



Camden Council

Business Paper

Ordinary Council Meeting
13 August 2019

Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

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ORDINARY COUNCIL

ORD01

SUBJECT: POST-EXHIBITION REPORT - DRAFT CAMDEN DEVELOPMENT CONTROL PLAN 2019

FROM: Director Planning and Environment

TRIM #: 19/165607

PREVIOUS ITEMS: ORD04 - Draft Camden Development Control Plan 2018 - Ordinary Council - 11 Dec 2018 6.00pm

PURPOSE OF REPORT

The purpose of this report is to inform Council of the outcome of the public exhibition of the draft Camden Development Control Plan 2018 (draft DCP), now known as the draft Camden DCP 2019. The draft DCP applies to land within the Camden Local Government Area (LGA) that is zoned under the Camden Local Environmental Plan 2010 (Camden LEP 2010).

The report recommends the draft DCP be adopted with post-exhibition amendments. The report also recommends Camden Development Control Plan 2011 (Camden DCP 2011) be rescinded. A copy of the draft DCP (showing post exhibition amendments) is provided under **separate cover** to this report.

BACKGROUND

The Camden DCP 2011 was adopted by Council on 8 February 2011. Since this time, several changes have been made to update the document, correct anomalies, and insert new chapters and controls.

Council officers have undertaken a comprehensive review of the Camden DCP 2011. The aim of the review was to deliver a more user-friendly document whilst facilitating quality development outcomes. The draft DCP reflects recent changes to the planning system and legislation, is consistent with relevant State Government policy, corrects anomalies, removes duplication and consolidates provisions for site-specific areas.

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 give effect to the aims, zone objectives and planning controls of the 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 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) apply.

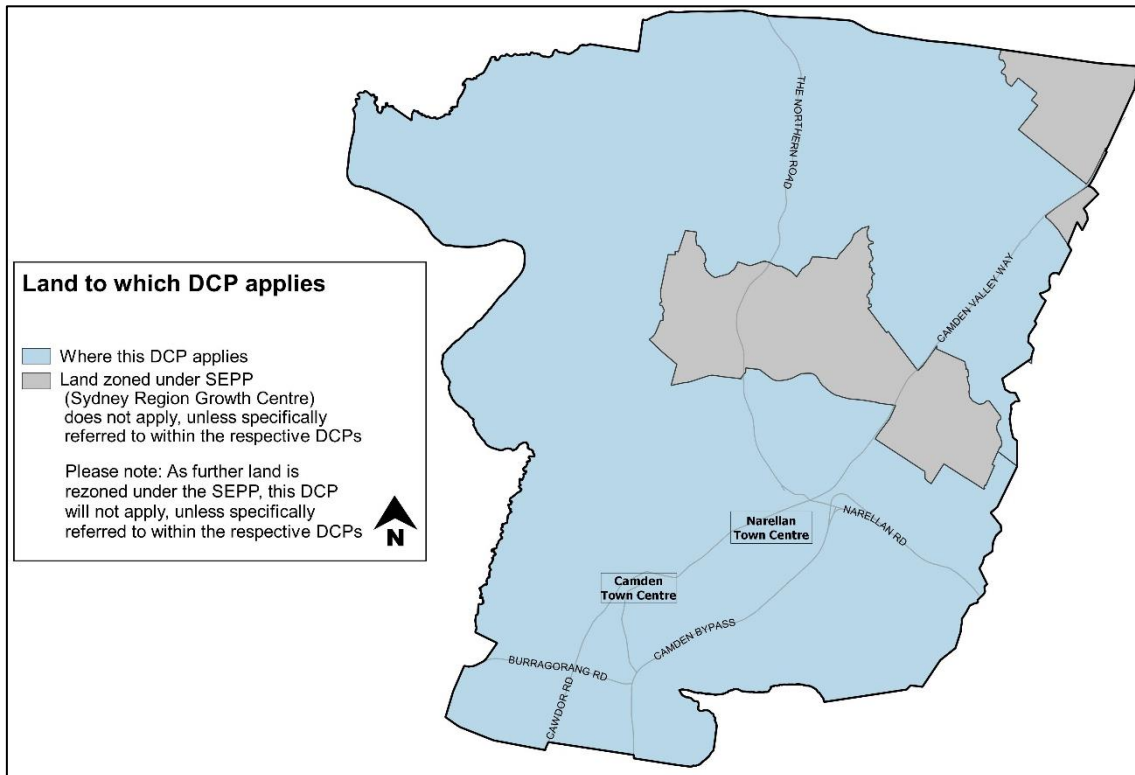


Figure 1 – Land to which the draft DCP applies

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.

Previous Council Resolution

At its meeting of 11 December 2018, Council considered a report and resolved, in summary, to endorse the draft Camden Development Control Plan 2018 for public exhibition. A copy of the 11 December 2018 Council report is provided as an **attachment** to this report.

Councillors were briefed on the draft DCP on 25 September 2018, 30 October 2018 and 9 July 2019.

MAIN REPORT

Structure of the exhibited Draft DCP

The draft DCP consists of six parts plus 12 site-specific schedules. The structure of the draft DCP aligns with the Growth Centres DCP. A summary of the 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 DAs.

Part 2 – General Planning Controls

Sets out the 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 DAs that 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.

Public Exhibition

The draft DCP was placed on public exhibition for 42 days from 26 February to 9 April 2019. The draft DCP exhibition was advertised in the local paper and promoted on Council's social media.

In total, thirteen submissions were received:

- Eight public agency submissions; and
- Five community submissions, including four developer submissions.



The submissions received do not specifically object to the draft DCP, however raise concerns and suggestions, many of which can be addressed. Liverpool City Council indicated its support for the draft DCP.

Council officers recommend some post-exhibition amendments be made to the draft DCP to address issues that fall within the scope of the DCP review. However, some issues raised in the submissions fall outside the scope of the DCP review and/or are reliant on broader policy work identified in the draft Local Strategic Planning Statement (draft LSPS).

Currently on exhibition, the draft LSPS is Council's local response to the strategic directions of the Greater Sydney Region Plan (the Region Plan) and the Western City District Plan (the District Plan).

After consideration of the issues raised in the submissions, three public agency submissions and two community submissions have been withdrawn. The three outstanding community submissions raise issues relating to the Elderslie masterplan and general development controls such as landscaping, balcony depth and site coverage. In response to these issues, no changes to the draft DCP are recommended. The proposed amendments to the Elderslie masterplan require further investigation and the requested amendments to development controls were not considered conducive to delivering high quality development outcomes.

A detailed submission response table, outlining the submissions and Council officer response is provided as an **attachment** to this report. Submissions are provided as a **supporting document**.

Key issues arising from the submissions are outlined below.

Key Issues

Public Agency Submissions

1. *Concern over the removal of Water Management provisions – WaterNSW and Office of Environment and Heritage (OEH Environment)*

WaterNSW raised a concern that water management provisions of Camden DCP 2011 have been removed from the draft DCP and request that they be reinstated. OEH Environment (which now forms part of the Department of Planning, Industry and Environment) supports this request.

Officer Comment

The draft DCP removed the water management provisions of Camden DCP 2011 and referred the user to Council's Engineering Specifications.

To address WaterNSW's concern, it is recommended to insert the water management section of Camden DCP 2011 into the draft DCP. This will be supported by Council's Engineering Specifications, which have provisions dealing with water sensitive urban design and stormwater management to facilitate water quality and quantity objectives.

Recommended Post-Exhibition Amendment:

Council officers recommend inserting the water management provisions of Camden DCP 2011 into the draft DCP.

2. *Concern over need for objectives to protect rural land for agriculture - NSW Department of Primary Industries (NSW DPI)*

NSW DPI raised a concern that the provisions of the draft DCP should be strengthened to protect rural lands for agriculture. It is recommended to insert additional objectives into the draft DCP to address this issue.

Officer Comment

Camden's Rural Lands Strategy includes an action to review existing development controls to provide guidance on land use conflict. The draft DCP includes controls that aim to minimise potential land use conflicts between rural uses and rural residential uses. Specifically, the additional controls require the following:

- Proposed development must 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.

The draft controls will help facilitate the protection of agricultural lands from inappropriate development. To further support the Camden LEP objective of protecting the agricultural production potential of rural land and preventing fragmentation, it is recommended to insert an additional DCP objective that reinforces this.

In addition, the draft LSPS contains a sustainability action to continue to implement the recommendations of the Rural Lands Strategy.

Recommended Post-Exhibition Amendment:

Council officers recommend inserting an additional objective into the draft DCP to protect the agricultural production potential of rural land within Camden.

1. *Need for controls to enhance and restore Environmentally Sensitive Land - Office of Environment and Heritage (OEH Environment)*

OEH (Environment) raised a concern that there is a need for additional controls to support the DCP objective to enhance and restore Environmentally Sensitive Land (ESL).

Officer Comment

A key objective of the draft DCP is to protect, manage, enhance and restore as much ESL as possible. It is recommended to insert additional controls to support the DCP objective to enhance and restore ESL. In summary, the recommended controls would require the following:

- A description of any proposed measures to avoid and/or ameliorate any potential adverse impacts on ESL;
- Protection and enhancement of existing fauna habitats; and
- Adequate offsets where there may be potential loss of native vegetation.

In addition, the draft LSPS identifies a sustainability action to investigate further amendments to Camden LEP 2010 to protect biodiversity and ESL. A future amendment to the DCP may be required as a result of this LEP amendment.



Recommended Post-Exhibition Amendment:

Council officers recommend inserting additional controls in the draft DCP to implement the objective of enhancing and restoring ESL in the LGA.

2. Request that sustainability could be better implemented by the DCP – Office of Environment and Heritage (OEH Environment)

OEH Environment requests the draft DCP better implement sustainability by:

- Incorporating NSW Government policies into the draft DCP including the *NSW Climate Change Policy Framework* and *NSW Circular Economy Policy Statement: Too Good to Waste*;
- DCP objectives to be linked to Council's sustainability vision; and
- Expand on sustainability provisions and include performance-based controls and targets (e.g. sustainability certification for buildings and precincts, waste recovery and diversion rates and climate change resilience).

Officer Comment

It is outside the scope of the current DCP review to investigate and respond to all issues raised by OEH. The draft DCP aligns with the current Camden LEP 2010 as it includes a key objective to ensure that Camden retains its local character while providing sustainable urban growth. Part 2 of the draft DCP contains provisions that address environmental issues including trees, vegetation, environmentally sensitive land and riparian corridors.

The draft LSPS includes an action that, if adopted, will require Council to investigate the implementation of sustainability initiatives within planning instruments. The draft LSPS also includes sustainability actions to undertake a climate risk assessment and identify priority issues for the LGA. Following the finalisation of this strategy, a future amendment to the DCP may be required.

3. Concern over controls on medium density housing - South Western Sydney Local Health District (SWSLHD)

SWSLHD raised a concern that poorly designed and located medium density housing can have adverse health and wellbeing impacts associated with residents using their cars more and walking less. SWSLHD requests the controls on medium density housing be strengthened and this can be informed by resources published by the NSW Government Architect.

Officer Comment

The draft DCP includes provisions to facilitate the delivery of well-designed and appropriately located medium density housing. These provisions include:

- Encouragement of high quality residential developments that feature a high standard of urban design and provide a high level of amenity for residents;
- Controls focused on the provision of amenities, safe access and entries, provision of adequate open space and landscaping and effective waste management; and
- Masterplans/indicative layout plans for specific areas that address the suitable location of medium density housing close to infrastructure and services.

There is an opportunity to strengthen medium density housing provisions of the draft DCP by inserting a reference to the *Low Rise Medium Density Design Guide for Development Applications* prepared by the NSW Government. This will provide applicants with an additional resource when preparing DAs and guide Council officers in the assessment of urban design outcomes for medium density housing.

In addition, the draft LSPS contains a liveability action to prepare a Housing Strategy to include options for housing growth including appropriate locations for medium density housing. Following the finalisation of this strategy, a future amendment to the DCP may be required.

Recommended Post-Exhibition Amendment:

Council officers recommend inserting a reference to the *Low Rise Medium Density Guide for Development Applications* into the draft DCP.

4. Concern over need for controls on providing access to healthy food – SWSLHD

SWSLHD have raised a concern that there is a need for controls to facilitate the provision of access to healthy food.

Officer Comment

It is outside the scope of the current DCP review to investigate and respond to the issue raised by SWSLHD. The draft LSPS contains a sustainability action to investigate community garden and urban food policies to encourage local food production. A future amendment to the DCP may be required as a result of this policy work.

Community Submissions

5. Concern over controls on attached dwellings and multi-dwelling housing

It is suggested that the controls for attached dwellings and multi-dwelling housing be organised into separate sections to clarify what controls apply to each housing type.

Officer Comment

The draft DCP consolidates controls on attached dwellings and multi-dwelling housing into a single section. As the Camden LEP 2010 identifies attached dwellings and multi-dwellings as two distinct forms of housing, it is considered appropriate to split the controls into separate sections. The amended sections will provide users with clarity on applicable controls and reflect distinctions in site requirements, provision of parking and open space, and appropriate waste management for each housing type.

Recommended Post-Exhibition Amendment:

Council officers recommend controls for attached dwellings and multi-dwelling housing be re-organised into two separate sections in the draft DCP.

Summary of Post-Exhibition Amendments

The draft DCP including the recommended post-exhibition amendments is provided under **separate cover** to this report. The recommended amendments address key issues raised in submissions and those identified by Council officers.



The recommended post-exhibition amendments to the draft DCP are relatively minor, do not change the intent of the exhibited draft DCP and are consistent with the aim to facilitate quality development outcomes.

A summary of the recommended post-exhibition changes in response to submissions received is outlined below:

- Controls related to Environmentally Sensitive Land (ESL) have been added to implement the objective of enhancing and restoring ESL.
- Water management section has been inserted into the draft DCP.
- Relevant figures have been amended to be consistent with development consents and voluntary planning agreements.
- Controls related to attached dwellings and multi dwelling housing have been re-organised into separate sections.
- Minor amendments have been made to controls related to built form including setbacks, site coverage, visual and acoustic privacy, landscaping, fencing and zero lot line development.

A summary of the recommended post exhibition changes as a result of Council officer review is outlined below:

- Minimum lot frontage for multi dwelling housing has been amended from 18m to 25m to be consistent with Camden DCP 2011 and Council's Planning Proposal for minimum lot size and frontage controls for dual occupancy and multi dwelling housing;
- Waste management controls previously contained in the draft Waste Management Guideline have been inserted into the draft DCP to improve user-friendliness;
- Refinement of controls to remove duplication, clarify requirements, remove inconsistencies with Camden LEP 2010, reflect accepted Council officer practice and deliver quality development outcomes;
- Clarification of relationship of the draft DCP to other relevant documents including Council's Engineering Specifications and Growth Centres SEPP/DCPs;
- Updating links and omitting references to outdated policies/studies;
- Streamlining application of key controls throughout the LGA such as landscaping, principal private open space, solar access and fencing requirements; and
- Consistent formatting of text and chronological numbering of controls and figures.

Next steps

Subject to Council's endorsement of the draft DCP, an advertisement will be placed in the local paper, confirming the commencement date of the draft DCP. It is recommended that Council rescind Camden DCP 2011, effective from when the draft DCP takes effect (date of notice in the local paper).

The draft DCP will then be published on Council's website. Council officers are investigating an improved, user friendly version of the DCP to be hosted on Council's website.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft DCP was exhibited for a period of 42 days and 13 submissions were received. The recommended post exhibition amendments to the draft DCP address matters raised in submissions and following Council officer review. The recommended post exhibition amendments to the draft DCP do not change the intent of the exhibited version, therefore re-exhibition is not required.

It is recommended that Council adopt the draft DCP with the amendments discussed within this report.

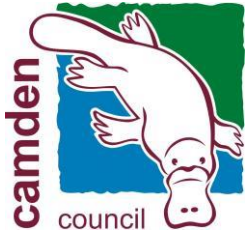
RECOMMENDED

That Council:

- i. adopt the draft Camden Development Control Plan 2019 (as amended);**
- ii. publicly notify the adoption of the draft DCP in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations;**
- iii. rescind the Camden Development Control Plan 2011, effective from when Camden DCP 2019 takes effect; and**
- iv. notify submitters and public agencies of Council' decision.**

ATTACHMENTS

1. Council Report and resolution 18 December 2018
2. Draft DCP Submissions Table July 2019
3. Submissions - Camden DCP Exhibition - *Supporting Document*
4. Draft DCP post Exhibition changes - under separate cover - 19/223841 and 19/222893



Camden Council Minutes

Ordinary Council Meeting
13 August 2019

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Oran Park**



ORDINARY COUNCIL

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MAYORAL MINUTE - BREAST CANCER AWARENESS INITIATIVE

Resolution: Moved Councillor Fedeli that Council:

- i. endorse the proposed program of 'Pink Up Your Town' initiatives to raise awareness of breast cancer; and
- ii. fund the \$16,000 from within the adopted 2019/20 budget.

ORD126/19 THE MOTION ON BEING PUT WAS **CARRIED**

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

ORD01 POST-EXHIBITION REPORT - DRAFT CAMDEN DEVELOPMENT CONTROL PLAN 2019

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

- i. adopt the draft Camden Development Control Plan 2019 (as amended);
- ii. publicly notify the adoption of the draft DCP in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and Regulations;
- iii. rescind the Camden Development Control Plan 2011, effective from when Camden DCP 2019 takes effect; and
- iv. notify submitters and public agencies of Council's decision.

ORD127/19 THE MOTION ON BEING PUT WAS **CARRIED**

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

ORD02 COMPLIANCE AND ENFORCEMENT POLICY

Resolution: Moved Councillor C Cagney, Seconded Councillor Morrison that:

- i. Council endorse the draft Compliance and Enforcement Policy for public exhibition.
- ii. if no submissions are received during the public exhibition, Council adopt the Compliance and Enforcement Policy; or
- iii. if submissions are received during the public exhibition, a further report be provided to Council to consider the submissions.

ORD128/19 THE MOTION ON BEING PUT WAS **CARRIED**

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