



Camden Council

Business Paper

Ordinary Council Meeting
11 December 2018

Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

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ORDINARY COUNCIL

ORD04

SUBJECT: DRAFT CAMDEN DEVELOPMENT CONTROL PLAN 2018
FROM: Director Planning and Environment
TRIM #: 18/205044

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the draft Camden Development Control Plan 2018 (draft DCP) for the purpose of public exhibition. The draft DCP is provided **under separate cover** due to the size of the document.

BACKGROUND

Camden Development Control Plan 2011 (Camden DCP 2011) was adopted by Council on 8 February 2011. Since that time, amendments have been made to Camden DCP 2011 to update the document, correct anomalies, and insert new chapters and new controls.

Recent changes to the planning system and legislation have triggered the need for a comprehensive review of the Camden DCP 2011 and have led to the preparation of a draft DCP.

The draft DCP reflects current State Government policy, corrects anomalies, removes duplication, consolidates provisions for site-specific areas and provides a more user-friendly structure.

The draft DCP will apply to development applications (DAs) and does not form part of the assessment of complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Housing Code).

What is a Development Control Plan?

A DCP provides detailed planning and design guidelines to support the planning controls in Camden Local Environmental Plan 2010 (Camden LEP 2010). A DCP is prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Environmental Planning and Assessment Regulation 2000 (EP&A Regulation) and is used for the design, preparation, assessment and determination of DAs.

The provisions of a DCP are not statutory requirements. If a DCP is inconsistent with a planning instrument (State Environmental Planning Policy (SEPP) or Local Environmental Plan (LEP)), the controls in a SEPP or LEP override the DCP.

Where does the draft DCP apply?

The draft DCP applies to land within the Camden Local Government Area (LGA) that is zoned under the Camden LEP 2010 (areas shaded blue in **Figure 1**). The draft DCP does not apply to rezoned land within the South West Growth Area (SWGA).

As further land is rezoned in the SWGA, the provisions of the Camden LEP 2010 and the Camden DCP are 'switched off' and the Growth Centres SEPP and Camden Growth Centre Precincts DCP (Growth Centres DCP) will apply.

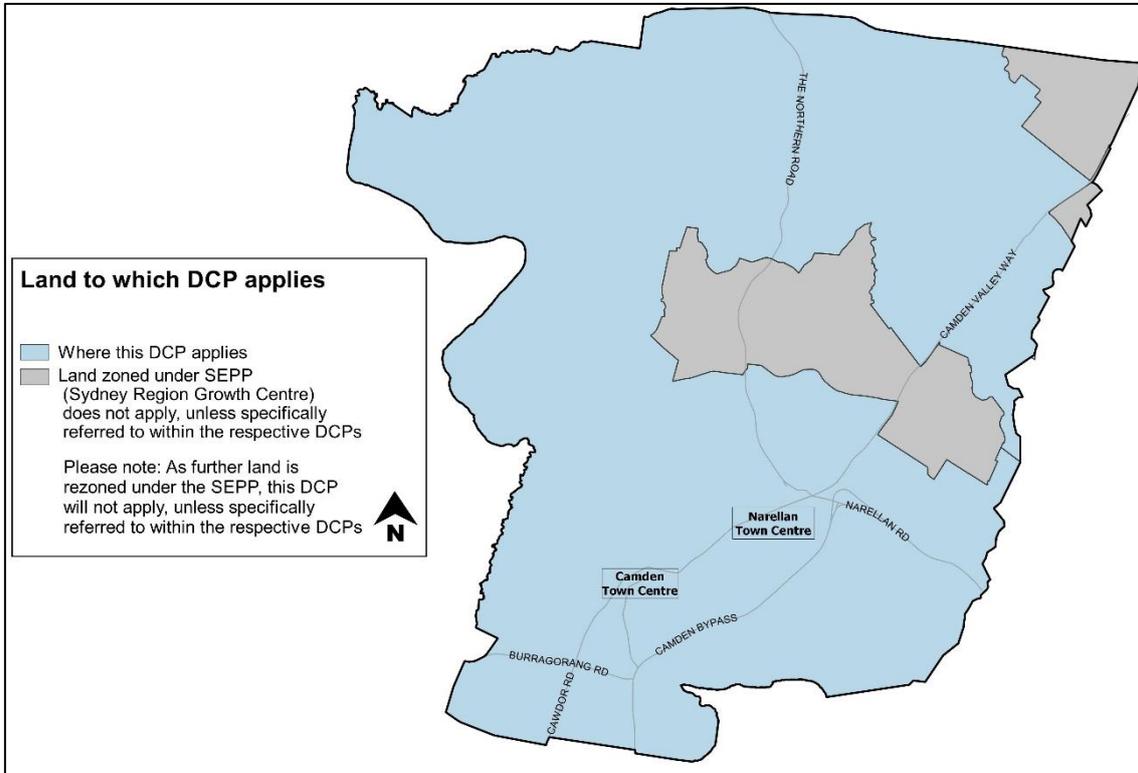


Figure 1 – Land to which the draft DCP applies.

Number of DCPs

There are currently four DCPs that apply to different parts of the Camden LGA:

- Camden DCP 2011;
- Turner Road DCP;
- Oran Park DCP; and
- Camden Growth Centre Precincts DCP.

The four DCPs adopt different structures, making them less user-friendly.

Councillors were briefed on the draft DCP on 25 September and 30 October 2018.

MAIN REPORT

1. Introduction

Council officers have undertaken a review of the Camden DCP 2011 with the main goals to provide a DCP document that is user-friendly and will facilitate quality development outcomes.

1.1 Aim of the Review

The aims of the review are to:

- update controls in line with State Government changes in policy and legislation;
- improve the user-friendliness of the DCP;



- use a familiar structure (based on Growth Centres DCP);
- improve quality of images and figures;
- remove duplication and redundant controls / information;
- retain existing controls that are working including setbacks, site coverage and landscaped area; and
- continue to achieve quality development outcomes.

1.2 Consultation and Road Testing of Draft DCP

The following consultation and tasks have been undertaken:

- internal stakeholder meetings;
- consultation with the development industry on specific issues including cut and fill controls (through Developer Forums and Home Builders Forums);
- review of best practice controls;
- benchmarking controls against industry and other council controls;
- referrals to State Government agencies including WaterNSW, Rural Fire Service and the Office of Environment and Heritage; and
- road testing of controls against existing development applications to ensure they are workable.

1.3 Analysis of Exempt and Complying Codes SEPP (Housing Code)

Development controls from the Housing Code have been considered in the formulation of the draft DCP. The front building setback control from the Housing Code is considered suitable for adoption in the draft DCP and this will promote consistency across the documents.

2. Changes to Improve User-Friendliness

Outlined below are the changes proposed to improve the user-friendliness of the draft DCP.

2.1 Proposed Structure

The draft DCP structure aligns with the Growth Centres DCP.

The draft DCP consists of six parts, plus 12 site-specific schedules. A summary of the draft DCP structure is outlined below:

Part 1 – Introduction

Sets out the aims and objectives of the DCP. Part 1 identifies the land to which the DCP applies, explains the structure of the document and the relationship of the DCP to other planning documents. Part 1 also provides guidance on notification requirements for development applications.

Part 2 – General Planning Controls

Sets out objectives and controls that apply to all development types in the Camden LGA, including environmental heritage, signage, traffic management and off-street car parking.

Part 3 – Residential Subdivision

Includes the objectives and controls that apply to development applications which involve residential subdivision.

Part 4 – Residential Development

Includes the objectives and controls that guide residential development, such as building setbacks and minimum landscaped area.

Part 5 - Centres Development

Includes objectives, controls and design principles for commercial development, including the Narellan and Camden town centres.

Part 6 – Specific Land Use Controls

Includes objectives and controls to guide the development of rural areas and industrial areas. This part also contains controls applying to specific land uses such as child care centres, exhibition homes and villages, home businesses, home industries and wood fired heaters.

Appendices

The Appendices provide reference information (Glossary and Landscape Design Principles.)

Schedules

Site specific schedules provide additional objectives and controls specific to a locality or release area, such as Elderslie and Spring Farm.

2.2 Figures and Images

Council officers engaged an urban designer to prepare updated imagery to improve the quality of figures and images in the draft DCP.

2.3 Inclusion of a Matrix

A Matrix has been included in the draft DCP (**Figure 2**) to refer the user to relevant parts of the DCP that apply to a development type.

Relevant DCP Parts	Residential Subdivision	Industrial Subdivision	Dwelling House	Dual Occupancy Secondary Dwellings	Attached Dwellings	Semi-Detached Dwellings	Multi-Dwelling Housing	Residential Flat Buildings	Non-Residential Development	Shop Top Housing	Retail / Commercial Development	Industrial Development
Part 1	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Part 2	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Part 3	✓				✓	✓	✓					
Part 4			✓*	✓*	✓*	✓*	✓*	✓*		✓*		
Part 5									✓	✓	✓	
Part 6		✓							✓		✓	✓
Appendices	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Specific Schedules*	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

Figure 2 – Extract of DCP Matrix



2.4 Links to Compliance Tables

A compliance table provides a snapshot of key development controls. Compliance tables will assist users by providing a 'quick reference' document for development assessment. Links to compliance tables have been included in the draft DCP.

2.5 Clickable Links

Clickable links to legislation and guidelines have been included in the draft DCP. The draft DCP also includes links to relevant technical reports and studies for site specific areas such as Elderslie and Spring Farm. This will provide the applicant with convenient access to information for the preparation of DAs.

Some links within the draft DCP may not be available during the public exhibition. Following public exhibition, the links will be completed in time for adoption of the final draft DCP.

Key Changes

Key changes proposed in the draft DCP are discussed below.

2.6 Part 3 Residential Subdivision

Introduction of Minimum Lot Widths for Lots greater than 300m² and less than 450m²

There is no minimum lot width control for lots under 450m² in Camden DCP 2011. The draft DCP proposes to introduce a minimum lot width of 9m for lots greater than 300m² and less than 450m².

The introduction of a minimum 9 metre lot width is consistent with the Growth Centres DCP.

Introduction of a Minimum Lot Width Control for Lots in the R5 Zone

A minimum lot width of 25m is proposed for lots within the R5 Large Lot Residential zone. This is to ensure new lots are consistent with the current subdivision pattern and can accommodate a dwelling that is compliant with the residential controls within the draft DCP.

2.7 Part 4 Residential Development

Minimum Front Landscaped Area

It is proposed to introduce a minimum front landscaped area of 50% (for established areas) and 40% for urban release areas such as Elderslie, Spring Farm and Emerald Hills. This will enhance the quality of the development and streetscape by ensuring landscaping is provided within the front setback. The control also ensures there is sufficient area for off-street car parking.

There is no change proposed within Harrington Grove, which currently requires a minimum front landscaped area of 60%.

Multi-Dwelling Housing and Attached Dwellings

Camden DCP 2011 has a limited number of controls for multi-dwelling housing and attached dwellings. New draft controls have been added to these chapters to provide additional guidance on design outcomes, including private open space, passive surveillance and internal driveways.

The multi-dwelling housing section of the draft DCP includes a proposed new control requiring developments (with more than 10 dwellings) to provide 10% of the dwellings as adaptable housing. This control has also been included in the residential flat building section of the draft DCP and is consistent with the Growth Centres DCP.

Adaptable housing is a term used to describe that the internal layout of a dwelling can be easily modified to become, accessible to both occupants and visitors with disabilities or progressive disabilities.

No changes are proposed to existing controls such as setbacks and landscaped area.

Residential Flat Buildings

Minor amendments are proposed to the residential flat building section. Proposed new controls align with the residential flat building controls in the Growth Centres DCP.

As previously discussed for multi-dwellings, a proposed new control requires developments (with more than 10 dwellings) to provide 10% of all new apartments as adaptable housing.

No changes are proposed to existing controls such as setbacks, landscaped area and minimum lot size.

2.8 Residential Apartment Development - Apartment Design Guide

Councils are required to take into consideration the Department of Planning and Environment's Apartment Design Guide (ADG) when formulating development controls for a DCP (Clause 21A of EP&A Regulation). Council officers have assessed the draft Camden DCP against Parts 1 and 2 of the ADG. It is considered that the draft controls are not inconsistent with the ADG.

2.9 Part 6 Specific Land Use Controls

Proposed Changes as a result of Previous Council Resolutions

The Rural Land Strategy (Strategy) includes an action to review existing development controls to provide additional guidance on land use conflict. Council officers have completed a review and draft controls have been included in the draft DCP.

The draft controls aim to minimise potential land use conflicts between rural uses and rural residential uses, by providing additional controls relating to:

- development needing take into consideration existing rural operations;
- the need for a buffer or other measure to separate residences from rural uses; and
- the need for a proposed rural use to provide odour and/or acoustic reports to support their application.

At its meeting of 26 September 2017, Council resolved (in summary) to investigate site specific controls for Smeaton Grange as part of the draft DCP. New controls are proposed to be included in the General Industrial section of the draft DCP (that will apply across the LGA).

The draft controls aim to minimise potential land use conflicts between industrial and residential uses, by providing additional controls relating to:



- protecting the amenity of nearby residential areas;
- noise emitting activities; and
- vehicle body repair workshops and vehicle repair stations.

Separate to this review, at its meeting of 11 September 2018, Council endorsed draft site-specific DCP controls relating to Little Street Camden for the purpose of public exhibition. A separate report will be provided to Council on this matter.

2.10 Child Care Centre Controls

In September 2017, the NSW Government adopted legislation and guidelines for the development of child care centres. The legislation and new Child Care Planning Guideline (CCPG) override Council's controls, except for building heights and side and rear setbacks. The draft DCP has been amended to be consistent with this legislation and guideline.

2.11 Schedule 7 – El Caballo Blanco and Gledswood (ECBG)

For ECBG residential land, a minimum lot size of 250m² is permitted in the Camden DCP 2011. Camden LEP 2010 permits a minimum lot size of 400m². As previously discussed, the EP&A Act confirms that where there is an inconsistency, a LEP control overrides a DCP.

As a result, the draft DCP has deleted reference to minimum lot size provisions in ECBG. Subject to Council endorsement to proceed to public exhibition, it is recommended that Council officers consult directly with the affected landowners to provide them with information about the proposed change.

3. Other Changes

Other changes proposed in the draft DCP are outlined below and in the **attachment to this report**.

3.1 Definition of Submissions

In 2017, the State Government introduced changes to make local planning panels (LPPs) mandatory for all councils in Sydney.

In this regard, it was considered necessary to clarify how a submission is to be made and how Council officers will consider submissions. New advisory information has been included within Part 1 of the draft DCP for clarification.

3.2 Hours of Operation for Home Businesses

It is proposed to extend the hours of operation on Saturday from 8:30am - 12:30pm to 8:30am - 5:00pm and to simplify the control. The new control clarifies that Council can consider extending the hours of operation of a home business if it can be demonstrated there are no unacceptable impacts on the amenity of adjoining dwellings or the neighbourhood.

3.3 Two-storey Dwellings with Double Garage on Narrow Lots

Home builders have requested the ability to construct two-storey dwellings with double garages on lots between 10m and 12.5m in width (not currently permitted under Camden DCP 2011). A benefit of allowing double garages on narrow lots is to ensure there is additional off-street car parking for these lots.

During the preparation of draft controls, Council officers undertook a review of sites in western Sydney and developed controls to ensure that dwellings were designed to provide casual surveillance to the street, while reducing the impact of garages on the streetscape.

The draft DCP includes controls to allow two-storey dwellings with double garages on narrow lots in:

- Schedule 1 – Elderslie;
- Schedule 2 – Spring Farm;
- Schedule 3 – Manooka Valley;
- Schedule 6 – Camden Lakeside;
- Schedule 7 – El Caballo Blanco and Gledswood; and
- Schedule 8 – Emerald Hills.

3.4 Site Specific Schedules

Site specific controls are currently located within different parts of the Camden DCP 2011. To improve the user-friendliness of the draft DCP, site specific controls have been relocated into schedules. Minor corrections or deletions of redundant information have been made to these schedules.

Currently, there are 12 Site Specific Schedules:

- Schedule 1 – Elderslie
- Schedule 2 – Spring Farm
- Schedule 3 – Manooka Valley
- Schedule 4 – Harrington Grove
- Schedule 5 – Mater Dei
- Schedule 6 – Camden Lakeside
- Schedule 7 – El Caballo Blanco and Gledswood
- Schedule 8 – Emerald Hills
- Schedule 9 – Catherine Field Village
- Schedule 10 - Yamba
- Schedule 11 - Grasmere
- Schedule 12 – 121 Raby Road, Leppington

Through the life of the DCP new schedules may be added, or existing schedules deleted (such as when a release area is fully developed).

4. Public Exhibition

The EP&A Regulation requires the draft DCP to be exhibited for a minimum of 28 days (four weeks). Considering the review is comprehensive, it is proposed that the exhibition period be increased to 42 days (six weeks).

Hard copies of the draft DCP will be made available for review at Council's Administration Centre at Oran Park and at Council's libraries. The draft DCP will also be available on Council's website and promoted on Council's Facebook page.

5. Next Steps

Subject to endorsement by Council, the draft DCP will be publicly exhibited for a six-week period, commencing early 2019. State government authorities will also be consulted during the exhibition period.



Subject to no unresolved submissions being received, it is recommended that Council grant delegation to the General Manager to adopt the draft DCP. An advertisement will then be placed in the local paper to advise the DCP commencement date.

Should there be unresolved submissions, a further report will be provided to Council detailing submissions received and Council officer response for Council's consideration.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft Camden DCP is the result of a comprehensive review of Camden DCP 2011 that aims to improve its user-friendliness and facilitate quality development outcomes. The draft DCP retains existing controls that are proven to be workable.

The review has resulted in proposed amendments that:

- reflect updated State Government policy;
- corrects anomalies;
- removes duplication;
- consolidates provisions for site-specific areas; and
- proposes new controls to help deliver quality development outcomes.

The draft DCP structure has been designed to be consistent with the existing Growth Centres DCP to promote consistency between the documents. Better quality figures and images have also been included in the draft DCP which improves the user-friendliness of the document.

It is recommended that Council endorse the draft DCP for the purposes of public exhibition.

RECOMMENDED

That Council:

- i. endorse the draft Camden Development Control Plan 2018 for public exhibition;**
- ii. subject to no unresolved submissions being received:**
 - a. grant delegation to the General Manager to adopt the draft Camden Development Control Plan 2018; and**
 - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning Assessment Act 1979* and *Regulations*; or**
- iii. if unresolved submissions are received, receive a further report outlining the results of the public exhibition of the draft Camden Development Control Plan 2018 for Council's consideration.**

ATTACHMENTS

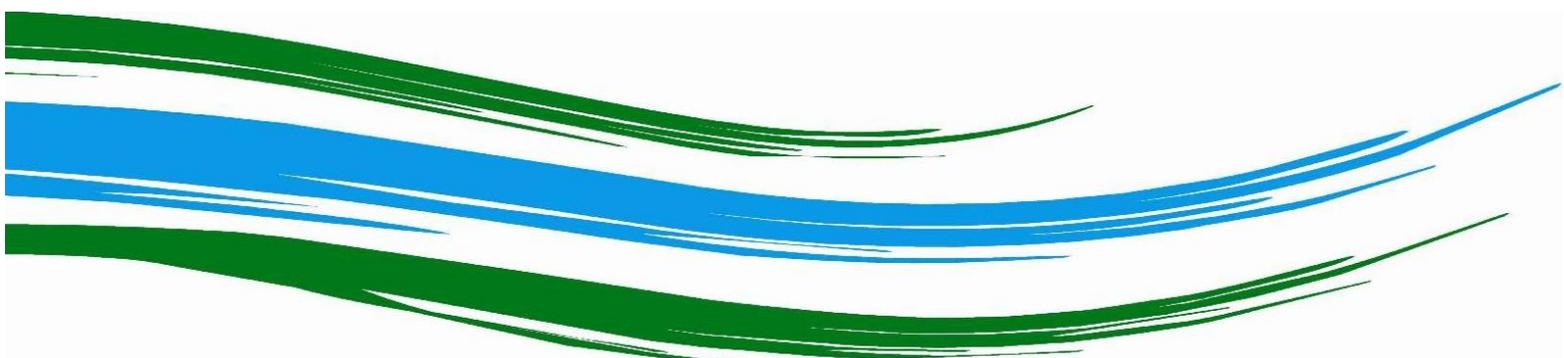
1. Attachment Summary of Proposed Changes Draft Camden DCP 2018
2. Separate Cover Draft DCP 2018



Camden Council Minutes

Ordinary Council Meeting
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ORDINARY COUNCIL

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ORD03 PROPOSED AMENDMENT NO. 21 TO CAMDEN LEP 2010 AND CAMDEN DCP 2011 AND PROPOSED VOLUNTARY PLANNING AGREEMENT - 190 RABY ROAD, GLEDWOOD HILLS

AMENDMENT

Resolution: Moved Councillor Morrison, Seconded Councillor Symkowiak that Council:

- i. endorse the draft Planning Proposal (as amended) subject to the following amendment:
 - a. amend the proposed minimum lot size from 700m² to 800m² for all land located east of the proposed bus-capable road;
- ii. forward the draft Planning Proposal (Amendment 21 – 190 Raby Road, Gledswood Hills - Lot 102 DP 1226899) to the Department of Planning and Environment;
- iii. request the Department of Planning and Environment to make the plan subject to the Voluntary Planning Agreement (VPA) being executed;
- iv. endorse the draft DCP (as amended) for 190 Raby Road, Gledswood Hills:
 - a. upon gazettal of the LEP amendment, grant delegation to the General Manager to adopt the draft DCP (as amended) and publicly notify the adoption in accordance with the provisions of the *Environmental Planning and Assessment Act* and Regulations;
- v. re-exhibit the draft VPA (as amended and to include the further amendment to address point i.) and,
 - a. subject to no unresolved submissions being received, delegate authority to the General Manager to sign the VPA; or
 - b. if unresolved submissions are received, require a report to Council outlining the result of the re-exhibition.

ORD252/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fedeli, Mills and Morrison voted in favour of the Motion. Councillors Campbell, C Cagney, A Cagney and Farrow voted against the Motion.)

ORD04 DRAFT CAMDEN DEVELOPMENT CONTROL PLAN 2018

Resolution: Moved Councillor C Cagney, Seconded Councillor Fedeli that Council:

- i. endorse the draft Camden Development Control Plan 2018 for public exhibition;
- ii. subject to no unresolved submissions being received:
 - a. grant delegation to the General Manager to adopt the draft Camden Development Control Plan 2018; and
 - b. publicly notify the adoption of the Development Control Plan in accordance with the provisions of the *Environmental Planning Assessment Act 1979* and *Regulations*; or

- iii. if unresolved submissions are received, receive a further report outlining the results of the public exhibition of the draft Camden Development Control Plan 2018 for Council's consideration.

ORD253/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD05 POST-EXHIBITION REPORT - GLEDSDOOD HILLS (THE CREST) VOLUNTARY PLANNING AGREEMENT

Resolution: Moved Councillor C Cagney, Seconded Councillor Fedeli that Council:

- i. endorse the draft Gledswood Hills (The Crest) VPA and authorise the relevant VPA documentation to be completed under Council's Power of Attorney;
- ii. publicly notify the execution of the VPAs in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations;
- iii. forward a copy of the executed VPA to the Minister for Planning and Environment in accordance with the provisions of the *Environmental Planning Act 1979* and Regulations; and
- iv. advise submitters of the outcome of this report.

ORD254/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)

ORD06 CAMDEN COMPANION ANIMALS ADVISORY COMMITTEE - NOMINATED REPRESENTATIVES

Resolution: Moved Councillor Campbell, Seconded Councillor Morrison that Council:

- i. appoint the following animal professionals as community representatives on the Companion Animals Advisory Committee for a two year period:
 - 1. Dr Steven Ferguson – Macarthur Veterinary Group
 - 2. Dr Edward Humphries – Rossmore Veterinary Hospital
 - 3. Dr Simone Maher – Animal Welfare League Kemps Creek
 - 4. Colleen Ritchard – Sydney University Veterinary Hospital
 - 5. Joanne Lawrence – Dog Trainer and Dog Groomer.
- ii. appoint the following residents as community representatives on the Companion Animals Advisory Community for a two year period: Kerrie Elias, Nina Cleary and Anne Bell; and
- iii. write to all applicants thanking them for their applications.

ORD255/18 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Campbell, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)