
ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Funnell that Councillor Anderson be granted a leave of absence.

THE MOTION ON BEING PUT WAS CARRIED.

ORD01/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

Council Policy requires Councillors who have a Pecuniary Interest in an item on the Agenda to declare the Interest at this stage and to leave the Meeting during consideration of the item.

Councillors may also use this opportunity to disclose any non-pecuniary interests and to identify how they will be dealing with those interests.

RECOMMENDED

That the declarations be noted.

RESOLUTION

Councillor Funnell declared a Pecuniary Interest in Item ORD 03 "Proposed Advertising Sign, No 1/12 (Lot 1 SP73062) Bluett Drive, Smeaton Grange" as his firm is in opposition to the applicant electrical firm.

Moved Councillor Whiteman, Seconded Councillor Cagney that the declarations be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD02/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting.

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 tape 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 tape 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.

RESOLUTION

Ms K Szasz addressed the Council in relation to Item ORD 02 "Court Decisions - Council v VIP Kennels, 203 Dwyer Road, Leppington".

Moved Councillor Cagney, Seconded Councillor Whiteman that the public addresses be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD03/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of Ordinary Council Meeting held 11 December 2007.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 11 December 2007, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Johnson that the Minutes of the Ordinary Council Meeting held 11 December 2007, copies of which have been circulated, be confirmed and adopted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD04/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - 2008 CAMDEN AUSTRALIA DAY
CELEBRATIONS
FROM: Mayor
FILE NO:

The Mayor congratulated Council staff on the excellent organisation of Australia Day activities. It was a fantastic day in respect of participation of the local community.

The Mayor also congratulated the four (4) category Award winners, in particular Geoff Hook as Citizen of the Year and Emma Campbell, as Young Citizen of the Year.

It was a wonderful day and a day to be proud of as a Council and the Camden community.

The Australia Day Ambassador, Father Chris Riley was outstanding and did an exceptional job and well received by the community.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Johnson, Seconded Councillor Funnell that the information be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD05/08

ACTIONS

ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE - WELCOME TO MANAGER COMMUNITY SERVICES – LINDA CAMPBELL
FROM: Mayor
FILE NO:

The Mayor welcomed Linda Campbell to the Council Meeting as the new Manager Community Services who commenced duties on 7 January 2008 and stated Councillors looked forward to working with her.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Johnson, Seconded Councillor Funnell that the information be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD06/08

ACTIONS

ORDINARY COUNCIL

ORD01

SUBJECT: MAYORAL DELEGATION-CHRISTMAS/NEW YEAR PERIOD
FROM: General Manager
FILE NO: Mayoral Delegation

BACKGROUND

At the Meeting on 11 December 2007, Council delegated to the Mayor and Deputy Mayor (in the absence of the Mayor) authority to approve Development Applications and other matters, in cases of necessity, over the period between meetings, that is from 12 December 2007 to 29 January 2008. The authority was conditioned that Council be informed of the use of the delegation.

REPORT

Over the period as outlined above, the Mayor did not exercise this delegation.

RECOMMENDED

The information be noted.

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Johnson that the information be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD07/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 5881936 30/01/2008, 01:17:18 PM](#)

ORDINARY COUNCIL

ORD02

SUBJECT: COURT DECISIONS - COUNCIL V VIP KENNELS, 203
Dwyer Road, Leppington
FROM: Director Development and Health
FILE NO: Binder: Waste Management/Projects/Chemical Cleanout

PURPOSE OF REPORT

The purpose of the report is to inform Council of the outcome of recent prosecutions against the owner/proprietor, Mr John Innes, of VIP Kennels, No 203 & 207 Dwyer Road, Leppington for non-compliance with Orders issued under Section 121B of the Environmental Planning and Assessment Act 1979. The Orders required the demolition of illegal kennels and structures at the subject premises. The prosecution related to two matters, both of which were heard at the Camden Local Court.

BACKGROUND

The subject property is located at No 203 & 207 (Lots 101 and 100 DP 1007725) Dwyer Road, Leppington. VIP Kennels has been in operation for over 35 years and currently enjoys 'existing use rights' to continue operations. The kennels under the current zoning, Rural 1(b) in Camden LEP 48, would be prohibited. The property and kennels have been the subject of complaints, visits and investigations over the past two decades and is currently subject to the imposition of a Noise Prevention Notice pursuant to the provisions of the Protection of the Environment Operations Act.

During inspections by one of Council's compliance officers in 2005 and 2006 it was noted that metal kennels and sheds had been constructed upon the premises without development consent. The construction of the structures created an intensification of use of the development. Advice was sought from Council's solicitors Ritchie & Castellan.

An Order was issued by Council on 11 September, 2006. That Order was appealed by Mr Innes and the matter was the subject of numerous hearings and mediations by the Commissioner of the Land and Environment Court (the Court) which culminated in a lengthy and costly process to Council. The outcome was that the Court directed that the appellant should be entitled to lodge a Development Application with Council by 14 March, 2007 for the construction of a new kennel structure to provide for the relocation of dogs from the structure, the subject of the demolition order. The demolition order was still required to be complied with. That order needed to be complied with by 28 February, 2007.

The demolition did not occur by the specified date, nor has a development application been lodged for any further works at the site.

MAIN REPORT

On 29 May, 2007 Council's compliance officer issued two Orders, No's 135/2007 & 136/2007 under the EP&A Act 1979 to demolish and remove kennels and structures. The Orders were not complied with. Subsequently a Court attendance notice was issued to Mr Innes as a result of non-compliance with Order No 135/2007 to appear in the Local Court of Camden to answer to the offence ' Carry out a development without consent'.

The matter was heard on 25 July, 2007 by the presiding magistrate Mr Andrews. After hearing pleas and submissions by Mr Innes and his legal representative and then Council's solicitor, the magistrate handed a conviction to Mr Innes and a fine of \$2,000.00. Council's solicitor made a submission for professional costs on behalf of Council and the magistrate awarded total costs of \$2,070.00 to Council. The awarding of full professional costs has previously not been considered in similar matters.

In regard to the non-compliance with Order No 136/2007, Council's compliance officer issued a Court attendance notice upon Mr Innes for the offence 'Carry out a development without consent'.

This matter was heard at the Camden Local Court on the 11 December, 2007 by the presiding magistrate Mr Andrews. After hearing pleas and submissions by Mr Innes and his legal representative and subsequently by Council's solicitor, the magistrate recorded another conviction against Mr Innes and a fine of \$1,500.00 (it is noted that the lesser fine was a result of Mr Innes achieving part compliance with the Order, although belated). Council's solicitor made a submission for full professional costs on behalf of Council and having set a precedent at that Court, the magistrate awarded total costs of \$5070.00.

Council's legal costs in total in these matters was \$6,876.40. Council's recovery including fines and costs awarded was \$10,570.00.

CONCLUSION

Council has been successful in prosecuting the owner of VIP Kennels for illegal development. The matter has been one that has occupied and expended significant resources over a substantial period of time. The outcome of this prosecution is a positive one in that Council has been able to demonstrate its commitment to sustainable and managed growth, while being successful in recovering significant portions of the associated costs. In particular the awarding of legal costs has set a new benchmark for other, similar, prosecutions.

Given that Council has since proceeded with the issuing of a Noise Abatement Order against VIP Kennels, it is pertinent that there will have been convictions recorded against Mr Innes should further legal action be necessary in the award of penalty.

RECOMMENDED

That the information be noted.

RESOLUTION

Moved Councillor Johnson, Seconded Councillor Funnell that the information be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD08/08

ACTIONS

Link to CRMS document

[CRMS: 5882070 30/01/2008, 01:17:34 PM](#)

ORDINARY COUNCIL

ORD03

**PROPOSED ADVERTISING SIGN, NO 1/12 (LOT 1 SP 73062) BLUETT DRIVE,
SMEATON GRANGE**

FROM:	Director Development and Health
FILE NO:	940.120.1 - Binder: Development Applications 2007
DA NO:	466/2007
OWNER:	Mr W A Helmers & Mrs J Helmers & Mr J & Mrs V M Schulter
APPLICANT:	South West Electrical
ZONING:	4 (a) General Industrial
APPLICABLE PLANNING INSTRUMENT:	Camden Local Environmental Plan No 47

PURPOSE OF REPORT

The purpose of this report is to assist Council in making a determination on a Development Application for the erection of a sign at 1/12 Bluett Drive Smeaton Grange. The application has been referred to Council by Councillors Funnell, Johnson and Patterson in accordance with current delegations which allow 3 Councillors to request any application to be brought before Council. The application also represents a variation to Camden Development Control Plan (DCP) 2006, and an objection has been received which has not been resolved through mediation or development consent conditions.

SUMMARY OF RECOMMENDATION

It is recommended that the application be refused for the reasons set out below.

BACKGROUND

Council has received numerous complaints regarding a sign at the property that has been erected without Council approval. As a result of complaints received and subsequent correspondence between Council and the business responsible for erecting the sign illegally, a Development Application was lodged with Council seeking approval for the sign.

On 5 July, 2006 Council staff refused Development Application 137/2006 for the sign under delegated authority, on the grounds that the proposed sign did not comply with DCP 2006.

At the time the refusal was issued, a request was made to the owner of the property to remove the sign within 14 days. However the sign continued to be displayed.

On 8 February, 2007 Council received a further complaint from the owner of another unit within the building indicating that the sign was still erected in the same location, and requesting that Council take action against the owner of the proposed sign as it does not comply with DCP 2006 and had already been refused by Council through Development Application 137/2006.

A Council Compliance Officer visited the property on 23 March, 2007 as a result of the complaint. Consequently a verbal undertaking was made by the owner of the advertised business that the sign would be removed within an eight week time frame. The owner was advised that if the sign was not removed, Council would be left with no alternative other than to issue an order for its removal. At the expiry of the time frame, 18 May, 2007, the sign still remained.

On 29 May, 2007 Council received another Development Application for the sign at the property. This application is essentially the same as that which was refused in 2006. The only difference is that the size of the sign has been reduced to 4.5m² in area from an original 5.4m². This application has been assessed and is now referred to Council for determination. **A copy of the plans showing the proposed sign are provided at the end of this report.**

THE SITE

The site is Unit 1, No 12 (Lot 1 SP 73062), Bluett Drive, Smeaton Grange. An industrial building containing five units is situated on the site. This building was approved by Council in 2003 through Development Application 815/2003. Unit 1 has a direct frontage to Bluett Drive. **A location plan is provided at the end of this report.**

THE PROPOSAL

The proposal is to erect one advertising sign. The dimensions of the proposed sign are 3.75m x 1.2m, giving a total area of 4.5m². It should be noted a sign with an area of 5.5m² is already in existence on the building and has been erected without Council approval. The effect of the application is therefore to replace the existing sign on the front wall of the building with one that has been reduced in size by 1.00m². The sign contains the text "South West Electrical (Aust)". **A photograph of the existing signage is provided with the Business Paper supporting documents.**

NOTIFICATION

Notification is not required for this Development Application under DCP 2006, however one objection was received from the owner of another unit within the unit development. The matters raised in the objection are listed below under the assessment of the application.

PLANNING CONTROLS

The following planning controls have been primarily considered in the assessment of this application:

- State Environmental Planning Policy No 64 - Advertising and Signage

- Camden Local Environmental Plan No 47
- Camden Development Control Plan 2006

ASSESSMENT

The relevant legislation applicable to the assessment of this application is Part 4 of the *Environmental Planning and Assessment Act 1979* . An assessment of the application under the Act is provided below:

Section 79C(1)(a)(i) - The provisions of any 'environmental planning instrument'

State Environmental Planning Policy No 64

SEPP 64 provides that Council must not grant consent to an application to display signage unless Council is satisfied that:

- (a) *the signage is consistent with the objectives of the policy as set out in clause 3(1)(a)*
 and
 (b) *the signage the subject of the application satisfies the assessment criteria specified in Schedule 1 .*

The objectives of the policy set out in clause 3(1)(a) are as follows:

- (1) *To ensure that signage (including advertising):*
- (i) *is compatible with the desired amenity and visual character of an area, and*
 (ii) *provides effective communication in suitable locations, and*
 (iii) *is of high quality design and finish.*

Officer comment:

The proposed sign is considered to be inconsistent with these objectives, particularly objectives (i) & (ii), as the location of the sign is not considered to be suitable and is not consistent with the desired visual character of the area. A detailed assessment is provided below.

Schedule 1 Assessment Criteria:

Assessment against relevant criteria has been undertaken:

Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?

Officer comment:

Council has developed its Advertising DCP to establish the desired character of the industrial area. Other signs in the area have been assessed against the current standards and are generally in accordance with them. This sign exceeds the size envisaged for the site, and accordingly the result is that this proposed signage would be incongruous with the existing signage in the area.

Is the proposal consistent with a particular theme for outdoor advertising in the area or

locality?

Officer comment:

There is no particular theme for outdoor advertising within Smeaton Grange.

Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

Officer comment:

There are none of the abovementioned areas within the immediate vicinity. As a result the proposed signage would not detract from it.

Does the proposal obscure or compromise important views?

Officer comment:

There are no important views in the immediate vicinity. Consequently the proposal would not impact on views.

Does the proposal dominate the skyline and reduce the quality of vistas?

Officer comment:

Comment: The proposed sign would not protrude from the building or roofline and is proposed to be mounted on the wall. Therefore it would not dominate the skyline.

Does the proposal respect the viewing rights of other advertisers?

Officer comment:

The proposed sign does not respect these viewing rights. It is proposed to be situated on the front wall of a building with multiple units. Only the two front units have a direct frontage to the street. It is considered that allowing those units with a direct frontage to the street to erect signs of such size and scale does not respect the advertising rights of other units without a direct frontage to the street. Whilst the occupants of units fronting the street are likely to pay a premium for their sites, compliance with the size of signs is expected by other tenants of the premises and so that the sign does not give the impression that there is only one occupant of the premises, where in this case there are a further four tenancies.

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?

Officer comment:

It is considered that the scale, proportion and form is inappropriate within the context of the streetscape considering the building is a multi-unit building. Council's DCP envisages signs of a smaller scale and it is important that Council is consistent with its application of its planning standards.

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?

Officer comment:

Whilst the sign readily identifies the location of the business, the precedent of having larger signs throughout the Smeaton Grange industrial area is not considered to be desirable. Council's DCP has provided for an appropriate balance between signage and built form and has deliberately sought to avoid the proliferation of large signs. For this reason the sign if approved would not positively contribute to the visual interest of the streetscape.

Does the proposal reduce clutter by rationalising and simplifying existing advertising?

Officer comment:

No, as the proposed sign would be larger than all other signs within the complex and is likely to result in other tenants seeking additional or larger signs to gain what they consider the necessary exposure for their business.

Does the proposal screen unsightliness?

Officer comment:

It would not screen unsightliness.

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?

Officer comment:

It would not protrude.

Does the proposal require ongoing vegetation management?

Officer comment:

Whilst the sign would not require vegetation management at the present time, the approved landscaping plan for the site will provide for screening of the sign when the planting matures. This is likely to result in a request to prune the trees to maintain view of the sign. This is an undesirable aspect of the application.

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?

Officer comment:

It is considered that the sign would be compatible with the scale, proportion and other characteristics of the site and building if the building was occupied only by one unit. Given that the building is a multiple-unit development, the scale and proportion of the sign relative to the percentage use of the building are considered to be excessive.

Does the proposal respect important features of the site or building, or both?

Officer comment:

It is considered that there are no important features of the site or building to protect from signage.

Does the proposal show innovation and imagination in its relationship to the site or building, or both?

Officer comment:

It is considered that the relationship between the proposed sign and the site and building is inappropriate given that the building is a multiple-unit development and the proposed sign does not relate to other signs within the complex. The proposed sign therefore does not show innovation and imagination in its relationship to the site and building.

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

Officer comment:

They have not. This is not considered necessary in this location.

Would the proposal reduce the safety for any public road?

Officer comment:

The proposed sign does not interfere with any lines of sight along the road. The proposed sign therefore is not expected to reduce safety.

Would the proposal reduce the safety for pedestrians or bicyclists?

Officer comment:

As above, the proposed sign does not interfere with any lines of sight along the road and is therefore not expected to reduce safety for pedestrians or bicyclists.

Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Officer comment:

The proposed sign does not obscure any sightlines from public areas.

Based on an assessment of the points above, it is considered that the proposed signage does not satisfy all of the assessment criteria in schedule 1. The proposed development therefore does not comply with SEPP64.

Camden Local Environmental Plan No 47

The land is zoned 4 (a) General Industrial under LEP47. The objectives of this zone are as follows:

- (a) to set aside land for the purposes of industry (other than offensive or hazardous industry) and bulk warehousing separated from, but with convenient access to, sources of employment in the Municipality of Camden and having convenient access to the Macarthur and adjoining regions; and*
- (b) to facilitate the expansion of existing industry and the establishment of new industry in order to expand the local economic base and local employment opportunities; and*
- (c) to minimise any adverse effect of industry on the activities in other zones; and*

- (d) *to allow shops within this zone if they are associated with and ancillary to industry or if they service the day-to-day needs of the local industrial workforce; and*
- (e) *to allow commercial premises only where they are associated with and ancillary to development for industrial, manufacturing, warehousing or similar purposes on the same land.*

The proposed development is ancillary to an industrial use of the land and is not inconsistent with these objectives.

The proposed development is also not listed as a prohibited development within the zoning table and is permissible with consent from Council.

Section 79C(1)(a)(iii) - The provisions of any 'development control plan'

Camden Development Control Plan 2006

Part D: Chapter 4, Outdoor Advertising:

The following controls within DCP 2006 are relevant to the assessment of this application.

In "multiple unit developments":

(i) Not more than one sign per unit or tenancy shall be permitted

Officer comment:

This sign is the only sign proposed for the unit and hence complies.

(ii) Such signage shall only identify the business name and unit number

Officer comment:

The proposed sign does not include any information other than the business name and hence complies.

(iii) Signs shall not exceed 1m x 0.7m in area

Officer comment:

The proposed sign has an area of 4.5m² and does not comply with this clause. The sign is over six times that allowed for signs on industrial units.

(iv) Such signage shall be of uniform size, shape and style throughout the development

Officer comment:

The proposed sign is not consistent with the size shape and style of other signs throughout the development. A recessed area exists above the roller door of each unit for signage that is of uniform size, shape and style throughout the development. This was a consideration at time of lodgement/approval of the industrial complex. The proposed sign is not consistent with signs placed in these areas.

Section 79C(1)(b) - The likely impacts of the development

When the size of the sign is compared to that of the unit and other signs in multiple unit developments throughout the area, it is considered that such signage will have an adverse visual impact on the streetscape and potentially set an undesirable precedent.

Section 79C(1)(c) - The suitability of the site for the development

Whilst advertising is a permissible use at the location, the proposed sign is considered to be unsuitable for the proposed development because it is too large and not consistent with the designed signage for the complex.

Section 79C(1)(d) - Any submissions

One objection to the development has been received from the owner of another unit within the building. The issues raised in this objection can be summarised as follows:

The area of the sign is too great compared to the size of the building.

Officer comment:

The area of the sign does not comply with the specific DCP 2006 requirements for signs on multiple-unit buildings.

The sign does not respect the advertising rights of other units within the building which do not have a direct frontage to the street. A large sign for only one of the units within the multiple unit building is misleading as it creates the impression that the entire complex is occupied by only one unit.

Officer comment:

This is supported. Council's DCP 2006 provides for multiple unit developments to be advertised at the street frontage through the use of a single directory board display sign, with other signs being limited to 1m x 0.7m in area. A recessed area exists above the roller door of each unit for signage of this type. It is considered that the display of such a large sign on the front wall of a multiple-unit development creates the impression that the development is occupied only by the unit displaying the sign and therefore does not respect the advertising rights of other units.

If one business is allowed a sign frontage of the size proposed, then all units in the strata complex should be entitled to the same frontage space. An insane kaleidoscope of signage will then glare abhorrently out.

Officer comment:

Council's DCP provides a consistent standard for the size of signage within multiple-unit developments. There is no provision in Council's DCP 2006 for one individual unit to have a larger sign than others within a development. It is considered that the existing standard is an acceptable size of signage for multiple unit developments and that permitting several units within a multiple-unit development to display signs of 4.5m² in area would lead to an excessive amount of signage.

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

Section 79C(1)(e) - The public interest

The proposed development does not comply with SEPP64 and Camden DCP 2006. It is considered that the proposed sign does not respect the advertising rights of other unit occupiers and this is reinforced with the fact that Council has received an objection to the sign from the owner of another unit within the complex. Further, it is considered that the area of the sign proposed is excessive for only one unit out of the five units within the building, leading to a poorer quality streetscape. Consequently the proposed development is not considered to be in the public interest.

CONCLUSION

Council is in receipt of a Development Application for an advertising sign at Unit 1, No 12 Bluett Drive, Smeaton Grange. The proposed development does not comply with the provisions of State Environmental Planning Policy No 64 and Camden Development Control Plan 2006, has been erected without consent and is the subject of an objection from another tenant of the property. Further, the application is not considered to be in the public interest as it is likely to result in the proliferation of signs of excessive size.

The assessment of this development application has been undertaken based on the merits of the application and it is recommended that the application be refused.

RECOMMENDED

That

- i. **Development Application 466/2007 be refused for the following reasons:**
 - a. **Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* , the proposed development is inconsistent with the objectives of State Environmental Planning Policy No 64 - Advertising and Signage at clause 3(1)(a).**
 - b. **Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* , the proposed development does not satisfy the assessment criteria of Schedule 1, State Environmental Planning Policy No 64 - Advertising and Signage.**
 - c. **Pursuant to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* , the proposed development does not comply with Clause 9.2 (c), Part D: Chapter 4 of Camden Development Control Plan 2006.**
 - d. **Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979* , it is considered that the scale and proportion of the proposed sign are excessive, given that the building contains multiple units and that the proposed sign will have an adverse visual impact on the**

streetscape.

- e. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979* , it is considered that approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.

- ii. Council issue Orders requiring the removal of the unauthorised sign.

ATTACHMENTS

Proposed Plan Location Plan Photo (Sup Doc) Submission (Sup
Doc)

RESOLUTION

Councillor Funnell, having previously declared a Pecuniary Interest in this matter, left the Chamber, the time being 6.10pm.

Moved Councillor Johnson, Seconded Councillor Elliott that:

- i. Development Application 466/2007 be refused for the following reasons:
 - a. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of State Environmental Planning Policy No 64 - Advertising and Signage at clause 3(1)(a).
 - b. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the assessment criteria of Schedule 1, State Environmental Planning Policy No 64 - Advertising and Signage.
 - c. Pursuant to Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 9.2 (c), Part D: Chapter 4 of Camden Development Control Plan 2006.
 - d. Pursuant to Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, it is considered that the scale and proportion of the proposed sign are excessive, given that the building contains multiple units and that the proposed sign will have an adverse visual impact on the streetscape.
 - e. Pursuant to Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, it is considered that approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.
- ii. Council issue Orders requiring the removal of the unauthorised sign.

THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillor Elliott voted against the Motion).

Councillor Funnell, returned to the Chamber, the time being 6.25pm.

ORD09/08

ACTIONS

Link to CRMS document

[CRMS: 5882216 30/01/2008, 01:17:52 PM](#)

ORDINARY COUNCIL

ORD04

SUBJECT: NEW SUBURB NAME "GREGORY HILLS"
FROM: Director Development and Health
FILE NO: Binder: Landuse & Planning/Planning/Turner Road Precinct

PURPOSE OF REPORT

The purpose of this report is to provide to Council the outcome of suburb naming negotiations with the developer of a subdivision within the Turner Road precinct, with the proposed name of Gregory Hills. The report is provided to Council in accordance with an earlier resolution to defer the consideration of the suburb naming.

BACKGROUND

At the meeting of 11 December, 2007, Council considered a report which recommended the name "Gregory Hills" for a new suburb within the Turner Road precinct. The recommended name had been put forward by the developer of the land currently owned by the Marist Brothers.

Council resolved to defer the matter to enable staff to enter into negotiations with the developer to determine if the name "St Gregory's" or " St Gregory's Hills" could be used.

MAIN REPORT

In accordance with the above resolution, the Trustees of the Marist Brothers, the developer (Dart West Pty Ltd) and the Geographical Names Board were contacted and requested to provide comments on the proposed naming of the precinct.

The Trustees of the Marist Brothers have advised that:

"We appreciate the intention of Councillors to acknowledge the College and its association with the wider locality through the change they put forward to the name proposed by the developer. Our own preference is that the name St Gregory's remain identified with the College as such – the name being part of its distinct identity. We therefore support the name Gregory Hills for the new suburb.

We also want to indicate our support for the boundary for Gregory Hills as proposed at that Council meeting subject to the minor amendment proposed by Dart West. That is, we are happy that St Gregory's College be within the boundaries of the new suburb."

A copy of the correspondence from the Trustees of the Marist Brothers is provided with the Business Paper Supporting Documents.

Dart West has advised that:

“As indicated in the original submission, the Dart West – Marist Brothers team strongly supports the use of “Gregory Hills” as the new suburb name. Gregory Hills reflects the history of the site and provides a strong link to that history for future residents and other members of the Camden and Campbelltown communities.

Importantly, it also allows a clear distinction to be maintained between the ongoing operations of St Gregory’s College and the future residential community and employment land development. This is of critical importance to the Marist Brothers who strongly prefer to avoid the use of “St Gregory’s” or “St Gregory’s Hills” so that the school can maintain its own distinct identity.

In relation to the proposed changes to the suburb boundary, Dart West generally supports the amendments recommended in the Council report with one minor exception. The use of South Creek as a natural boundary would result in a small portion of the Marist Brothers land being excluded. This portion of the site is immediately south of the water canal and east of the NSW Leagues Club’s land holdings. Incorporation of this land within the Gregory Hills boundary is therefore requested.”

A copy of the correspondence from Dart West is provided with the Business Paper Supporting Documents.

The Geographical Names Board has indicated that any of the options for the suburb name could be adopted for the Precinct.

CONCLUSION

Having regard to the comments received from the developer and Marist Brothers, it is considered the name "Gregory Hills" enjoys a significant amount of support and is the preferred option to the parties involved in development of the land.

The alterations to the proposed boundary reflect land ownership and will ensure that development takes place wholly within the suburb. No objections to the minor amendment to the boundary are raised and the maps have been amended accordingly.

Consequently, it is recommended that the name “Gregory Hills” be adopted as previously recommended to Council. Should Council resolve to support the naming proposal, it will be forwarded to the Geographical Names Board (the Board) to be formally considered. It will then be advertised for the period of one month.

If at the end of the advertised period, the Board is satisfied that approval can be given, it is expected that gazettal will take place in accordance with guidelines under The Geographical Names Board Act, 1966. Council's support of the naming proposal is required and it is recommended this support be given

RECOMMENDED

That:

- i. Council support the name Gregory Hills as the proposed name for the area being developed as part of the Turner Road Precinct with the boundary as**

ORDINARY COUNCIL

ORD05

SUBJECT: DISCUSSION PAPER ISSUED BY THE DEPARTMENT OF PLANNING IN RELATION TO PROPOSED PLANNING REFORMS

FROM: Director Development and Health

FILE NO: Binder: Landuse & Planning/Planning/Regional Planning/Local Government Planning

PURPOSE OF REPORT

The purpose of the report is for Council to consider recommendations made by the Department of Planning which propose changes to the Environmental Planning and Assessment Act 1979 (EP&A Act, 1979) and to determine a position in relation to those changes.

BACKGROUND

The Department of Planning (the Department) issued a discussion paper entitled 'Improving the NSW Planning System' in November 2007. Copies of the document were provided to Councillors at the time. The paper considers the need to improve the planning system as it relates to plan-making and development assessment by simplifying aspects and focusing on the time it takes to get a project approved. Comments in relation to the report and the recommendations contained therein are to be submitted to the Department by 8 February, 2008.

The EP&A Act, 1979 (the Act) commenced in 1980 and moved the landuse zoning, plan-making and development consent processes from the Local Government Act to a stand alone Act. A series of amendments have been made to the Act over time, the most significant being in 1997 when the building and subdivision requirements were transferred into the Act and two new development approval types, known as exempt and complying development were introduced. At the same time provisions allowing private certification of certain building and subdivision approvals were introduced with certification commencing in 1998. The other significant changes have involved the transfer of more functions from local government to the Minister for Planning and the introduction of more powers to the Minister, including the ability to appoint planning panels to replace the elected Council and authorising those panels to determine applications.

MAIN REPORT

There is no argument that the Act needs review. It has evolved over time to be a complex piece of legislation, and the processes and procedures required in both plan-making and development assessment are complex and take longer than necessary.

It is important that any review of the Act does not only focus on the time taken to

develop land. It is of equal importance to ensure that the changes will provide for good quality, sustainable development.

The discussion paper explores options for changes to the plan-making and development assessment processes. A series of recommendations are made and this report discusses the issues and makes comment in relation to the suggested changes. **The recommendations are provided with the Business Paper Supporting Documents** and a summary of the suggested responses will be provided in the conclusion to the report. Due to the large number of recommendations, they are not individually discussed in the report, comments are more general in relation to the concepts proposed.

1. Plan-Making

Section 3 of the discussion paper provides recommendations for improvements to the NSW planning system in relation to the plan-making process. A number of these recommendations are positive and should be welcomed. However some of the recommendations relate to changes that will result in little or no change to the current process or the time it takes to effect a rezoning or other plan amendment. Other changes are of some concern and require further consideration of the detail of their implementation.

A rationale for changes – to reduce the number of LEPs

The rationale for making changes to the planning system is to reduce the number of Local Environmental Plans (LEPs) in the State. This rationale is supported, but the changes proposed will in fact not achieve this. The report claims that the changes will reduce the number of LEPs to less than 200. However there is no recommendation to remove the requirement to make an amending LEP in order to amend the principal LEP. It is this requirement that has resulted in the large number of LEPs in the State.

The removal of the requirement to prepare an LEP in order to amend an LEP is one area where the NSW planning system could be improved. It is recommended that the Department of Planning consider legislative amendments that provide for Councils to make amendments to the principal LEP in a form other than by the making of a new LEP.

Another improvement to the planning system that has not been considered in the discussion paper is the “automatic” amending of LEPs when the standard planning instrument is amended. In the current system when the standard instrument is amended it would be necessary for the Minister to make a SEPP that amends each Councils' LEP and each plan would then need to be updated to reflect the change. Alternatively, each council would need to go through a LEP amendment process. While this would be a formality, it could more easily be achieved by the automatic amendment of the LEP at the same time the amended standard instrument is gazetted. All that would be required is for the gazettal notice to list those LEPs that are so amended.

The important issue here is the impact of the change. Currently there is no mandatory requirement for the Minister to notify a draft SEPP. As changes to the standard LEP template effect the entire state of NSW, it is critical that all changes be subject to public

consultation before the change occurs. The only exception to this is for changes that do not affect the intent of the plan, ie. where the changes clarify clauses or when the changes are the result of earlier public consultation, eg the Metro Strategy. It is important that local input into the plan making process is not lost.

It is recommended that the Department of Planning consider the automatic amendment of LEPs when the standard instrument is amended, provided mandatory consultation has occurred prior to those changes being made.

The Gateway Process

The report identifies that the length of time taken to produce an LEP is excessive and recommends ways to reduce the length of time. Recommendations P1, P2 and P3 aim to tailor the process depending on the scale, risk and complexity of the land use change. The intention is supported but the major recommendation in this regard, being the gateway process, will have no impact on the time taken to rezone land. The only change will be in the time that the Department reports the process to have taken. This is because one of the significant time components of the process, being the environmental assessment, will happen prior to the commencement of the actual LEP making process under the recommended changes. The actual time taken from when Council resolves to commence the process of an LEP amendment up to the gateway decision to proceed (this decision will in most cases be made by the LEP Review Panel), will not be counted in the time period.

As the environmental assessment will be required to be undertaken prior to the formal commencement of the plan-making process, there will be less certainty for developers and less willingness to spend significant amounts of money on environmental assessment given that the gateway decision could be that the proposal not proceed to the plan-making process.

It is unclear whether the gateway decision could be that the proposal proceed and that council or the proponent undertake further environmental assessment during the plan-making process, if the general scope of the proposal is considered acceptable, but more detailed work to support it is required. This would mirror the concept plan approach under Part 3A of the Act. The alternative to this is the potential for reluctance on the part of the LEP Review Panel to make the gateway decision and require that councils or proponents do more work. This won't affect the new timeframes and it also won't result in speeding up land use changes.

One of the criticisms of the current system in the report is that key decisions are not made until late in the process (ie. firstly at the Section 65 stage (certification for exhibition) and then at s68 (consideration of submissions), s69 (report by the Director-General) and s70 (making of the plan) stages). In fact Council makes a key decision at s54 stage by resolving to prepare an LEP. Section 57 of the Act requires Council to notify the Department of Planning and s62 requires consultation with State Agencies. One of the problems with the plan-making system is that key decisions are not being made by the Department of Planning or State Agencies at these early stages, as the Act currently allows. Securing the commitment of the Department and Agencies at these stages should resolve the criticism of late stage decision making.

There are some benefits to the proposed gateway process. One of the positive

elements is the separation of roles and responsibilities, particularly the separation of the “planning” and the “plan-making” roles. The actual plan-making is a legal drafting exercise to deliver upon the planning intent. It is proposed that the planning role, which in most cases will be performed by Council, involve the development of a “statement of intent”. Following the preparation and exhibition of the statement of intent, it would be provided to the Department of Planning which will negotiate with the Parliamentary Counsel (PC) Office to achieve the translation of the statement of intent into a legal planning instrument (the LEP). This is considered a positive change to the process, so long as the Council is consulted in the legal drafting process to ensure that the stated intentions are achieved and there is a considerable improvement in the time taken by PC to prepare these plans as there are currently considerable delays experienced once plans get to PC.

Distinguishing between LEPs on the basis of scale and nature

The discussion paper identifies that different types of LEPs should require different levels of assessment and different approval processes. This concept is supported.

More meaningful community consultation

The goal of making community consultation more meaningful and effective is supported. However more detail of proposed changes to the current consultation processes is required before any detailed comments can be made. The report states that consultation can occur late in the plan-making process and often on the basis of a difficult to read and understand legal instrument. It is agreed that the legal instrument (the LEP) can be difficult to understand because of the legal wording, but this is the planning document that all users of the planning system will need to understand to carry out a development or propose a rezoning. It is critical that the draft LEP form part of the exhibition material. The discussion paper instead proposes that a “statement of intent” is exhibited. It is considered that the statement of intent is a good proposal as it provides a plain English version of the draft LEP to assist in its understanding. However the statement of intent should be considered as an additional part of the exhibition material rather than in place of a draft LEP.

Consultation with the community earlier than at Draft LEP stage can be useful for major land use change proposals. Development of strategic documents can often precede the plan-making process for these types of proposals and these are commonly exhibited for community input. For smaller land use change proposals, consultation with the community before draft plans have been developed can at times be unproductive as there is very little information to seek community comments on. For these types of proposals it is more meaningful to ask the community to comment on a specific proposal with draft planning instruments.

Further detail of proposed changes to the community consultation process should be provided for Council and community consideration.

State Agency referrals and consultations

The gateway process provides for earlier consultation with state agencies for significant proposals. However, as stated above, agencies are already consulted at an early stage in the process (s62). The concern with the current process is often that the

responses from the various agencies can be conflicting, leading to lengthy negotiations to find a balanced outcome. Strengthening the involvement of the Department of Planning at the S62 stage to assist Council in resolving any conflicting positions between agencies should resolve the criticism of late consultation and decision making.

The Role of the Minister

The discussion paper points out that the Minister can direct a council or councils to prepare an LEP, but has no power to compel the LEP to be prepared. The discussion paper does not note that the Minister has the power to appoint a planning administrator or panel if the Council fails to comply with its obligations under the Act, which would include the preparation of an LEP if directed by the Minister to do so.

The appointment of a planning administrator or panel would perhaps be an excessive step to take to compel a council to prepare a LEP, therefore the discussion paper recommends that the Minister be given the power to directly make or amend an LEP where there are issues of State or regional significance. An example given of the circumstances where this might apply is implementation of regional or subregional strategies. This means, for example, that the Minister could amend or introduce an LEP to increase the height of buildings in a commercial area if the Minister believes that the current height provision will not achieve the employment targets set in the subregional strategy. The Minister may also decide to rezone certain land if the Minister believes that the current zoning is not consistent with the subregional strategy.

The Act would require the Minister to exhibit the new or amending LEP, but there is no requirement for the Minister to consult with the local authority prior to preparing a draft LEP. Should this recommendation be adopted, it is suggested that the Minister be required to consult with the local authority prior to preparing a draft LEP.

Resolution of Draft LEPs

The discussion paper highlights that some draft LEPs are not resolved for a very long period of time. For various reasons this is true and efforts to reduce the timeframe are supported. However, for some draft LEPs, following exhibition the proponent makes a decision to not proceed. For example, the land may be sold and the new owner may have other plans for the site, or there may be conditions precedent for the making of the LEP that are not satisfied. In these circumstances the draft LEP has not been forwarded to the Department.

There is no provision in the Act for Council to resolve not to proceed with a draft LEP after exhibition. A draft LEP that is not pursued for whatever reason remains a draft LEP forever. It is considered that the Department of Planning should consider implementing a process or amending the legislation to provide for a decision to be made by Council after exhibition of the Act to not proceed with a draft LEP which gives these plans no effect.

2. Development Assessment

Changes to the statutory planning process are the main focus of the discussion paper and the motivation is for more timely approvals. This is an important outcome, however

it is important to remember the purpose of the system.

The planning system is to deliver a better, sustainable environment to the community through a transparent process. Many of the measures suggested to measure the success of the proposed changes concentrate on time and number and make no account for measuring the end product. It is important to avoid creating a suburb of bland buildings with access to few services. There are many examples of such suburbs in Sydney created in the 1970's and 80's. This is one of the reasons that the Act was introduced. The reason Councils introduce planning controls is to deliver a product which its community expects. It is not always developer driven. In the case of the suburb of Harrington Park, the developers have worked with Council to prepare more stringent controls on the housing designs than apply in other parts of the LGA. This is a choice that had been made to guarantee residents a particular standard of development.

It is important that a balance is met, that suburbs develop in an acceptable manner in terms of built form and service provision, and the costs to the community can be sustained. The system needs to remove the complexity and unnecessary levels of assessment and many of the suggestions will achieve this. However an area of concern is the focus on removing the decision making from Councils and establishing a range of determining authorities. There is no evidence that these bodies will be able to determine applications any quicker than Council and membership, being appointed by government, may have little understanding of local issues of ongoing support demands.

Development Types

When originally introduced the EP&A Act recognised two forms of development, the ordinary development application now referred to as local development, and designated development. Additional layers of assessment have been introduced and there is now exempt development, complying development, local development, integrated development, designated development and major infrastructure (state significant). Initially local councils were the consent authority for all forms of development, however private certifiers and the Minister now have approval roles in addition to that of councils.

Rather than simplify the layers of development, the changes suggest a further level, being regional development.

The proposal is to have five levels of development:

- Strategic Projects with the Minister being the consent authority. This is similar to the current State Significant provisions, but the extent of projects would be reduced and would only relate to critical infrastructure or projects of critical significance.
- Major Projects with a Planning Advisory Committee (PAC) appointed by government and comprising a permanent chair and a panel of up to eight part-time members.
- Regional Development includes applications by state agencies exceeding \$5m in Capital Investment Value (CIV) and other developments exceeding \$50m in value. It is proposed to introduce another consent authority to determine those applications, being a Joint Regional Planning Panel (JRPP) or PAC. It is proposed

that these panels would be modelled on the current Central Sydney Planning Committee and could comprise three independent State appointees (one as chair) and two Council appointees.

- Local development would encompass all other applications. There is a proposal to introduce a planning arbitrator to determine all S82A reviews and deemed refusals rather than the matter proceed to the Land and Environment Court (the Court). Again, where councils consider the S82A reviews in a timely manner, the use of an arbitrator would add to the costs of assessment with no time gained. The use of an arbitrator rather than the Court to determine deemed refusal may be appropriate, provided the issue of costs was fair and the need for legal representation not necessary.
- Complying development which could be approved by a certifier or council.

The paper is silent on the issue of designated development so it is assumed that this will stay, and it is also proposed to maintain the exempt and integrated development provisions. So effectively, there will be eight levels of development. Improvements to Integrated development are flagged which is supported provided the work of state agencies is not transferred to councils.

It is concerning that further erosion of a council's right to determine development applications for its area is proposed. As it is anticipated that Council staff would service the PAC, there is no evidence that applications would be considered any faster or that a superior assessment of the application would occur and costs would increase. In fact, it is likely the contrary would occur as many councils, particularly Camden, currently delegate the determination to its staff, and those applications that are determined by council can be considered once a fortnight. In 2007 Council only considered 37 of the 1357 DA's received. It is unlikely that a better response system could be implemented through the use of a PAC. The approach proposed creates too many players and requires too much administration without any demonstration of a better or quicker result.

Level of Assessment

Currently, all development applications must be lodged with a Statement of Environmental Effects and assessed pursuant to the provisions of s79C of the Act. In the case of a minor development it is recognised that this is excessive, so the paper is exploring options to simplify the process. This is supported.

Determination

The paper proposes the standardisation of development consents and preparation and publishing of standard conditions. Most Councils already have a standard list of conditions, and therefore this exercise would not impact many councils. It is important however that the list of standard conditions is not finite as one-off circumstances may arise where a matter was not contemplated in the standard. Such condition should be imposed on the consent issued and added to the standard list.

It is proposed to limit the number of times a consent may be modified to ensure that the final product remains consistent with what was originally notified and considered. This is supported and should ensure that development applications are properly considered

when lodged, rather than evolve through the determination process. Such practice would ensure the best use of Council staff time.

Currently a development application is deemed to be refused if it is not determined in 40 days. The paper proposes a varied scale depending on the complexity of application and suggests a 20 day period for all applications which do not require notification. As the primary reason for the delay in the approval process is the shortage of staff, such a timeframe is expected to result in an increase in the number of appeals and consequential costs to Councils. The resources lost defending an appeal will further affect turnaround times. For this reason 20 days is considered inadequate, as is the 90 days for designated development. The following suggestion of fee increases and not introducing any additional layers would assist in improving determination time.

Fees

The paper recognises the costs of the assessment process and suggest a review of fees to enable councils to match fees to service, to charge for operational and compliance matters and increase fees for the assessment of building certificates where such certification is sought to regulate unauthorised work.

Currently the fees under part 3A (those determined by the Minister) are considerably higher than those that a council can charge. In addition, the matters that are taken into account when determining those fees vary significantly, with the department including the costs of preparing the applications such as design costs. An example is the fee for a development valued at \$500,000 where Council's fee is \$1,745 less \$315 (which is forwarded to the Department of Planning for administration purposes and to defray the costs of running the Building Professionals Board (BPB)), resulting in \$1,430 to Council. The Department of Planning would receive its prescribed fee of \$7,500, being significantly more than councils can charge.

Making the fee structure more equitable would assist councils in attracting and keeping staff, and may also allow the creation of additional assessment officer positions. In Camden's case this would have the greatest impact on speeding up the assessment process.

3. E-Planning

The Department proposes mandating the use of E-Planning. To date Camden has implemented basic services such as development application tracking, and propose to expand these systems as funds become available. Whilst the benefits to residents, and in particular applicants, are apparent, the costs of the system must be paid for from general revenue. Council currently pays \$180,500 annually in licence fees for the two products used in the development assessment process. Whilst the major licence covers additional data such as Council's rates system, the package is used for other purposes such as property data. For a council with 51,500 people funded by approximately 19,000 rate assessments this cost is high and the fees it obtains from applications does not meet the administrative costs of determining applications, let alone these additional costs. For this reason, either government support for the expansion of the system or a levy on top of application fees would be required to enhance and support the E-Plan model.

Centralised mapping and property information is to be coordinated through the state government. This is a logical move. All LEPs and planning documents would be available through this portal and accordingly, over time, this would evolve as a one-stop shop for the development industry and other parties. Provided the costs to Councils in accessing this information are reasonable and no additional licence fees are involved in running the system, it is considered the proposal would be beneficial.

Electronic delivery of S149 (zoning) certificates is also contemplated. At this time Camden Council has not developed its computer system for E-Commerce and accordingly, provision of certificates and electronic submission of development applications cannot occur. It is however planned to develop the system as funds can be allocated to facilitate this initiative. The provision of funds for this purpose needs to be considered against all the other demands of the growing council.

It is important for the government to appreciate that any system is only as good as the information that is entered into it and there is still a significant amount of data entry required. The proposal, particularly in relation to the reporting required, will actually increase the administrative work in council's planning departments.

4. Exempt and Complying Development

The government is not satisfied with the take up rate of complying development and is looking at widening the types of development that can be certified and standardising this form of development across the state. As Camden Council currently allows two storey dwellings without first floor living areas as complying development, it is likely that there would be little change to the number of applications lodged. There is merit in having more complying development provided that local circumstances are considered, and it is for this reason that so many councils have opted to prepare their own list of what is acceptable. What may be considered appropriate in a country council such as Broken Hill may not fit with a denser, inner city area such as Randwick. For this reason it is appropriate that any changes to the provisions must consider local circumstances and perhaps have some mandatory types of development that must be exempt or complying.

The major concern in relation to this form of development is the proposal to allow minor variations to the standards established. Currently if a development does not meet the requirements for complying development, a development application is required. Such application is subject to a more thorough assessment to determine the appropriateness of the development. Allowing a variation to a maximum standard will become the norm and then defeat the purpose of the control. The ability to condition a complying development certificate to make it complying would be supported.

5. Building and Subdivision Certification

Since the introduction of private certification there have been concerns, particularly in local government, at the transparency of the process. The reforms are attempting to address these issues by having limitations on the number of projects that can be certified for the one developer. It is also proposed to increase the audit process and clarify the responsibility for ensuring the development consent is enforced. It is this aspect of the reforms that is concerning. Whilst it is proposed to increase the range of fines that can be applied, this does not guarantee a remedy. An example that has

occurred is where an occupation certificate has been issued and in a subsequent fire safety inspection, council officers determined that the egress stairs and toilets did not comply with the Building Code of Australia (BCA). The ability to fine a certifier in this instance would in no way alter the impact or remedy the situation. The owner of the building must carry out the necessary works to achieve compliance and bear the costs of that work. A suggestion is that the powers of the Building Professionals Board (BPB) be broadened to allow the issue of an order on the certifier and that the certifier be required to remedy the faulty work.

Other changes suggested include the accreditation of all council staff, and provided an adequate time frame was allowed for this to occur, the registration fees to be paid were minimal, and the insurance requirements did not increase Council's current payments, this is considered fair. Similarly accreditation of persons who prepare plans is also considered appropriate.

The reintroduction of the stop-work provisions is supported, however there are some concerns in relation to the proposal to impose an enforcement bond. This would incur administrative costs and impact on the "mum and dad" developer and may or may not recover the costs that a council may incur in ensuring that conditions of consent are met. It is necessary to also review the local court proceedings and impact of contesting Penalty Infringement Notices (PINs). Council has found that the costs of defending these actions exceed the fines imposed by the Court. No mention of local court proceedings has been made in the paper.

The Act allows private certification of subdivision works including road and other council infrastructure works if specifically provided for in an LEP. To date only one council in NSW has allowed this to occur. The concern of other councils including Camden is that works will not be properly supervised/constructed and they may fail, with the costs of restoration borne by the community. The proposal to allow certification of works that will become public assets is not supported, except in circumstances where all public infrastructure already exists.

6. Strata Management Reforms

The proposed changes to strata plans relate more to addressing problems that have occurred recently with major projects where the developer retains control of the owner's corporation and through this control prevents rectification of building defects. As this has the potential to impact on any new ratepayer, the changes are supported.

7. Resolving Paper Subdivisions

Camden does not have any of the historical paper subdivisions referred to in this section of the paper and accordingly, no comments are made on this issue.

8. Miscellaneous Amendments

The suggested changes would clarify the works required to 'commence' a development consent and should address an area that has been the subject of many court proceedings with different outcomes over time. Ensuring that all parties know exactly the currency of a consent is desirable.

The change to rating provisions to allow a public authority to collect rates for services they provide in lieu of the local council providing them, eg. the Sydney Olympic Park Authority, seem to be an anomaly in the paper as rating is controlled under the Local Government Act and the provision of those services has nothing to do with the planning system.

Changes proposed to the provisions that relate to standard instruments, statement of environmental effects and planning agreements clarify or simplify the current processes and are supported. The clarification should also extend to ensuring that applicants do not have the option of whether their applications are considered under the integrated provisions or as local development.

The Land and Environment Court Act currently contains a provision (Section 34) requiring mediation of matters before they proceed to hearing. The paper proposes the confirmation that mediation will be compulsory for all matters brought before the Court. The effect of such mediation is to reduce court related costs and ensure there are no protracted delays in a case. Such changes will have implications for those councils who use the court to make the 'hard' decisions as it will be necessary for staff/legal advisors to mediate solutions rather than the matter proceed directly to a hearing.

One of the criticisms of the court process is the ability of applicants to amend proposals from those that were considered by the council. Such practice has exposed councils to unnecessary and expensive legal action rather than the court ordering the proponent to submit a fresh development application for consideration. A number of options are suggested, however the fairest system is to ensure that councils are given an opportunity to consider all amendments without incurring legal costs. The court could require the applicant either submit a new application if the changes are considered significant or a s82A review if the changes were minor.

The Minister has empowered himself to appoint planning panels to replace an elected council for determination of planning matters. The draft proposes that the powers of the panel/administrator be broadened to allow them to prepare/amend DCPs and contributions plans. Such provisions further erode local government's decisions on important strategic planning matters.

No objection is made to the remainder of the miscellaneous matters.

CONCLUSION

The discussion paper provides a broad range of planning reforms, many of which would achieve the objective of simplifying the current planning system. There are however many recommendations that would actually inhibit timely determination of applications.

The most concerning elements of the paper are the further erosion of a local council's powers and that the reforms focus on times taken to determine applications rather than the appropriateness of the final outcome.

The proposed reforms to the plan-making process are generally acceptable, however some will have little impact on the actual time it takes to rezone land and others need more detail to determine the impact on local community involvement in the process.

It is important that councils maintain their ability to determine what is appropriate for their community and any loss of these rights to state or regional government cannot benefit the local area.

The focus on time taken assumes that all councils in NSW are not meeting their responsibilities, and rather than address individual circumstances all councils are facing the prospect of standard controls and loss of input. The failure of the paper to propose any measure of the final outcome of the process is a major flaw and it is important that any changes made to the legislation also consider the types of communities we are attempting to create.

In relation to the individual recommendations summarised in Appendix A of the report, comments are made in response to each item **as detailed in the attachment provided at the end of this report**. These responses would be incorporated in a comprehensive submission to the Department of Planning.

RECOMMENDED

That Council make a submission in relation to the Discussion Paper "Improving the Planning System" in accordance with the above report.

ATTACHMENTS

Comments on Recommendations
Discussion Paper (Sup Doc)

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Funnell that Council make a submission in relation to the Discussion Paper "Improving the Planning System" in accordance with the above report.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD11/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 5882458 30/01/2008, 01:18:20 PM](#)

ORDINARY COUNCIL

ORD06

SUBJECT: REZONING OF ORAN PARK AND TURNER ROAD
PRECINCTS
FROM: Director Governance
FILE NO: Binders: Oran Park Precinct; Turner Road Precinct

PURPOSE OF REPORT

To inform Council of the rezoning of land in the Oran Park and Turner Road Precincts of the South West Growth Centre.

BACKGROUND

Since September 2006, Council has been working closely with the Growth Centres Commission on precinct planning for the Oran Park and Turner Road Precincts in the South West Growth Centre. The precinct planning process was completed with the gazettal of Amendment No. 1 to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 on 21 December 2007.

The gazettal implemented the rezoning of the land within the precincts and adopted development standards for the precincts in the amended SEPP. This was followed by the coming into force on 26 December 2007 of Development Control Plans for the precincts as adopted by the Growth Centres Commission.

Copies of the amended SEPP and the DCPs have been provided to Council under separate cover. These documents are now publicly available through the Growth Centres Commission's and Council's websites.

Both the amended SEPP and the DCPs are documents of the Department of Planning and the Growth Centres Commission respectively. At some stage in the future these documents may transfer into Council's planning documents, but until then only the Department of Planning or the Growth Centres Commission can make amendments to them. However, Council will remain the consent authority for development applications within the precincts unless they are major development projects, in which case the Minister will be the consent authority.

Development applications can now be considered by Council for development within the precincts and, subject to the delivery of water, sewer and electricity to the precincts, land can be developed with the consent of Council. During 2008, development for the purposes of lead-in roads and the delivery of essential services to the precincts will take place, with first homes likely to be built in late 2008 or early 2009.

MAIN REPORT

Amendment to State Environmental Planning Policy

The gazettal of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. 1) means that land within the Oran Park and Turner Road Precincts is now rezoned. Land within the precinct has been rezoned in accordance with the new LEP Template zones. The following zones now apply to various parts of the Precincts:

- Zone R1 General Residential (for the majority of the land)
- Zone R3 Medium Density Residential (for land around the Oran Park Town Centre)
- Zone B1 Neighbourhood Centre (for the smaller retail centres)
- Zone B2 Local Centre (for the Oran Park Town Centre)
- Zone B4 Mixed Use (for the Camden Valley Golf Club centre)
- Zone B5 Business Development (for a portion of the employment land in Turner Road)
- Zone IN1 General Industrial (for the remainder of the employment land)
- Zone SP2 Infrastructure (for that part of The Northern Road that runs through the Oran Park Precinct)
- Zone RE1 Public Recreation (for two specific areas identified for open space with environmental qualities)
- Zone RE2 Private Recreation (for a portion of the riparian corridors)
- Zone E4 Environmental Living (for the remainder of the riparian corridors and land adjacent to the Denbigh Heritage Curtilage).

The zones have been selected to accord as much as is possible with the zones proposed to be used in the comprehensive Camden LEP that is currently being drafted.

The SEPP as amended incorporates zoning maps as well as the following other maps:

- Development Control Maps (that identify flood prone and major creeks land and transitional land)
- A Heritage Map (identifying Denbigh as an item of environmental heritage)
- Height of Buildings Maps (nominating maximum building heights across the Precincts)
- Lot Size Maps (nominating minimum lot sizes across the Precincts)
- Land Reservation Acquisition Maps (identifying land to be acquired by Council)
- Special Areas Maps (identifying sites that need a Part B DCP to be adopted prior to development taking place - including the town and neighbourhood centres, employment lands, land adjacent to the Denbigh curtilage and land containing a riparian protection area)
- Riparian Protection Area Maps (identifying the riparian protection areas that cannot be developed)
- An amended Structure Plan Map (that incorporates changes made to the structure of the precincts as a result of the precinct planning process).

The SEPP provides for the development of no less than 7,540 dwellings in Oran Park and 4,020 dwellings in Turner Road. The SEPP also provides for a maximum area of bulky goods premises to be 40,000m² and that this form of development be limited to land zoned B5 Business Development. Other retail premises in the B5 Business Development zone are also limited in area, in order to protect the viability of the identified retail centres.

The adopted Development Control Plans contain development controls for subdivision and dwelling construction in the Precincts. The development controls include the following:

- Minimum road widths and design controls;
- Principles for location and design of public parks;
- Locational criteria for community facilities, including places of worship and child care centres;
- Principles for the development of Part B DCPs in the "Special Areas";
- Environmental controls, for riparian corridors, flooding, salinity, heritage, bushfire, vegetation, contamination, odour and acoustics;
- Subdivision design and layout;
- Streetscape and Architectural Design;
- Building form, setbacks and height;
- Private open space and landscape area;
- Studios and medium density housing controls;
- Parking, fencing and cut and fill;
- Privacy and solar access;
- Sustainability and water;
- Stormwater management; and
- Waste management.

The most significant difference between the controls for Oran Park and Turner Road and those currently applying to various parts of Camden are the lot size controls. The lot size controls that have been developed for Oran Park and Turner Road are based on a number of important objectives, including housing affordability, housing choice and building form variety. In addition, the planning of the precincts needed to take into account the lot yield and dwelling density requirements of Government.

As such, the minimum lot size in Oran Park and Turner Road for single detached housing is 250m². However, density targets are incorporated into the DCPs to ensure that a range of lot sizes is delivered, up to 1000m² lots in the land adjacent to the Denbigh heritage curtilage.

The 250m² lot size equates to a lot with a 10m frontage and a 25m depth. This is a very small lot by Camden standards and would not accommodate the form of housing currently being developed. This lot size warrants a new form of housing and the development controls are therefore targetted to the most appropriate building form for a lot of this size. In fact, most building form controls in the DCPs are based on the width of the lot, so that for each lot size, the building forms are appropriate.

All of the building controls in the DCPs were developed in consultation with experienced industry experts and with a view to achieving a high quality design outcome. For example, a lot width variation control has been included, requiring a variety of lot widths in a number of streets, to encourage different building forms and interesting streetscapes.

For medium density housing, the minimum lot size in Oran Park and Turner Road is 125m². This would apply to terrace-style housing that could be developed on a row of lots 5m wide by 25m deep. Any lots below 350m² are deemed integrated housing lots where the subdivision must be accompanied by a residential development proposal.

This ensures appropriate dwelling forms are provided on the smaller lots.

The Development Control Plans also contain the Exempt and Complying Development provisions. The Exempt and Complying provisions have been developed to be consistent with Council's existing provisions where appropriate, while at the same time providing for more housing product to be complying. For example, in Council's current standards a dwelling that has living areas on the upper level cannot be a complying development. The DCPs for Oran Park and Turner Road allow living areas on the upper floor providing any windows only face the street or another public place. This provides more scope for complying development without detrimentally affecting the amenity of neighbouring properties.

A process for identifying Complying Lots at the subdivision stage has also been included in the DCPs to make complying development a more attractive option for home builders.

Section 94 Plan

A Section 94 Plan for Oran Park and Turner Road has recently been re-exhibited and a report to seek adoption of the S94 Plan by Council will be provided to the next Council meeting.

CONCLUSION

Land in the Oran Park and Turner Road Precincts has now been rezoned and development controls applying to the land have been adopted. Development applications for subdivision and infrastructure can now be assessed and determined by Council. A number of development applications have already been lodged and further applications will be submitted in the near future.

Council staff will continue to work with the Growth Centres Commission and the land owners in the precincts to develop more detailed controls where required, to assess development applications and to facilitate the delivery of infrastructure required for the precincts.

RECOMMENDED

That Council note the rezoning of land in the Oran Park and Turner Road Precincts of the South West Growth Centre.

ATTACHMENTS

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Johnson that Council note the rezoning of land in the Oran Park and Turner Road Precincts of the South West Growth Centre.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD12/08

ACTIONS

Link to CRMS document

[CRMS: 5882528 30/01/2008, 01:18:32 PM](#)

ORDINARY COUNCIL

ORD07

SUBJECT: REPORT ON HARRINGTON GROVE PART B
DEVELOPMENT CONTROL PLANS
FROM: Director Governance
FILE NO: Harrington Park 2 and Mater Dei

PURPOSE OF REPORT

The purpose of this report is to provide feedback to Council from the public exhibition of the draft Harrington Grove Part B Development Control Plans (DCPs) - Precincts A, B, C, D, E, K and seek Council's adoption of the amended documents.

BACKGROUND

At the time of preparation of the Harrington Grove and Mater Dei DCP 133 (Part A DCP) it was anticipated that further, more detailed design controls for each precinct would be outlined in Part B DCPs.

The Part B DCPs were developed to give more detailed design controls for each precinct. These controls cover a range of issues such as form and character of housing, streetscape, site planning, building form and materials, environmental elements and landscaping.

At its meeting of 23 October 2007 Council resolved to place the Harrington Grove Part B DCPs (Precincts A, B, C, D, E and K) on public exhibition.

The Part A DCP (DCP 133) has subsequently been incorporated into Council's comprehensive DCP at Part G, Chapter 21. The Part B DCPs, if adopted will amend Part G, Chapter 21 of the comprehensive DCP.

MAIN REPORT

Exhibition of the draft Part B DCPs was over a four week period from the 31 October 2007 to the 28 November 2007. A letter notifying adjoining owners of the exhibition was sent out in the first week of November 2007. The exhibition material was displayed at the Camden and Narellan libraries, Council's Customer Service Centres at Camden and Narellan, Harrington Park Village Shopping Centre, and Council's website.

During the public exhibition Council did not receive any submissions. However, further internal reviews of the Part B DCPs occurred during the exhibition period and as a result some minor amendments are proposed for the Part B DCPs. These changes are outlined below in Table 1, and the amended Part B DCPs are attached as **Supporting Document 1**.

The Part B DCPs for Precincts A, B and D are generally similar in content as they are

all new and discrete precincts in Harrington Grove. Precincts C, E and K however all have a direct relationship with existing Harrington Park. Therefore the Part B DCPs for these precincts appropriately include controls that currently apply to Harrington Park.

Table 1. Detail of changes to exhibited Part B DCPs

Precinct	Change	Reason
Precincts A, B, D	Section 2.2.1.2 Road Widths – deleted Shareways section.	Part A of the DCP did not provide for shareways, all minor roads are access roads.
	Section 2.2.2 Stormwater Drainage – deleted from first dot point ‘ the provisions of a WSUD’ and ‘strategy prepared in accordance with Part A’. Added ‘in accordance with an approved Stormwater Drainage Strategy’. Change to second dot point – delete ‘which reflect the basic Drainage Strategy for Harrington Grove’.	For reasons of clarity.
	Section 2.2.3 Lot Access – renamed to ‘Lot Access and On-Street Car Parking and kept only those controls relating to a Figure.	To assist in brevity and avoiding repetition.
	Section 2.2.4 Car Parking - kept only the controls relating to a Figure.	To assist in brevity and avoiding repetition.
	Section 2.2.8 Bushfire Management – added a third point ‘ Asset Protection Zones are to be provided generally in accordance with Figure 5 and an approved Bushfire Management Plan’. An Assets Protection Zones Plan has been added as Figure 5.	To provide clarity.
	Section 2.2.12 Child Care Centres – deleted	A modified version of this section is to be inserted into Part A of the DCP. Further detailed Child Care Centre controls, incorporating the rest of the controls not to be moved to Part A, are in Part F Chapter 3 of Camden's Consolidated DCP 2006.
	Section 3.2.1 Siting of Dwelling heading changed to ‘Objectives for the Siting of Dwellings’.	To provide clarity
	Section 3.2.9.3 Corner Lot Fencing – added one dot point ‘is only permitted on one street frontage per corner lot’.	To provide clarity.
	Section 3.2.10 Vehicle Access and Parking - deleted	To avoid repetition
	Section 3.2.11 On Site Drainage - deleted	To avoid repetition
	Section 3.4.2 Dwelling Construction and Energy Rating/Solar Access – deleted.	To avoid repetition
	Section 3.4.3 Visual Privacy & Passive Surveillance – deleted.	To avoid repetition
	Section 3.7.7 Car Washing Area – deleted	To avoid repetition
	Section 3.3.9 Waste Minimisation During Construction Demolition and On-going Use –	To avoid repetition.

	deleted	
Precinct A	Section 3.6.1 visually prominent Sites – add refer to Figure 11.	To provide clarity.
	Section 3.6.2 Lots with Single Storey Limitations – this section added	To ensure development does not have a detrimental impact on Harrington Grove Homestead.
Precincts C, E, K	Section 2.1 Opportunities and Constraints – deleted last dot point.	A Stormwater Drainage Strategy must be prepared to demonstrate that the existing system can accommodate additional stormwater.
	Section 2.2.1.1 Road Structure – deleted 'In addition , Precinct C requires the provisions of a shareway off Alexandra Crescent to provide access to residential lots within western portion of the Precinct.	Part A of the DCP did not provide for shareways, all minor roads are Access Roads.
	Section 2.2.3 Lot Access – only kept controls relating to a Figure.	To avoid repetition.
	Section 2.2.4 Stormwater Drainage – deleted 'Stormwater drainage requirements are adequately accommodated within the existing infrastructure provided for Harrington Park' and added ' Stormwater drainage facilities are to be provided in accordance with an approved Stromwater Drainage Strategy'.	To provide clarity.
	Section 2.2.6 Child Care Centres – deleted	Child Care Centre controls are to be inserted into Part A of the DCP. Further controls can be found in Part F Chapter 3 of Camden's consolidated DCP 2006
	Section 3.1.2 Site Development – changed heading to 'Sitting of Dwellings'.	To be consistent with other Precinct Plans
	Section 3.4.2 Solar Access and Energy Efficiency – added 'Development of dwellings are to comply with the provisions of Part A of this DCP. In addition, the following should be taken into account'.	To provide clarity.
	Section 3.6.3 Side and Rear Fencing Between House Lots – added wording in last dot point ' or a similar product and colour'	To provide clarity.
	Section 3.7.4 TV Antennae, Dishes and Radio Masts – deleted 'Rainwater Tanks – Each dwelling to include a water tank with a minimum capacity of 1000 litres'.	Development is to comply with BASIX..
Precinct C	Section 3.3.11 Lots Adjacent to the Harrington Park Homestead Heritage Curtilage - added this section.	To bring in line with the existing Harrington Park DCP to provide good outcomes of houses seen from the heritage homestead.

The bulk of these changes are to minimise unnecessary repetition within the Part A and

B DCPs and therefore don't need to be part of the Part B DCPs. Some of the changes are also to provide further clarification of the controls that will apply.

All of the exhibited Part B DCPs contained the same Child Care Centre provisions. In keeping with the DCP structure which includes standard controls in the Part A section, it is proposed that these Child Care Centre controls be incorporated into Part A of the Harrington Grove chapter of Camden DCP 2006 (Part G, Chapter 21). In Part F Chapter 3 of Camden's Consolidated DCP 2006 there are controls for Specific Land Uses and these are extensive for Child Care Centres. In light of this there have been minor changes to the Child Care Centres controls that will be moved to Part A of the DCP. The proposed Child Care Centre controls for Part A of the DCP are attached as **Supporting Document 2**

CONCLUSION

During the 4 week exhibition of the draft Part B DCPs no submissions were received. However, after further internal review of the Part B DCPs during the exhibition period, some minor amendments are proposed to the Part B DCPs.

Should Council adopt these Part B DCPs and the separate Child Care Centre controls as amendments to the Camden DCP 2006, a notice will be placed in the local paper to bring into force the amendments, and the Camden DCP will be amended accordingly.

RECOMMENDED

That

- i. Council adopt the Draft Harrington Grove Part B DCPs as amended and the separate Child Care Centre controls as amendments to Part G, Chapter 21 of the Camden DCP 2006.**
- ii. a notice be placed in the local newspaper to notify the public of the amendments to the Camden DCP 2006.**

ATTACHMENTS

Supporting Document 1 - Precincts A, B, C, D E & K. Supporting Document 2 - Proposed Child Care Centre controls

Precinct A supp doc 1 Precinct B supp doc 1 Precinct C supp doc 1 Precinct D supp doc 1 Precinct E support doc 1

Precinct K supp docsupport document 2
1

Please note, Supporting Documents relating to this report have been provided under separate cover to Councillors. Should Senior Management require a copy, please contact Strategic Planning.

RESOLUTION

Moved Councillor Johnson, Seconded Councillor Funnell that:

- i. Council adopt the Draft Harrington Grove Part B DCPs as amended and the separate Child Care Centre controls as amendments to Part G, Chapter 21 of the Camden DCP 2006.
- ii. a notice be placed in the local newspaper to notify the public of the amendments to the Camden DCP 2006.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD13/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 5882647 30/01/2008, 01:18:44 PM](#)

ORDINARY COUNCIL

ORD08

SUBJECT: INVESTMENT MONIES
FROM: Director Governance
FILE NO: Investment Business Papers

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 30 November 2007 is provided.

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

The weighted average return on all investments was 7.08% p.a. for the month of November 2007.

RECOMMENDED

That:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for November 2007 be noted.**
- iii. the weighted average interest rate return of 7.08% p.a. for the month of November 2007 be noted.**

ATTACHMENTS



Investments
November 2007

RESOLUTION

Moved Councillor Johnson, Seconded Councillor Funnell that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**

- ii. the list of investments for November 2007 be noted.
- iii. the weighted average interest rate return of 7.08% p.a. for the month of November 2007 be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD14/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 5882793 30/01/2008, 01:18:58 PM](#)

ORDINARY COUNCIL

ORD09

SUBJECT: INVESTMENT MONIES
FROM: Director Governance
FILE NO: Investment Business Papers

In accordance with Part 9, Division 5, Section 212 of the Local Government (General) Regulation 2005, a list of investments held by Council as at 31 December 2007 is provided.

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

The weighted average return on all investments was 7.24% p.a. for the month of December 2007.

RECOMMENDED

That:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**
- ii. the list of investments for December 2007 be noted.**
- iii. the weighted average interest rate return of 7.24% p.a. for the month of December 2007 be noted.**

ATTACHMENTS



Investments
December 2007

RESOLUTION

Moved Councillor Johnson, Seconded Councillor Funnell that:

- i. Council note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the Local Government Act, Regulations, and Council's Investment Policy.**

- ii. the list of investments for December 2007 be noted.
- iii. the weighted average interest rate return of 7.24% p.a. for the month of December 2007 be noted.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD15/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 5882830 30/01/2008, 01:19:09 PM](#)

ORDINARY COUNCIL

ORD10

SUBJECT: BICENTENNIAL EQUESTRIAN PARK – LOCATION OF PONY CLUB - FACILITATION UPDATE

FROM:
FILE NO:

PURPOSE

To provide an update on actions to reach agreement on the location of a Pony Club following Council suspension of consideration on Development Application for Bicentennial Equestrian Park (BEP).

BACKGROUND

At the Council meeting on 11 September 2007, a Development Application (DA) for the establishment of a pony club, the raising of the level of an existing causeway and the construction of four sand dressage arenas at the Bicentennial Equestrian Park (BEP) was suspended, partly due to submissions received objecting to the proposed location of the Pony Club.

In the ensuing discussion and resulting resolution, Council requested an update on considerations for the use of Ferguson's Land which adjoins BEP, including provision for a site for the pony club. Options for the use of this land were presented to Council on 25 September 2007. Having considered these options, Council requested a mediator be appointed to work with Council officers and the BEP Management Committee to gain an agreement on the proposed location of the Pony Club.

Expressions of interest were sought during October and November 2007. However, the costs and timing of the involvement of mediators/facilitators were not acceptable. Following a suggestion from Councillors in December, Mr Bob Sparkes of Ability Enhancement Associates, Camden, has been engaged on a time & materials basis to work with Council staff and the BEP Management Committee to facilitate gaining agreement on an acceptable location for the Pony Club.

The BEP Management Committee's involvement is important to allow them to fulfil their role in acting on behalf of the Council organisation in the care, management and operation of the BEP for the benefit of the broad community.

CURRENT STATUS

Since the meetings last year, correspondence has been received from Camden Show Society giving background, including outlining some of the previous considerations, as well as expressing support for the proposed location. Councillor Funnell has also written suggesting alternative locations.

An initial meeting has been held with the executive of the BEP Management Committee. The focus of this meeting was to gain information on the history of the application, to clarify the issues based on their understanding and to seek to find out if there were other issues, and to outline the approach for working through these issues.

The next round of meetings is proposed to be held separately with the other key stakeholders, being the Premier User Groups. These meetings will be focussed on the same aim as for the BEP Management Committee executive, but from the User Group perspective. These are being scheduled for the two weeks commencing 22 January.

Depending on the outcome of these individual discussions, meetings with other stakeholders may need to be included in the plan, leading to a full group session designed to address all the issues around location and operation together.

The key goal remains that these meetings and discussions will result in a clear confirmed agreement by the BEP Committee regarding the location and operation of facilities for the various equestrian disciplines which reflect the key needs of the relevant groups while delivering the best outcome for the community of current and potential users.

While the timetable and sequencing will depend on the availability of people and the outcomes of each series of meetings, the aim is to develop a report regarding location and operation of the Pony Club and other affected disciplines at the end of February 2008.

RELATED CONSIDERATIONS

One of the alternatives for location of facilities includes an area of land on the BEP which has long grass and noxious weeds such as Honey Locust trees. A preliminary estimate to remediate the total area near the proposed site, including the removal of these trees, indicates the cost of up to \$60,000.

RECOMMENDED

That:

- i. Council note the current status of the discussions; and**
- ii. a further report is provided to Council at the meeting of 11 March 2008.**

RESOLUTION

Moved Councillor Johnson, Seconded Councillor Cagney that:

- i. Council note the current status of the discussions; and
- ii. a further report is provided to Council at the meeting of 11 March 2008.

THE MOTION ON BEING PUT WAS **CARRIED**.
(Councillor Funnell voted against the Motion)

ORD16/08

ACTIONS

Link to CRMS document

[CRMS: 5882972 30/01/2008, 01:19:22 PM](#)

ORDINARY COUNCIL

ORD11

SUBJECT: DONATION POLICY REQUESTS
FROM: Director Works and Services
FILE NO: Community and Recreation Services/ Grants and Subsidies/
Funding/ Donations 2008

PURPOSE OF REPORT

To seek Council's approval of requests for financial assistance made under Council's Donations Policy.

BACKGROUND

Council provides either monetary or in-kind assistance to individuals, not for profit community groups and organisations for charitable purposes through Council's Donations Policy.

Requests that are greater than \$500 or when the distribution of funds extends outside the Camden Local Government Area require the request to be referred to Council for consideration.

At 31 December 2007 there was \$10 300 remaining in the Donations Policy Vote.

MAIN REPORT

The Donations Policy covers causes that aim to promote and enhance community wellbeing in the Camden Local Government Area through the provision of funds to assist members of the community or for causes of benefit to the community where there is a demonstrated community need.

Funding is for one-off donations only and must provide benefit to residents of the Camden Local Government Area.

Assessment Criteria

Applications are assessed under the following criteria:

- i. Purpose of the donation;
- ii. Previous donations made to applicant;
- iii. Annual budget allowance;
- iv. Amount requested; and
- v. Applicant's access to alternative sources of funding.

Council has received 2 (two) requests under the Donations Policy that require Council's consideration.

Rotary Club of Liverpool West Inc.

Rotary Club of Liverpool West Inc. has requested a monetary donation from Council for the purchase of 20 tickets at a cost of \$1000 (20 tickets x \$50 per person) from Council for their 6th Annual Children's Circus Extravaganza to be held on the grounds of Liverpool Catholic Club on 12-15 April 2008. The recipients of these tickets will be residents of the Camden Local Government Area.

The funding will directly benefit Camden Residents, including children with a disability, disadvantaged children and their carers to attend the event free of charge. The residents of Camden will also benefit indirectly from the National Charities that Rotary will donate all proceeds of the day. These charities include: Australian Rotary Health Research Foundation and Drug Arm (NSW) Outreach Program.

Rotary is fundraising, for this event, through approaching local government and businesses for sponsorship and ticket sales. The Rotary Club of Liverpool West has not received a donation from Council previously.

Riding for the Disabled Association (NSW) - Wollondilly Centre

The Riding for the Disabled Association (NSW) - Wollondilly Centre has requested a monetary donation from Council of \$500. The funding will assist with the provision of activities for the Centre which was forced to cancel its major fundraising event recently due to the impact of Equine Influenza bio-security restrictions.

The Centre supports and provides riding therapy, sport, recreation, training and safety programs for people with a disability. People with a disability from across the Sydney region use this service, including residents of the Camden Local Government Area.

This group receives no permanent funding from any source. Its fundraising activities include raffles and charging volunteers for morning teas on event days. The group has not received any funding from Camden Council. However, the group was a recipient, of the Wollondilly Mayor's funding allocation, from the Mayoral Ball of 2006. All activities, run at the centre, are free of charge.

Copies of the applications are provided in the Business Paper Supporting Documents.

CONCLUSION

Council's Donations Policy provides a valuable opportunity for Council to support individuals and community groups and organisations in charitable causes to promote and enhance community wellbeing for residents of the Camden Local Government Area.

RECOMMENDED

That:

- i. Council approve allocation of funds under the Council's Donations Policy to**

the two applicants - the Rotary Club of Liverpool West and Riding for the Disabled Association - Wollondilly Centre; and

ii. Council write to the applicants to advise of the outcome.

ATTACHMENTS

Supporting Documents:

Donation Request - Riding for Disabled Assoc

Donation Request - Rotary Club of Liverpool West

Donation Request - Donation Request -
Riding for the DisabLiverpool West Rotai

RESOLUTION

Moved Councillor Cagney, Seconded Councillor Whiteman that:

- i. Council approve allocation of funds under the Council's Donations Policy to the two applicants - the Rotary Club of Liverpool West and Riding for the Disabled Association - Wollondilly Centre; and
- ii. Council write to the applicants to advise of the outcome.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD17/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 5883158 30/01/2008, 01:19:50 PM](#)

ORDINARY COUNCIL

ORD12

SUBJECT: PETITION - TRAFFIC CONGESTION IN HIBERTIA PLACE, MOUNT ANNAN
FROM: Director Works and Services
FILE NO: Traffic and Transport/Complaints and Requests/Traffic Issues

Council has received a letter and an accompanying petition (containing 12 signatures) from residents of Hibertia Place, Mount Annan, supporting a request to have signage erected in Hibertia Place indicating "No Parking Saturday and Sunday 9am to 5pm". It is hoped this action would eliminate the severe congestion of traffic which occurs on weekends during the soccer season when games are played at Wandarrah Reserve.

The letter (**provided with the business paper supporting documents**) outlines the problems being experienced by the residents and their suggestions to resolve the issues.

RECOMMENDED

That Council:

- i. note the petition requesting installation of "No Parking Saturday and Sunday 9am-5pm" signage;
- ii. refer the matter to the Local Traffic Committee for consideration;
- iii. advise the lead petitioner of this resolution.

ATTACHMENTS

Supporting Document

Petition Letter
Hibertia Place

RESOLUTION

Moved Councillor Elliott, Seconded Councillor Funnell that Council:

- i. note the petition requesting installation of "No Parking Saturday and Sunday 9am-5pm" signage;
- ii. refer the matter to the Local Traffic Committee for consideration;
- iii. advise the lead petitioner of this resolution.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD18/08

ACTIONS

[Link to CRMS document](#)

[CRMS: 5883277 30/01/2008, 01:20:05 PM](#)

ORDINARY COUNCIL

ORD13

SUBJECT: NARELLAN URBAN FOREST
FROM: Director Works and Services
FILE NO: Capital Works/Council Properties/Narellan Urban Forest

PURPOSE OF REPORT

To inform Council of a successful grant application submitted to the Department of Planning under its Metropolitan Greenspace Program and request approval to accept the grant and commit matching funding.

BACKGROUND

Council at its meeting of 11 April 2005 resolved to accept a \$60,000 Metropolitan Greenspace Program grant and to provide complementary funding of \$60,000 for Stage 1 construction of an urban forest known then as the Narellan Central Park.

Council's submission proposed the construction of an interactive and engaging urban forest within the central hub of Narellan. The project is situated on Council's property adjacent to the Narellan Library and office buildings and Parks depot.

The objective of the project was to create a park area that engages the community on a journey through history. It was proposed to construct a simple natural series of paths through the site, which sweeps through drifts of natural grass connecting the surrounding housing and community facilities. The walk is to include community artwork, rest and reflection points and natural heritage interpretation points. The site also contains remnant species of the Cumberland Plain woodland.

The name of the project has since changed from the Narellan Central Park to the Narellan Urban Forest (NUF). Construction of Stage 1 of the NUF project was primarily completed in June 2007 with some additional works carried out in October 2007. The works carried out in Stage 1 fully utilised the available funding of \$120,000 and included:

- development of a Master Plan for the site and detailed landscape plans;
- bulk earthworks to reshape the drainage channel and to widen the detention basin at the northern end of the site;
- extensive landscaping and planting of the drainage channel and adjacent areas;
- construction of 210m of coloured concrete path on the eastern side of the channel.

MAIN REPORT

To enable further works included in the Master Plan for the site to progress, an application was submitted to the 2007/08 Metropolitan Greenspace Program for a grant

of \$90,000 for the development of Stage 2 of the Narellan Urban Forest. Council has been successful with its submission and complementary funding of \$90,000 is required from Council to support the project.

Stage 2 works will include:

- construction of a pathway on the western side of the drainage channel to link the administration building carpark with the Narellan Library park area and Elyard Street;
- installation of a pedestrian bridge and a low level boardwalk to provide connectivity between pathways on either side of the channel and a link between the carpark and the proposed playground which is in Council's Management Plan for construction in 2008/09 ;
- provision of seating and interpretive signage;
- inclusion of public art to reflect the history of the Narellan Area.

Funding

It is proposed that the matching funding for this grant be drawn down from the Capital Works Reserve.

A review of passive recreation improvements for the Narellan Release Area is currently underway. This review will determine requirements for investments in passive recreation in the Narellan Urban Forest as well as surrounding areas of the Narellan Release Area. Once completed, there may be opportunities to return funds currently within the 2007/08 Capital Works and Asset Replacement Program.

CONCLUSION

The Metropolitan Greenspace grant of \$90,000 and matching allocation of passive recreation funding will allow further development of the Narellan Urban Forest project.

The remnant forest is considered an important natural asset of the Narellan area. The proposed works will compliment recently completed works and further improve the amenity and public use of the area, linking Narellan's business, civic and residential areas.

RECOMMENDED

That Council:

- i. accept the \$90,000 NSW Department of Planning Metropolitan Greenspace Grant of for further development of the Narellan Urban Forest; and**
- ii. approve allocation of \$90,000 matching funding for this project from the Capital Works Reserve.**

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Johnson that Council:

- i. accept the \$90,000 NSW Department of Planning Metropolitan Greenspace Grant of for further development of the Narellan Urban Forest; and
- ii. approve allocation of \$90,000 matching funding for this project from the Capital Works Reserve.

THE MOTION ON BEING PUT WAS **CARRIED**.

ORD19/08

ACTIONS

[Link to CRMS document](#)

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