



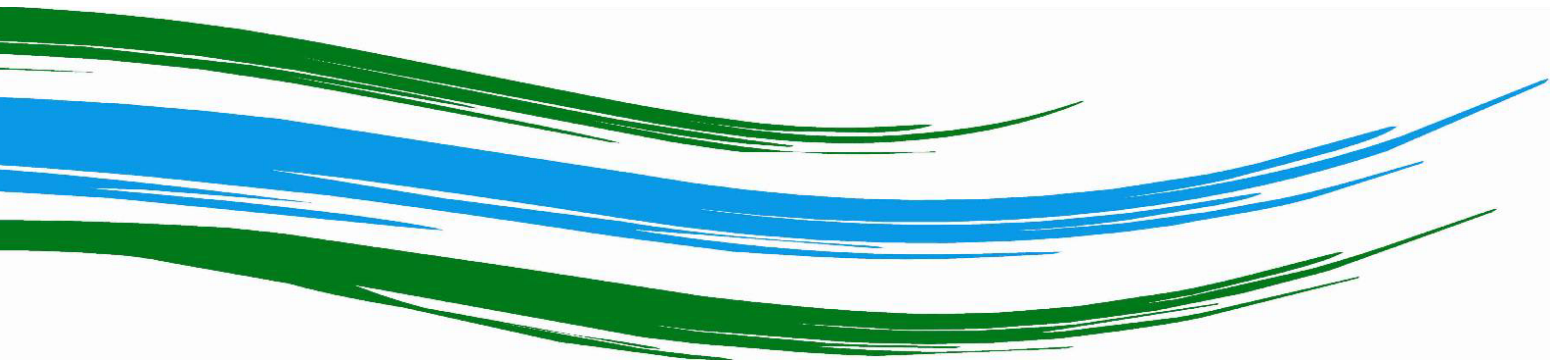
# Camden Council

## Business Paper

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

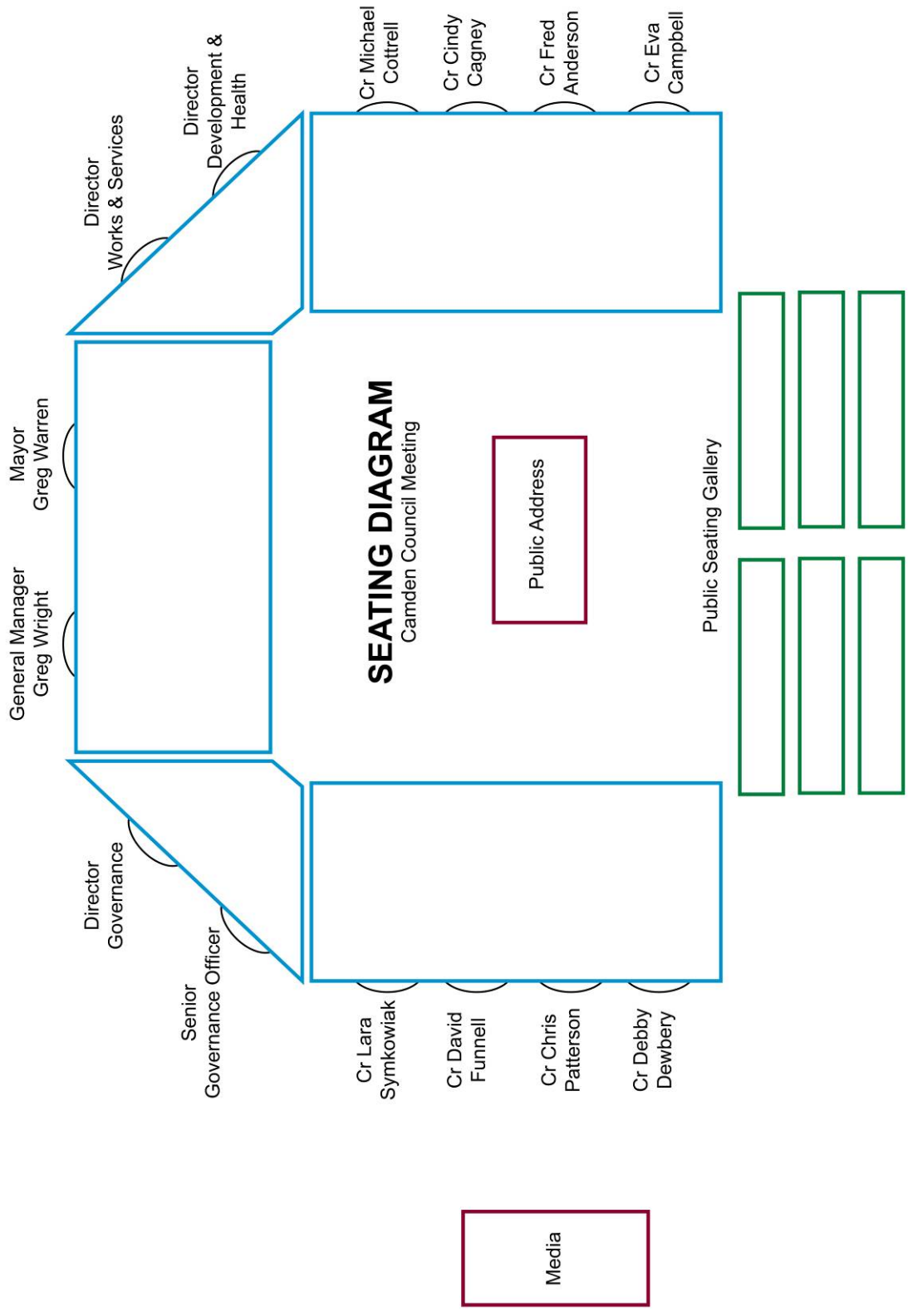
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**Camden Civic Centre**  
**Oxley Street**  
**Camden**



## COMMON ABBREVIATIONS

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



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

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# ORDINARY COUNCIL

## ORDER OF BUSINESS - ORDINARY COUNCIL

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

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

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

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

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

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

### **RECOMMENDED**

**That the public addresses be noted.**

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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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

**RECOMMENDED**

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

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## ORDINARY COUNCIL

ORD01

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

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

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

**RECOMMENDED**

N/A

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## ORDINARY COUNCIL

ORD02

ORD02

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

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### PURPOSE OF REPORT

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

### BACKGROUND

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

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

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

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

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

### MAIN REPORT

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

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

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

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

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

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

### CONCLUSION

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

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

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

### RECOMMENDED

**That Council:**

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

### ATTACHMENTS

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

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## ORDINARY COUNCIL

ORD03

ORD03

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

**FROM:** Director, Development and Health

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

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### PURPOSE OF REPORT

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

### BACKGROUND

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

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

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

### MAIN REPORT

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

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

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

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

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

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

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

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

### **CONCLUSION**

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

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

### **RECOMMENDED**

**That Council:**

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

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## ORDINARY COUNCIL

ORD04

ORD04

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

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### PURPOSE OF REPORT

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

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

### BACKGROUND

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

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

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

### MAIN REPORT

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

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

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

## Tender Evaluation

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

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

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

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

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

### KOR Equipment Solutions

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

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

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

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

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

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

Options offered are:

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

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

#### Vacjet Pty Ltd

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

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

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

Options offered by Vacjet Pty Ltd are:

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

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

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

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

#### **Relevant Legislation**

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

#### **Comments**

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

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

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

### **Budget**

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

### **CONCLUSION**

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

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

### **RECOMMENDED**

#### **That Council:**

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

#### **ATTACHMENTS**

1. Summary of Tender Prices - *Supporting Document*

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## ORDINARY COUNCIL

ORD05

ORD05

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

---

### PURPOSE OF REPORT

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

### BACKGROUND

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

### MAIN REPORT

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

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

### Costs

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

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

### CONCLUSION

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

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

ORD05

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

**RECOMMENDED**

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



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## ORDINARY COUNCIL

ORD06

ORD06

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

**FROM:** Director Governance

**BINDER:** Emerald Hills

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### PURPOSE OF REPORT

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

### BACKGROUND

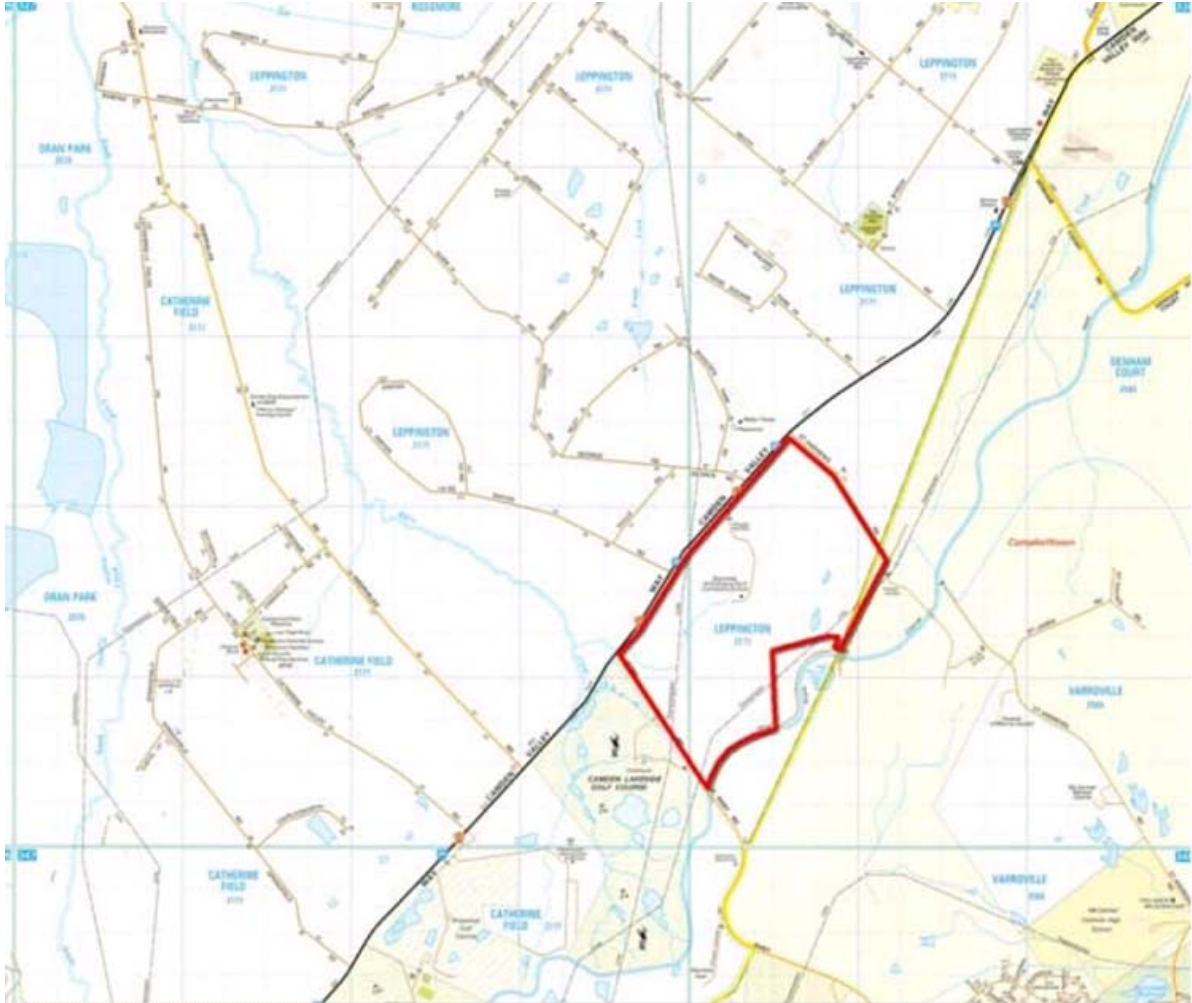
The subject site adjoins, but is not part of the South West Growth Centre. As reported to Council at its meeting of 31 January 2012, the land was nominated for inclusion as an urban development site as part of the Housing Land Review being undertaken by the Minister for Planning.

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

### MAIN REPORT

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

A map is provided below:

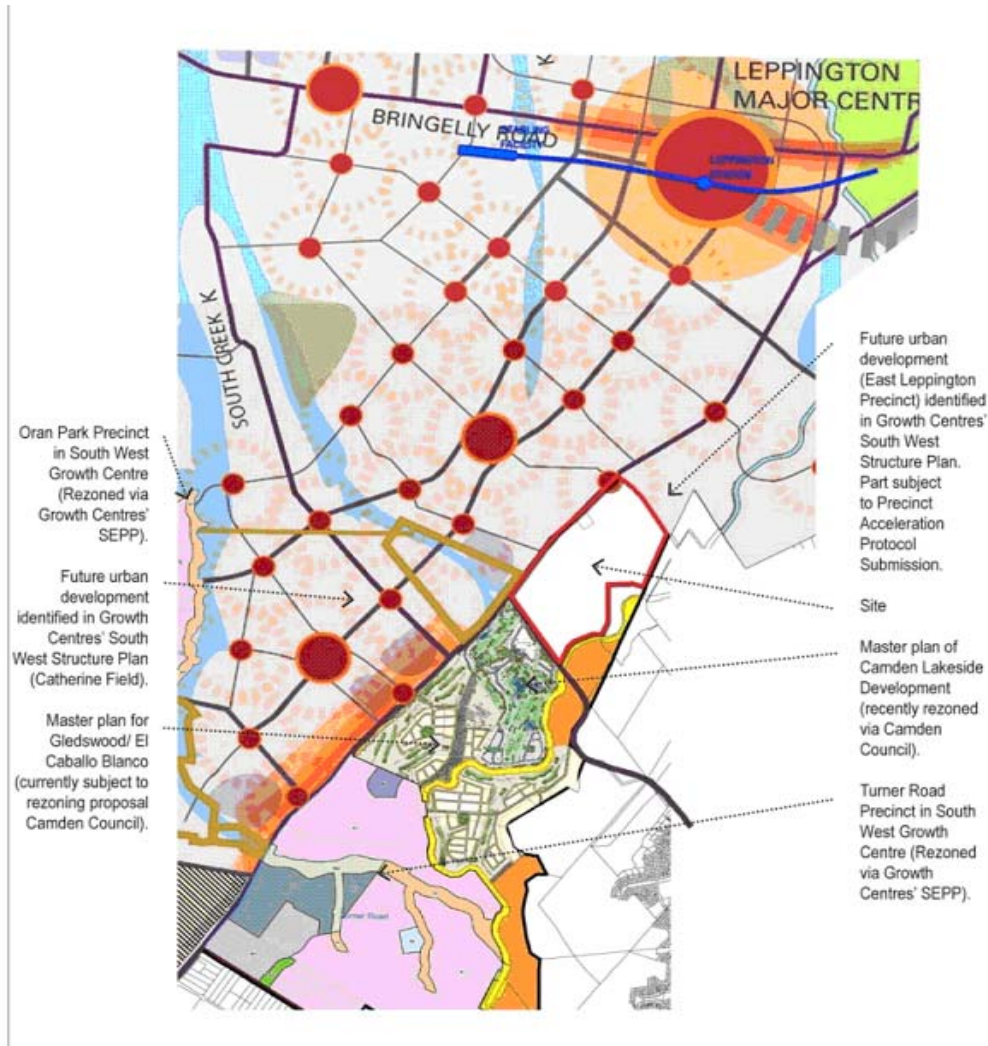


The site is currently used for cattle grazing. Previous uses include an institution for youth and other religious activities. The site is mostly cleared, with scattered pockets of vegetation, except along the frontage of St Andrews Road, where the site is moderately to heavily vegetated with remnant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

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

The Planning Context of the site:

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



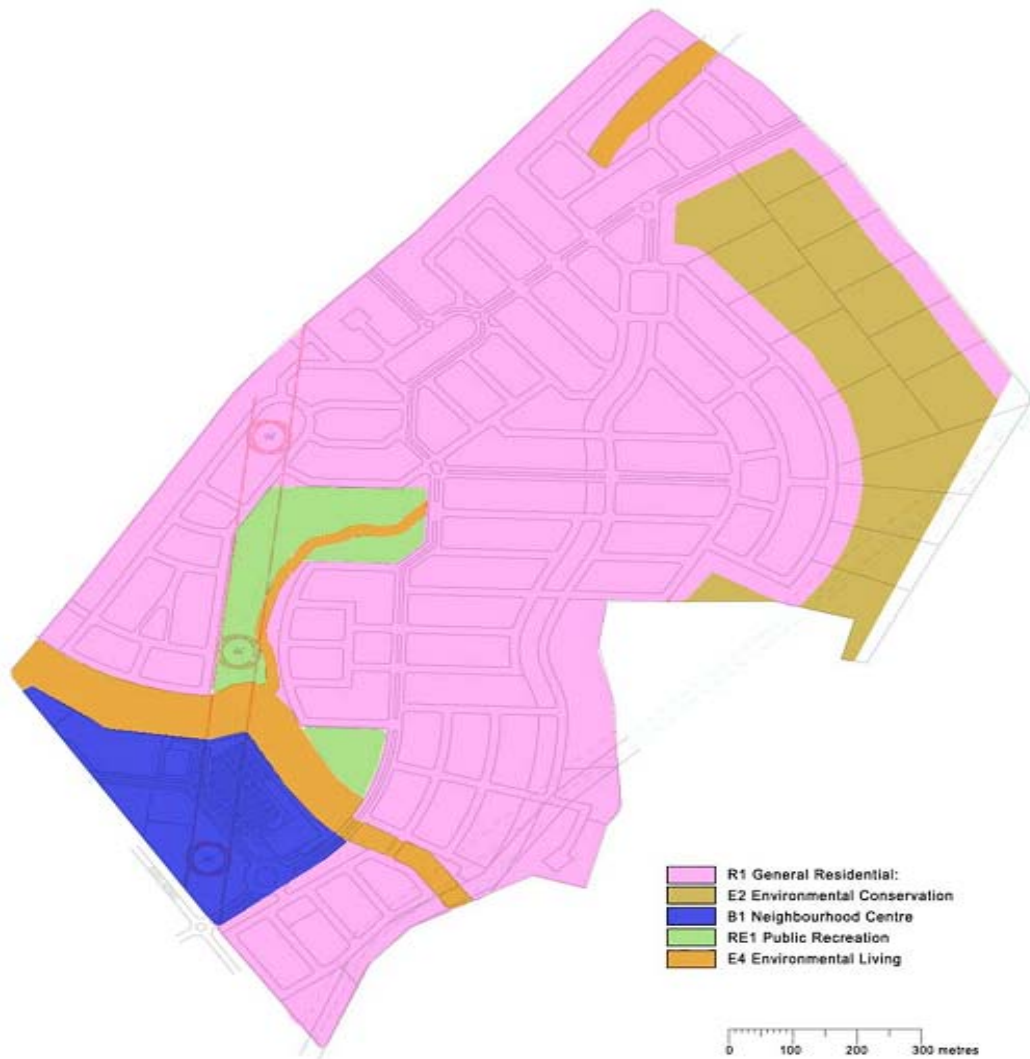
> Map showing location of site and the proposed urban development surrounding the site

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

Proposed rezoning

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

A map showing the proposed zones is shown below:



> The Requested Zoning of the Site in this Planning Proposal

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

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

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## Key Planning Issues

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

Each of these matters is briefly considered below:

### **Servicing**

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

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

### **Protection of Native Vegetation**

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

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

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

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## Traffic Generation

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

## Shopping Centre

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

## Riparian Areas

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

## Scenic Hills & the Water Supply Canal

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

## Height of Buildings

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

## Consistency with State and Local Strategies

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

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

#### The Process from Here

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

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

#### CONCLUSION

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

#### RECOMMENDED

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

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

#### ATTACHMENTS

1. Planning Proposal - Emerald Hills December 2011

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## ORDINARY COUNCIL

ORD07

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

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### PURPOSE OF REPORT

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

### BACKGROUND

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

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

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

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

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

### MAIN REPORT

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

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

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

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

The key changes include:

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

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

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

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

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

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

### **Outbuilding controls**

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

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

## Other minor amendments

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

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

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

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

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

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

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

### 2. *Council Engineering Specifications*

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

### 3. *Coal Seam Gas Wells*

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

### 4. *Water Sensitive Urban Design*

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

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

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

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

### **Exhibition**

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

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

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

### **CONCLUSION**

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

### **RECOMMENDED**

**That:**

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

### **ATTACHMENTS**

# ORD07

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

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## ORDINARY COUNCIL

ORD08

ORD08

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

**FROM:** Director Governance

**BINDER:** Integrated Planning and Reporting Framework

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### PURPOSE OF REPORT

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

### BACKGROUND

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

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

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

### MAIN REPORT

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

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

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

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

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

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

### **CONCLUSION**

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

### **RECOMMENDED**

- i. That the information be noted.**

### ATTACHMENTS

1. letter & summary from DLG

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## ORDINARY COUNCIL

ORD09

ORD09

**SUBJECT: CODE OF MEETING PRACTICE AMENDMENTS**

**FROM:** Director Governance

**BINDER:** Code of Meeting Practice

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

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### PURPOSE OF REPORT

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

### BACKGROUND

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

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

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

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

and

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

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## MAIN REPORT

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

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

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

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

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

### Petitions

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

## CONCLUSION

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

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

## RECOMMENDED

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

### ATTACHMENTS

1. Amended Code of Meeting Practice

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## ORDINARY COUNCIL

ORD10

ORD10

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

**FROM:** Director Governance

**BINDER:** Council Properties

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### PURPOSE OF REPORT

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

### BACKGROUND

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

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

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

### MAIN REPORT

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

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

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

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

The details of the proposed lease are as follows:

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

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

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

### CONCLUSION

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

### RECOMMENDED

**That Council:**

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

### ATTACHMENTS

1. Location Plan

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## ORDINARY COUNCIL

ORD11

ORD11

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

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### PURPOSE OF REPORT

To seek Council's:

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

### BACKGROUND

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

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

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

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

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

Floodplain risk management is the community deciding:

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

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

Any plan to manage the floodplains should recognise:

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

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

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

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

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

## **MAIN REPORT**

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

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

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

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

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

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

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

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

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

Council will need to nominate two Councillor representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **CONCLUSION**

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

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

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

### **RECOMMENDED**

**That Council:**

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

#### ATTACHMENTS

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

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## ORDINARY COUNCIL

ORD12

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

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

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

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

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed section of the meeting.

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

### RECOMMENDED

**That Council:**

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