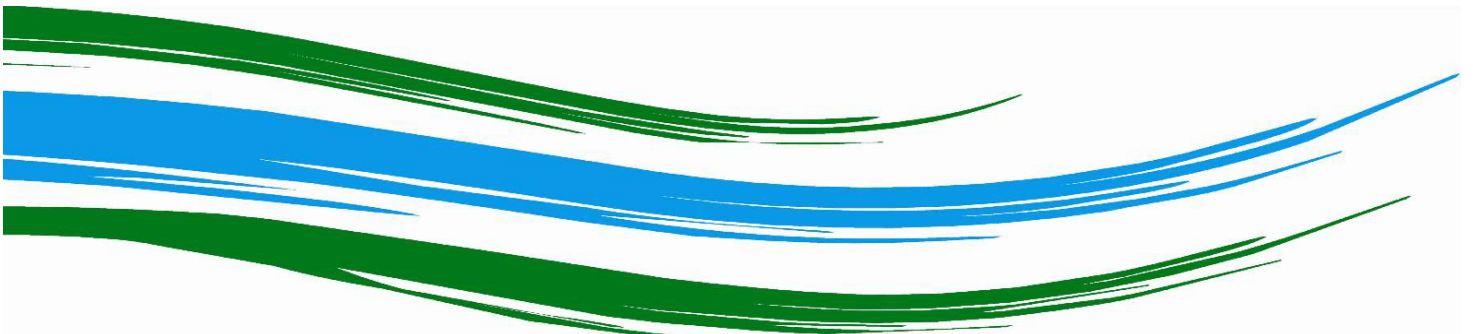




Camden Council

Business Paper

Ordinary Council Meeting



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

RESOLUTION

There were no leave of absence to be granted.

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

ORD13/10

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5 -7.27).

Councillors should be familiar with the disclosure provisions contained in the Local Government Act 1993, Environmental Planning and Assessment Act, 1979 and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

RESOLUTION

There were no declarations to be noted.

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

ORD14/10

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. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

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

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

Public Addresses are 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

Vicki Estay addressed Council in relation to Item ORD 01.
Luis Valarezo addressed Council in relation to Item ORD 01.

Moved Councillor Funnell, Seconded Councillor Symkowiak that the public addresses be noted.

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

ORD15/10

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 19 January 2010.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 19 January 2010, copies of which have been circulated, be confirmed and adopted.

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Dewbery that the Minutes of the Ordinary Council Meeting held 19 January 2010, copies of which have been circulated, be confirmed and adopted.

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

ORD16/10

ORDINARY COUNCIL

ORD01

SECTION 96 MODIFICATION OF DEVELOPMENT CONSENT NO 300017/2002 (PART 5) PROPOSAL TO INCREASE THE ALLOCATION OF RESIDENTIAL 2 SITES WITHIN MOUNT ANNAN SOUTH

FROM:	Director Development and Health
FILE NO:	Binder: Development Applications Pre-EDMS
DA NO:	300017/2002 (Part 6)
OWNER:	Landcom
APPLICANT:	Landcom
ZONING:	2(d) Residential
APPLICABLE PLANNING INSTRUMENT:	Local Environmental Plan 47

PURPOSE OF REPORT

The purpose of this report is to seek a determination from Council of an application to modify a development consent. The application is made under Section 96 of the Environmental Planning and Assessment Act, 1979 (the Act). The application seeks to modify condition No 1 of the development consent by amending the approved plan to including another two Residential 2 (R2) lots within the approved subdivision layout.

The application is referred to Council as there are unresolved objections and the application seeks a significant variation to Camden Development Control Plan (DCP) 2006.

SUMMARY OF RECOMMENDATION

That the Section 96 Modification of development consent for the purpose of amending the approved plan adding two R2 lots to the approved subdivision layout within the Mount Annan South precinct be approved, subject to the draft amended conditions of development consent shown later in this report.

BACKGROUND

The original development consent was granted under delegation on 11 December, 2003, and approved stage one of a three stage subdivision development. The stage one subdivision approved 458 lots which were to be released over 12 subsequent stages.

As part of this development consent, approval was also granted for certain lots to be classified as Residential 2 (R2) land. Primarily R2 land allows for the development of integrated small lot housing (or multi-unit dwellings) which forms part of the overall

planning objectives for the Mount Annan South area.

The objective of the R2 sites originates from the previous land release of Mount Annan which is supported by Part G Site Specific; Chapter 11 Mount Annan of DCP 2006. In summary, Mount Annan south has been developed with the R1 (single dwelling) lots and R2 multi-unit lot principal. This philosophy is also reflected in the main planning policy (being the Camden Local Environmental Plan). In this case the DCP is used to control the number of multi-unit developments within the Mount Annan south area.

The DCP provides the following definitions for a R1 and R2 land:

Residential 1 land use objectives are:

- (a) to provide for traditional one or two-storey single dwelling units;
- (b) to achieve a residential density of 10 to 12 dwellings per hectare.

Residential 2 land use objectives are:

- (a) to allow alternative housing forms to be provided, such as town houses, courtyard housing, dual occupancies and integrated housing. These may be attached or detached, one or two storey in height;
- (b) to achieve a residential density of 15 to 25 dwellings per hectare.

The map within the DCP does not show the land, the subject of this application, however it is Council's intention to include the land area upon a comprehensive review of the DCP. The existing controls within the DCP have been considered for the purpose of this assessment.

The current development application approved 107 R2 sites, and now the applicant seeks to add an additional two, being approved lots 3605 and lot 3910. **A plan showing the subdivision and proposed location is provided at the end of this report.**

The allocation of R2 land is dependent on its proximity to open space, bus routes and commercial or neighbourhood shops. It is considered that the sites within the current Section 96 modification application are located within close proximity to such places. The application has satisfactorily demonstrated that the sites are worthy of R2 allocation. This will be discussed further in this report.

THE SITE

The subject sites being proposed as R2 are within the subdivision commonly known as Garden Gates.

Lot 3605 is located on Hibiscus Circle and has a land area of approximately 2,046m². The site shares boundaries with two residential lots to the north which are currently occupied by single display homes; a privately owned/occupied single storey dwelling to the west and an open drainage channel to the east. The site is generally flat and has an irregular front boundary line. The site is located across from a future public reserve and is approximately 7,400m² in area.

Lot 3910 is located on the corner of Rubus and Myoporum Avenue and has a land area of approximately 775m². Currently the site adjoins vacant land to the east and a car park to the north. The car park has been approved by development consent 797/2007 which services the adjacent display village.

Upon the expiration of the use of the display village, the car park will revert back to a residential property which is already approved as a R2 site. The subject site is also located diagonally across from a riparian corridor (approximately 2.27ha), which is yet to be dedicated to Council. The corridor has already been constructed and will provide future opportunities for passive recreation for residents.

The distance from approved Lots 3605 and 3910 to Mount Annan Drive is less than 100m and 45m, respectively.

THE PROPOSAL

The proposal is to modify the existing development consent by including an additional two Residential 2 lots within the Mount Annan south area. The intent of the Residential 2 land is to allow for a variety of multi-unit integrated housing on a parcel of land where it can be demonstrated that the land is in close proximity to open space, bus routes and commercial or neighbourhood shops.

NOTIFICATION

The application was publicly notified to the surrounding land owners for a period of 14 days from 6 August to 20 August, 2009. As a result of the exhibition period two submissions were received. The submissions are discussed in detail under the subheading 'submissions'.

PLANNING CONTROLS

- Camden Local Environmental Plan 47
- Draft Camden Development Control Plan 2009
- Camden Development Control Plan 2006

ASSESSMENT

This application has been assessed in accordance with Section 79C of the Environmental Planning and Assessment Act, 1979. The following comments are made with respect to the development proposal.

Provisions of any Environmental Planning Instrument

Camden Local Environmental Plan 47

Clause 10 Zone objectives and development control table

The Statement of Permissibility:

The subject lands are zoned 2(d) Residential pursuant to Camden Local Environmental Plan 47 (LEP 47). There is no specific definition applicable for the proposal being the

allocation of land for a future multi-unit development proposal. However having regard to the intended future development for multi-unit housing, this land use is currently permissible with development consent pursuant to clause 10 Zone objectives and the development control table.

Objectives of 2(d) Residential zone: the objective relevant for this proposal is as follows:

'to promote a distinctive character and quality of development in each release area, based on the historic and natural characteristics of the land'.

As discussed above, Mount Annan south has been developed on the R1 and R2 principal and as a result has allowed for a distinct built character to be established within the area. It is envisaged that approval of this Section 96 application would contribute to this objective for the Mount Annan south area. Capacity of the road system and site constraints are important considerations when additional density is proposed, particularly due to the constrained width of Mount Annan Drive which is the major collector road for the precinct. It is important to ensure if additional sites are to be added, the traffic generation can be accommodated, and most importantly the sites have capacity to accommodate required parking on-site. It is considered these criteria are satisfied in this case.

No other clause within Camden Local Environmental Plan 47 applies to the subject proposal.

Provision of any Draft Environmental Planning Instrument

The subject application was lodged prior to Draft Camden Local Environmental Plan 2010 being adopted as a draft exhibited Environmental Planning Instrument. Therefore no considerations have been made for the purpose of this assessment.

Provisions of any Development Control Plan

Camden Development Control Plan 2006

Part G Site Specific Controls; Chapter 11 Mount Annan

Control 6 Subdivision requirements

This control does not provide any numerical standard, however it does require reference to be made to Part E Residential Development and Subdivision of the DCP. An assessment has been made against the relevant controls within Part E and is discussed below.

Control 9 - Subdivision

- (a) This control states that alternative or further areas for "Residential 2" land may be considered, but such applications must be accompanied by supporting documentation showing that they meet the following criteria:
- (i) the location is within 200m of a bus stop;
 - (ii) the proposed development form will not adversely affect adjoining, lower density development.

Officer comment

A site inspection concluded that there are two bus stops within 200m of the subject sites. The applicant has stated that the local bus service (Busways) currently operates the 891 bus route service within the area and runs along Mount Annan Drive.

With respect to control (ii), the built form considerations will be subject to a detailed assessment upon the lodgment of a development application for multi-unit housing, should this Section 96 application be approved. The applicant has provided indicative plans of a multi-unit development, and a preliminary assessment concluded that the proposed densities would not adversely impact on the surrounding residential properties; and those objectives for maintaining adjoining solar and privacy can be achieved through building placement and window orientation. Adequate area is available to provide for the parking and open space needs of residents of the development.

It must be noted that both sites are located at the end of the perimeter block and share less common residential boundaries than a site which would be located towards the middle of the block. Therefore it is considered that the location of the lots would minimise the impact on surrounding residential properties.

- (b) *Consideration will be given when processing a comprehensive subdivision development application to alternative distribution of 'Residential 2' areas within the proposed development. This will require an appropriate amendment to Map No 1 reflecting the approved development application.*

Officer comment

As discussed above, the map within the DCP does not outline the land subject to this application, however it is Council's intention to include the land area subject to a comprehensive review of the DCP. Notwithstanding, for the purpose of this assessment, the considerations outlined within the DCP for determining the allocation of R2 sites have been used.

Control 10 - Controls

This control makes reference to Part E Residential Development and Subdivision of Camden DCP 2006. An assessment has been made against the relevant controls and is discussed below.

Part E Residential Development and Subdivisions, Chapter 1 Residential Subdivision

The purpose of this chapter is to provide controls for subdivision proposals. No subdivision is being proposed as part of this Section 96 application.

Part E Residential Development and Subdivisions, Chapter 2 Detached dwellings and multi-unit housing

Control 5 Development Density

A dual occupancy site requires a minimum land area of 800m² for corner sites. Indicative plans lodged by the applicant show approved Lot 3910 as a dual occupancy site, however the land area of the site is 774.8m². The applicant has requested a variation to this control as the site has a shortfall of approximately 25.2m². The justification used is based on the fact the lot is in keeping with the definition of

integrated housing development, being 'development of a larger lot to create a group of dwellings (multi-unit housing) on separate small lots (averaging about 350m²)'.

Given that the numerical standard relies on the 350m² lot size then it is considered that the site could still accommodate a dual occupancy provided that the performance base criteria and other controls are achieved. This assessment will be made subject to a separate development application being lodged with Council, should this Section 96 application be approved.

With respect to a multi-unit development on approved Lot 3605, there are no numerical standards and therefore it relies on an assessment of the performance base criteria outlined in the multi-unit development DCP. As discussed above, a detailed assessment of the development will be subject to a separate development application being lodged with Council.

Notwithstanding, the site's location and proximity to open space, commercial areas and public transport and ability to accommodate suitably designed dwellings with adequate carparking and open space, would complement a multi-unit development. Therefore the reclassification of this land to R2 will enable a further assessment of the built form. All other controls apply to design criteria and environmental considerations for the built form. This will be subject to an assessment upon lodgement of an application to construct the dwellings.

Provision of any planning agreements

No planning agreements are relevant to the subject development application.

The likely impacts of the development

Amenity impacts on surrounding residential properties

Whilst the plans submitted are indicative in nature, it is important to ensure that if the land is reclassified to Residential 2, that the sites are capable of accommodating multi-unit housing developments. The following is a summary of relevant considerations.

Privacy impact

The indicative plans submitted for approved Lot 3605 show no habitable room windows on the second floor of the dwellings adjacent to any boundary being shared with another residential property. In addition, no balcony for the purpose of open space is within any lines of sight into the adjoining neighbours' properties.

Currently approved Lot 3910 has a 2-3m fall to the rear of the site and it is considered that a detached dual occupancy would be a better design outcome than a single large dwelling. As such, any overlooking concern could be mitigated by effective window placement or screening.

Shadowing

Any shadowing from approved Lot 3605 would be towards the street or drainage channel due of the site's south-west orientation. In addition, if any overshadowing was caused by the development it is considered that it would not be extensive due to the separation of the dwellings, which could be achieved by having a reasonable

separation between the buildings.

With respect to approved Lot 3910, the subject site is located on the western side of the adjoining residential property and as such would result in only minimal overshadowing.

Traffic impacts

Any development application for multi-unit developments would be subject to meeting the requirements for off-street parking. This consideration would be subject to a development application being lodged with Council, however the plans submitted show that parking needs can be accommodated on-site.

Impact on built environment

The location of the subject lots would allow for an alternative housing form and would be located on the perimeter of traditional dwelling stock being constructed within this area. The provision of higher densities on corner lots allows not only for better urban design outcomes to be achieved but will also minimise any privacy impact to the existing built environment, below what would result if a similar development was being proposed on a standard allotment.

The suitability of the site for the development

It is considered that the proposed allocation of R2 lands on the subject sites is suitable in the proposed locations. Having regard to the site's proximity to open space, bus routes and neighbourhood shops, it is considered that it would not only have a positive impact to the surrounding land uses, but also will encourage a range of demographic profiles and housing types into the area. Importantly, the land is of sufficient size to accommodate multi-unit housing.

Submissions

The application was publicly notified to the surrounding land owners for a period of 14 days. As a result of the exhibition period two submissions were received. Council officers met with the authors of the letters and as a result the objections detailed below remain. **Copies of the submissions are provided with the Business Paper supporting documentation.**

(a) Amenity impact

Officer comment:

The objections primarily relate to the potential impact of traffic, privacy, noise and overshadowing as a result of any development on both sites. As discussed above, this development application seeks only to reclassify the land as R2 for the purpose of dual occupancy and multi-unit housing. Therefore the impact on the built form will be assessed upon a detailed development application being lodged with Council.

Notwithstanding, the housing proposals will need to comply with controls and performance criteria outlined in the current detached housing and multi-unit housing development control plan. Indicative plans have been lodged (for information purposes only) as part of this development application and it would

appear that the housing products would comply with the current controls.

Any such proposal will be subject to a consultation period in accordance with Council's Notification Policy, inviting comment on the proposed development. Therefore all concerns specifically relating to the built form will be addressed at this stage of the development.

(b) Sites were not marked as R2 land when land was purchased

Officer comment:

This is correct, Development Consent No 17/2002 approved a 631 lot subdivision known as Mount Annan South which has been marketed by Landcom as the Garden Gates Estate. The plans approved under this consent nominated sites as multi-unit housing as a R2 classification. These controls have not to date been incorporated into Camden DCP 2006. Camden LEP 47 applies to the land and the release areas of Mount Annan, Currans Hill and Narellan Vale. Whilst multi-unit housing is permitted with consent in the Residential 2d (Release Areas) zone, the extent of multi-unit housing is controlled by way of the R2 land classifications. Council has consistently applied these provisions and its community is aware that these controls designate sites where multi-unit housing will occur. Whilst Council is not responsible for marketing material, an expectation in the community that the remaining lots will contain single dwellings is relevant and the persons making the submissions have been advised to discuss this concern with the land owners.

Both submissions state that the subject sites did not have any reference to future R2 housing on the exhibition material for the land release and therefore state the public has been 'deceived' on the developer's intention for the properties.

As discussed above, Mount Annan south has been developed under a R1 single dwelling lots and R2 multi-unit lot principal. The Mount Annan section of the DCP (Part G; Chapter 11) is used to control the number of multi-unit developments within the Mount Annan Release area (by classifying each land either R1 or R2), however it is relevant to note that the maps in this section have not been amended to reflect the subdivision of the Mount Annan South precincts. This will occur in the amendments to be undertaken in association with the gazettal of Camden LEP and will reflect the plans approved under development consent 17/2002. However, as discussed above, it is considered reasonable to reclassify the subject lands as R2.

The public interest

It is considered that the public interest will not be adversely impacted by approving the new lots to be reclassified to R2, as the land is capable of containing multi-unit housing developments, and the process to reclassify the land prior to any development application being received has been followed.

CONCLUSION

Council has received an application to modify a development approval under Section 96 of the Environmental Planning and Assessment Act, 1979. The application seeks to modify condition No 1 of the development consent by amending the approved plan with

a view to including an additional two Residential 2 lands within the approved subdivision.

The basis of Residential 2 land is to allow alternative housing forms such as town houses, dual occupancies and integrated housing within the Mount Annan south area. The allocation of such lots does not approve any building works as this would be subject to a more detailed development application being lodged and assessed by Council.

The application was publicly notified and two submissions were received. The concerns primarily relate to the impact of privacy, traffic and overshadowing to the neighbouring properties. It is considered that such concerns can be dealt with during the assessment of any application for multi-unit development.

The proposal has been assessed against principals of R2 land allocation within the Mount Annan South precinct and it is considered that the location of the lots are consistent with the criteria outlined in Camden Development Control Plan, Part G Site Specific; Chapter 11 Mount Annan. Therefore it is recommended that approval be given to the land being allocated as R2 to allow for development applications to be lodged for the purpose of multi-unit/integrated development.

DRAFT CONDITIONS OF CONSENT

Condition 1 to be amended and now read:

APPROVED PLANS – The development must be carried out strictly in accordance with the plans prepared by YSCO GEOMATICS, dated Feb 2002 and numbered S01 Issue D Stage 1 Works; S02-S013 Issue C Stage 1 Works, PED 01 Issue C dated July 2002, and Plan showing Section 96 Amendment to the lot layout of Precinct 41A, Reference LC50309/2/41A-2, dated 6/7/2009 and amended Development Layout Plan dated July 2009; Reference P50309/Resid-2-Areas (sheet 1 and 2).

The development must also comply with the conditions of approval imposed by Council hereunder.

AMENDMENTS – Modifications to the approved plans and specifications requires the prior approval of the Consent Authority (i.e. Camden Council). The procedure for applying to amend the approved plans is to submit an “Amended Development Application” form pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979*.

All other conditions of development consent 300017/2002 issued on the 11 December, 2003 (as amended) are to remain valid and applicable.

END OF CONDITIONS

RECOMMENDED

That:

- i. Council approve a Section 96 Modification application to existing**

Development Consent 300017/2002, being for the amendment of plans to include two additional Residential 2 lots at approved Lots 3605 and 3910; and

- ii. **the plans which indicate the Residential 1 and 2 classifications within the Mount Annan South precinct be incorporated into the amendments being made to Camden DCP 2006 in association with the review necessitated through the making of Camden LEP 2010 and also the subsequent review of Camden LEP 2010.**

ATTACHMENTS

1. Subdivision plan and location plan
2. Submissions (sup doc)



Subdivision location plan DA3000-17 Res 2 sites.pdf Submissions DA300017-02 Res 2 Sites.pdf

RESOLUTION

Moved Councillor Symkowiak, Seconded Councillor Funnell that:

- i. Council approve a Section 96 Modification application to existing Development Consent 300017/2002, being for the amendment of plans to include two additional Residential 2 lots at approved Lots 3605 and 3910; and
- ii. the plans which indicate the Residential 1 and 2 classifications within the Mount Annan South precinct be incorporated into the amendments being made to Camden DCP 2006 in association with the review necessitated through the making of Camden LEP 2010 and also the subsequent review of Camden LEP 2010.

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

(Councillors Symkowiak, Funnell and Anderson voted in favour of the Motion. Councillors Campbell, Cottrell, Cagney, Dewbery, Patterson and Warren voted against the Motion).

MOTION

Moved Councillor Cagney, Seconded Councillor Cottrell that the Section 96 Modification to existing Development Consent 300017/2002, being for the amendment of plans to include two additional Residential 2 lots at approved Lots 3605 and 3910 be refused for the following reasons:

- Amenity of the area;
- Impact of vehicle movements;
- Traffic noise;
- Lot 3910 has an area less than that required by Council's DCP for dual occupancy dwellings; and
- The surrounding lots are occupied.

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

(Councillors Cagney and Cottrell voted in favour of the Motion. Councillors Anderson, Campbell, Dewbery, Funnell, Patterson, Symkowiak and Warren voted against the Motion).

FURTHER MOTION

Moved Councillor Campbell, Seconded Councillor Warren that:

- i. Council approve the Section 96 Modification application to existing Development Consent 300017/2002, being for the amendment of plans to include one additional Residential 2 lots at approved Lot 3605;
- ii. Council refuse the Section 96 Modification application to existing Development Consent 300017/2002, being for the amendment of plans to include one additional Residential 2 lots at approved Lots 3910 be refused for the following reasons:
 - Overshadowing of the site;
 - Traffic noise;
 - Impact of vehicle movements;
 - Lot 3910 has an area less than that required by Council's DCP for dual occupancy dwellings; and
 - Impact on the amenity of adjoining land.
- iii. the plans which indicate the Residential 1 and 2 classifications within the Mount Annan South precinct be incorporated into the amendments being made to Camden DCP 2006 in association with the review necessitated through the making of Camden LEP 2010 and also the subsequent review of Camden LEP 2010.

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

(Councillors Anderson, Campbell, Cottrell, Cagney, Dewbery, Funnell, Patterson, Symkowiak and Warren voted in favour the Motion.
No Councillor voted against the Motion).

ORD17/10

ORDINARY COUNCIL

ORD02

SUBJECT: RESULTS OF APPEAL IN LAND AND ENVIRONMENT
COURT RELATING TO PROPERTIES AT 232 AND 234
MOUNT ANNAN DRIVE, MOUNT ANNAN

FROM: Director Development and Health

FILE NO: DA1092/08 & DA1093/08

PURPOSE OF REPORT

To advise Council of the successful defence of an appeal against Council's determination of two development applications which proposed strata subdivision of a live/work dwelling and a studio apartment.

BACKGROUND

Council, at meetings held on 26 May and 14 July, 2009, considered two separate reports in relation to Section 82A reviews of Council staff decisions to refuse development applications which proposed strata subdivision of seven properties which are located adjacent to the Mount Annan South Neighbourhood Centre. The report to the May meeting considered a review of a decision to refuse four development applications, each of which proposed the 2 lot strata subdivision of approved studio apartment dwellings. The July meeting reviewed a decision to refuse three development applications for strata subdivision of live/work dwellings, one of which also included a studio apartment; the latter proposing 3 strata lots. Council resolved to refuse all applications in accordance with the recommendations of the officers.

Council had refused the applications on the grounds that the strata subdivision of studio apartments was contrary to the definition included in Camden LEP 47 and was therefore prohibited; the land to which the applications related was not classified as Residential 2 and accordingly could not be developed as multi-unit housing; the developments, if used as separate occupancies, generated the need for additional parking that could only be provided through a reduction in open space which was contrary to Council's DCP requirements; and the development was not in the public interest due to the precedent that would be established and that it was contrary to the adopted masterplan for the precinct which had been the subject of public exhibition.

The applicant appealed two of these decisions, one for a live/work dwelling and one for a studio apartment development, the decisions on appeal therefore establishing a precedent for the remaining applications.

MAIN REPORT

Planning for the Mount Annan South residential release area was undertaken in 2001/2 by Council and the owners of the land, Landcom. Consent for a staged 625 lot residential subdivision was granted by Council in 2003. The plans approved under this

consent detailed the location of roads, open space, drainage facilities, residential allotments and multi-unit housing areas, and set aside a super lot which was to be the subject of a future application for the development of a neighbourhood centre and other appropriate development. In accordance with Council's standard practice those areas to be developed as multi-unit housing were shown as Residential 2 on the plans approved under this development consent.

In 2005 Council approved the subdivision of the superlots into 12 Torrens Title lots and the construction of a two storey retail/commercial building, a child care centre and 3 live/work dwellings, one of which included a studio apartment, on five of the lots. The remaining 7 lots were set aside for residential development to be the subject of future applications, however the masterplan adopted for the superlot indicated that these lots would contain dwelling houses, four of which were to also include a studio apartment. Subsequent consent were issued for the development of the remaining allotments in accordance with the original masterplan. This masterplan stated that it was proposed to strata subdivide the retail/commercial building, however the remaining lots would be Torrens Title. The land the subject of the appeal is not classified under the development consent of any Council planning instrument or DCP as residential 2.

The land is zoned Residential 2(d) - (Release Areas) under the provisions of Camden LEP 47. Whilst the development of multi-unit housing is permitted in the zone, Council restricts areas where this form of development can take place to areas classified as Residential 2. This is primarily done through the provisions of Camden DCP 2006, however it is important to note that the Mount Annan South area has not been included in any DCP and accordingly, the appeal considered this issue.

Studio apartments are defined in Camden LEP 47 as follows:

studio apartment means a dwelling, attached to another dwelling, that:

- (a) does not have a gross floor area exceeding 60 square metres, and
- (b) does not have a separate title from the other dwelling, and
- (c) is located on an allotment that is not less than 325m² in area or that has at least two street frontages.

In view of the above the developments approved on the lots within the precincts did not contemplate separate occupancy, and accordingly separate provision for parking and open space was not provided.

All of these matters were considered in the appeal with the Commissioner finding that Council had at all times been consistent in its planning intention for the area. He also considered that the designs of the development did not suit separate titling due to the poor amenity that would be provided through individual allocation of parking and open space as proposed by the applicant.

Accordingly the appeals were dismissed. **A copy of the judgment is provided with the Supporting Documents.**

There are a number of matters that should be resolved as a result of the findings made in the appeal. These will be discussed below. It should be noted that draft Camden LEP 2010 has been exhibited and referred to the Minister for Planning to be made. In this plan studio apartments are termed "secondary dwellings", however a similar

provision will apply.

To date Council's legal costs amount to \$27,623.21 which includes legal representation at the appeal, however no post appeal account had been received at the time of writing the report. This should not increase the costs significantly as the additional costs were only incurred in attending the Court to obtain the judgement and advising Council of the Court's decision. Council's Director, Development and Health provided all of Council's evidence and therefore no costs were expended in expert witness expenses. In accordance with usual Court practice, no order was made in relation to costs in the proceedings, so Council will be unable to recover its costs.

Proposed amendment to draft Camden LEP 2010

To address the issues identified during the appeal it is proposed to include an appropriate clause in draft Camden LEP 2010, stating that a secondary dwelling cannot be subdivided as either a strata or community title.

The residential release areas of Currans Hill, Mount Annan, Mount Annan South, and Narellan Vale are currently zoned Residential 2(d) (Release Areas) in Camden LEPs 47 and 74. This zone permits 'multi-unit housing', however as indicated above, Camden DCP 2006 restricts this form of development to areas described as 'Residential 2'. The comparative 'template' zone to 2(d) is R1 and draft Camden LEP 2010 has adopted this zone. However to reinforce the findings of the appeal and to provide a clearer control, it is proposed to amend the zoning of all land currently zoned 2(d) in the areas described above, to R2 Low Density Residential. Those areas currently identified as 'Residential 2' in Camden DCP 2006 are to be zoned R3 Medium Density Residential.

Dual occupancies are shown as being a permissible use within the land use table for the R2 zone. Dual occupancies are currently not permitted within the existing 2(a) zone, which is the corresponding zone to the new R2 zone. Accordingly this will need to be corrected during these amendments to ensure consistency with the existing planning controls.

The above proposed amendments to draft Camden LEP 2010 are maintaining the 'status quo' of the current planning controls that apply to the residential release areas of Currans Hill, Mount Annan, Mount Annan South, Narellan Vale. Accordingly it is proposed to treat these amendments to the draft LEP as an addition to the changes to the exhibited draft LEP that Council adopted on the 24 November, 2009. It is further proposed that as the amendments are reflecting the current planning controls, then no further public exhibition is required. The amendments will be forwarded directly to the Department of Planning requesting that they be included in the draft Camden LEP 2010, which they are currently reviewing.

Proposed amendments to Camden DCP 2006

The additional residential accommodation types resulting from the LEP template, together with outcome of the abovementioned appeal, emphasises the need for a review of the residential controls in Camden DCP 2006. Accordingly new and/or tighter controls will be now be developed for semi detached housing, secondary dwellings, residential flat buildings and shop top housing. It is expected that a report on the

amended DCP will be presented to Council in approximately 6 to 8 weeks.

CONCLUSION

The results of the appeal are significant as they uphold Council's planning principles and demonstrate the importance of consistent application of policies and planning instruments. It is now important to ensure that these policies are articulated better into the new LEP and DCP which is being developed in accordance with the Department of Planning's Standard Template.

RECOMMENDED

That Council:

- i. note the successful results of the appeals;**
- ii. include the amendments outlined in this report to draft Camden LEP 2010;**
- iii. not require that the amendments be placed on public exhibition as they are reflecting current planning controls;**
- iv. forward the above amendments to the Department of Planning requesting that they be included in Camden LEP 2010 prior to its gazettal; and**
- v. include controls for semi detached housing, secondary dwellings, residential flat buildings and shop top housing as part of the review of Camden DCP 2006.**

ATTACHMENTS

1. Court Judgment (sup doc)



Court Judgment - 232 & 234 Mount Annan Drive.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Dewbery that Council:

- i. note the successful results of the appeals;
- ii. include the amendments outlined in this report to draft Camden LEP 2010;
- iii. not require that the amendments be placed on public exhibition as they are reflecting current planning controls;
- iv. forward the above amendments to the Department of Planning requesting that they be included in Camden LEP 2010 prior to its gazettal; and
- v. include controls for semi detached housing, secondary dwellings, residential flat buildings and shop top housing as part of the review of Camden DCP 2006.

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

ORD18/10

ORDINARY COUNCIL

ORD03

SUBJECT: ACCREDITATION OF COUNCIL OFFICERS
FROM: Director Development and Health
FILE NO: Binder: Development & Building Controls/Development Procedures

BACKGROUND

For some time now, private Building Surveyor and Engineering Certifiers have been accredited through the Building Professionals Regulation, 2007 and the accreditation scheme made under the Building Professionals Act, 2005 (the Act). This accreditation allows Building Surveyors and Engineers working in the private sector to certify plans, issue certificates under Part 4A of the Environmental Planning and Assessment Act, 1979 (such as Construction, Compliance and Occupation Certificates) and inspect all building and construction work associated with all classes of buildings and infrastructure such as roads if a Council chooses to allow this through its planning instruments.

This certification process is delivered through the Building Professionals Board Accreditation Scheme (the Scheme). Presently authorised and qualified Council appointed Building Surveyors and Engineers are not required to be accredited.

In late 2008 the Board exhibited a proposal for all council Building Surveyors and Engineers to be accredited in a similar way to Building Surveyors and Engineers working in the private sector. To that end the Building Professionals Amendment (Accreditation of Council Employees) Regulation, 2009 was drafted to amend the Building Professionals Regulation, 2007 and hence the Scheme.

As a result of the exhibition a large number of submissions were received objecting to a variety of aspects of the proposal, and in some cases objecting in total to the amendments to the Scheme. Consequently the Minister for Planning (the Minister) after further review of the proposed legislative changes, announced that further consultation be undertaken.

The proposal, partly as a result of the many detailed submissions made to the Minister by individuals and organisations such as the "Development and Environmental Professionals' Association", was subsequently amended and exhibited in July 2009. However, again a number of detailed submissions critical of the proposal and objecting to it were made.

The Building Professional Board (BPB), in an attempt to answer those submissions, is again exhibiting amendments proposed to the Scheme which will, if accepted and formalised, require council Certifiers or council Building Surveyors and Engineers to be accredited in a similar way to the private sector.

This exhibition period closes on 12 February, 2010 and, if then accepted, it is intended

to implement a three (3) year phase-in period. **A copy of the exhibited draft Scheme is provided with the Business Paper Supporting Documents.**

MAIN REPORT

Private Certification was introduced with the aim of speeding up the approval process and reducing development costs. There is no evidence that this has occurred as a result of the Scheme. The State Government claims that it is introducing the proposed Scheme amendments to ensure that there is a level playing field across the industry. Whilst it is considered reasonable to assume that all parties inspecting building and construction work are appropriately qualified and experienced, the current and proposed Scheme will not guarantee this. More importantly, as councils are required to take on the responsibility for acting as the Principal Certifying Authority when a private certifier loses his accreditation, retires or ceases to be accredited, the same is not required of the private sector. This factor is a major disadvantage faced by local government.

Once the change in legislation proceeds councils will be required, where certification of plans and inspections of various classes of buildings are to be undertaken, to employ Building Surveyors and Engineers who are accredited by the Building Professionals Board. Existing Building Surveyors and Engineers employed by Council will also be subject to the need for accreditation under the Scheme.

It should be noted that although these accredited Building Surveyors and Engineers can only be employed by local councils, a concession is their accreditation is recognised by all councils.

The Accreditation Scheme (the Scheme)

Within the Scheme there are identified four (4) categories with associated guidelines which in turn determine what class of buildings, as defined within the Building Code of Australia, an individual accredited Building Surveyor is authorised to certify and inspect.

A similar system exists for Engineers with (17) seventeen categories of accreditation.

Each category has identified within its associated guidelines 'specialty performance criteria' which specifies all persons applying for accreditation must have a recognised building surveying qualification and a number of years experience, as well as demonstrated work experience.

Council's General Manager must initially assess staff accreditation and the determination is then forwarded to the BPB. This differs from the practice applied to private certifiers.

The phase-in period continues until 1 March, 2013. Until this time experience and qualification alone enable an accreditation applicant to be accredited to any Category. After this time speciality knowledge, skills, qualifications and experience need to be evidenced for accreditation to a particular Category to be given. The effect of this is to give council officers three years to update their knowledge, skills, qualifications and experience to be accredited to a particular Category.

Proposed Submission to the Building Professionals Board

A range of issues emerge as a result of the proposed amendments to the Scheme to include the need for council officers to be accredited. These are discussed in detail as follows and constitute six (6) issues to be submitted to the Board prior to the close of the exhibition period:

(1) Class of buildings Council is able to certify and inspect relative to category certification level of staff

Presently Council employs 5 Building Surveyors, 1 Specialist Fire Safety Officer and the Team Leader fully qualified to approve and inspect buildings of all classes as identified within the Building Code of Australia (BCA). This ranges from sheds, dwellings and factories, and extends to major developments such as the Narellan shopping complex and Narellan Library.

The proposed changes would mean Council officers will be subject to specialty qualifications and identified experience levels before they can be accredited in the various categories as identified within the draft regulations - Schedule 1 (categories of certificates of accreditation).

All Camden Council staff are currently qualified to carry out the full range of assessment and certification of building and construction work within the LGA. The proposed Scheme will introduce criteria that mean that those staff potentially will be restricted in the delivery of that work. This is a serious aspect of the legislation and for reasons outlined late in this report, the three year transition will not satisfactorily address the issue. The Scheme does not provide for on the job experience to be considered alone and depends on qualifications rather than experience. It is considered that both are important, however practical experience often outweighs theory, particularly in problem solving.

A review of the criteria provided on the prescribed application forms indicates that the current cohort of Council's Building Surveyors may initially achieve at best Category A2, however most likely Category A3 - Accredited Certifier - Building Surveyor Grade 3 which limits the approval, inspection and the issuing of occupation certificates to class 1 and class 10 buildings (dwellings and associated outbuildings) under the BCA and class 2-9 buildings (industrial, commercial etc) with a maximum rise of two stories and a maximum floor area of 500m². A2 provides for certification of class 2-9 buildings with a maximum rise in storeys of 3-4 depending on carpark configuration and a floor area of 2000m².

Council has a statutory obligation to make available a service that can assess all classes of buildings (as it does now). Therefore should an application be received for larger type developments in excess of two stories and greater than 500m² in floor area, consultants will have to be employed to carry out these assessments. It would be necessary to set fees that address this high cost and the administration involved in sourcing an accredited certifier to undertake this work.

The financial cost to Council could be extensive regardless of any fees received, and

obtaining the services of specialist consultants could also prove difficult. In contrast private certifiers have the ability to refuse work where their accreditations are limited or in fact they just don't want the work.

(2) Ability of Council to attract staff to certify and inspect all classes of buildings as defined in the Building Code of Australia

Council's ability to attract or retain suitably accredited staff will be compromised due to a lack of available accredited staff driving up chargeable fees for Category A1 and A2 certification.

The private sector is often able to offer greater levels of remuneration to Building Surveyors and Engineers than the public sector (and councils).

In this regard the proposed changes to the Scheme will further diminish the ability for councils to attract and retain valuable staff.

(3) Administrative costs to Council

The administrative costs incurred by Council in engaging Category A1 and A2 accredited staff until such time as it can either have existing staff accredited or employ accredited staff will be significant and will impact on Council's budget situation.

Significant time is consumed in sourcing, briefing, engaging and managing contracted staff on an occasional basis. This will exacerbate the draw on available human resources as a result of the introduction of the amendments to the Scheme.

(4) The cost to Council of providing opportunities to staff

Significant costs will be incurred by Council when attempting to provide the knowledge, skills, qualifications and experience needed to enable existing and future staff to be accredited to a particular Category. This is particularly difficult to those councils that do not receive many complex buildings as is the case in Camden, and more so in councils west of the Dividing Range. As a criteria requires a person to have three years practical experience, the opportunity to gain that experience in the majority of councils is severely limited. Accordingly councils not able to provide that opportunity may lose good staff who seek to upgrade their accreditation. Councils may also not be able to provide the necessary mentoring of staff seeking to upgrade individual accreditation due to the lack of practitioners who will achieve A1 accreditation. Currently the BPB website shows that only 140 persons are accredited at A1 level and this shows the lack of expertise across the state. Many of those persons' accreditation is conditional.

The difficulties in providing staff with the necessary exposure and experience to higher level work will impact on Council's training budget and its ability to deliver prompt building and engineering assessments, as assessments time is given up to additional staff development activities. It may be necessary for staff to gain this experience outside the council area, either working in councils with a wider range of complex applications or with private industry. This has obvious constraints in terms of employment tenure, insurance etc.

Continuing professional development courses will need to be sourced and funded by

Council to allow it to employ appropriately qualified and trained staff to fulfil its statutory obligations.

(5) Accreditation costs of employed staff

The cost of accreditation under the Scheme has not been set. Presently Council has not budgeted for recurring costs within the existing budget, and allowance will need to be included or the cost borne by individual staff members. At the time of writing this report the total cost to Council/staff is not known.

(6) Liability Issues

Advice has been received from the Building Professionals Board that potential liability to individual accredited Building Surveyors working for council is no greater than it is presently. Their advice is that this is consistent with the view of the Local Government and Shires Association. Engineering professionals have been the subject of civil liability legislation with allowances paid to reflect this issue. It is important that this factor is better clarified before any change to the current system is made.

Notwithstanding, it is considered to be in the best interests of all councils that this legal position be verified by the Department to ensure Council's existing good faith indemnity remains intact.

CONCLUSION

The Building Professionals Board has exhibited a proposal for all council Building Surveyors and Engineers to be accredited in a similar way to Building Surveyors and Engineers working in the private sector.

This will be achieved through an amendment to the Building Professionals Board Accreditation Scheme, enshrined in legislation via the Building Professionals Amendment (Accreditation of Council Employees) Regulation, 2009. This exhibition period closes on 12 February, 2010.

The proposed scheme raises some concerns for the Local Government sector and it is proposed to submit to the Building Professionals Board six (6) issues of key importance to Council, based on the themes of cost, administrative burden, liability, and eroding Local Government competitiveness for skilled employees.

It is considered these key issues will articulate the concerns of Council, and it is hoped will have some positive impact on the form of the final Building Professionals Board Accreditation Scheme amendments.

RECOMMENDED

That Council endorse the proposed submission to the NSW Building Professionals Board and that the submission be forwarded to the Board by the exhibition closing date.

ATTACHMENTS

1. Exhibited draft Accreditation Scheme (sup doc)



Draft Accreditation Scheme.pdf

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Warren that Council endorse the proposed submission to the NSW Building Professionals Board and that the submission be forwarded to the Board by the exhibition closing date.

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

ORD19/10

ORDINARY COUNCIL

ORD04

SUBJECT: RENEWAL OF LICENCE AGREEMENTS - CAMDEN PRESCHOOL
KINDERGARTEN CO-OPERATIVE LTD AND 1ST NARELLAN SCOUT
GROUP
FROM: Director Governance
FILE NO: Council Properties>Leases>Council Property Leasing

PURPOSE OF REPORT

To submit to Council the renewal of Licence Agreements for Camden Pre-School Kindergarten Co-Operative Limited for the use of a portion of Hilder Reserve located at 12 Harrington Street, Elderslie and the 1st Narellan Scout Group, Corner of Queen and Elyard Streets, Narellan.

BACKGROUND

Council currently leases a portion of Hilder Reserve to Camden Pre-School Kindergarten Co-Operative. The existing Lease Agreement has been operating on a month to month basis whilst negotiations have been taking place for the new Agreement. As such, Camden Pre-School Kindergarten Co-Operative has approached Council to enter into a new Licence Agreement.

The Licence Agreement with the 1st Narellan Scouts expired some time ago but due to ongoing negotiations with Landcom surrounding an alternative site, the renewal of the licence had been deferred until those negotiations were concluded. Council has recently been notified that those discussions have been terminated with a suitable site being unable to be located. Accordingly, the Licence Agreement can now be renewed.

MAIN REPORT

In both instances, the subject property in question is "community" land under the Local Government Act, 1993 and the Plan of Management applicable permits the leasing or licencing of the land to community groups.

Council has carried out the public notification process as required under the Local Government Act. A notice of intention to licence the land was advertised in local media on 11 November and 2 December 2009. Letters were also sent to all adjoining owners and those in the vicinity advising of the proposed Licence Agreement. The notice and letters allowed submissions or objections to be made concerning the proposal for a period of up to twenty eight (28) days, which closed on 11 December 2009. At the close of this period, no submissions were received.

Camden Preschool Kindergarten Co-Operative Limited - part Lot 1 DP 5500552

Lowe Crescent Elderslie.

Council has had continuous Agreements with the Camden Preschool for many years dating back to the 1970's. The Kindergarten has successfully operated over this period of time and has established a substantial preschool and continued to work with Council to progressively improve the facility. The Preschool currently caters for 140 children enrolled per week with 40 children attending each day in the 3-5 year old age bracket. It also caters for children with additional needs. It is classified as a 2 unit preschool with 2 classrooms, extensive exterior playground, an area for wet and dry activities, bathrooms, kitchen and a staff amenities room. Council has recently approved an additional wide verandah to provide protection for children's activities on wet days.

The Co-Operative is a not-for-profit community based Preschool and is most appreciative of Council's support and co-operation in the past and wish this relationship to continue.

Details of the proposed licence, as agreed with Camden Pre-School Kindergarten Co-Operative are as follows:

- Term of the Licence - 5 years with a further 5 year option to extend.
- Rent - \$1.00 per annum.
- Insurance - The tenant is responsible for public liability insurance of \$20 million, Workers Compensation insurance and any other insurances required in conjunction with the operation of a preschool by any Government agency.
- Condition and Repairs - The tenant is responsible for maintaining the building and surrounds and keeping the premises clean and tidy. The Preschool must also comply with all requirements of Child Care licencing authorities.
- Outgoings - The tenant must pay all accounts for electricity, oil, gas, annual fire safety statements and other services consumed on the property.
- Permitted Use - The premises must only be used for the purpose of operating a community based preschool kindergarten and associated activities and cannot be licence cannot be sub-licensed or transferred.

A site plan of the Reserve and Kindergarten is appended to this report.

1st Narellan Scout Group - Lot 20 DP 752045 Cnr Queen and Elyard Streets, Narellan.

Council currently has Licence Agreements with The Scout Association of Australia NSW Branch in respect of 4 other Scout Halls in the Camden Local Government area.

These Agreements were renewed in 2007, with Council resolving at that time to allow the existing Agreement with the 1st Narellan Scouts to continue on a month to month basis until negotiations were completed for a possible relocation. These negotiations held between the local Scout group and Landcom over a number of years with a view to a possible relocation to a new site in Mount Annan. These negotiations have now been concluded due to a suitable site being unable to be located.

As a result, Council now wishes to renew the Licence Agreement for the Scout Hall to formalise the occupation of the land by the Scouts. The subject land is a prominent site on the corner of Queen and Elyard Streets. It is considered undesirable to lock in

the land to a long term agreement at this time, due to the uncertainty of Council's future use of the land. Therefore, the term of the agreement will be for a period of 5 years only, rather than the usual 10 year term.

A site plan of the property is appended to this report.

Details of the proposed licence, as agreed with the Scout Association is as follows:

Term of the Licence - 5 years with a new agreement to be entered into at the end of this period and subject to Council's requirements for the land.

Rent - \$1.00 per annum.

Insurance - The Scout Association must take out and keep up to date Insurance Policies relating to public Liability in the sum of \$20 million.

Condition and Repairs - The Scout Association is responsible for maintaining the building and surrounds and keeping the premises clean and tidy.

Outgoings - The Scout Association must pay all accounts for electricity, oil, gas, annual fire safety statements and other services consumed on the property.

Permitted Use - Activities related to and incidental to scouting and the achievement of objectives of the Scouts Association of Australia and community based activities. The Licence must not be assigned, transferred, sub-let without the prior written consent of Council. The Licencee may however, allow other not-for-profit community groups or organisations to hire the Hall on a casual basis.

CONCLUSION

Council has worked successfully with both community groups in the past in granting licence agreements for these properties. The Camden Pre-school has been successfully operating on this site for in excess of thirty (30) years and continues to provide a vital service to the local community. The 1st Narellan Scout Group also continues to grow and provides a viable recreational and service role in promoting the principles of the Scouting movement to the youth of Camden.

Council will greatly assist in further promoting these aims by entering into a new Licence Agreements with these groups.

RECOMMENDED

That Council:

i) enter into a Licence Agreement with Camden Pre-School Kindergarten Co-Operative Limited in respect of part Lot 1 DP 5500552 Lowe Crescent, Elderslie for a period of five years (with five year option), subject to the terms and conditions as outlined in the Report;

ii) enter into a Licence Agreement with the Scout Association of Australia, NSW Branch, on behalf of the 1st Narellan Scout Group in respect of Lot 2 DP 752045 for a period of five years, subject to the terms and conditions as outlined in the Report;

iii) the Council Seal be affixed to the relevant Licence Agreements.

ATTACHMENTS



location plan scouts narellan.jpg hilder reserve location plan.JPG

RESOLUTION

Moved Councillor Warren, Seconded Councillor Campbell that Council:

- i. enter into a Licence Agreement with Camden Pre-School Kindergarten Co-Operative Limited in respect of part Lot 1 DP 5500552 Lowe Crescent, Elderslie for a period of five years (with five year option), subject to the terms and conditions as outlined in the Report;
- ii. enter into a Licence Agreement with the Scout Association of Australia, NSW Branch, on behalf of the 1st Narellan Scout Group in respect of Lot 2 DP 752045 for a period of five years, subject to the terms and conditions as outlined in the Report;
- iii. the Council Seal be affixed to the relevant Licence Agreements.

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

ORD20/10

ORDINARY COUNCIL

ORD05

SUBJECT: DECEMBER REVIEW OF THE 2009/10 BUDGET
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

This report presents the December Quarterly Budget Review for the 2009/10 financial year in accordance with Part 9, Division 3, Clause 203 of the Local Government (General) Regulation 2005.

Its purpose is to inform Council of the necessary changes to the 2009/10 Budget since the adoption of the September Review of the 2009/10 Budget, and to consider other changes put forward for determination.

SUMMARY OF BUDGET REVIEW

In adopting the September Review of the 2009/10 Budget, Council authorised a projected working funds surplus of \$106,676.

Budget adjustments identified at the December Review represent an increase in the projected working funds surplus of \$673,509. This results in a total projected working funds surplus of \$780,185.

This projected surplus is above Council's minimum working funds level of \$1,000,000.

In summary, the improvement in Council's working funds surplus predominately relates to an increase in development activity and higher than expected returns on Council's investment portfolio. The increases are a direct result of better market conditions in an improving economy.

This report recommends that the budget surplus be allocated as follows:

1. Transfer to Employees Leave Entitlement Reserve - \$500,000

The Employees Leave Entitlement (ELE) Reserve ensures that Council has enough long term cash for the payment of leave entitlements to employees upon their retirement, termination or long term-leave. The transfer of \$500,000 will increase the cash balance of the ELE reserve to 20% of Council's total ELE liability. This increase in funding only brings Council up to the accepted industry benchmark and addresses a concern raised by Council's external auditor.

2. Landscape Maintenance and Mowing - \$130,000

To fund the 2009/10 budget Council reduced its Landscaping and Mowing program.

This adjustment will allow service levels to return to normal.

3. Salaries and Overheads - \$25,000

This funding will allow Council the opportunity to increase staff numbers to meet immediate service needs.

4. Tree Planting Program - \$15,000

To fund the 2009/10 budget Council was forced to cut a number of programs from its budget. This is the reinstatement of the 2009/10 tree planting program.

Should Council endorse these allocations the projected working funds surplus at the December Review will decrease to \$110,185.

NOTE 1 – VARIATIONS TO THE BUDGET

Variations between the adoption of the September Review for 2009/10 and the December Review for 2009/10 led to an increase in working funds of \$673,509. A list of these variations (greater than \$10,000) is provided in the following table and brief explanations below.

DESCRIPTION	W/Funds Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Development Fees & Charges Increase	\$422,800
2. Public Infrastructure Inspection Fees Increase	\$100,000
3. General Fund Interest on Investments Increase	\$98,483
4. Subdivision Fees Increase	\$90,200
5. Supplementary Rates Income Increase	\$81,023
6. Interest on Overdue Rates Shortfall	(\$30,000)
Variations under \$10,000 - Various Increases	\$25,802
Sub Total - Income Adjustments	\$788,308
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
7. Street Lighting Charges Increase	(\$80,000)
8. Public Libraries Building Maintenance & Services Increase	(\$30,800)
9. Town Fire Brigade - Annual Statutory Contribution Savings	\$12,669
Variations under \$10,000 - Various Increases	(\$16,668)
Sub Total - Expenditure Adjustments	(\$114,799)
TOTAL PROPOSED VARIATIONS TO BUDGET	\$673,509

1. Development Fees & Charges - Increase in Income \$422,800

Increase in development activities has continued during the second half of 2009/10. This primarily relates to the federal and state governments' first home owner's grant schemes, increased landscaping development activities in Spring Farm, increases in small scale development and dwelling development activities in the Oran Park and Turner Road Precincts. The increase in income relates to the following development fees and charges:

1. Certificate of Comp/Occupancy Fee Income	\$ 225,500
2. Construction Certificates Income	\$ 68,100
3. Public Road Activity Income	\$ 43,100
4. Road Opening Permits Income	\$ 17,500
5. DA Advertising Income	\$ 16,400
6. DA Amendments Income	\$ 15,000
7. Landscape Assessment & Inspection Fees	\$ 8,000
8. Development Other Fees & Charges	\$ 29,200
	<u>\$ 422,800</u>

2. Public Infrastructure Inspection Fees - Increase in Income \$100,000

The public infrastructure inspection fee was introduced in 2009/10. The inspections record the condition of public infrastructure before and after work commences. It assists in protecting community assets from damage. This fee is widely accepted in the industry and has generated significant additional income for Council to date.

3. General Fund Interest on Investments - Increase in Income of \$98,483

The second quarter performance of Council's investment portfolio is above budget expectations. The 2009/10 September budget review projected an average weighted return for the second quarter of 4.00%. Council has been able to achieve more competitive rates with an actual weighted average return for this period of 4.59%. Investment returns for the remainder of 2009/10 have been revised to 5.00%, as a result of the improved economic outlook and increases in the official cash rate by the Reserve Bank.

4. Subdivision Fees - Increase in Income of \$90,200

Additional income is predominantly due to an increase in subdivision approval activities in the Oran Park and Turner Road Precincts.

5. Supplementary Rates Income - Increase in Income of \$81,023

Supplementary Rate Income is received upon the re-zoning or subdivision of land. It is additional rate income to the amount levied at the beginning of 2009/10. This increase in rate income is primarily due to new lots created through subdivisions in the Elderslie, Oran Park and Turner Road Precincts, and Spring Farm release areas. Council's provision for supplementary rates (Growth) has been achieved for 2009/10.

6. Interest on Overdue Rates - Decrease in Income of \$30,000

Interest on overdue rates reflects a decrease in the current level of overdue rates compared to original budget projections.

7. Street Lighting Charges - Increase in Expense of \$80,000

The additional cost of \$80,000 represents an increase in the street lighting maintenance budget of \$45,000 and an increase in the electricity supply budget of

\$35,000. The increase is a direct result of rising costs and growth.

8. Public Libraries Building Maintenance & Services - Increase in Expense of \$30,800

This adjustment represents an increase in costs associated with building maintenance including essential building services such as fire safety, air conditioning, plumbing and electrical services.

9. Town Fire Brigade - Annual Statutory Contribution - Decrease in Expense of \$12,669

This payment relates to Council's statutory contribution for the Camden Fire District for the financial year 2009-10. Savings relate to a reduction in Council's contribution compared to the adopted budget.

NOTE 2 – COUNCIL AUTHORISED VARIATIONS

Council has authorised four (4) budget variations since the adoption of the September Review of 2009/10 Budget (which are detailed in the following table).

DESCRIPTION	Expenditure Increase/ (Decrease)	Income Increase/ (Decrease)	W/Funds Impact Increase/ (Decrease)
Skate Park Seating at Kirkham Park	\$2,864		\$0
Skate Park Committee Contribution Income		\$1,864	
Councillor Consolidated Ward Funds		\$1,000	
Council Minute ORD 246/09 - 13/10/2009			
Natural Resources - Sustainable Camden Communities	\$30,000		\$0
Mt Annan Leisure Centre - Solar Heating	\$139,000		
Mt Annan Leisure Centre - Pool Blankets	\$37,000		
Waste and Sustainability Improvement Payments Program - DECCW Grant		\$206,000	
Council Minute ORD 258/09 - 27/10/2009			
Land Purchase - Grimes Avenue	\$81,250		\$0
Land Purchase - Transfer from S94 Reserve		\$81,250	
Council Minute ORD 283/09 - 24/11/2009			
Camden RSL Youth Hall Polish Scrubber	\$1,500		\$0
Councillor Consolidated Ward Funds		\$1,500	
Council Minute ORD 291/09 -24/11/2009			
TOTAL COUNCIL AUTHORISED VARIATIONS	\$291,614	\$291,614	\$0

NOTE 3 – CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's working funds as both movements of income and expenditure are of equal value.

During the period 1 October 2009 to the 31 December 2009, a number of contra adjustments have taken place amounting to a total of \$10,449 (an increase in both income and expenditure). For a detailed list of these adjustments, **please refer to the supporting documents in the business paper.**

NOTE 4 – EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2010/11 Budget, Managers and Directors were encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2010. There was one authorised revote submitted by Managers and Directors at the December Review.

- Asphalt Patching Vehicle - \$270,000

The purchase of a new asphalt patching vehicle has been delayed as it will take between 38 - 40 weeks for its delivery, which will be approximately September 2010. Council accepted the tender from UD Trucks-Volvo Commercial Vehicles Australia. The condition of the existing patching vehicle will allow it to be used in the normal work activities with minimum risk for the next ten months.

NOTE 5 – 2009/10 BUDGET DISCRETIONARY LIST

In adopting the 2009/10 Management Plan and Budget, Council endorsed the Budget Discretionary List. The Discretionary List identifies works or services that Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There was one item authorised for inclusion on the Discretionary List during the period 1 October 2009 to the 31 December 2009.

- Tree Removal and Replacement Program
Hickson Circuit and Bailey Court, Harrington Park - \$10,600
Council Minute ORD 238/09 of 13/10/2009.

A copy of the proposed Discretionary List has been included in the Business Paper Supporting Documents.

NOTE 6 – COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is separate and above the projected working funds surplus of \$110,185 as advised in this report.

CONSOLIDATED WARD FUNDS		
2009/10 Budget Allocation	\$30,000	
Total Funds Available 2009/10		\$30,000
Projects Funded to date in 2009/10		
Skate Park Seating at Kirkham Park Council Minute ORD 246/09 - 13/10/2009.	\$1,000	
Camden RSL Youth Hall Polish Scrubber Council Minute ORD 291/09 - 24/11/2009.	\$1,500	
Total Projects Funded 2009/10		\$2,500
TOTAL FUNDS AVAILABLE AS AT 31/12/2009		\$27,500

SUMMARY OF DECEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 31 December 2009.

DESCRIPTION	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	W/funds Impact Increase / (Decrease)
2008/09 Carried Forward Working Funds Balance			\$1,000,000
2009/10 Adopted Budget Surplus			\$258,800
Available Working Funds 01/07/2009			\$1,258,800
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
LESS: 2009/10 Budget Surplus - Transfer to Reserve (2010/11 Budget Deficit)			(\$258,800)
2009/10 September Review Adjustments	\$1,730,669	\$1,837,345	\$106,676
Total Available Working Funds as at 30/09/2009			\$106,676
2009/10 December Review Adjustments			
NOTE 1: Proposed Variations	\$114,799	\$788,308	\$673,509
NOTE 2: Authorised Variations	\$291,614	\$291,614	\$0
NOTE 3: Contra Adjustments	\$10,449	\$10,449	\$0
NOTE 4: Revotes	(\$270,000)	(\$270,000)	\$0
Total December Review Adjustments			\$673,509
TOTAL AVAILABLE WORKING FUNDS			\$780,185

CONCLUSION

The December Budget Review surplus is a direct result of better market conditions and an improving economy. Should Council endorse the allocation of the budget surplus it will significantly reduce the current cash shortfall in Council's Employees Leave Entitlements Reserve and reinstate service levels for landscape maintenance, mowing and tree planting. Council would be aware that it was required to make budget cuts of over \$900,000 to balance its 2009/10 original budget.

It should be noted that the uncommitted balance in Council's Capital Works Reserve is \$884,900.

RECOMMENDED

That:

- i. Council approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', and 'Contra Variations' of this report.
- ii. Council authorise the following allocations as identified in the table below:

Allocation of 2009/10 Budget Surplus		
Budget Surplus Available for Allocation		\$780,185
Transfer to Employee Leave Entitlement Reserve	\$500,000	
Landscape Maintenance and Mowing	\$130,000	
Salaries and Overheads	\$25,000	
Tree Planting Program	\$15,000	
Total Allocation		\$670,000
Budget Surplus Balance After Allocation		\$110,185

- iii. Council approve the balance of the working funds surplus of \$110,185 remain uncommitted for consideration at future quarterly budget reviews.
- iv. Council approve the Discretionary List amendment as identified in this report.

ATTACHMENTS



2009-10 Discretionary List - December 2009.pdf



2009-10 December Budget Result Appendix.pdf

RESOLUTION

Councillor Funnell left the Chamber, the time being 7.04pm.

Councillor Funnell returned to the Chamber, the time being 7.08pm.

Moved Councillor Anderson, Seconded Councillor Warren that:

- i. Council approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', and 'Contra Variations' of this report.

ii. Council authorise the following allocations as identified in the table below:

Allocation of 2009/10 Budget Surplus		
Budget Surplus Available for Allocation		\$780,185
Transfer to Employee Leave Entitlement Reserve	\$500,000	
Landscape Maintenance and Mowing	\$130,000	
Salaries and Overheads	\$25,000	
Tree Planting Program	\$15,000	
Total Allocation		\$670,000
Budget Surplus Balance After Allocation		\$110,185

iii. Council approve the balance of the working funds surplus of \$110,185 remain uncommitted for consideration at future quarterly budget reviews.

iv. Council approve the Discretionary List amendment as identified in this report.

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

ORD21/10

ORDINARY COUNCIL

ORD06

SUBJECT: MANAGEMENT PLAN - DECEMBER 2009
FROM: Director Governance
FILE NO: Management Plan

Council prepares a Management Plan and Budget annually, which sets out strategies and actions for the next three years. The Local Government Act requires quarterly reports to be submitted to Council showing progress to date on each of the strategies and actions within the Management Plan for the current 12 months.

The December 2009 review has been completed and is **provided in the Business Paper Supporting Documents**. The attachment highlights the progress of Council's adopted strategies and provides comments on each of the items.

RECOMMENDED

That the December 2009 Management Plan review be noted.

ATTACHMENTS



Management Plan December 2009.xls

RESOLUTION

Moved Councillor Anderson, Seconded Councillor Warren that the December 2009 Management Plan review be noted.

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

ORD22/10

ORDINARY COUNCIL

ORD07

SUBJECT: HARRINGTON PARK 2 AND MATER DEI DCP
AMENDMENTS
FROM: Director Governance
FILE NO: Harrington Park 2 and Mater Dei

PURPOSE OF REPORT

The purpose of this report is to seek a resolution to exhibit a range of amendments to the Harrington Grove development controls.

BACKGROUND

The Harrington Park 2 and Mater Dei Part A DCP was adopted as an amendment to Camden's consolidated DCP 2006 in July 2006 and re-endorsed by Council in October 2007. Various Part B DCPs for Harrington Grove, including Precinct D, were adopted by Council in January 2008.

A number of changes to the Harrington Grove development controls have been proposed because:

- development has now commenced and more detailed work has been undertaken;
- the housing market has changed;
- section 96 changes need to be reflected in the controls; and
- the draft Camden LEP 2010 has formalised minimum lot size and this needs to be reflected in the development controls.

MAIN REPORT

Proposed Amendments

As indicated above a number of changes to the Harrington Grove development controls have been proposed by the developer. Council officers have met with the developers a number of times to discuss and refine these amendments. These changes, together with officer comment are summarised in a Table **shown as Attachment 1 to this report.**

A number of these amendments are for housekeeping purposes or are minor in nature, and include:

- Updating names of documents;
- Updating of map details in accordance with approved subdivision layout;
- Amendments to reflect the agreed approach on retaining wall heights and design. This also includes rewording of the section dealing with retaining walls for construction of approved subdivision to provide clarity and distinction between

- these retaining walls and retaining walls for construction of dwellings.
- Deletion of 'Exempt and Complying Development' section because these are contained elsewhere in Camden DCP 2006 and are in the draft Camden LEP 2010;
- Amending the maximum floor space area requirement for granny flats to an upper limit of 60m² or 20% of the total floor area of both the self-contained dwelling and the principal dwelling to be in accordance with the Template LEP.
- Addition of information to enable garages within the side setback on corner allotments in Precinct D. This amendment is in line with the current approach.

The following proposed amendments cover the more substantial issues:

Amendments to the Desired Future Character Statement to reflect current development philosophy within Harrington Grove and the surrounding area.

There is a clear distinction between the urban and environmentally sensitive areas within Harrington Grove. This amendment is not effecting conservation outcomes but simply better prescribes the housing form. The parts of Harrington Grove where residential uses are permitted are urban in character, which is demonstrated by the existing subdivision approval applying to the Harrington Grove site. Areas in Harrington Grove where no residential development is allowed have an environmental character, which is predominantly to conserve the tracts of native woodlands and riparian areas of significance. These areas are covered by a Conservation Management Plan.

Amendment to minimum lot size requirements to reflect the current approach and philosophy to development within Harrington Grove.

The minimum lot size has been reduced from 800m² to 700m² for Precincts A, B, D, F, H, M and S . This reflects the adoption by Council of the draft Camden LEP at its meeting on the 24 November 2009. Minimum lot size for battleaxe blocks have also been reduced to 700m². It should be noted that the battleaxe access leg does not form part of the effective area.

Amendments to side setback requirements for single storey dwellings on allotments less than 800m² in Precinct D to enable greater flexibility for dwelling construction .

The current provisions allow a building area of 14m in width which does not suit many standard single storey building designs which have a building width of 15m. It is proposed to reduce the setback on either side from 1.5m to 1m. This will facilitate building widths of 15m for single storey dwellings. A 1.5m setback will still be required for two storey dwellings.

Amendment to reduce the minimum floor area of dwellings on corner lots from 350m² to 320m² in Precinct D.

The original intention of larger minimum floor area was to have larger houses on corner lots for a better urban design outcome given their prominence. On review, larger houses are not considered necessary and this reduction will provide greater flexibility to purchasers in the size and type of dwelling that can be built. The smaller minimum floor area will ensure consistency with the reduced minimum lot size requirement of 700m².

Amendment to delete the Special Provisions section for Precinct D and Special

Provisions map.

Initially it was considered that the lots identified in the 'Special Provisions' map should have larger houses as they were either on visually prominent and/or corner lots. Imposing a minimum floor area of 400m² and requiring construction of 2 storey dwellings for these sites is proving unrealistic and due to these requirements the allotments are not being taken up. It is also considered that larger houses are unnecessary and that quality urban form can be achieved by the other range of provisions relating to dwellings on corner lots that exist elsewhere in the Part B DCP.

A proposed amendment to change the minimum lot size for Precincts G and J from 2000m² to 700m² is not recommended to proceed under this process. It is considered that this would be a significant change which requires an LEP amendment. This is consistent with the draft Camden LEP which was adopted by Council at its meeting on the 24 November 2009. The draft LEP is likely to be gazetted in the near future therefore any DCP amendments should reflect the draft LEP content. While the minimum lot size for these precincts won't be changed in this DCP amendment process, a rezoning request (Planning Proposal) can be submitted if the proponent chooses to do so.

Tracked changed copies of the Harrington Park 2 and Mater Dei Part A DCP and the Harrington Grove Part B DCP **are shown as Attachment 2 to this report.**

Exhibition

Should Council resolve to support the amendments to the DCP tracked changed copies of the Harrington Park 2 and Mater Dei Part A DCP and the Harrington Grove Part B DCP, and the table summarising these amendments will be publicly exhibited for a period of 28 days. The exhibition will be conducted as follows:

- Static displays will be available at:
Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan
Camden Customer Service Centre and Camden Library, John Street, Camden
- An advertisement will be placed in the Camden Advertiser at the start of the exhibition.
- The exhibition material will be available on the Council website for the length of the exhibition period.

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

CONCLUSION

The proposed amendments to the Harrington Grove development controls outlined in Attachment 1 reflect the detailed work now undertaken for the development, the changed housing market, section 96 changes and minimum lot sizes formalised in the draft Camden LEP 2010. A number of meetings between Council officers and the developers have helped refine these amendments.

The exhibition of these amendments is an important step in providing flexibility and timely guidance for the development in Harrington Grove.

RECOMMENDED

That:

- i. Council endorse the exhibition of the amendments to the Harrington Grove development controls as outlined above for a period of 28 days;
- ii. Council confirm previous advise to the proponent that the proposed change to the minimum lot size in Precincts G and J is not supported as an amendment to the DCP and will require a separate amendment to the LEP.
- iii. A further report be provided to Council at the conclusion of the public exhibition period.

ATTACHMENTS

Attachment 1 - table of proposed amendments

Attachment 2 - Harrington Park & Mater Dei A DCP track changes (2a &2b)



Table of proposed amendments v 3.doc



100201 DCP Camden DCP 2006 Part G Chapter 21 UPDATE - tracked changes.pdf



100203 Part B Precinct D - tracked changes.pdf

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Anderson that:

- i. Council endorse the exhibition of the amendments to the Harrington Grove development controls as outlined above for a period of 28 days;
- ii. Council confirm previous advise to the proponent that the proposed change to the minimum lot size in Precincts G and J is not supported as an amendment to the DCP and will require a separate amendment to the LEP; and
- iii. a further report be provided to Council at the conclusion of the public exhibition period.

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

ORD23/10

ORDINARY COUNCIL

ORD08

SUBJECT: CAMDEN 2040 COMMUNITY CONSULTATION RESULTS
FROM: Director Governance
FILE NO:

PURPOSE OF REPORT

The report informing Council of the results of the community consultation process undertaken during September and October 2009 to inform the preparation of Council's new long term strategic plan, Camden 2040 is shown as **Attachment 1 to this report**.

BACKGROUND

Under the Integrated Planning and Reporting amendments to the Local Government Act, which came into effect in October 2009, all NSW councils are required to prepare a long term Community Strategic Plan for their local areas. These plans are to address the community's vision for the future. This legislation further requires councils to prepare a community engagement strategy that outlines the methods that will be used in seeking community input into the long term vision and priorities addressed through the Community Strategic Plan.

A community engagement strategy for the preparation of Camden 2040 was endorsed by Council on 11 August 2009. This report provides the results of the community consultation process outlined in this strategy.

MAIN REPORT

The community engagement process for Camden 2040 was undertaken in the months of September and October 2009. The focus of the community engagement strategy was to consult using a range of mechanisms, utilise low-cost and high value consultation opportunities, to link in with existing events, to make extensive use of online engagement opportunities, and to ensure that specific target groups were represented and consulted appropriately.

This initial phase of consultation was to seek input on a vision and the key priorities for the area into the future, and to determine priority areas for Council services.

In total, 1,382 people provided some form of feedback during this consultation process. This ranged from completion of a survey (online, face to face, postcards, written or by telephone); written, email and phone submissions; participation in a focus group; and childrens' consultations. This feedback was sought in a range of community locations, including events, groups, interagencies, and online.

The consultation process focused on 5 key questions:

1. What do people like most about the Camden area now?
2. What are the most important issues facing the Camden area now?
3. Given Camden's future population growth, what will be the most important things to "get right" in creating Camden's future?
4. What is the community's vision for the future of the Camden area?
5. How satisfied are residents with Council's performance, and what are the areas of priority in relation to Council's services and facilities?

The questions resulted in a number of consistent themes, and given the volume of feedback, the consultation process has delivered a clear insight into the concerns and vision that the community has for their local area.

What do people like most about the Camden area?

1. The rural setting and country town lifestyle
2. The friendly people and community
3. Trees, parks and open space

What are the priority issues for now?

For the Camden area?

1. Development and population growth - keeping the area as it is
2. Lack of public transport, and the condition and congestion of roads

For Council's services?

1. Maintenance of local roads, footpaths and kerbing
2. Asset management
3. Urban and rural planning

What is the community's vision for the future?

1. Rural setting/ country town
2. Sense of community
3. Development that has been managed well, a balance has been achieved between retaining what is valued about Camden now and incorporating new growth
4. Services and facilities - health, education, community and recreation
5. Trees, parks and open space

What are the important focus areas for the future?

1. Public transport, roads and parking
2. Keeping the area as it is, development and population growth
3. Recreation, community, health and education services and infrastructure.

Key Challenges

Responding effectively to the community will present a number of key challenges for Council. In the face of the growth determined under the State Government's Metropolitan Strategy, the community wants to see certain aspects of the area retained

- its rural setting, country town feel and the lifestyle associated with these. Achieving a balance between large-scale population increase and keeping what is most valued about Camden will be an ongoing tension and challenge over the coming decades.

The community wants to see the Camden area supported by effective transport infrastructure, both public transport and roads. Council has only a small role in securing improved transport outcomes. The large infrastructure improvements needed to major roads and public transport are outside of Council's responsibility or capacity to fund. This issue will require a strong ongoing focus by Council through lobbying and partnerships with other levels of government to secure the timely delivery of this necessary infrastructure.

The same is true for community, health, education and recreation services and infrastructure. Council plays a role in the provision of some aspects of these services, particularly recreation, however they are primarily a State Government responsibility. This issue will require strong focus to secure the provision of these services and facilities as they are needed by both the existing and future communities.

Council as an organisation faces significant challenges in the current and ongoing delivery of services to its community. Over time, Council has been required to take on an increasing number and range of services, and the ongoing care of much of the infrastructure that is built as part of new developments. Council has also maintained a strong commitment to effectively planning for the urban and population growth that has been determined for Camden by the State Government, most recently under the Metropolitan Strategy. Council is having to do this planning within already limited resources, at the same time as continuing the delivery of services and facilities for the existing community. These two priorities create significant financial pressures for the organisation, in planning for a population over 250,000 from a current rate base of only 53,000 people.

Camden 2040, as Council's new long term strategic plan, will respond to these key challenges, and the vision and priorities identified by the community. This plan will determine the strategies, activities, priorities and services for the organisation over the coming 30 years, and will be integrated with a resourcing strategy to enable its delivery through long term financial planning, workforce planning and planning for the management of Council's physical assets. Camden 2040 will also provide a clear focus and direction for new and ongoing partnerships with other organisations, both government and non-government, and for lobbying State and Federal Government about the issues that are important for Camden's future.

The results of this consultation process will also be used to inform and direct other planning and decision-making activities of Council in both the short and longer terms. It also provides a firm base for ongoing contact and engagement with residents about the issues, concerns and priorities for this community into the future.

Effective community input is an essential part of preparing a long term vision and plan for the Camden Local Government Area. Council would like to thank the community for their participation in this process, and the many ideas and aspirations that were shared. A media release has been issued to offer Council's acknowledgement and thanks to the community for their input.

Where to from here?

The information gathered from the community will be used to draft Camden 2040 over the coming months. This will also include further engagement with State Government agencies, which commenced in December 2009. Stage 2 of the community engagement strategy will be to take this draft plan back to the community for input, to ensure that the plan effectively responds to the community's vision and priorities for the future.

CONCLUSION

Council undertook a community engagement process in September and October 2009 for the purposes of preparing a new long term strategic plan for the area. Almost 1,400 people provided input as to their vision and priorities for the future. This report provides the results of this engagement process.

RECOMMENDED

That the report be noted.

ATTACHMENTS

Attachment 1 - Community Consultation Results



Camden 2040 Community Consultation Results.doc

RESOLUTION

Moved Councillor Campbell, Seconded Councillor Anderson that the report be noted.

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

ORD24/10

ORDINARY COUNCIL

ORD09

SUBJECT: SUBMISSION TO DEPARTMENT OF PLANNING - DRAFT
LOCAL DEVELOPMENT CONTRIBUTIONS GUIDELINES
FROM: Director Governance
FILE NO: Development Contributions - Legislation

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of the attached submission to the Department of Planning on the Draft Local Development Contribution Guidelines.

BACKGROUND

The Department of Planning has released Draft Local Development Contribution Guidelines for comment. Submissions close on 26 February 2010.

The Draft Guidelines are intended to provide assistance to councils, other planning authorities, developers, applicants and the community in understanding the issues and the legislative framework of Part 5B of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The draft guidelines will replace the current Development Contributions Practice Notes. The provisions contained in Part 5B of the EP&A Act have been assented to but have not yet come into effect. It is intended that the new guidelines will come into operation upon the new legislative provisions coming into effect.

A submission to the Department of Planning relating to the Draft Guidelines has been prepared and is attached for Council's consideration and endorsement.

MAIN REPORT

Attached is a submission to the Department of Planning relating to the Draft Guidelines for Council's consideration and endorsement.

The submission highlights the following issues:

- **Indexation of contributions.** The guidelines propose that contribution rates be indexed annually using the Consumer Price Index (CPI): Sydney (All Groups). This method is inadequate. The CPI is a measure of a 'basket' of goods and services and does not reflect changes in land value or construction costs. As land acquisition is a significant component of the costs in a contributions plan, it is important that an indexation methodology is provided that can reflect changes in land value, which can be swift and are often not consistent with CPI. If the plan does not capture changes in land value, there may be insufficient funds available to acquire all of the land required for a public purpose, creating significant financial exposure for Council. The submission strongly recommends that Council be able

to obtain land valuations on a regular basis and for Council to publish a Land Value Index. This is the same methodology used by the State Government for the State Infrastructure Contributions which apply to the Oran Park and Turner Road Precincts. Likewise, it is suggested that councils be allowed to use the Building Price Index or the CPI: Sydney (Housing) to index contributions relating to the construction of works as these indices are likely to be a better reflection of changes in construction costs.

- **Riparian corridor land acquisition.** The guidelines provide that riparian corridor land can only be acquired through a contributions plan where the land performs a drainage or an open space function. Council is currently levying for significant riparian land corridors in the Elderslie and Spring Farm release areas, and the submission requests that the Department allow Council to continue to levy for riparian land corridors where they were already included in contributions plans prior to the new legislation coming into effect. This is needed as Council would need to re-masterplan and rezone land in the Elderslie and Spring Farm release areas if it is to comply with the new legislation and guidelines. This will delay land release and incur significant costs, and is a particularly difficult task given the release areas are already underway as road layout patterns have already been established. Additionally, Council has already accepted the dedication of some riparian corridor land with a value under the contributions plan in excess of \$20M and will be financially exposed if it is not able to recoup the cost of these acquisitions through the contributions plan.
- **18 months to remake contributions plans.** The Department has proposed that councils will need to remake contributions plans to comply with the new legislation within 18 months of that legislation coming into effect, otherwise the plans will be automatically repealed. Camden Council has 11 contributions plans that will need to be reviewed and remade within the 18 month timeframe. Council has limited staff resources, and those resources are also involved in the negotiation of Voluntary Planning Agreements and Works In Kind Agreements with developers to deliver infrastructure in Council's release areas and in the preparation of contribution plans for new release areas. The submission requests that the Department allow some flexibility to enable extensions for councils, such as Camden, where there is demonstrated need. The submission also requests that the Department consider making additional resources available to those councils requiring assistance to comply with the timeframe.
- **Development contributions philosophy.** The draft guidelines suggest that contributions are related to improvements in land value as a result of rezoning or provision of infrastructure. The submission states this principle is contrary to a general understanding of development contributions that has been in place since the inception of development contributions, being simply, the cost of providing the infrastructure required by the development that is distributed equitably to all. The change in contributions philosophy is substantial and permeates throughout the guidelines.
- **Affordability of contributions.** The guidelines require councils to consider the affordability of contributions and imply that the contribution should be reduced to an amount that is "affordable" for the development. Council is required to assess the economic viability of development and take into consideration the impact of other

contributions, such as State Infrastructure Contributions. The submission raises questions about how councils can assess the economic feasibility of development. It also suggests that the contributions relate directly to the cost of providing infrastructure to meet the demands of development. If contributions are to be reduced funding from other sources is required, but no suggestions are offered, implying that Council would subsidise the cost of the infrastructure and therefore, the cost of new development.

- **Standards of provision for community and recreation facilities.** The guidelines contains an "indicative only" list of infrastructure and a proposed population threshold that are based on a study completed in 1992. The submission raises some concerns with the proposed standards and suggests that the Department should review and update the studies that inform the standards in consultation with Local Government.
- **Contributions Plan templates.** The guidelines have removed the templates that are currently contained within the Development Contributions Practice Notes. These templates were useful for providing consistency between councils when preparing contributions plans. The templates have been replaced with a "table of contents", which is headings, without any suggested text. The submission recommends that the current templates be retained.
- **Indirect Contributions.** These contributions are currently known as s94A levies. Camden Council does not currently have any contributions plans of this type. The submission raises some concerns about how the value of development is calculated, as this forms the basis for calculating the contribution amount. It also raises some concerns with the requirement of the guidelines to demonstrate a nexus between development and infrastructure provision, as this is not required by the legislation.
- **Voluntary Planning Agreements.** The submission raises some concerns about the timing for when councils can commence discussions with a developer regarding a Voluntary Planning Agreements, in addition to concerns about the need for Ministerial approval for items of "additional community infrastructure". The need for Ministerial approval has potential to reduce the flexibility of the agreements and may introduce delay in negotiations.
- **Works In Kind Agreements.** The guidelines suggest that where a developer provides Works In Kind (ie constructs infrastructure such as roads or drainage) that have a value in excess of the contribution requirement, then Council should offset the surplus value against other types of contributions (such as community facility contributions). The submission requests that this be reviewed as the decision to offset contributions should be at Council's discretion. The current proposal is likely to create a situation where Council would be unable to fund the provision of community and recreation facilities until the development is nearing completion. This means that communities may be well established before the essential community and recreation facilities are provided to meet their needs.
- **Contribution Plans to be prepared with masterplans.** The submission suggests that the guidelines could clarify that contributions plans should be prepared concurrently with masterplans, as the final form and content of a masterplan can

have significant impact on infrastructure costs, and subsequently development contribution rates.

- **Cash flow management.** The submission suggests that the guidelines could provide some discussion on how Works In Kind Agreements can be integrated into cash flow modelling.
- **Various miscellaneous amendments have also been suggested.**

CONCLUSION

The Draft Local Development Contributions Guidelines prepared by the Department of Planning are intended to provide guidance to council as it prepares and implements development contributions plans. The guidelines contain a number of items that could generate significant financial exposure for Council and an inability to deliver essential community infrastructure. A submission has been prepared to draw attention to these issues and propose amendments to the guidelines to address them. The submission is attached for Council's consideration and endorsement.

RECOMMENDED

That:

- 1. Council endorse the attached submission to the Department of Planning in relation to the Draft Local Development Contribution Guidelines.**
- 2. a copy of the submission be sent to the Member for Camden - Geoff Corrigan, MP asking for his support in having the issues addressed.**

ATTACHMENTS

1. Submission to Department of Planning in relation to the Draft Local Development Contribution Guidelines.



Submission_Draft Local Development Contributions Guidelines.doc

RESOLUTION

Moved Councillor Funnell, Seconded Councillor Symkowiak that:

- i. Council endorse the attached submission to the Department of Planning in relation to the Draft Local Development Contribution Guidelines; and
- ii. a copy of the submission be sent to the Member for Camden - Geoff Corrigan, MP asking for his support in having the issues addressed.

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

ORD25/10

ORDINARY COUNCIL

ORD10

SUBJECT: LOCAL INFRASTRUCTURE FUND APPLICATION FOR
LOGDES RD AND HILDER STREETS ELDERSLIE
FROM: Director Works and Services
FILE NO:

PURPOSE OF REPORT

To advise Council of the successful application for an interest free loan made through the NSW Government's Local infrastructure Fund, and seek Council's approval to accept the \$11.8 million being offered to upgrade Lodges Rd and Hilder Street Elderslie.

BACKGROUND

In June 2009 the NSW Government announced a \$200 million Local Infrastructure Fund (LIF) as an interest free loan scheme for Councils to bring forward infrastructure projects that were required now but could not be delivered due to lack of funding.

The funding was targeted towards high growth areas and priority given to projects that would support urban development and facilitate the servicing of new homes or employment growth.

Following a workshop presentation to Councillors on 18 August 2009, an application was submitted to the NSW Government for an \$11.8 million interest free loan to upgrade Lodges Rd and Hilder Street Elderslie to an urban standard through this LIF.

MAIN REPORT

Over 100 applications were submitted seeking in excess of \$500 million. The assessment panel recommended 37 projects valued at a total of \$180 million. On 25 January 2010 Council was advised it was successful in its application and has been offered the full \$11.8 million dollars for the works proposed.

The table below outlines the extent of works and estimated costs:

Project Cost Estimate	
	Estimated Construction costs (\$)
Lodges Road	
Pavement and drainage	4,056,000

Streetscape	1,201,200
Culverts	929,765
Signals	500,000
Retaining Walls	300,000
Utility adjustment	400,000
Contingencies 7%	517,000
S/Total Lodges Road	7,903,965
Hilder Street	
Design	100,000
Pavement and drainage	2,002,000
Streetscape	708,400
High level Footpath	200,000
Utility adjustment	400,000
Contingencies 7%	238,700
S/Total Hilder	3,649,100
Riparian bulk earthworks	250,000
Total	11,803,065

The table below outlines the repayment schedule over the next ten years. \$7.95 million will be Section 94 contributions and the \$3.85 million is from Council's General Fund. It is noted that the Section 94 contribution is based on the draft plan recently forwarded to the Department of Planning for comment which we are waiting on. Should the plan not yield the anticipated amounts adjustments between the Section 94 component and General Fund component may need to be made.

Year	Fin Year	Repayment
1	2010/11	\$ 100,000
2	2011/12	\$ 150,000
3	2012/13	\$ 250,000
4	2013/14	\$ 600,000
5	2014/15	\$ 1,000,000
6	2015/16	\$ 1,600,000
7	2016/17	\$ 1,900,000
8	2017/18	\$ 2,000,000
9	2018/19	\$ 2,000,000
10	2019/20	\$ 2,200,000
	Total	\$ 11,800,000

In order to secure the loan the loan agreement must be executed and returned to NSW Planning by 1 March 2010. Works must substantially commence by 30 June 2010 and be completed no later than 31 December 2011.

CONCLUSION

The interest free loan of \$11.8 million offered by the NSW Government provides the

opportunity to complete an important road project that could not otherwise be funded or delivered at this time. The interest free loan provides one solution to the problems of providing costly infrastructure required prior to an increased rate base being available to growing communities.

RECOMMENDED

That :

- i. **Council accept the NSW Local Infrastructure Fund interest free loan for \$11.8 million to upgrade Lodges Rd and Hilder Street Elderslie from a rural to urban standard: and**
- ii. **authority be granted for the relevant documentation to be completed under the seal of Council.**

RESOLUTION

Moved Councillor Warren, Seconded Councillor Dewbery that:

- i. Council accept the NSW Local Infrastructure Fund interest free loan for \$11.8 million to upgrade Lodges Rd and Hilder Street Elderslie from a rural to urban standard: and
- ii. authority be granted for the relevant documentation to be completed under the seal of Council.

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

ORD26/10

**THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 9 FEBRUARY
2010 WERE ADOPTED AT AN ORDINARY COUNCIL MEETING HELD 23
FEBRUARY 2010. MIN. NO. ORD 30/10**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CHAIRPERSON