

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 28 MAY, 2001, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

Present: Cr E Campbell (Mayor/Chairperson), Crs F Anderson, C Patterson, G Corrigan, S Winn, S Fekete, N McFadden, S Senise,

Staff: General Manager, Director Works & Services, Director Development & Environment, Director Governance & Outcomes, Manager Development, Manager Environment, Acting Manager Outcomes, Manager Administration

Apologies: An apology was received from Cr Batros from this meeting.

Resolved on the Motion of Cr Campbell, seconded Cr Corrigan, that leave of absence be granted to Cr Batros from this meeting.

DC065/01 THE MOTION WAS **CARRIED**.

PUBLIC ADDRESSES

There were no appearances for Public Addresses at this time.

1. **File No:** DA2675.310 (Director, Development & Environment Division)
DA No: DA269/2001
Proposal: Erection of Eight (8) Igloo Type Greenhouses
Property: No 178 (Lot 6 DP 262084) Eastwood Road, Leppington
Owner: M Ferella
Applicant: G Azzi
Zoning: Rural 1(b)

Purpose of Report

The subject application seeks Council approval for the erection of 8 igloo type greenhouses. The application was notified and (4) four submissions have been received.

Summary of Recommendation

It is to be recommended that Council grant conditional approval to the erection of the greenhouses.

The Proposal

The proposal is to construct eight (8) igloo type greenhouses measuring 9m wide x 3.3m high and variable length from 40m to 50m. The proposal has been designed to comply with Council's Policy covering the "Erection of Igloo-Type Greenhouses", with a site coverage of 3330m², which constitutes 16.6% of the site. Setbacks from all boundaries comply with the Policy at 20m, with greater setbacks at the rear and north-eastern boundary. A location plan, site plan and

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landscape plan form **Tabled Document “DC 1”**. The igloos are proposed to be used for the growing of tomatoes and cucumbers.

It is proposed that landscaping consisting of native species suitable for the area will be planted at 3m centres along the boundaries to screen the structures in accordance with Council’s Policy.

The Site

The site has an area of 2ha and is relatively level with a slight fall to the north-eastern corner. It is mostly cleared of trees and is regular in shape. A substantial brick dwelling, occupied by the owner, exists at the front of the site together with a number of sheds.

The surrounding land is used for grazing/hobby farming and market gardening purposes. There are other igloo structures within the vicinity.

The land has previously been used for market gardening and a farm dam exists on the land.

Notification of Adjacent Owners

The proposed development was notified to nine (9) adjacent property owners and four (4) submissions have been received. **A copy of the submissions were handed out separately with the Business Paper.**

The matters raised in the submissions are:

- (a) market gardening is devaluing properties in the area;
- (b) there are too many greenhouses in the area already;
- (c) additional ground water from greenhouses;
- (d) poor site management enabling boxes and rubbish to be blown around the area;
- (e) slow growth of landscaping;
- (f) spoil look of area;
- (g) Council’s monitoring of these developments and penalties for non compliance;
- (h) weeds growing around greenhouses make them unsightly and are generally uncontrolled;
- (i) close proximity to road affecting streetscape.

Planning Controls

Under CLEP 48 the site is zoned Rural ‘B’ (2ha) 1(b), which permits agriculture without consent, but does not permit intensive horticulture.

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To enable proposals for plastic covered greenhouses to remain within the definition of “agriculture”, Council has since 1991 applied the policy covering “The Erection of Igloo-type Greenhouses in the Rural and Rural/Residential Areas of Camden”. This policy limits the area to be occupied by greenhouses to a maximum of 20% of the site area. This proposal complies with site coverage of 16.65%.

Approval under the Policy is restricted to a period of five (5) years from the date of approval.

The Camden draft Rural Land Strategy recommends that the intensive agricultural use character be retained in this locality.

Assessment

Section 79C Consideration

(a) The provision of any environment planning instrument

Local Environment Plan

As stated above, the property is zoned Rural 1(b) under the provisions of LEP 48 wherein the development is permissible provided the proposal complies with Council’s Policy for the Erection of Igloo Type Greenhouses. The proposal complies with the Policy.

(b) Likely impacts of the development on both natural and built environment

Screen Landscaping

The Policy requires the planting of super advanced (1.5m) high shrubs before construction of the igloos. This would be enforced through conditions of approval should consent be granted.

Water Management

The nearest igloo structures will be a minimum of 30m from any boundary to which water will flow. This distance provides ample area for dispersion of stormwater and irrigation water caused by the existence of the proposed structures. Drainage is to be installed to redirect surface water back to the existing dam. The greenhouses will use drip/trickle irrigation internally, significantly reducing the amount of water used from standard agricultural practice.

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Buildings

The proposed structures are to be considered as temporary structures only and any future approval is based on performance during the previous period. The maintenance of the structures can be controlled under the 'Orders' provisions of the EP&A Act. Recent changes to the Regulations allow Councils to issue penalty notices for up to \$1500 for failure to comply with conditions of consent.

Site Management

Boxes and rubbish could be blown around the site. This is essentially a site management issue, which is not restricted to proposals for greenhouses. However, conditions and enforcement can control this.

Unpleasantness due to weed growth around greenhouses has been a common problem in rural areas and again, can be addressed with conditions of the consent requiring site maintenance in regard to weed control in the vicinity of the greenhouses.

Streetscape

The green houses will have some impact to the streetscape, but with the 20m setback and landscaping the effect on the streetscape is minimised. It should be noted that the area is a rural area where agricultural pursuits are expected and in fact encouraged due to the importance of agriculture to the local economy and its role in supplying the Sydney regions with fresh produce.

Other Matters Raised in Submissions

(a) Property Values

The area is zoned Rural 1(b) and therefore values of land reflect the likely use for agricultural purposes. There is no evidence provided to substantiate the proposed works will alter property values.

(b) Too Many Greenhouses

Council's strategic plan encourages the use of rural lands for agricultural purposes. Greenhouses are an accepted form of producing food and flowers and therefore are an expected structure in the rural area.

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(c) Slow Growth of Landscaping

Council's policy requires the planting of trees prior to construction of the igloos with plant species to be a minimum of 1.5m high. Proper plant selection appropriate to the area will ensure development of the trees.

(d) Spoil the Look of the Area

As stated above, igloos are a common structure associated with agricultural use, an 'of right' use in the rural areas. Provided they are well maintained, they are in keeping with the rural character of the area.

Summary

The application complies with Council's Policies and is in accordance with the general objectives of the zone in utilising the agricultural potential of the land. The proposal should not result in any adverse effect in terms of the considerations under Section 79(c) of the EP&A Act. With proper environmental controls applied through conditions of consent, the works should not adversely impact adjoining properties.

Recommended: That:

- (i) Development Application No 269/20001 for the erection of 9 (nine) greenhouses at No 178 Eastwood Road, Leppington be approved for a five year period subject to the conditions which form **Table Document "DC 2"**;
- (ii) Objectors be advised of Councils decision.

Resolved on the Motion of Cr Campbell, seconded Cr Fekete that:

- (i) *Development Application No 269/20001 for the erection of 8 (eight) greenhouses at No 178 Eastwood Road, Leppington be approved for a five year period subject to the conditions which form **Table Document "DC 2"**;*
- (ii) *Objectors be advised of Councils decision.*

DC066/01 THE MOTION WAS **CARRIED**.

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2. **File No:** **DA8075.2480** (Director, Development & Environment Division)
 DA No: **2296/2000**
 Property: **248 Welling Drive, Mount Annan (Lot 4092 DP 809964)**
 Proposal: **Development of Mount Annan High School**
 Owner: **NSW Department of Education and Training (DET)**
 Applicant: **NSW Department of Public Works and Services (DPWS)**
 Zoning: **Residential 2(d) – CLEP 47**

Purpose of Report

Council is in receipt of an application for the construction of a high school for 1000 pupils at Mount Annan. The report advises Council of the assessment of the application and the objections received during the notification period of the application.

Summary of Recommendation

This report recommends that the application be approved subject to draft conditions of consent, which have been submitted to the applicant (a Crown Authority) for their concurrence in accordance with the provisions of Section 116(b) of the EP&A Act.

The Proposal

The new school has been designed to the latest High School Facilities Code as a six stream comprehensive high school catering for years 7 to 12, with 6 classes in each year. There will be a possible total student population of around 1020 and approximately 110 staff.

The facilities being provided include classrooms, administration, library, specialist facilities, gymnasium, canteen and associated facilities, hard courts and a playing field (refer to **Tabled Document “DC 3”**).

It is proposed that the school will be in use for the 2003 school year.

The Site

The site has an area of 6ha and is located on the western side of Welling Drive between Rose and Stenhouse Drives, central to the student feeder suburbs of Mount Annan and Currans Hill. The site gently falls from Welling Drive to Birriwa Reserve, which contains the central pedestrian/cycleway for Mount Annan allowing vehicular segregated pedestrian access to the

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new school from Mount Annan Primary School to the south and up to the Mount Annan District Centre to the north (refer to **Tabled Document “DC 4”**).

Notification

All adjoining land owners and occupiers, public authorities and community groups were advised of the proposal.

Three submissions were received during the exhibition, two from local residents and the other from Busways. **Copies of the submissions were provided to the Councillors separately with the Business Paper.**

Issues covered by the two local residents were:

- the western boundary of the school was within a detention basin which could be under water for up to a day after periods of heavy rain;
- the school’s western access gate was also within the detention basin;
- possible traffic increase in the shareway, James Way
- school children loitering after school around James Way;
- playing field and western boundary fence should be moved towards Welling Drive;
- construction of the pedestrian/cycleway missing link from Sheridan Way and Dunbar Place;
- more trees to be planted in James Way, similar to Hogue Place and Sheridan Way.

Busways were seeking the provision of an off-street bus turning facility within the school site.

These submissions and their issues are assessed later in this report.

Planning Controls

The following environmental planning instruments and Council policies are relevant in the assessment of this application.

- Camden LEP 47
- DCP 37 - Mount Annan Stage 2
- SREP 20 Hawkesbury-Nepean River
- DCP 97 – Car Parking Code

Assessment – Section 79C (1) Matters for consideration

(a) the provision of any environmental planning instrument

The site is zoned Residential ‘D’ (Release Areas) under CLEP 47. The proposed development is permissible with the consent of Council.

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The relative objective of the Residential 'D' (Release Areas) zone is:

- “(c) **to ensure the provision of accessible and convenient** commercial, social, recreational, **community** and employment **facilities** and satisfactory public transport **to serve the needs of the residential district for educational,** recreational, religious, community service and welfare **activities;...**”

Sydney Regional Environmental Plan No 20 –
Hawkesbury/Nepean River (SREP 20)

The land is affected by SREP 20 which states that Council shall not grant consent to an application to carry out development which drains to the Hawkesbury Nepean River, unless it has taken into account the effect the proposed development will have on:

- the water quality of the river;
- the recreational opportunities of the river;
- the economy of the river;
- the agricultural potential of the river;
- the significant vegetation and wildlife habitats of the river valley;
- the environmental heritage of the river valley;
- the scenic quality of the river and river valley.

The development is unlikely to have an adverse impact on the environment of any adjoining property or the water quality of the Hawkesbury-Nepean River system.

Conditions have been imposed to provide that the proposal complies with the provisions of SREP 20. In particular a 'Construction Environmental Management Plan' will be prepared by the developer to include such issues as erosion and sedimentation; water; hazards and risks; waste management and litter management. Also prior to the commencement of the school an 'Operational Environmental Management Plan' will be prepared which will include strategies for issues such as water quality; vegetation management; waste management and hazards and risks.

- (b) **the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

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The school has been designed to minimise the visual impact from Welling Drive by using the natural fall of the site to create a single storey row of buildings along the eastern (road) boundary and a two-storey row of buildings facing the playing field to the west.

Materials and colours have been chosen to complement the natural environment. Feature colour elements will emphasise entry areas and identify each set of classroom blocks on the site. Landscaping will also enhance entry points and create a variety of external spaces and screening from existing houses.

Access, Transport and Traffic

A Traffic Impact Assessment and a Traffic Management Strategy have been prepared by McLaren Traffic Engineering. The study concluded that the existing bus lay-by to hold 4 buses was adequate for the new school. This bus lay-by will still operate for the normal bus service. The southern lay-by will accommodate a parent drop-off zone. Provision has been made for 98 carpark spaces in the school's southern carpark and 12 spaces in the northern carpark. Whilst this exceeds Council policy the consent has been conditioned that provision be made for a spill-over carpark to the school's northern carpark to cater for any school expansion, all student vehicles and special events.

The development proposal was assessed by the Sydney Regional Development (Traffic) Advisory Committee. Their comments were considered and generally adopted. Two significant issues were identified and have been conditioned. A wombat crossing is to be provided with Council to arrange for a 40kph school speed zone outside the new school which should be integrated with the school speed zone for Mount Annan Primary School. The cost of such facilities will be borne by the Department of Education. The second issue was for a 'No Right Turn' sign to be placed at the exit of the school's northern carpark. This is to minimise traffic conflict during school hours. The roundabout at Rose and Welling Drives will allow vehicles to return south along Welling Drive after exiting the school's northern carpark.

(c) the suitability of the site for the development

The proposed high school site was planned for in the Narellan Release Area in 1988 with Council's adoption of DCP 37. It was centrally located to serve both Mount Annan and Currans Hill with a direct link to the main

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pedestrian/cycleway linking Currans Hill to the southern area of Mount Annan. It also fronts the main collector road in Mount Annan.

(d) any submissions made in accordance with this Act or Regulation

As previously mentioned three submissions were received. The issues raised are considered as follows.

To resolve the issues with the two submissions from local residents, negotiations were entered into with the applicant resulting in an agreement for the transfer, at no cost to Council, all detention basin affected school land which forms Council's existing drainage reserve within Birriwa Reserve. The proposed new western boundary of the school will be fenced with suitably located entrance gates to provide students ready access to the school from the north, west and south. The occurrence of flooding, ie stormwater being contained in the existing detention basins is infrequent and will require students to make appropriate detours to the south or north when the detention basins are flooded. The retention of water in these basins is for only short periods of time, ranging from several hours to a day.

The issue of increased traffic and children loitering in James Way will need to be monitored and appropriate strategies developed if this becomes a problem. The cooperation of the school principal would assist should this concern eventuate.

The proposed playing field, hard court and western boundary fence have been relocated to be out of the drainage reserve, as well as to avoid any removal of vegetation on the western boundary of the school.

Council's Works Branch has agreed to program the construction of the pedestrian/cycleway missing link to coincide with the school's construction timetable. Section 94 contributions have been identified for this local infrastructure, which will provide a continuous link from the Mount Annan Primary School to the sporting facilities within Birriwa Reserve free from vehicular traffic.

The existing street trees in Welling Drive outside the school will require transplanting because of the proposed new full width footpath. These are to be located in Birriwa Reserve near James Way at the full cost of the DPWS. Extensive landscaping is proposed within the school adjacent to Welling Drive to create an

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integrated landscaped streetscape with the school's buildings as well as adding to the existing vegetation along all other boundaries.

The third submission came from Busways. They were seeking the provision of an off-street bus turning facility. This request was discussed with all the relevant stakeholders and an investigation undertaken to determine the suitability of an off-street bus turning facility. It was concluded that with the centrally located school the demand for school buses would not be high. Having regard to the existing major roads and roundabouts throughout the estate, these would provide sufficient options for Busways to plan for their routes so that their buses would both drop-off and pick-up at the current bus lay-bys outside the school site. Further, it was considered that it would be safer not to have buses turning right from the school given the likely traffic conditions at peak periods and the close proximity of the proposed 'wombat crossing' to the turning buses.

(e) the public interest

The proposed development is in the public interest (local residents) to proceed with minimal delay to allow for the proposed opening at the commencement of the 2003 school year.

Summary

The development application for the Mount Annan High School has been fully assessed and appropriately conditioned to meet all the requirements for a large public facility in an urban location.

Draft conditions of consent have been sent to the DPWS for their concurrence as required under the provisions of s116C(b) of the EP&A Act 1979.

Recommended: That

- (i) Development Application No 2296/2000 to develop a new high school at Mount Annan at 248 Welling Drive, Mount Annan (Lot 4092 DP 809964) be approved subject to the draft conditions of consent which form **Tabled Document "DC 5"**.
- (ii) Council liaise with the Road and Traffic Authority to apply a part time 40kph school speed zone outside the new school in Welling Drive and that it be linked with the existing school speed zone for Mount Annan Primary School.

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Motion moved Cr Winn, seconded Cr McFadden that

- (i) Development Application No 2296/2000 to develop a new high school at Mount Annan at 248 Welling Drive, Mount Annan (Lot 4092 DP 809964) be approved subject to the draft conditions of consent which form **Tabled Document “DC 5”**.*
- (ii) Council liaise with the Road and Traffic Authority to apply a part time 40kph school speed zone outside the new school in Welling Drive and that it be linked with the existing school speed zone for Mount Annan Primary School.*

AMENDMENT

Moved Cr Anderson, seconded Cr Senise that further consideration of this Development Application be deferred for a period of two (2) months to allow Council staff to further negotiate with the Department of Education and Training for provision of off street bus turn within the school site.

*DC067/01 THE AMENDMENT ON BEING PUT WAS CARRIED, BECAME THE
***** MOTION AND WAS **CARRIED**.*

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3. **File No:** **PF 7300.510** (Director, Development & Environment Division)
 Property: **No 171 (Lot 1, DP 535692) Springfield Road, Catherine Field**
 Subject: **Unauthorised Tree Felling and Clearing**
 Owner: **Mr A & Mrs F Elomar**
 Zoning: **Rural “B” (2Ha) 1b under LEP 48**

Purpose of Report

To advise Council of progress in the matter and seek Council’s consideration to not proceed with legal action for the unauthorised removal of trees.

Summary of Recommendation

Having regard to the legal advice and action taken by the owners, it is recommended that legal action against the owners not proceed.

Background

In December 2000 Council Officers interviewed Mr Ibrahim Elomar regarding the unauthorised felling of approximately 60 Melaleuca stypheoides trees (prickly paperbarks) on his property.

Mr Elomar admitted that he was responsible for the tree felling and stated that he did not know that they were protected trees or that they needed a Council permit for removal. He also stated that he thought that they were weed growth.

At the meeting of 22 January 2001, it was resolved that legal proceedings be commenced against the owners.

Since being interviewed the owners have applied to Council for an approval for the work carried out and to tidy up the site (DA 202/2001). They have also commissioned a Flora and Fauna Assessment (Eight-Part Test) of the work completed and recommendations for the restoration of the site. The Flora and Fauna assessment will form part of the determination process for the Development Application currently being assessed by council.

Consideration

In accordance with Council’s resolution, the matter was referred to Council’s solicitors for the commencement of legal action.

The Solicitors have advised that should Council proceed with legal action it is likely that legal costs would amount to

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approximately \$2000. Council's Solicitors advise that in the circumstances it is unlikely that the Court would record a conviction, and if so, Council would be unable to recover all the costs associated with this action. **A copy of correspondence from Council's Solicitors forms were handed out separately with the Business Paper.**

The owners have displayed willingness to not only restore the site, but to improve the landscape character of the subject property. They have cooperated with Council and have exceeded any remedial requirements imposed by Council.

It would appear that the outcome in this matter will be that the affected area will be restored and the native vegetation will be protected and enhanced. It is also likely that any Magistrate of the Court would give favourable consideration to the owner cooperating with Council and carrying out such remedial works. In this regard a conviction may not be recorded or a penalty imposed, given that this is a first offence. Councillors would recall that Council has had limited success in the Court on these matters in the past.

Summary

The owners are making a genuine effort to not only conform to Council's requirements in restoring the native vegetation, but also in enhancing the property by re-vegetating with native trees. It would appear that the legal proceedings are no longer necessary to achieve a satisfactory outcome, and having regard to the advice from Council's Solicitors, it would seem reasonable to not proceed with such legal action.

Recommended: That Council not proceed with legal proceedings against the owners of No 171 (Lot 1, DP535692) Springfield Road, Catherine Field for the unauthorised removal of trees.

Resolved on the Motion of Cr Corrigan, seconded Cr Senise that Council not proceed with legal proceedings against the owners of No 171 (Lot 1, DP535692) Springfield Road, Catherine Field for the unauthorised removal of trees.

DC068/01 THE MOTION WAS **CARRIED**.

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4. **Policy for Signs and Banners in Public Areas** (545/7)
(Director, Development & Environment Division)

Purpose of This Report

This report seeks Council endorsement to place on public exhibition a new policy relating to the placement of signs and banners in public areas.

Background

Currently, no guidelines exist for the approval and regulation of signs and banners in public places in the Camden Local Government Area. In the most part signs attached to trees and poles are removed and banners are only permitted to be erected two weeks before an event. There has been no restriction on the location, neither of signs nor of banners and this has often lead to situations where signs and banners have been impounded. Council's Enforcement Officer is regularly required to remove signs and banners, which are erected in inappropriate locations, or which are deemed to contravene accepted practice.

Furthermore there have been no clear guidelines as to the types or size of banners erected or the organisations that may erect banners. The proposed policy aims to restrict the placement of such articles to charitable and community organisations, and also limit the locations where these articles may be displayed. In addition there has been no approval process nor guidelines as to the method to seek approval or which section of Council controls such approvals.

Proposal

The proposed policy will provide clear guidelines to the public and will eliminate the uncertainty that currently exists on the part of both the public and Council officers. In addition, it will streamline the regulation of signs and banners and Council's Enforcement Officer will be able to quickly identify and remove illegal, inappropriate or poorly positioned signage. A copy of the proposed policy forms **Tabled Document "DC 6"**.

The intention of the policy is to allow, with approval of Council, the erection of non-commercial signs and banners at approved locations. Content and size of the signs are also to be controlled.

Another aspect that has been incorporated in the policy is that of political placards. The present situation is that Council permits political signage on private lands immediately leading up to either Federal, State or Local Government elections. The policy incorporates the provisions of the Parliamentary

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Electorates and Election Act 1912, provisions which prevent the erection of political signs on public land/property.

It is not proposed that any fees for approval would be required by Council as the intent of this policy is related to non-commercial or community signs. More over, the policy is intended to permit advertising with control.

It is proposed to write to groups that have been known to erect signs and banners in the past to seek comment on the policy and to advertise the policy in the usual manner for a period of at least 28 days.

Recommended: That

- (i) Council resolve to place the signs and banners policy on public exhibition for a period of 28 days.
- (ii) The draft signs and banners policy is to be reported back to Council for adoption at the conclusion of the public exhibition period.

Resolved on the Motion of Cr Corrigan, seconded Cr Winn that

- (i) *An additional site, being the Kirkham Park netball courts, cnr Camden Valley Way and Hilder Street, Elderslie be added to the Policy.*
- (ii) *Council resolve to place the signs and banners policy on public exhibition for a period of 28 days.*
- (iii) *The draft signs and banners policy is to be reported back to Council for adoption at the conclusion of the public exhibition period.*

DC069/01 THE MOTION ON BEING PUT WAS **CARRIED**.

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5. **Development Control Plan No 117 – Footpath Cafes and Outdoor Trading** (4498/1) (Development & Environment Division)

Purpose of Report

The purpose of this report is to recommend that Council resolve to place on public exhibition Draft Development Control Plan No 117 – Footpath Cafes and Outdoor Trading, and to introduce a fee for the use of Council’s footpath area calculated on the number of seats.

Background

Council has three adopted policies in respect of the use of the footpath area within the Town Centres for activities. These policies are:

- Guidelines for Street Stalls - This policy relates to the setting up of street stalls by community groups in the Camden Town Centre in certain locations. (Refer to Policy 2.2.1).
- Footpath Trading Policy in Camden and Narellan CBDs - This policy (3.3.7) allows businesses to display goods, such as clothing, on the footpath on certain days.
- Local Policy No 8 (Footpath Restaurant) - This policy allows businesses to set up tables and chairs on the footpath area as an extension to the restaurant. This policy applies to both Camden and Narellan Town Centres.

Since the adoption of these policies, three matters have arisen that require Council to review or repeal these policies:

- (a) The Environmental Planning and Assessment Act was amended in 1999, which required all LAPs to be converted to DCPs. Transitional provisions were incorporated in the amendments to allow current policies to remain until they were replaced.
- (b) The Local Government Act 1993 requires Council to review policies within 12 months of the election of a new Council.
- (c) A report was submitted to Council in accordance with the Act outlining those Policies, which would be reviewed, with timeframes for such reviews. This report indicated that the above policies would be combined into one policy.

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Consideration

A Draft DCP has been prepared in accordance with the Act. Basically the new DCP is a combination of the above policies, with some extraneous matters deleted to provide for a more legible document, and diagrams added which depict the requirements of DCP for cafes and outdoor trading. Currently a number of businesses have established outdoor seating, which has not been approved or does not comply with this DCP.

The Smoke-Free Environment Act 2000, effective from 6 September 2000, introduced an immediate ban on smoking in most enclosed public places, ie. restaurants, shopping centres, theatres, cinemas etc. Dining areas in premises with hoteliers' licence or night club licence and registered clubs will need to introduce the smoking ban by 6 September 2001.

As a result of this legislation, it is proposed to conduct a seminar on "Smoke-Free Environments" on the 5 June 2001. Businesses in the area have been invited to attend this seminar of the new Draft DCP and the requirements to lodge applications with Council for approval and the requirements to keep the approved area free of rubbish, such as cigarette butts. Representatives from NSW Health and NSW Police will also be in attendance and will give an address on the legislation. Those businesses that do attend on the day will be notified of the new requirements.

The DCP will be extensively notified to restaurant businesses, the respective Chambers of Commerce and community groups. At the end of the exhibition period the results of the public consultation will be submitted back to Council for consideration.

Charge for the Use of Council's Footpath

Council is the owner of the footpath area and therefore, pursuant to the provisions of the Local Government Act, is entitled to license the use of the area and charge an annual fee for the right to the licence. This is common practice for other Councils in the Sydney region with some Councils charging up to \$100 per seat.

As the use of the footpath area effectively extends the useable area of a premises, it is appropriate that there is a charge for the use of that land. In view of Council's intention to promote outdoor activity and not impose a prohibitive fee, it is recommended that the initial development application fee for setting up the business be \$170 (existing fee), with an annual license fee of \$25 a chair being imposed. This fee is not unreasonable given the fact that the anti-smoking laws prevent

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diners smoking in restaurants and that the use of the footpath increases the number of tables and chairs and patrons to that particular restaurant.

It should be noted that RTA approval is required for use of the footway area of a classified road and in this regard it is proposed to refer the draft policy to the RTA seeking approval for the use of the footpath of classified roads in accordance with the policy provisions.

Summary/Conclusion

The current LAP and policies are required to be repealed for the reasons espoused in this report. The new DCP will bring together a document that addresses the requirements of establishing an outdoor cafe and trading area. The proposed fee for the use of the footpath area ensures that users of Council land pay an appropriate fee, as is the case with users of other Council facilities.

Recommended: That

- (i) The Draft Development Control Plan No 117, which forms **Tabled Document “DC 7”**, be exhibited in accordance with the Regulations.
- (ii) At the conclusion of the exhibition period, the matter be referred to Council for consideration in conjunction with any comments received.
- (iii) That the initial development application fee of setting up an footpath café be set at \$170, with an annual licence fee of \$25 a chair being required. Such fees will need to be included in Council’s Fees and Charges currently on public exhibition.
- (iv) The draft policy be referred to the RTA seeking approval under S125(3) of the Roads Act 1993 for the use of footways of classified roads in accordance with the provisions of the policy.

Resolved on the Motion of Cr Senise, seconded Cr Anderson that

- (i) *The Draft Development Control Plan No 117, which forms **Tabled Document “DC 7”**, be exhibited in accordance with the Regulations.*
- (ii) *At the conclusion of the exhibition period, the matter be referred to Council for consideration in conjunction with any comments received.*

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- (iii) *That the initial development application fee of setting up an footpath café be set at \$170, with an annual licence fee of \$25 a chair being required. Such fees will need to be included in Council's Fees and Charges currently on public exhibition.*

- (iv) *The draft policy be referred to the RTA seeking approval under S125(3) of the Roads Act 1993 for the use of footways of classified roads in accordance with the provisions of the policy.*

DC070/01 THE MOTION WAS **CARRIED**.

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6. **Erosion and Sediment Control Policy** (File No 3691)
(Director, Development & Environment Division)

Purpose of Report

The purpose of this report is to advise Council that a revision of an existing Policy has been undertaken in accordance with the requirements of the Local Government Act and to recommend that the revised policy be placed on public exhibition.

Background

The issue of erosion and sedimentation has been topical for a number of years with general consensus that there is a need for all parties involved in land disturbance to act responsibly to ensure that our environment is not further degraded. Unfortunately, there are some in the community that need direction and education to avoid the negative impacts from inappropriately conducted activities.

Council first developed an erosion and sedimentation policy in 1995 at the height of building activity in the LGA. The policy was developed in light of a growing impetus from the Department of Land & Water Conservation and the HNCMT. The intent of the policy was to provide advice and direction to builders and developers operating in the area so as to avoid the confusion between one LGA and another. For all intents and purposes the policy was effective in providing this information and was seen by most as an important base document to guide development and compliance standards. Currently Local Approvals Policy No 2 provides guidelines in relation to erosion and sedimentation issues. Local approvals policies have been removed from the provisions of the Act and accordingly require replacement with a new Policy.

Revised Policy

The revised policy simply reflects the changes in information now available to proponents and primarily relies on what is colloquially known as “the Blue Book”. The NSW Department of Housing, in association with Landcom, through their publication “Managing Urban Stormwater Soils and Construction”, has developed this resource which has received wide acceptance as an industry standard.

The policy is set out in a fashion that defines the activities that are governed but then refers to “the Blue Book” as the base document. In this way the base document can be varied and updated from time to time without the need for Council to rewrite its own document. A copy of this document will be available at the meeting should any Councillors wish to review its contents.

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Recommended: That

- (i) Council place the revised Erosion and Sediment Control Policy which forms **Tabled Document “DC 8”** on public exhibition in accordance with the Regulations.
- (ii) At the conclusion of the exhibition period the matter be referred to Council for consideration of any submissions received.

Resolved on the Motion of Cr Fekete, seconded Cr Winn that

- (i) Council place the revised Erosion and Sediment Control Policy which forms **Tabled Document “DC 8”** on public exhibition in accordance with the Regulations.
- (ii) At the conclusion of the exhibition period the matter be referred to Council for consideration of any submissions received.

DC071/01 THE MOTION WAS **CARRIED**.

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7. **Amendment to Development Control Plan No 69 – Harrington Park** (DA6215.15) (Director, Development & Environment Division)

Purpose of Report

The purpose of this report is to recommend that Council resolve to place on public exhibition an amendment to DCP No 69 – Harrington Park, which shows the deletion of the school site in Pearson Crescent, adjoining the Struggle Town Precinct.

Background

In 1996 Council adopted the Development Control Plan No 69 – Harrington Park. This DCP initially addressed the development of Lakeside Village, ie that area south of the creek corridor, for residential development. The DCP showed the location of these areas including, open space areas and the proposed school site in Pearson Crescent. A locality plan forms **Tabled Document “DC 9”**.

Since 1994, this Village has progressively been developed, with this site being left vacant for purchase by the Department of Education and Training for school purposes.

Main Report

The Department has subsequently advised Taylor Woodrow that the site is no longer required for a primary school, with the preferred site being that on the opposite of the creek corridor in Park Haven Village due to the central location to the entire suburb and adjacent to the playing fields. The Department further advised that this school would have a core capacity for 600 students. This school is currently under construction. A plan of this school site forms **Tabled Document “DC 10”**.

As a result of the Department’s determination, Taylor Woodrow have submitted a subdivision application to create 53 residential lots ranging from 508m² to 810m² and 1 public reserve lot, with an area of 2585m². These lot sizes comply with the DCP. A copy of the plans form **Tabled Document “DC 11”**.

A development application has been lodged for the construction of part of Fairwater Drive north of the school site. A copy of the plans form **Tabled Document “DC 12”**. This land is zoned Residential 2, which permits higher density development, ie. town houses and dual occupancies. This aspect has been discussed with Taylor Woodrow and they would like the land to be reclassified to Residential 1 to allow single dwellings only.

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As a result of the proposed development for residential purposes, discussions have been held with the adjoining land owner (Nepean Engineering) regarding such matters as access to that development (Struggletown), drainage, Section 94 issues, cost sharing of roads and future connection to Camden Valley Way. These discussions have resulted in the plans before Council. This new lot layout will necessitate this developer revising, in part, road layouts to connect to the extension to Fairwater Drive. These discussions will be ongoing for a period of time, but will not delay the consideration of the amendments to the DCP or the approval of the subdivision application.

The amendments to the DCP, together with the new subdivision proposal, will be advertised to adjoining landowners in the immediate vicinity of the site. Taylor Woodrow has advised that the newsletter that they distribute to all owners in the estate will indicate the deletion of the school site and any reference material will be amended accordingly.

Summary/Conclusion

The school site is surplus to the Department of Education and Trainings' needs and is zoned for residential purposes under the provisions of LEP No 74 – Harrington Park. DCP No 69, however, classifies the land for a school site. To facilitate the development of the land for residential development the DCP will need to be amended to delete the classification.

Road widths and lot layout/sizes comply with the DCP. Issues in respect of negotiations with the adjoining land of the Struggletown precinct will be ongoing, but this is generally an issue between the two parties. Council officers will be involved in these discussions in a conciliatory manner to ensure that either party is not disadvantaged by subdivision proposals which may prejudice the orderly development of the precinct.

Recommended: That:

- (i) The amendment to Development Control Plan No 69 – Harrington Park to delete the classification of Lot 6080 DP 1000023 Pearson Crescent and Lot 2 DP 1010885 Fairwater Drive, Harrington Park for a school site and reclassify the sites to Residential (1), be exhibited in accordance with the Regulations.
- (ii) At the conclusion of the exhibition period, the matter be referred to Council for consideration in conjunction with any comments received.

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Resolved on the Motion of Cr Corrigan, seconded Cr Winn that:

- (i) The amendment to Development Control Plan No 69 – Harrington Park to delete the classification of Lot 6080 DP 1000023 Pearson Crescent and Lot 2 DP 1010885 Fairwater Drive, Harrington Park for a school site and reclassify the sites to Residential (1), be exhibited in accordance with the Regulations.*
- (ii) At the conclusion of the exhibition period, the matter be referred to Council for consideration in conjunction with any comments received.*

DC072/01 THE MOTION WAS **CARRIED**.

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8. **Companion Animals** (TC576/9) (Director, Development & Environment Division)

Purpose of the Report

To recommend that Council instigate legal proceedings for a breach of Section 16 (Owner liable if dog attacks a person or animal) of the Companion Animals Act 1998 against the owner of the offending dogs, Mr Daniel James Brooking.

Background

On Friday, 4 May 2001, at approximately 5.40pm Council's Companion Animals Officer attended premises at No 4 Centennial Lane, Ellis Lane in response to a dog attack.

Upon arrival at the premises Council's Officer met with the occupants Mr & Mrs Gerard Yeo and was taken to the rear of the property. At the rear of the property there existed a large pigeon coop approximately 6 metres by 2 metres. Two dogs were inside together with the pigeons. Upon closer inspection of the coop Council's Officer recognised two dogs, a female cross ridgeback dog known to him as "Magic" and a male cross staffordshire bull terrier known to him as "Buddy". Both dogs were inside the coop and in the process of consuming deceased pigeons. Council's Officer then scanned both dogs and microchip identification confirmed the identity and registered owner of the dogs being Mr Daniel James Brooking.

After consultation with the landowner it was established the dogs had forced the bottom of the entry door to the coop in turn causing the door to twist and allowing entry to the dogs. The dogs then captured and destroyed 71 out of 87 racing pigeons and then proceeded to consume the birds.

A number of photographs of the incident were then taken and the dogs were then seized by Council's Officer and at a later time transferred to the custody of Councils contract Pound Renbury Animal Farm.

Current Situation

On Monday, 7 of May 2001, Council's Officer conducted an interview with Mr Brooking. At this time Mr Brooking confirmed he had left the dogs at his father's residence as their yard was secure, had placed one of the dogs on a chain and then departed for work at approximately 10.00am. At approximately 6.00pm later that day he returned home to find the tethered dog had slipped its collar and both dogs had left the property.

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Both dogs have been reclaimed by Mr Brooking from the pound as there was no provision to withhold the dogs under the Companion Animals Act 1998. On Tuesday, 8 May 2001, a Notice of Intention to Declare Dog Dangerous was forwarded to Mr Brooking via the post.

Summary

The subject dogs have come under Council's notice on two prior occasions. The first being in September 2000, where both dogs were impounded whilst chasing sheep on a premises in Ellis Lane. In this occasion a warning was given by Council.

The second being March 2001, where both dogs were again impounded whilst chasing sheep on the same premises in Ellis Lane. On this occasion two infringement notices were issued in respect of the dogs being permitted to roam the public street under no form of effective control.

It is clear from the incidents involving these dogs that the owner is not prepared to keep his dogs under effective control, and furthermore that these dogs pose a significant threat to any resident in the area who may keep any form of animal.

For this reason it is proposed that upon successful conviction in the Local Court, Council should seek a Destruction Order from the Court to have these dogs destroyed to prevent any future threat to the Community.

Recommended: That Council

- (i) Note the information contained in this report.
- (ii) Resolve to instigate legal proceedings against the owner of the dogs, Mr Daniel James Brooking, for failure to control the dogs in accordance with the provisions of the Companion Animals Act 1998.
- (iii) Resolve that upon successful conviction in the Local Court a Destruction Order be sought to have the dogs destroyed.

MOTION

Moved Cr Corrigan, seconded Cr Senise further consideration of this matter be deferred until the Development Committee Meeting of 12 June, 2001.

SUSPENSION OF STANDING ORDERS

Moved Cr Senise, seconded Cr McFadden that Standing Orders be suspended to allow Mr Daniel James Brooking to address the Committee on this matter, the time being 6.25pm.

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DC073/01 THE MOTION ON BEING PUT WAS **CARRIED**.

PUBLIC ADDRESS

Mr Daniel James Brooking then addressed the Committee in relation to Item 8.

RESUMPTION OF STANDING ORDERS

Moved Cr Senise, seconded Cr McFadden that Standing Orders be resumed, the time being 6.25pm.

DC074/01 THE MOTION ON BEING PUT WAS **CARRIED**.

*THE MOTION, AS MOVED BY CR CORRIGAN, WAS THEN **WITHDRAWN**.*

FURTHER MOTION

Moved Cr Fekete, seconded Cr Campbell that Council

- (i) Note the information contained in this report.*
- (ii) Resolve to instigate legal proceedings against the owner of the dogs, Mr Daniel James Brooking, for failure to control the dogs in accordance with the provisions of the Companion Animals Act 1998.*
- (iii) Resolve that upon successful conviction in the Local Court a Destruction Order be sought to have the dogs destroyed.*

DC075/01 THE FURTHER MOTION ON BEING PUT WAS **CARRIED**.

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9. **Plan FIRST – A Government White Paper on Proposed Changes to the Planning System in NSW** (File 3969/1)(Director Governance & Outcomes)

Purpose of Report

This report seeks to provide Council with an overview of the proposed amendments to Part III of the Environmental Planning and Assessment Act, 1979 (Plan Making Provisions), as detailed in the recently released PLAN FIRST White Paper and provide an outline response for Council's endorsement.

Background

In brief, Part III of the Environmental Planning and Assessment Act (EP&A Act) 1979 is concerned with the way environmental planning instruments are made within New South Wales. Part III contains procedures relevant to the making of State Environmental Planning Policies (SEPPs), Regional Environmental Plans (REPs), Local Environmental Plans (LEPs) and Development Control Plans (DCPs).

Introduction

Plan FIRST represents the NSW Government's position on the review of plan making under the Environmental Planning and Assessment Act, 1979 (as amended). Plan FIRST discusses the review in context, describes the benefits of the proposed new planning framework and outlines key features that the new system will contain. It also describes in detail the proposed three-tier framework of plans, being State Planning Policies, Regional Strategies and Local Plans and how these plans will work together.

Proposals advanced in Plan FIRST are the result of a consultative process where the community and key stakeholders were consulted to discuss the effectiveness and operation of the current system, and areas requiring change.

A brief background to the review process leading to the preparation of the White Paper is presented as **Tabled Document "DC 13"**. Copies of the Plan FIRST documentation have been previously distributed to Councillors. Additionally some councillors have attended information forums hosted by DUAP.

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Plan FIRST – An overview of the White Paper

The White Paper contains 4 key features to improve plan-making in NSW. These elements are:

- (a) A whole of government strategic approach to urban, regional and rural planning to help achieve sustainability;
- (b) Clear rules for businesses and land holders in plans that are user friendly and easily accessible;
- (c) A more versatile planning “tool box” for implementing plans and delivering results; and
- (d) Greater community involvement in plan-making.

The desired result is a clear, more effective planning system using greater coordination and providing greater certainty. Plan FIRST advocates a three-tier system of plans, being State, Regional and Local. The proposal in respect of the three (3) levels of planning, is summarised as follows:

- (a) State planning – State policies relevant to environmental planning in NSW will be brought together and dealt with collectively in a single state planning policy;
- (b) Regional planning – The new regional strategies will be based on state planning policies and will include the relevant strategic objectives, targets and actions derived from other plans (such as regional economic development plans and regional service delivery plans);
- (c) Local planning – Local Councils will participate in drawing up the new regional strategies and will work towards the agreed priorities and outcomes for their region when drawing up local plans.

A detailed commentary in respect of the three levels of planning is provided in **Tabled Document “DC 14”**.

The White Paper places significant emphasis on involving the community in all aspects of the planning process, except in the formulation of state planning policies, so as to ensure that all relevant issues are addressed in the plan preparation process.

DUAP is also placing significant emphasis on making all planning information available electronically. The White Paper proposes that the Department will introduce an electronic planning based information system referred to as “iPlan”, the aim of which is to provide an interactive, integrated, Internet accessible planning information system for NSW. It is proposed

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that iPlan will be compatible with current and future information technology systems and include access to a GIS mapping system.

DUAP is also proposing to incorporate common definitions for measurement into the streamlined plan-making process to enhance the efficiency of the system. These definitions are currently being considered by the Development Assessment Forum (DAF) and relate specifically to measurement-based definitions, including building height, floor area, and ground level and building (setback) line. It is proposed that these common definitions will be incorporated into the planning process through a state planning policy.

Overview

It is interesting to note that the approach advocated by Council and championed in Council's proposed comprehensive LEP is very much at the centre of the proposed amendments being advanced by DUAP. At the broad level it is suggested that Council support the key directions and features of the Plan FIRST proposals to reduce the complexity of the existing planning system, to better integrate planning and increase the emphasis on strengthening the regional level of planning as an important conduit between local and state planning.

The major elements of the White Paper are in keeping with Council's submission on the Green Paper and it is understood, the general sentiments of local government and the broader community. In particular, the following broad initiatives reflected in Plan FIRST are supported.

- The establishment of sustainability principles as the fundamental basis for planning in NSW;
- The retention of the EP&A Act as the principal legislation framework for plan making;
- The reduction, rationalisation and simplification of the layers of plans and policies at all levels;
- The focus on "place based" planning at all levels;
- Improvements in the nature and timing of community consultation and collaboration in plan making;
- The need for plans to be maintained as responsive and dynamic documents through regular monitoring and review;
- The importance of plans to be developed, maintained, managed and made available through use of new technology;
- The coordination and linking of planning and policy development by Government agencies;
- The integration within plans of the regulation of new development with sound planning for established areas, the public domain, land and natural systems management, social and economic programs and public spending on

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infrastructure and service delivery to achieve improved and sustainable planning outcomes;

- The need to recognise and manage the cumulative impact of development and land management practices;

However, this support is in the context of the following concerns:

- a) The proposals contained within the White Paper do not provide sufficient detail regarding the functioning of the new system. The success of the legislative change in delivering the intended outcomes will rely heavily on the detail of proposed changes and the mechanisms that are put in place to manage them. It is at the detail level, on many key issues, that the White Paper is either silent or reflects insufficient consideration of the implications of the proposed changes. This is particularly concerning given the anticipated timing of the introduction of the draft Bill to Parliament. Local Government should be given the opportunity to be involved in the preparation of this detail over the coming months and to comment formally on this prior to finalisation of the review of the planning system;
- b) That greater partnership is developed within the planning system between local and state government, particularly in relation to regional planning. This will involve refinement of the role and composition of the regional forum and will require that the unique role and characteristics of places within regions is recognised and protected;
- c) A formal inter-regional coordination mechanism should be established as an integral part of the planning system to ensure that regions can adapt to natural resource management issues and to accommodate involvement in metropolitan planning. This should include the establishment of cross regional agreements for the consistent management of bio-regions; and
- d) Resourcing issues for local and regional planning should be fully discussed and resolved in consultation with local government prior to finalisation of legislation. The successful implementation of a revised planning system will go well beyond purely legislative change and require the State Government to firmly commit appropriate levels of resources to the planning activities proposed in Plan FIRST. This is particularly the case for smaller Councils with limited resources that can be applied to GIS systems.
- e) The proposed extent of embracing planning and reporting in respect of management generally, social planning and environment be tempered and limited to the strategic

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elements as opposed to action planning, budgeting and the like.

Issues of Particular Concern to Council and/or Requiring Specific Comment

Notwithstanding the generalist comments above it is appropriate that Council focus in detail upon the areas of particular concern or requiring Council's adoption of a position.

(a) Local Plans

General

An incremental approach to change should be promoted where it potentially goes beyond the planning functions of Councils and has potential implications for corporate structure and management issues. Change should initially be limited to embracing the strategic elements of other management, planning and reporting responsibilities required under the current Local Government Act.

In particular, it is submitted that the current requirements for annual preparation and submission of Management Plans and budgets makes their inclusion in the Local Plan impractical. Further, the manner in which financial and other resources are allocated on an annual basis to achieve the longer term strategic outcomes of the Local Plan needs to be flexible enough to respond to short term service delivery imperatives, changes in the availability of grant funding, annual rate pegging levels and emerging local needs.

On this basis, it is submitted that a Council's Management Plan, budget, revenue policy and detailed capital works program should be prepared and operate on an annual basis as a separate suite of instruments to the Local Plan but must link directly to the strategic outcomes identified in the Local Plan.

The nature and content of the Local Plan beyond the core elements should not be heavily prescribed and should remain quite flexible to enable Councils to develop and tailor an appropriate strategic and operational framework to achieve desired outcomes for their local area.

Consequential Legislative Change

Transitional provision should be included in the proposed legislation and should cater for Local Plans prepared in parallel with, or in advance of, Regional strategies, as may be the case with Camden's Comprehensive Plan proposal.

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Plan FIRST provides only limited detail on the nature and timing of consequential legislative changes. It will be important for the changes to related legislation to be undertaken in conjunction with, or in the very short term following, the introduction of the Plan FIRST legislation to ensure certainty and clarity of process for the preparation of Local Plans by Councils. Details related to the consequential changes to legislation should accompany the Draft Bill to allow a clear understanding and public comment on the proposed changes.

Amending Local Plans

Plan FIRST identifies that amendments to Local Plans, between major reviews, will be able to be carried out using a shortened version of the Local Plan making process. This is strongly supported as the current process that does not distinguish between minor and major amendments to plans is both cumbersome and resource rich for limited gain in public participation or the quality of plan amendments. However, Plan FIRST offers limited insight to the likely process required for minor amendments to Local Plans. Such deficiency should be addressed. (Refer to **Tabled Document “DC 16”**).

The Minister should not have the power to unilaterally amend Local Plans or Regional Strategies other than as a temporary measure in clearly defined emergency situations. The legislation must clearly state the circumstances in which the Minister is able to amend local plans.

Review of Local Plans

The regular review and updating of Local Plans to maintain the currency and relevance of planning controls and strategies is supported. Given the resources and timeframe involved in the major review of plans, it is submitted that a 5 yearly review cycle should be established. This would also enable the review of both Regional Strategies and Local Plans to take advantage of current information provided through the national census and local environmental reporting.

Performance Monitoring and Reporting Mechanisms

The proposed requirements for Local Plans for the regular monitoring of performance against sustainability indicators is understood. However, it is considered that establishing indicators and a reporting mechanism in the Local Plan will cloud the central landuse-planning tenet of the Local Plan. A more sophisticated intention of the Local Plan embracing the sustainability reporting and monitoring roles may ultimately evolve. It is considered that the subject monitoring and reporting role should be more targeted than it currently is but

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should, at this time, retain its direct implementation link with the Strategic Plan and Management Plan.

Incentives and Agreements

Plan FIRST identifies a range of voluntary actions, incentives and agreements as alternatives to more traditional planning tools in achieving planning outcomes. In broad principle, the availability of such tools is supported. However, Plan FIRST does not provide any detail as to how these tools may operate, nor how they might be mandated in the Draft Bill.

If introduced through legislation, it is submitted that they should be established as discretionary tools only that are available for councils to apply in appropriate circumstances and not as a right that can be used by parties to circumvent legitimate planning requirements.

(b) Regional Strategies

General

As with the proposals for Local Plans, there is generally support for the direction proposed for the development of a single, integrated Regional Strategy for each region that:

- (a) Represents a whole of government approach that enables all government agencies and local councils to work towards achieving common and sustainable outcomes for the region;
- (b) Provides strong direction, identifying priorities for action and promoting sound environmental management and opportunities for investment in the region;
- (c) Provides a more robust framework for the development and coordination of agency programs and budget allocation; and
- (d) Sets a clear framework for local planning;

However, the Regional Strategy should only relate to issues that are of strategic importance to the region and this should be clearly specified in the legislation. In order for the three levels of plan making to operate in an effective and complementary way, the dangers in drawing the brief for Regional Strategies too widely, or in too much detail must be avoided. It is suggested that the Regional Strategies should concentrate primarily on the basic land use, transportation, human services and environmental issues but also provide the context for linkages to economic development strategies and other issues.

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It is considered that Council should support an increased role for local government in regional planning, as outlined in Plan FIRST. Regional planning is clearly a key mechanism for the development of partnerships between state and local government. Key issues such as the coordination of infrastructure and service provision with urban development and the management of urban growth should be clearly defined as being within the scope of the Regional Strategy.

Timeframe for Regional Strategies

Whilst not explicit within Plan FIRST, it is understood from various DUAP presentations that the timeframe likely to be set for the preparation of Regional Strategies is five (5) years with a further period of two (2) years for the preparation of Local Plans.

This timeframe is considered excessively long. Given the clear indications in Plan FIRST that Local Plans will need to be demonstrably consistent with Regional Strategies, this imposes significant delays for councils wishing to proceed with new, or revise existing, plans in line with the new requirements. It is considered that a timeframe of 2-3 years should provide a sufficient period in which to develop Regional Strategies. Further, Councils such as Camden, wishing to proceed with a new plan must be facilitated by transitional provisions, drawing upon existing regionally based policies/strategies and being cognisant of prevailing regional issues and impacts.

Preparation of Regional Strategies

Plan FIRST identifies that “Draft Regional Strategies will be compiled through a multi disciplinary process involving state agencies and local councils”. Whilst Council embraces the opportunity to be directly involved in the preparation of the Regional Strategy, there is very limited detail contained in the White Paper regarding how this process will operate. Camden and most other councils would need to be provided with considerably greater level of detail to be able to provide informed comment on the preparation process and the nature and extent of resources that can be committed.

Regional Forum

The concept of a regional forum as a peak reference group for the preparation and regular review of the Regional Strategy is supported. However as discussed in relation to the preparation of Local Plans above, it is submitted that the scrutiny of Local Plans and advice to the Minister as to the consistency of Local Plans with the Regional Strategy should, if not delegated to Councils, remain the responsibility of DUAP. This will ensure

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impartial technically based and consistent consideration of Local Plans occurs.

The proposed membership of the regional forum (refer to **Tabled Document “DC 15”**) raises the following concerns:

- (a) It is understood that the regional forum will be limited in the size of its membership. On this basis, the inclusion of possible multiple local members of State Parliament and the relationship of those members to state agency and council representatives may lead to the forum becoming overly politicised and ineffective as a focussed, frank and open forum. Careful consideration will need to be given to how maximum value can be derived from local member representation on the forum.
- (b) Conversely, it is also understood from DUAP representatives that council representation on the forum is likely to be limited to one member and it has been suggested that the single representative may be drawn from the Regional Organisations of Councils (ROCs).

On the basis that implementation of the Regional Strategy will predominantly occur through Local Plans, this proposition is totally unacceptable to Council. This level of under representation is of particular concern for councils such as Camden that eventually may have only a limited range of issues in common with other local government areas in the region.

The composition of the regional forum must be refined to include substantially more local government representation than has been proposed. This should reflect the key role and responsibility of local government in regional planning and local government representatives should form a majority of any proposed regional forum.

It is recommended that a Regional Strategy reference group should be established with strong linkages to the regional forum to participate in plan preparation processes.

This reference group would combine with the regional forum to identify issues that should be addressed, advocate for different interest groups and outcomes and review and discuss planning proposals.

Information on how the regional forum will be resourced, both during preparation and review of the Regional Strategy should be provided in conjunction with the release of the Draft Bill to facilitate informed comment on processes associated with Regional Strategies.

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Selection of Regions

As referred to in **Tabled Document “DC 14”**, Plan FIRST identifies two (2) options for regional boundaries for Sydney for the purpose of preparation of Regional Strategies.

- Option 1 comprises two (2) regions – Greater Western Sydney and Eastern Sydney
- Option 2 comprises four (4) regions that correspond with the current boundaries of the ROCs – Western, South Western (MACROC), Northern and Southern Sydney.

Clearly, each of the options available reflect administrative boundaries that correspond with established regional identities. The benefits of utilising administrative boundaries as a best fit for dealing with the full range of social, economic and environmental planning issues is acknowledged. However, the selection of administrative boundaries as distinct to natural catchment boundaries places even greater responsibility on state and local government to ensure that integrated catchment planning and management is undertaken as a fundamental basis for the development of Regional Strategies if sustainable outcomes are to be achieved.

On this basis, it is submitted that the Draft Bill should explicitly require that comprehensive and integrated bio region management plans be developed as a principal component of Regional Strategies. Further, it is submitted that the Draft Bill should require that cross regional agreements are reached regarding the consistency of programs, strategies, sustainability indicators, monitoring and reporting for each bio region prior to the approval of Regional Strategies by government.

Council should in the acceptance of the preferred region lobby to ensure that those differences that characterise Camden are reflected in a Regional Strategy and moreover ensure the unique role of Camden within the region is both respected and protected. In this regard, Council should seek an assurance from government that the interests of Camden and the special role that it plays in the Sydney Region is appropriately represented on any future regional forum. It is further submitted that the Draft Bill should explicitly require that the diversity and important role of places within regions are recognised within Regional Strategies.

On the basis that Option 2 best reflects existing “sub regional” identity by virtue of the operation of the ROCs and represents a more manageable basis for the development of Regional Strategies, it is submitted that Option 2 should be adopted as the basis for regional boundaries for Sydney. Further in

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adopting Option 2 that is the Southwestern Sydney (MACROC) option it should be clearly acknowledged that regional planning should embrace the zones of influence not immediately confined to the 3 MACROC Councils to allow for “fuzzy” regional boundaries to include areas such as Liverpool and Penrith in particular in relevant issues.

Commitment of State Agencies to Regional Strategies

The proposal for the involvement of state agencies in the development of Regional strategies and the implied linking of the budgetary processes and programs of agencies to the Regional Strategies is strongly supported. However, past examples of regional strategic planning for Sydney have not resulted in significant improvements in the integration or coordination of state agency programs to achieve strategic outcomes.

Plan FIRST does not identify any specific legislative measure that will ensure that state agency programs are aligned with Regional Strategies. Nor does there appear to be any clear indication that state budgetary processes will be positioned to provide adequate funding to regions through government programs to achieve planning outcomes identified within Regional Strategies. It is submitted that such change must occur if the outcomes represented by the Plan FIRST proposals are to be realised.

(c) State Planning Policies

General

The proposals to bring together all relevant state planning policies into a single document as well as the replacement of existing state environmental planning policies, Ministerial Directions and model provisions with more comprehensive policy statements is enthusiastically supported. However, there remains the concern that the regulatory elements of State Policies are to be retained. This continues the “top down” planning approach that has created disharmony within the community and between levels of government in relation to many SEPPs and REPs under the current system. The emphasis needs to be on developing partnerships between state and local government rather than retaining a focus on control. The development of a genuine joint approach to the development of responsive, place based Regional Strategies can provide the catalyst for improved partnerships at all levels.

Council’s concerns and recommendations related to the unilateral amendment of Local Plans and Regional Strategies by the Minister have been identified earlier in this report. However, the Plan FIRST proposals related to the preparation

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process for State Policies raises some additional concerns that are discussed briefly below.

Preparation of State Policies

Plan FIRST identifies that pre plan consultation for State Policies will be limited to notification of other Ministers who are likely to be affected. This is inconsistent with requirements for Regional strategies and Local Plans. Given that State Policies will have significant relevance and implications for Regional Strategies and Local Plans, it is considered particularly important for councils, regional forums and state agencies to be notified of the intention to prepare a State Policy. It is also considered appropriate that such intention should be advertised in a similar manner as for Regional Strategies and Local Plans.

Whilst it is intended that State Policies will be publicly exhibited and submissions considered, there appears to be no requirement for a public hearing or other form of external examination of State Policies as is required for Regional Strategies and Local Plans. Again, in view of the state wide application and potential implications of State Policies, it is considered particularly important that the opportunity for rigorous public consideration of State Policies is undertaken.

It appears that the opportunity to propose new State Policies or amendments to existing State Policies is restricted to the Minister for Urban Affairs and Planning or another Minister. It is considered that requirements for ongoing reviews of Local Plans (and Regional Strategies as recommended in this report above), provides a valuable opportunity for new or revised State Policies to be recommended to the Minister by regional forums. This would create a direct and informed “feedback” on the effectiveness of State Policies that will help to maintain their responsiveness to changing conditions and relevance to plans at the regional and local levels.

(d) Miscellaneous

Transitional Arrangements

The transitional arrangements that will apply to major changes of legislation such as the Plan FIRST are vitally important for all parties affected by that legislation. It is therefore disappointing that Plan FIRST provides very limited detail on the nature of the transitional arrangements particularly as they might relate to LEPs/Local Plans.

It is submitted that the Draft Bill must introduce transitional arrangements that are sensitive to a wide range of scenarios such as those detailed in **Tabled Document “DC 16”** to ensure

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that councils can continue to plan effectively during the transition period. This is particularly so for Council in the context of its comprehensive LEP.

What Happens Next

All submissions on the White Paper must be furnished by 1 June, 2001. It is proposed that the positions arrived at in this Council report form the basis of Council's submission to the White Paper. Council is also currently meeting with DUAP to discuss the passage of its proposed comprehensive plan.

DUAP will need to consider the submissions furnished as it finalises drafting of a Bill to effect the statutory changes required to deliver the Plan FIRST model. DUAP is optimistic of having a Bill before parliament shortly. The optimism is not necessarily shared by staff servicing a DUAP Reference Group, which is seeking to come to terms with the details of implementation.

Plan FIRST if implemented in largely the form presented has implications for consequential amendments to at least the Local Government Act.

Structural changes are also likely to take place in DUAP to realise the new planning framework. Staff servicing Council's needs must as a minimum be maintained.

The most important thing for Council, at this point in time, is to ensure that appropriate transitional provisions are exacted to smooth the passage of Council's comprehensive plan. Further there needs to be widespread DUAP support to pioneering a new plan under a legislative system in transition. In this regard a partnership approach to Council's new plan is being finalised.

Conclusion

The proposed amendments to the plan making provisions (Part III) of the Environmental Planning and Assessment Act, 1979, at the broad level, are supported. It is considered that accompanied by relevant legislative amendments, the community and a true commitment to a "whole of government approach" that they will facilitate more sustainable and integrated place and systems outcomes as championed by Council.

It is, however, considered fundamental that an incremental approach to change be adopted and that it be initially limited to landuse/place/systems planning and the embracing of only the strategic elements of management, planning and reporting responsibilities required under the Local Government Act. In

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particular it is submitted that a Council's Management Plan, budget, revenue policy and detailed capital works program should be prepared and operate on an annual basis as a separate suite of instruments to the Local Plan but must link directly to the strategic outcomes identified in the Local Plan. Similarly, Social Plan and State of Environment reporting responsibilities should be pursued outside the Local Plan context.

In the context of regional planning it is considered fundamental that the proposed Regional Forums truly provide a voice for local councils' individual circumstances to be addressed in a regional context, rather than being subsumed.

Option 2 (Southwestern Sydney) should be adopted as the basis of regional boundaries for Sydney. Further in adopting Option 2 it should be clearly acknowledged that regional planning should embrace the zones of influence not immediately confined to the 3 MACROC Councils and should include areas such as Liverpool and Penrith in particular.

State agency programs must importantly be aligned with Regional Strategies and reflect appropriate budgetary provisions.

State policy should be clearly limited to strategic direction and not embrace detailed statutory provisions. They should also reflect federal initiatives in a co-ordinated bilateral fashion.

Finally, it is imperative particularly for the case of Camden's comprehensive Local Plan that relevant transitional provisions, legal support and responsive presentation formats are provided/facilitated.

Recommended: That

- (i) Council, at the broad level, support the key directions and features of the proposed amendments to Part III of the Environmental Planning and Assessment Act, 1979, as documented in Plan FIRST.
- (ii) Council furnish a submission to DUAP in respect of the proposed amendments to Part III in terms contained in the preceding report.
- (iii) Council in particular reinforce to DUAP the need for relevant transitional provisions and support so as to permit the "smooth passage" of its proposed comprehensive Local Plan.

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- (iv) Council communicate its position in respect of regional planning to the chair of MACROC and General Managers of the constituent local Councils.

Resolved on the Motion of Cr Corrigan, seconded Cr Winn that

- (i) *Council, at the broad level, support the key directions and features of the proposed amendments to Part III of the Environmental Planning and Assessment Act, 1979, as documented in Plan FIRST.*
- (ii) *Council furnish a submission to DUAP in respect of the proposed amendments to Part III in terms contained in the preceding report.*
- (iii) *Council in particular reinforce to DUAP the need for relevant transitional provisions and support so as to permit the “smooth passage” of its proposed comprehensive Local Plan.*
- (iv) *Council communicate its position in respect of regional planning to the chair of MACROC and General Managers of the constituent local Councils.*

DC076/01 THE MOTION WAS **CARRIED**.

The Meeting closed at 6.43pm.