as part of the subdivision approval process. No detail has been provided on the mechanism by which this will be implemented. Council officers have concerns that this may create future driveway conflicts with infrastructure.

The exhibition material acknowledges Camden Council's fast-track approval process which provides on-the-spot approval for driveways and road openings provided Council's design requirements are met. In Council's experience, the fast-track approval process has allowed a large volume of applications to be processed in a timely manner and has reduced the impact of these approvals on the development process.

*Comments/Recommendations:*

- Request DPE to not proceed with the suggested 'in principle' approval of driveways as this may introduce an unnecessary layer in the finalisation of CDCs.
- DPE's recommendation to encourage other Councils to adopt a similar fast track approval process to that implemented by Camden Council is supported.
- Request DPE to clarify how the 'in principle' concept approval envisioned by DPE would apply to unregistered land.

Local Government Act Approvals

Clause 1.18(1)(d) of the Codes SEPP requires that a CDC can only be issued where approval has been issued for an on-site effluent disposal system if the site is unsewered. Approval for on-site systems is obtained under Section 68 of the *Local Government Act 1993* (LG Act), and many Councils (including Camden Council) do not issue approvals for on-site systems on vacant lots – they are generally approved concurrently with a development application for a dwelling house.

DPE has identified that this approach restricts CDCs on vacant lots in unsewered greenfield areas. As a result, DPE intends to provide advice which clarifies the operation of clause 1.18(1)(d) of the Codes SEPP and section 68 of the LG Act, and advises that Councils can approve on-site effluent disposal systems on vacant lots. DPE is also investigating the introduction of a time limit for the determination of section 68 applications by Council. The exhibition material is unclear on whether this change would be limited to CDCs only or applied to all section 68 applications.

The subdivision of land in the Growth Area and other urban release areas within Camden LGA is tied to the provision of essential services, including reticulated sewer, as it is not feasible to incorporate on-site effluent disposal into modern subdivisions given the trend towards smaller lot sizes. It is therefore unlikely that any modern greenfield subdivisions in the Camden LGA will occur without the provision of reticulated sewer.

*Comments/Recommendations:*

- Request DPE to clarify the circumstances where it believes a greenfield subdivision will need to be serviced by on-site effluent disposal rather than connection to a reticulated sewerage system, prior to undertaking any changes.

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- Request DPE to clarify whether it is intended to impose a time limit on the determination of section 68 applications for complying development only or for all section 68 applications. Council requests further consultation from DPE on this matter prior to proceeding.

#### Interpretation of development standards

It has been identified by the DPE that the current Code SEPP is too complex and presents a barrier to the uptake of CDCs as an approval pathway. Council officers acknowledge that the Code SEPP is difficult to understand. The proposed Code is intended to address this issue. However, Council officers have identified that there is further scope to simplify the Code SEPP to improve the ability to interpret the development standards.

#### *Comment/Recommendations*

- Council requests that DPE further consult with Council and the development industry before finalising the development standards.

### **C. Subdivision and Masterplan Guidelines**

The background paper identifies that there is no state-wide guidance on the design of subdivisions and masterplans, and seeks to introduce subdivision and masterplan guidelines to assist Councils, developers and consultants when undertaking planning and subdivision in greenfield areas.

The precinct planning process, which releases and rezones land in the Growth Area and urban release areas under the Camden LEP, currently focuses on achieving sustainable urban development outcomes and well-designed subdivisions via the preparation of a site-specific Indicative Layout Plan (ILP) and supporting DCP controls.

The ILP is derived from the specialist studies undertaken during the precinct planning process and establishes an agreed framework for development within the greenfield release area. From this framework, detailed subdivision design is based upon the comprehensive neighbourhood and subdivision design requirements within the relevant DCPs, including the Growth Centres DCPs.

It is unclear how these guidelines are intended to apply to the Camden LGA and the Growth Area, and whether they will form part of the proposed Code or will be incorporated into a separate reference document.

#### Strategic context

If compliance with the proposed subdivision and masterplan guidelines becomes mandatory, this would appear to be inconsistent with the aims and objectives of the draft South West District Plan as it would inhibit the planning and delivery of productive, liveable and sustainable urban environments which reflect best practice and innovative design outcomes. The guidelines may also affect Council's ability to deliver upon its Community Strategic Plan and effectively manage urban growth.

#### *Comments/Recommendations:*

- Request DPE to clarify the role and relationship of the proposed subdivision and masterplan guidelines to the proposed Code, the Codes SEPP, Growth Areas DCP, Camden DCP 2011, the Growth Area precinct planning process, and the



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draft District Plan, and seek input from Council officers before finalising the proposed subdivision and masterplan guidelines.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

DPE has undertaken *A Review of Complying Development in Greenfields Areas* and has exhibited a Background Paper which identifies issues and barriers to the take-up of complying development, and an Explanation of Intended Effect (EIE) which outlines the proposed Greenfield Housing Code.

Council officers have reviewed the Background Paper and EIE and have prepared a draft submission to DPE for the consideration of Council. The draft submission raises concerns regarding the inconsistencies between the controls in Camden's current DCPs and the proposed Greenfield Housing Code.

It is also questioned whether the proposed Greenfield Housing Code is inconsistent with the draft South West District Plan as many of the proposed complying development controls prioritise the supply of housing over the delivery of high quality urban design, amenity and sustainability outcomes.

Concerns are also raised regarding the proposed measures to address the 'barriers' to complying development which include amendments to approvals under the *Roads Act 1993*, imposing deferred commencement conditions for CDCs on unregistered lots, amending Local Government Act approval regulations, and allowing CDCs to be lodged and approved over registered easements.

Clarification is also sought from DPE regarding the application of the proposed subdivision and masterplan guidelines on existing and future greenfield developments in the Camden LGA.

### **RECOMMENDED**

**That Council:**

- i. endorse the attached draft submission to be forwarded to the Department of Planning and Environment;**
- ii. request a formal response from the Department of Planning and Environment regarding how the matters raised in Council's submission were addressed;**
- iii. forward a copy of the submission to Mr Chris Patterson MP, State Member for Camden; and**
- iv. forward a copy of the submission to the Greater Sydney Commission and South West Sydney District Commissioner.**

### **ATTACHMENTS**

1. Draft submission to Greenfield SEPP Review
2. Background Paper- A Review of Complying Development in Greenfield Areas
3. Explanation of Intended Effect Proposed Greenfield Housing Code
4. Table Comparison



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## ORDINARY COUNCIL

### ORD03

**SUBJECT: PROPOSAL BY MIRVAC TO INCLUDE LAND AT MENANGLE INTO THE GREATER MACARTHUR PRIORITY GROWTH AREA**

**FROM:** Acting Director Planning and Environmental Services

**TRIM #:** 17/182428

**PREVIOUS ITEMS:** ORD11 - Notice of Motion - Greater Macarthur Priority Growth Area - Ordinary Council - 13 Jun 2017 6.00pm

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### PURPOSE OF REPORT

This report is in response to the notice of motion considered by Council at its meeting of 13 June 2017 where it was resolved that:

*“the General Manager liaise with Wollondilly and Campbelltown Council as to the content of their submission to the NSW Department of Planning and Environment, relating to the submission by Mirvac for the inclusion of land at Menangle within the Greater Macarthur Priority Growth Area boundary, with a view to bringing a brief report advising of the views of Wollondilly and Campbelltown Councils, for discussion and possible endorsement of Camden Councillors to the next meeting.”*

### BACKGROUND

The Department of Planning and Environment (DPE) exhibited the proposed land release of the Greater Macarthur Priority Growth Area from 29 July 2016 to 7 September 2016.

Mirvac (on behalf of Souwest Developments) made a submission to the DPE in February 2017 requesting a 577ha site at Menangle (within Wollondilly Local Government Area) be included in the Greater Macarthur Priority Growth Area. **Figure 1** shows the extent of the Greater Macarthur Priority Growth Area and the approximate location of the land proposed to be included. A more detailed map showing the land proposed to be included is provided as **Figure 2**.

The Mirvac site was previously included within the Greater Macarthur Land Release Investigation Area (Menangle and Douglas Park Precinct) but was removed post exhibition due to a number of constraints such as heritage, servicing and mining restrictions. The Mirvac submission addresses these constraints but the submissions by Campbelltown City and Wollondilly Shire Councils identify a range of other constraints that have not been addressed (outlined below).

### Mirvac Proposal

The Mirvac proposal comprises three stages of development. The first stage is the subject of a current Planning Proposal with Wollondilly Council and is located in Station Street, Menangle. The proposal is for 350 residential lots and a one hectare business zone adjoining the Menangle railway station.

The second and third stages of the Mirvac proposal are for a further 5,000 residential lots.

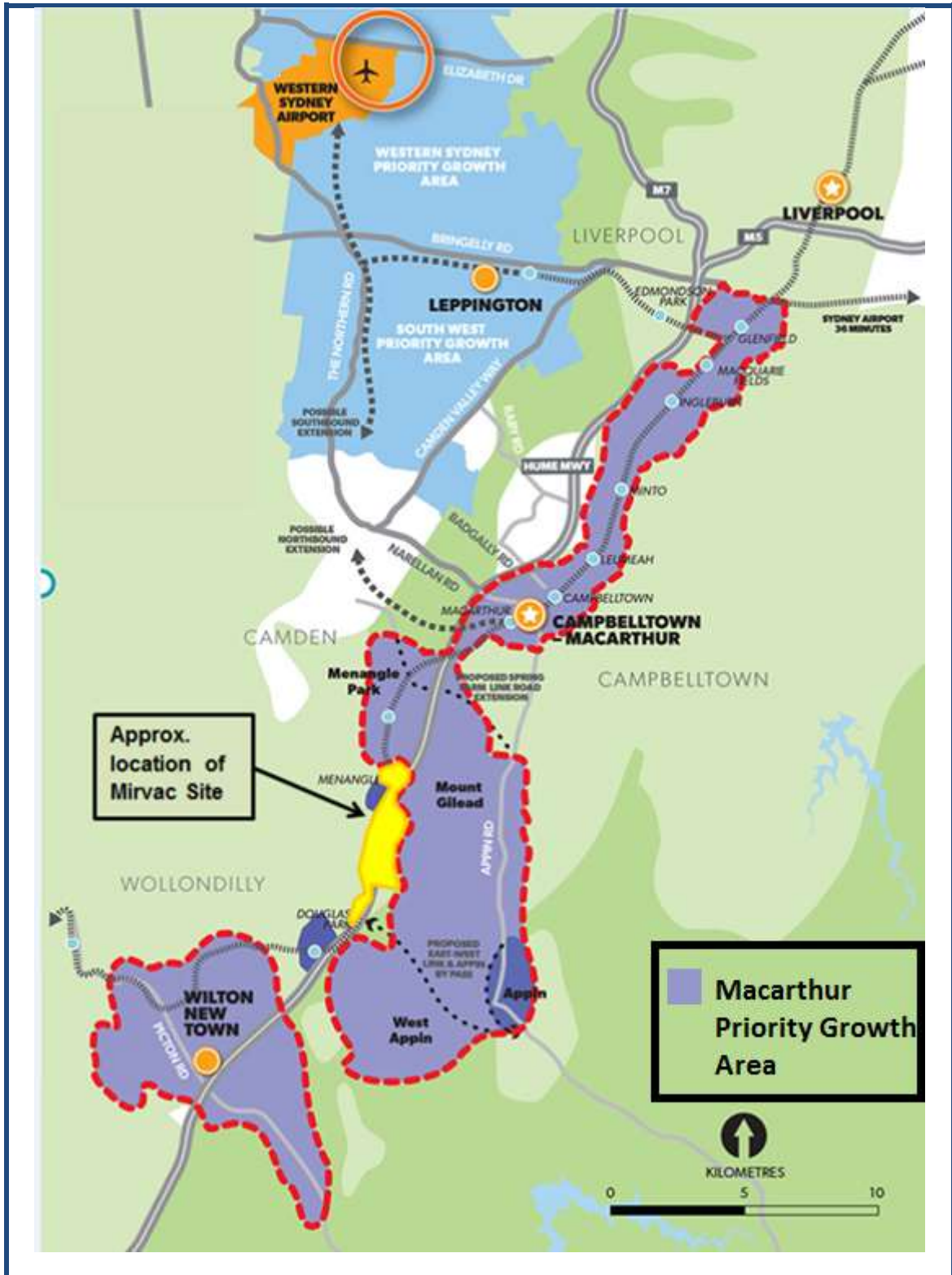


Figure 1: The Greater Macarthur Priority Growth Area and the approximate location of the Mirvac land proposed to be included shown in yellow

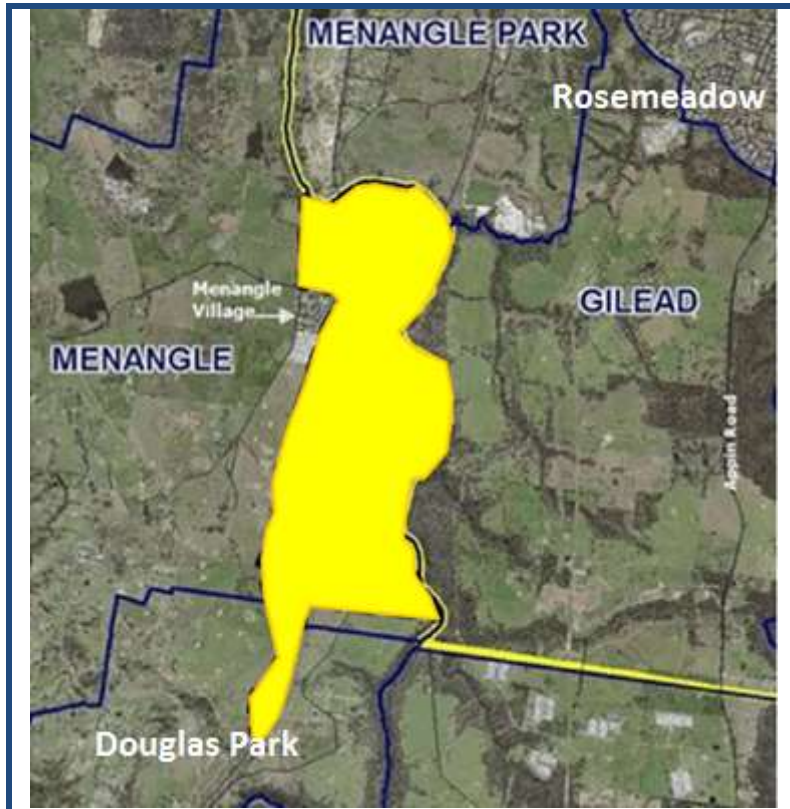


Figure 2: Detailed map of the Mirvac land

## MAIN REPORT

### **Campbelltown City Council Submission**

A report on the Mirvac submission in response to the exhibition of the Greater Macarthur Priority Growth Area was considered by Campbelltown City Council on 23 May 2017. A copy of the report and resolution is **provided as Attachment 1 to this report**.

Campbelltown City Council has indicated its opposition to the inclusion of the Mirvac land within the Greater Macarthur Priority Growth Area. The submission outlined a number of issues including insufficient information and a lack of commitment towards the provision of appropriate traffic infrastructure and employment strategies. The key issues are outlined in more detail below.

### Traffic Impact

There is lack of detail on the potential impact the proposal will have on the local road network, in particular, the impact on Menangle Road south of the proposed intersection of the Hume Motorway and Menangle Road. There is also lack of detail on the potential impact of the additional traffic around the Macarthur Centre.

There is some concern that any additional development, with the associated required road infrastructure, will put in jeopardy any commitment and funding to road infrastructure currently under negotiation.



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### Employment strategies

There is also concern that there is no specific employment strategy in place to ensure a reasonable level of traffic self-containment.

### **Wollondilly Shire Council Submission**

A report on the Mirvac submission to the exhibition of the Greater Macarthur Priority Growth Area was considered by Wollondilly Shire Council on 15 May 2017. A copy of the report and resolution **is provided as Attachment 2 to this report.**

Wollondilly Shire Council does not support the inclusion of the three stages of the Mirvac proposal in the Greater Macarthur Priority Growth Area. The submission outlined a range of issues including inconsistency in information, inconsistency with local and state strategies, policies and plans, heritage and scenic view impacts, road and rail infrastructure, development on multiple fronts and lack of investigation into other potential uses. The key issues are outlined in more detail below.

### Housing Supply

The Draft South West District Plan outlines a housing target for Wollondilly. Already approved developments will exceed this target. Any new development would need to demonstrate significant strategic advantage, which has not already been identified in a planning strategy, for it to be considered. The Mirvac proposal fails to demonstrate this strategic advantage.

### Scenic Protection

There is not sufficient information to determine if the Mirvac land along the Nepean River will be zoned appropriately.

The site is also highly visible from the M31 Hume Motorway and within the Menangle riverine scenic corridor and the landscape conservation area. This will mean that the proposal does not comply with the draft South West District Plan in respect of the preservation of the rural views and vistas of Wollondilly.

### Draft South West District Plan

The draft South West District Plan discourages urban development within the Metropolitan Rural Area. While the site is entirely within the Metropolitan Rural Area, the proposal does not address this issue.

### Rail Infrastructure

The Mirvac proposal identifies that the Menangle Railway Station is within close proximity to the site. However, much of the site is located more than 800m from the station (deemed to be the limit of an acceptable walking distance). Further, the heritage nature of the station would pose additional constraints for any future expansion of the station.

### Road Infrastructure

The Mirvac proposal does not outline any potential impacts to local roads other than Menangle Road. It does not acknowledge the potential impact on other roads including:



- Woodbridge Road and Finns Road to gain access to Camden, Narellan and the South West Priority Growth Area;
- Menangle Road South to gain access to Douglas Park and the Southern Highlands via Picton Road; and
- Moreton Park Road and Douglas Park Drive, which is the shortest route to Wollongong.

#### Multiple Fronts to Development

Wollondilly Shire Council has supported large scale urban development at Wilton. The large scale development in other nearby locations, such as Menangle and Appin, may have a negative impact on the planned development at Wilton.

#### Other Potential Land Uses

There is no evidence to demonstrate that the best long term use of the land is for residential purposes. If the site is predominantly zoned for residential purposes, then it would preclude any future potential strategic employment uses.

#### **Potential Regional and Camden specific issues**

The inclusion of the Mirvac land (Menangle) within the Greater Macarthur Priority Growth Area may have regional and local impacts on the Camden LGA. The key issues are outlined below.

#### Road Infrastructure

The Mirvac proposal fails to address potential impacts on the local traffic network. The proposal has the potential to have a cumulative impact on the congestion of local roads in and around the Camden LGA.

It is also noted that additional large scale residential development such as this, in addition to that planned within identified growth areas, could compromise the commitment and funding of regional road infrastructure upgrades currently under negotiation.

#### Impact on Designated Growth Areas

There is already a commitment to deliver designated growth areas and associated infrastructure. Any significant growth outside of these areas will potentially impact uptake of development in these areas.

#### State Strategic Plans and Policies

The proposal fails to address a number of state strategic planning documents, including failing to address specific priorities of the draft South West District Plan in terms of protection of the Metropolitan Rural Area.

#### Summary of Regional and Local Impacts

The inclusion of the Mirvac land (Menangle) within the Greater Macarthur Priority Growth Area could have regional and local impacts, including:

- Impacts on road infrastructure;





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- Impacts on designated growth areas; and
  - Inconsistency with state strategic planning documents.

### **FINANCIAL IMPLICATIONS**

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

### **CONCLUSION**

Mirvac have made a submission to the DPE to include a 577ha site at Menangle within the Greater Macarthur Priority Growth Area.

In response to the notice of motion to the meeting of 13 June 2017, Council officers have reviewed the submissions made by both Campbelltown City and Wollondilly Shire Councils with regards to Mirvac's proposal.

Both Campbelltown City and Wollondilly Shire Councils submissions on the matter object to the sites inclusion in the Greater Macarthur Priority Growth Area.

The proposal has potential to have impacts regionally, particularly in regard to road infrastructure and uptake of development in growth areas that have already been planned for. The proposal is also inconsistent with state strategic plans and policies.

It is recommended that Council support the position of Campbelltown City Council and Wollondilly Shire Council in opposing the proposed inclusion of the Mirvac land at Menangle (as identified in this report) with the Greater Macarthur Priority Growth Area.

### **RECOMMENDED**

**That Council:**

- i. support the position of Campbelltown City Council and Wollondilly Shire Council in opposing the proposed inclusion of the Mirvac land (as identified in this report) at Menangle within the Greater Macarthur Priority Growth Area;**
- ii. write to the Department of Planning and Environment outlining Council's position on this matter; and**
- iii. forward a copy of the letter to Campbelltown City Council and Wollondilly Shire Council.**

### **ATTACHMENTS**

1. Campbelltown City Council Report and Resolution
2. Wollondilly Shire Council Report and Resolution



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## ORDINARY COUNCIL

### ORD04

**SUBJECT: ADOPTION OF THE 2017/18 INTEGRATED PLANNING AND REPORTING PACKAGE (INCLUDING 2017/18 BUDGET).**

**FROM:** Director Customer & Corporate Services

**TRIM #:** 17/146057

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### PURPOSE OF REPORT

The purpose of this report is to adopt:

- The Community Strategic Plan (CSP);
- The 2017/18 - 2020/21 Delivery Program (DP), which includes the 2017/18 Operational Plan (Budget);
- The 2017/18 Revenue Policy and 2017/18 Fees and Charges Schedule;

As required under the *Local Government Act 1993*, Council is also required to resolve the following:

1. Making of the rates and annual charges for 2017/18;
2. Authorisation of expenditure and voting of money for 2017/18.

### BACKGROUND

All local councils in NSW are required to comply and undertake community planning and reporting activities in accordance with the Integrated Planning and Reporting (IPR) framework and the *Local Government Act 1993*.

The IPR framework showcases the interrelationship between the Community Strategic Plan, Delivery Program, Resourcing Strategy, and Operational Plan (Budget). According to the framework these documents are required to be reviewed by the newly elected council.

The Community Strategic Plan is a minimum 10 year plan and is the highest level plan that Council needs to prepare within the IPR framework. The purpose of this Plan is to identify the community's main priorities and aspirations for the future and to plan strategies for achieving the objectives.

Council has a custodial role in initiating, preparing and maintaining the Community Strategic Plan on behalf of the community and it is not wholly responsible for its implementation. It is a collaborative approach with other partners such as State and Federal Government agencies, community groups, local businesses and residents in developing and delivering the objectives indicated in the Community Strategic Plan.

The Delivery Program is a four year program and outlines the principal activities that Council will deliver to achieve the objectives as outlined in the Community Strategic Plan. All plans, projects, activities and funding allocations are directly linked to this Delivery Program.



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The Operational Plan is an annual plan, a subset of the Delivery Program. The Operational Plan details specific actions that Council will undertake and the associated budget.

The Resourcing Strategy provides detailed information on how Council will resource plans, projects and strategies over the next four to 10 years in delivering the Community Strategic Plan. The Resourcing Strategy is not required to be adopted by Council or placed on public exhibition.

At the core of the Integrated Planning and Reporting framework is the establishment of strong links between the four key component documents to demonstrate that what Council does is driven in the main by community priorities (from the Community Strategic Plan) and that sufficient resources have been allocated to these programs and activities so that service outcomes can be delivered on time and in a sustainable manner.

Council's Delivery Program and Operational Plan outline 30 Local Services and the supporting programs and activities that Council proposes to undertake over a four year period to help achieve the aspirations in the Community Strategic Plan. This document details the range of services Council delivers, the primary activities involved in delivering those services, the timeframe in which those activities will be delivered and the manner in which success will be measured.

### **INTEGRATED PLANNING & REPORTING**

In accordance with the IPR framework, the Community Strategic Plan has been reviewed by Council.

The Community Strategic Plan has been developed through a process of on-going research and community engagement over the past four years. The Plan incorporates this information and is based on knowledge that Council currently has about the local area, its community and the impact of the external factors influencing the local area.

This update has focused on developing clear, concise and easy to read documents, taking account of key amendments, with an opportunity to fully review and re-vision the Community Strategic Plan once external plans and strategies have come to certainty/reality. We believe this approach, combined with new and diverse ways of connecting with our community, will position Council as a leading voice on behalf of our Community.

**A copy of the Draft Community Strategic Plan, 2017/18 – 2020/21 Draft Delivery Program, 2017/18 Operational Plan (Budget), Draft 2017/18 Revenue Policy and Draft 2017/18 Fees and Charges were distributed to Councillors under separate cover on 13 April and 21 April 2017. A Council budget briefing was held 26 April 2017. There are no changes recommended to these documents other than the removal of any reference to the introduction of the Fire Emergency Services Levy which has been deferred by the State Government.**

### **PUBLIC EXHIBITION**

The Integrated Reporting and Planning Package was publicly exhibited from 15 May to 11 June 2017 inclusive. The exhibition was advertised in a local paper and copies of the documents were made available on Council's website as well as at Council's Customer Service Centre at Oran Park and the Camden and Narellan Libraries.



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Four submissions have been received by Council during the exhibition period. The submissions are detailed below with responses provided by Council officers:

### **1. Submission by Resident**

#### Issue Raised

A resident has raised concerns about the fees and charges at the Mount Annan Leisure Centre. The issue relates to the additional charge to use the heated spa after paying the normal entry fee.

#### Response

The Mount Annan Leisure Centre casual fee for use of the Spa/Sauna is an existing fee, it is not a new fee proposed as part of the 2017/2018 fees and charges schedule.

If patrons attend the centre on average at least twice per week, there is greater benefit in obtaining a membership rather than paying for casual use, as this membership includes access to the spa and sauna.

Discounted memberships, including access to the spa and sauna, are available for children and concession card holders.

Memberships can be paid periodically to reduce any financial impact and can be placed on hold if circumstances prevent the member from accessing the Centre's services for a period of time.

Council officers have contacted the resident who lodged the submission and advised them of the above.

No change is recommended to the 2017/18 Fees and Charges Schedule.

### **2. Submission by Local Football Club**

#### Issue Raised

A local football club has made a submission in relation to the floodlighting at Birriwa Reserve. The club has indicated that the "lighting at Birriwa Reserve does not provide full coverage of the playing field".

The club has requested that upgraded lighting be considered as part of the final approved 2017/18 - 2020/21 Capital Works Program.

#### Response

Council has recently undertaken a sporting field lighting audit and is currently reviewing the results which will determine a schedule of priorities for upgrading of lighting at various facilities. Council has been in contact with the football club, to discuss their lighting needs and will work with them to access funding opportunities to deliver the lighting upgrades identified within the audit. Should the need for improvements be identified, the matter will be reported back to Council for consideration including any necessary allocation of funds.

No change is recommended to the Delivery Program.



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### 3. Submission by Resident

#### Issue Raised

A resident of 30 years has requested that Council consider slowing down the level of Development within the Camden Local Government Area.

#### Response

In 2006 the NSW Government announced the South West Growth Area which included land in the north of the Camden LGA. The growth area has been prioritised by the State Government to accelerate the provision of housing for Sydney's growing population. Council through the Community Strategic Plan (Key Direction 1 Actively Managing Camden Local Government Area's Growth) has identified the need to actively manage growth to ensure residential development in Camden provides high levels of amenity and liveability for future residents, while continuing to meet the growing housing demands for South West Sydney.

No change is recommended to the Community Strategic Plan or Delivery Program.

### 4. Submission by Planning Consultant

#### Issue Raised

The Delivery Program could be enhanced to include "actions that create new sustainable places that focus on housing delivery including, density, diversity and affordability, with requisite support infrastructure, whilst balancing protection of important elements of rural and heritage character and environmental impact."

#### Response

Council through the CSP and DP remain committed to ensuring a diversity of housing product is delivered within identified growth areas. Through the Delivery Program, *Objective 1.2 - Rural Land is adequately administered*, Council has developed a draft Rural Lands Strategy, which provides a framework for future consideration of residential development in the LGA's rural lands. The Rural Lands Strategy is also in line with the State Government's Draft District Plan, and will provide a Framework to allow Council to consider on merit any future proposed development within the Rural Lands and the associated impacts of that development.

It is considered that housing diversity and sustainable housing solutions can continue to be delivered within the Camden LGA without detrimentally affecting rural lands and rural land values.

No change is recommended to the Community Strategic Plan or Delivery Program.

**Copies of the submissions are provided in supporting documents to this report.**



## 2017/18 OPERATIONAL PLAN (BUDGET)

In summary, the 2017/18 Operational Plan (Budget) is as follows:

<b>Operational Plan (Budget)</b>	<b>2017/18</b>
Operating Expenditure	\$95,294,000
Capital Expenditure	\$206,714,500
<b>Gross Expenditure Budget</b>	<b>\$302,008,500</b>
<b>Non Cash and Reserve Transfers</b>	
Less: Works In Kind - Land & Infrastructure	\$160,845,000
Less: Non Cash Depreciation Expense	\$16,071,200
Less: Transfer to Cash Reserves	\$17,032,300
<b>Net Cash Expenditure Budget</b>	<b>\$108,060,000</b>

Council's proposed gross expenditure budget for 2017/18 is \$302,008,500. Upon removing non cash expenditure and transfers to reserve, Council's proposed cash budget for 2017/18 is \$108,060,000.

Council's budget position for the 2017/18 financial year remains a balanced budget.

## BUDGET RESULT AND ALLOCATION OF SURPLUS

The 2017/18 Operational Plan (Budget) provides the financial resources for Council to continue to deliver the services, programs and activities outlined within the Delivery Program. In reviewing the 2017/18 Operational Plan (Budget), Council has prudently considered both the needs of the community and long term financial sustainability of the organisation.

A review of the 2017/18 Operational Plan identified a budget surplus of \$2,048,000.

The proposed allocation of the budget surplus is shown in the following table:

<b>2017/18 Budget Surplus</b>	
Budget Surplus	<b>(\$2,048,000)</b>
<b>Surplus Allocation</b>	
1 - Workforce Positions (Net cost to budget)	\$1,964,000
2 - Operational Expenditure (Net cost to budget)	\$1,384,000
3 - Capital Expenditure (Net cost to budget)	\$0
4 - Transfers from Reserve (Net cost to budget)	(\$1,800,000)
Transfer to Asset Renewal Reserve (Parks Improvement Program)	\$500,000
<b>Balanced Budget Position</b>	<b>\$0</b>

### 1 - Additional Workforce Positions

A total of 25.2 additional positions have been endorsed for inclusion in the 2017/18 budget. These positions are considered high priority positions and are consistent with Council's adopted workforce plan. The increase in staffing is primarily to maintain a consistent service level to our rapidly growing community. Key areas of focus include:



- Landscaping and Garden Maintenance
- Parks and Reserves Maintenance
- Customer Service experience
- Waste Services
- Town Planning

### 2 – Operational Expenditure

In addition to the funds allocated in the 2017/18 – 2020/21 Draft Delivery Program, Council has proposed the following additional operational items for inclusion in the 2017/18 budget.

Operational Expenditure	2017/18
Additional Mowing costs for new areas	\$300,000
New Buildings Maintenance	\$55,000
Information Technology Licence Costs	\$301,000
Information Technology Networking Sites & Internet	\$140,000
Additional Trainees (3)	\$93,000
Additional Vehicles for Safety and Events positions	\$20,000
Additional Australia Post Costs	\$60,000
Macaria Art Gallery operational costs	\$20,000
Purchasing and Procurement - Vendor Panel Licence	\$13,000
Animal Holding Facility operational budget	\$120,000
Building Professional Board (BPB) accreditation cost for professional staff	\$12,000
Urban Design Review Panel	\$100,000
Section 94 Contribution Plan Reviews	\$50,000
Future Strategic Planning Studies - General Allocation	\$100,000
<b>Total – Operational Funding Requests</b>	<b>\$1,384,000</b>

### 3 – Capital Expenditure

In addition to the capital projects already approved as part of the 2013/14-2016/17 Delivery Program and Long Term Financial Plan, it is also recommended to include the following capital items in the 2017/18 budget and 2017/18-2020/21 Delivery Program. The projects below provide an outstanding response to the needs of a growing community over the next four years.

CAPITAL PROJECTS (PROJECT DESCRIPTION)	COST	EXPECTED DELIVERY
Camden Town Centre Upgrade Stages 3-4	\$6,950,000	2018/19
Harrington Park youth facility	\$1,000,000	2018/19
Sedgewick Reserve, Currans Hill youth facility	\$1,000,000	2018/19
Curry Reserve, Elderslie water play facility	\$1,500,000	2018/19
Town Park (Oran Park) water play facility (Cost to Council \$500k)	\$1,200,000	2018/19
Camden Police Station renewal works	\$800,000	2018/19



CAPITAL PROJECTS (PROJECT DESCRIPTION)	COST	EXPECTED DELIVERY
Oran Park Administration Building Stage 2 (Design)	\$500,000	2018/19
Animal Holding Facility scoping and design	\$200,000	2017/18
Concept Design Upgrade of Ingleburn Rd, Rickard Rd & Edmondson Ave	\$2,900,000	2017/18
Spring Farm Community Facility	\$2,439,000	2018/19
Camden - Cricket Facility Stage 1 - Fergusons Land	\$3,354,000	2018/19
Recreation BMX Park	\$674,000	2018/19
Oran Park Leisure Centre	\$37,700,000	2019/20
Criterion Cycling Track - location to be confirmed	\$500,000	2019/20
Council Depot Redevelopment	\$2,700,000	2019/20
Camden Valley Way / Macarthur Rd, Elderslie Intersection renewal	\$3,685,000	2019/20
Graham Hill Rd/Richardson Road, Narellan Upgrade	\$3,575,000	2019/20
Pedestrian Access' Mobility Plan (PAMP) – New Path Paving Program	\$300,000	Per annum

Other major projects that are currently underway and due for delivery over the next 12 months include:

- Mount Annan Leisure Centre \$13.5 million
- Narellan Sporting Hub (Stage 1) \$11.0 million
- Oran Park Library \$12.7 million
- Camden Decked Carpark \$3.6 million

#### 4 – Proposed Reserve Transfers

In addition to the reserve transfers already approved as part of the 2013/14-2016/17 Delivery Program and Long Term Financial Plan, the following reserve transfers are also proposed to be made as part of the 2017/18 budget and 2017/18-2020/21 Delivery Program.

Transfers from Reserve	Year	Amount	Reason
Capital Works Reserve	2017/18	\$3,060,000	This allocation has been committed by Council to part fund the 2017/18 Capital Works Program.
Asset Renewal Reserve	2017/18	\$750,000	This allocation has been committed by Council to part fund the 2017/18 Capital Works Program.
Capital Works Reserve	2018/19	\$3,050,000	This allocation has been committed by Council to part fund the 2018/19 Capital Works Program.
Camden Town Centre Reserve	2018/19	\$125,000	Funds are required for Stage 3 and 4 of the Camden Town Centre Project in 2018/19.
Department of Planning (DOP)	2019/20	\$3,500,000	This allocation has been committed by Council to part fund the 2019/20 Capital Works Program.





Cemetery Reserve	2019/20	\$300,000	Funds required for Stage 2 works at the Camden Cemetery in 2019/20.
Cemetery Reserve	2020/21	\$300,000	Funds required for Stage 2 works at the Camden Cemetery in 2020/21.
<b>Transfers to Reserve</b>	<b>Year</b>	<b>Amount</b>	<b>Reason</b>
Plant Replacement Reserve	2020/21	\$600,000	Repayment to the Plant Replacement Reserve, funds used to forward fund part of Oran Park Administration Building Construction.

Other minor or recurrent reserve transfers are contained within the 2017/18 Operational Plan (budget). This report will recommend that Council approve all internal reserve transfers.

### OTHER OPERATIONAL PLAN (BUDGET) INFORMATION

#### Rate Income

Council was advised in November 2016 that IPART had determined an allowable increase in rating income for 2017/18 of 1.50%. Rate estimates included within Council's Revenue Policy have been prepared on the basis of a 1.50% rate increase. The impact on the average residential assessment is approximately \$18.66 per year (36c per week).

Council has not made an application for a rate increase above the allowable increase of 1.50% for the 2017/18 financial year. Council does have in place a one-off 1.10% special rate variation which was approved by IPART in June 2013. This revenue is used to part fund the Community Infrastructure Renewal Program and was approved for a period of six years.

Council will continue to levy properties that receive a stormwater service with the Stormwater Management Levy. No change is proposed to the levy amount, which is \$20 per annum for land categorised as residential.

#### Land Valuations

Rating revenues raised in the 2017/18 financial year will be based on the updated land valuations determined by the Valuer General's Department with a base date of June 2016.

Land valuations are issued by the Office of the New South Wales Valuer General and are determined under the *Valuation of Land Act 1916*. The Valuer General is responsible for providing fair and consistent land values for rating and taxing purposes. Council has no control over the land valuations issued on properties within the LGA.

Land Values within the LGA have increased by \$6.4 billion since they were last assessed in 2013. The increase to residential land values is \$5.7 billion and business land values have increased by \$418 million.



A summary of the changes in land valuations is provided in the table below:

2017/18 Rate Year	2013 Land Value	2016 Land Value	Increase
Residential	\$8,248,043,031	\$13,936,164,910	\$5,688,121,879
Business	\$1,080,299,760	\$1,498,100,370	\$417,800,610
Farmland	\$303,239,800	\$608,178,240	\$304,938,440
Mixed Development – Business	\$3,704,720	\$6,025,700	\$2,320,980
Mixed Development – Residential	\$2,866,280	\$4,938,300	\$2,072,020
<b>Total</b>	<b>\$9,638,153,591</b>	<b>\$16,053,407,520</b>	<b>\$6,415,253,929</b>

### Rating Mix

As a result of the large increase in residential land values, and in order to ensure a fair and equitable rating system, a review of the current rating mix has been undertaken. The rating mix determines what each category of rating contributes to the total rate income generated including the 1.50% increase. There are four rating categories, residential, business, farmland (intensive) and farmland (ordinary).

This review is to ensure that both the residential and business category on average pay no more or as close to the proposed IPART allowable limit of 1.50%. In order to achieve this, the business rate in the dollar (ad valorem) needs to increase from 2.7 times the residential rate to 3.3. While there are always exceptions when reporting averages, this change will result in a more equitable rate levy for 2017/18 and beyond.

If endorsed by Council, the average annual rates for residential will increase by approximately \$18.66 (36c per week) and for business by approximately \$65.48 (\$1.26 per week). These increases do not include the waste charge.

### Fire Emergency Services Levy (FESL)

The new Fire Emergency Services Levy (FESL) was due to be introduced from 1 July 2017. The introduction of the FESL has been deferred by the State Government until further notice.

### Fees and Charges

The 2017/18 Fees and Charges have been prepared on the basis of a 2.20% increase in line with CPI with the exception of fees which are set by regulation, are prepared on a cost recovery basis or where Council provides the service in a competitive market.

### Investment Income

Council has an adopted investment policy which outlines the manner in which Council may invest funds, risk profile considerations and the types of institutions and products which it may invest in.

Interest projections for 2017/18 have been prepared on the basis of generating a return on investment of 2.70%. This is the same forecasted rate used as part of the 2016/17 budget. Council is currently achieving a return on its investments portfolio of approx. 3.19% (May 2017).



### Community Infrastructure Renewal Program (LIRS Round 2) (Six Year Program)

The six year \$6.3 million Community Infrastructure Renewal Program is funded by a combination of internal reserves (\$1.5 million), a special rate variation of 1.10% including interest (\$2.8 million) and loan borrowings via the Loan Infrastructure Renewal Scheme (\$2 million). The 2017/18 financial year is the fifth year of this program.

The total programmed expenditure for the first four years of the Community Infrastructure Renewal Program was \$4.3 million. As at 31 March 2017, \$3.5 million (81%) of the identified works program has been completed.

It should be noted that Council will realise loan interest savings of over \$700,000 through rounds two and three of this scheme.

### Total Capital Works Program Summary

The Capital Works Program for 2017/18 is \$185,446,400. A breakdown of this program is shown in the following table:

<b>Local Service</b>	<b>2017/18</b>
Road/Transport Infrastructure	\$75,891,800
Drainage Infrastructure	\$47,456,000
Waste Management	\$2,441,600
Parks & Playgrounds	\$50,493,100
Community Facilities	\$5,949,000
Public Libraries	\$1,834,900
Administration Buildings (Depot Improvements)	\$700,000
Governance & IT	\$680,000
<b>Total for Local Services</b>	<b>\$185,446,400</b>
<b>Funded By</b>	
Works In Kind Agreements	\$160,845,000
Section 94 Funds (Cash Reserves)	\$4,229,000
Waste Management Reserve	\$2,540,100
External Grants	\$5,735,800
Community Infrast. Renewal Program	\$992,000
Internal Reserves	\$6,111,500
General Fund	\$4,993,000
	<b>\$185,446,400</b>

### Loan Borrowings - External

There are no loan borrowings proposed in Council's Revised 2017/18 - 2020/21 Delivery Program. Council's current debt is shown in the table below.

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2019/20</b>
Recurrent Loan Borrowing Program	\$0	\$0	\$0	\$0
<b>Principal Outstanding</b>	<b>\$32,072,000</b>	<b>\$28,407,700</b>	<b>\$24,687,200</b>	<b>\$23,315,800</b>
<b>Debt Servicing Costs (principal &amp; interest)</b>	<b>\$5,181,900</b>	<b>\$4,937,700</b>	<b>\$4,895,800</b>	<b>\$2,461,700</b>

Historically Council has borrowed \$1.6 million annually to part-fund its road renewal program (road reconstruction). Council reviewed this practice and the amount borrowed in developing the 2013/14 budget and Long Term Financial Plan.

As a result of this review, Council approved a debt reduction strategy, which has gradually reduced the reliance on recurrent loan borrowings to part-fund the road reconstruction program. The last planned year of borrowing funds for recurrent purposes was as part of the 2016/17 budget with \$1 million to be borrowed. A review of the 2016/17 budget has identified that Council will not need to borrow in 2016/17. Council has already funded \$350,000 at the March Quarterly Budget Review and the balance of \$650,000 will be funded as part of 2016/17 year-end budget review. This means that Council will be one year ahead of its adopted debt reduction strategy. It will also result in loan interest savings of approximately \$325,000 over the life of the proposed 2016/17 loan.

The debt servicing for Council's current loan portfolio is already included in Council's long term financial plan and formed part of IPART's review of Council's financial sustainability. Council's capacity to borrow for one off major capital projects remains strong.

#### Department of Planning (DOP) Interest Free Loan – Lodges Rd/Hilder St upgrade

In 2010 Council borrowed \$11.8 million dollars from the DOP to upgrade Lodges Rd and Hilder St, Elderslie. The loan was over ten years and was interest free under the Local Infrastructure Fund (LIF). Upon completion of the works not all funds had been expended leaving an unspent loan balance including interest (to date) of approximately \$3.5 million in reserve.

By December 2019 Council will have fully repaid the loan meaning the unspent loan funds held in reserve could be utilised by Council for other purposes. The reserve funds have been identified as a funding source for the 2017/18-2020/21 Delivery Program (Major Capital projects). These funds are not proposed to be utilised until the 2019/20 Operational Plan (budget).

#### **RATES & CHARGES FOR 2017/18 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.



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- 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.
  - 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 2017/18 rating year is 8.00%.

#### Authorisation of Expenditure

In relation to the authorisation of expenditure, Regulation 211 of the *Local Government (General) Regulation 2005* 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.

#### 2017/18 RATING POLICY

##### Rating Income

Council has agreed to maintain its current rating structure but has made an adjustment to the rating mix and as such:

1. Council has the following categories/sub-categories for rateable land in the Camden Local Government Area:
  - Residential
  - Business
  - Farmland Ordinary
  - Farmland Intensive
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.



- The ad-valorem rate for each category/sub-category is based on the following rating mix:

Residential	1.0	
Business	3.3	(i.e. 3.3 times the residential ad-valorem rate)
Farmland Ordinary	0.5	(i.e. half the residential ad-valorem rate)
Farmland Intensive	0.9	(i.e. 0.90 times the residential ad-valorem rate)

- 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	\$658.00	0.143195
Business	\$658.00	0.472544
Farmland Ordinary	\$658.00	0.071598
Farmland Intensive	\$658.00	0.128876

The above base charge and ad-valorem includes the allowable increase in rate income approved by IPART of 1.50%.

- Based on the above rating categories, the percentage of base amount to total yield for the 2017/18 financial year for each class of rate is:

Rate Category	% Base Amount
Residential	49.60%
Business	13.70%
Farmland Ordinary	23.63%
Farmland Intensive	27.44%

The change in the ad-valorem rates from council's draft Revenue Policy is largely a result of recognising additional rateable assessments and the re-categorisation of land 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 2017/18 budget.

Domestic Waste Management Service Charges

It is proposed to increase the domestic waste charges by 2.50%. The impact on the average 120 litre service is approximately \$8.50 per year (16c per week). This increase is required to recover the cost of providing the service, future increases in disposal costs and funding Council's waste plant replacement program.

The list of proposed charges applicable to waste services can be found in Council's Fees and Charges schedule for the 2017/18 financial year.

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 2016/17 Program Budget.

- Annual Charge for stormwater management services



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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 \$546,900 in the 2017/18 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 in Council's Revenue Policy.

## CONCLUSION

The Integrated Planning and Reporting Package has been publicly exhibited for a period of 28 days from 15 May to 11 June 2017. Four submissions were received for Council to consider before adopting the package.

The 2017/18 Operational Plan (budget) and 2017/18 – 2020/21 Delivery Program is a responsible allocation of funds, it addresses resourcing and maintenance needs to both enhance and maintain existing service levels, and addresses much needed infrastructure and a focus on customer service.

Council continues to demonstrate prudent financial management by adopting a balanced budget position. Council's financial health ratios continue to be within or better than the IPART benchmarks which supports Camden Council's assessment by IPART and the Office of Local Government of being fit for the future.

With over 500 new residents per month, Council continues to respond to the needs of a rapidly growing community.

The 2017/18 Integrated Planning and Reporting Package (including 2017/18 Budget) is recommended for adoption by Council.

## **RECOMMENDED**

That Council:

- i. adopt the Community Strategic Plan and 2017/18 - 2020/21 Delivery Program;
- ii. adopt the 2017/18 Operational Plan (Budget) as set out below:
  - expenditure totalling \$302,008,500 as summarised in the 2017/18 Operational Plan and that the funds to cover such expenditure be voted;
  - the 2017/18 Fees and Charges (includes Domestic Waste Management Fees) and 2017/18 Revenue Policy;
  - the continuation of the Stormwater Management Levy as outlined in this report and program of works in the 2017/18 Operational Plan;
  - adopt a 1.50% rate increase under Section 506 of the *Local Government Act*, in accordance with the allowable increase announced by IPART;
  - increase the business category rate-in-the-dollar (ad-valorem) for rating purposes from 2.7 to 3.3 times the residential rate-in-the-dollar (ad-valorem);
  - adopt the following ad-valorem rates to be levied on the land value of all rateable assessments for 2017/18 financial year:

Rate Category	
Residential	0.143195
Business	0.472544
Farmland Ordinary	0.071598
Farmland Intensive	0.128876

- in accordance with Section 537(b) of the *Local Government Act, 1993*, note the percentage of base amount to total yield for the 2017/18 financial year for each class of rate is:

Rate Category	
Residential	49.60%
Business	13.70%
Farmland Ordinary	23.63%
Farmland Intensive	27.44%

- adopt a base amount of \$658.00 to be levied for each rateable assessment for the 2017/18 financial year;
- adopt the rate permitted by the Minister for Local Government for the allowable interest rate on overdue rates of 8.00%;
- that \$5.7 million be transferred progressively to the capital works





reserve from future quarterly budget reviews (commencing September 2017) to part fund the 2017/18 – 2020/21 Delivery Program;

- that \$700,000 currently owed to the commercial waste reserve not be repaid;
- approve the following reserve transfers:

Proposed Reserve Transfers (Net)	2017/18	2018/19	2019/20	2020/21
Transfer from Capital Works Reserve	(\$3,060,000)	(\$3,050,000)		
Transfer from Asset Renewal Reserve	(\$750,000)			
Transfer from Town Centre Reserve		(\$125,000)		
Transfer from Department of Planning (DOP) Reserve			(\$3,500,000)	
Transfer from Cemetery Reserve			(\$300,000)	(\$300,000)
Transfer to Plant Replacement Reserve				\$600,000

- transfer \$500,000 to the asset renewal reserve for future allocation by Council to parks improvements;

iii. write to formally thank those who made a submission.

#### ATTACHMENTS

1. Submissions 201718 - 202021 Draft Delivery Program & Operational Plan (Budget) - *Supporting Document*



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## ORDINARY COUNCIL

ORD05

**SUBJECT: INVESTMENT MONIES - MAY 2017**  
**FROM:** Director Customer & Corporate Services  
**TRIM #:** 17/175482

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### PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 31 May 2017 is provided.

### MAIN REPORT

The weighted average return on all investments was 3.19% p.a. for the month of May 2017. The industry benchmark for this period was 1.77% (Ausbond Bank Bill Index).

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

The Responsible Accounting Officer is the Manager Finance & Corporate Planning.

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

### RECOMMENDED

**That Council:**

- i. **note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **note the list of investments for May 2017; and**
- iii. **note the weighted average interest rate return of 3.19% p.a. for the month of May 2017.**

### ATTACHMENTS

1. Investment Report - May 2017



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## ORDINARY COUNCIL

ORD06

**SUBJECT: PETITION - BOUNDARY CHANGE TO SUBURB - ELDESLIE**  
**FROM:** Director Customer & Corporate Services  
**TRIM #:** 17/167433

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of a valid petition titled "Residents requesting; Boundary Change: Suburb to be changed to original suburb of Elderslie (as sited on Land Contract)."

The petition contains 69 signatures.

Council's Code of Meeting Practice, section 6.4 states:

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

Therefore this report brings the petition before Council for information purposes only.

**The petition is provided as an attachment to the report.**

### RECOMMENDED

**That Council:**

- i. note the petition; and**
- ii. advise the lead petitioner of this resolution.**

### ATTACHMENTS

1. Boundary Change Petition 2570 - *Supporting Document*



# ORDINARY COUNCIL

ORD07

**SUBJECT: MOTHER HUBBARD'S CUPBOARD - REQUEST TO REFUND DEVELOPMENT APPLICATION FEES**

**FROM:** Director Customer & Corporate Services

**TRIM #:** 17/183881

## PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a request from Mother Hubbard's Cupboard for a refund of the Development Application (DA) fees associated with the change of use to a community facility and signage at 65 Harrington St, Elderslie.

## BACKGROUND

On 27 May 2016, Council received a development application (DA567/2016), from Mother Hubbard's Cupboard. The DA was approved under delegated authority on 21 July 2016.

This request seeks a refund of the fees which have been paid to Council.

Mother Hubbard's Cupboard is a local charity which has served the community for the past nine years by raising funds for women and children of domestic violence and the homeless. This is achieved by community donations and the tireless efforts of more than 40 volunteers assisting Mother Hubbard's Cupboard to fulfil their aims.

**The request is provided as an attachment to the report.**

## MAIN REPORT

On 8 May 2017, Council received a request for a refund of the fees associated with this development. The total DA fees paid for this application are listed below:

Council Fee	Purpose	Amount
DA fee	The assessment of the DA by Council	\$285.00
PCA fee	Building PCA services (inspections)	\$303.00
Outdoor Structures Fee	Outdoor Structure (signage) Fee	\$285.00
Archiving fee	The physical and electronic storage of the applications by Council	\$30.00
	<b>Total refund requested</b>	<b>\$903.00</b>

## FINANCIAL IMPLICATIONS

The current balance of Councillor Ward Funds is \$32,100. The refund could be funded from available Ward Funds or at the Year-end Budget Review (June 2017).



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## **CONCLUSION**

A request has been received seeking a refund of the DA fees paid to Council associated with a change of use to a community facility and associated signage application. The total amount of the refund requested is \$903.00. Should Council decide to refund the fee, a funding source will need to be determined as provided in the financial implications section of this report.

## **RECOMMENDED**

**A matter for Council to determine and that the applicant be advised of Council's decision.**

## ATTACHMENTS

1. Ltr Camden Council re refund of DA fees - *Supporting Document*