

13. QUESTIONS WITH NOTICE

Nil at time of print.

14. ANSWERS TO QUESTIONS WITH NOTICE

14.1 Answers to Questions With Notice

The following answers are provided to questions that were raised at Council's previous Ordinary meeting held 11 November 2014.

Councillor Mead - Draft Campbelltown Local Environmental Plan - Submission Publication

1. Are submissions to the Draft Campbelltown Local Environmental Plan (CLEP) going to be made public, subject to redaction of personal information such as home addresses, or any information specifically requested to remain confidential by the submitter?

Answer: It is intended, similar to the process followed by Council with respect to the exhibition of major proposed changes to the draft Sustainable City Development Control Plan in 2013, that a report be presented to Council which discusses the exhibition of the draft CLEP and the issues raised in the submissions received by Council in response to the exhibition. That report will include an Attachment that summarises each submission received and makes comments and recommended actions with respect to each of those submissions. The Report and that attachment will be included in the published Council Business Paper.

The report will also include a further attachment which will reproduce in full, each submission received in response to the exhibition. It is intended that this attachment would remain confidential and not be made available for the public to inspect.

Subject to the redaction of personal and "in-confidence" information to the point where the identity of the submitter is not revealed, submissions could be made publicly available, should Council deem it appropriate to do so. That may be a matter which Councillors discuss when submissions to the draft CLEP are the subject of a briefing session scheduled for February 2014

2. If so, are the submissions already on the council website, or if not, when will they become available?

Answer: Should Council indicate its preference for the submissions to be made publicly available, it is considered that submissions could be made available on-line as an attachment to the report (mentioned in the Answer to Question 1 above). That would be a matter for the Council to determine.

3. If not, why is the practice different to other calls for submissions such as the Special Rate Variation, where all submissions were made public subject to the removal of personal addresses and contact details? Does this follow the practice of other councils or advice from the Office of Local Government?

Answer: The Special Rate Variation process did not include full public access to submissions made by the public in response to the SRV proposal. Details of the submissions were transcribed onto the Council's SRV website, excluding the personal details of the writer of the submission.

The practice of making each individual submission freely available to the public is ultimately a decision for each Council to make. It is understood that there is no legal requirement for the Council to make each submission freely available to the public. However, people can apply to view Council's files including all submissions made, but in accordance with the relevant provisions of the *Government Information (Public Access) Act 2009*.

Councillor Mead - Draft Campbelltown Local Environmental Plan - Zoning Heights

1. How many hectares of land currently zoned 10 storeys, remains 10 storeys in the draft CLEP?
2. How many hectares of land currently zoned 10 storeys has had it's height limit increased in the draft CLEP?
3. How many hectares of land currently zoned 10 storeys has had it's height limit reduced in the draft CLEP?

Answer:

The Table below shows a comparison between the land areas subject to particular building height controls for land located in the Campbelltown/Macarthur CBD area as they currently are, compared to the land areas proposed to be subject to certain height controls in the draft CLEP. For the purpose of this question, the Campbelltown/Macarthur CBD shall be taken to be that area shown in 57.5 hectares is the likely area of land that is subject to a 10 storey height limit.

1. The Table shows that the area of land within the CBD to which a 10 storey height limit currently applies amounts to approximately 72 hectares. Within this area it is estimated that approximately 14.5 hectares of land is occupied by schools, churches, cemeteries, parks and the like which could reasonably be anticipated to be subject to a range of constraints that would significantly limit potential development yield.

Therefore, for the purposes of answering the question, approximately 57.5 hectares is the likely area of land that is currently subject to a 10 storey height limit.

Of this 57.5 hectares, approximately 4 hectares is estimated to remain with a 10 storey height limit under the provisions of draft CLEP.

2. It is estimated that a total area of approximately 7 hectares of land within the CBD is proposed to be subject to a height limit of either 12 or 14 storeys, and this land is currently subject to a 10 storey height limit.
3. Again, for the purpose of answering this question, whilst the area of land in the CBD currently subject to a height control of 10 storeys amounts to approximately 72 hectares, it can be taken in the order of 57.5 hectares is the likely area of land that is subject to a 10 storey height limit.

Of this area, the area of land reduced below a 10 storey height limit is estimated to be 46.5 hectares.

It should be noted however, that of this estimated 46.5 hectares, approximately 42 hectares is proposed to have an 8 storey height limit under the draft CLEP.

Height Control Comparisons – Campbelltown/Macarthur CBD (Please see attachment 1)

	Existing DCPs (ha)	Draft CLEP (ha)
14 Storey Limit	0	2
12 Storey Limit	0	5
10 Storey Limit	72	4
8 Storey Limit	0	42
7 Storey Limit	0	26
6 Storey Limit	48	42
4 Storey Limit	5	11
3 Storey Limit	2	0
2 Storey Limit	8	0.5
Height not specified	20 (hospital site)	22.5 (parks, schools, churches, cemeteries etc.)

It is also important to note that the height limits within the draft CLEP are formal “development standards” as recognised under the *Environmental Planning and Assessment Act 1979*.

The draft CLEP includes a provision (Clause 4.6) which enables Council to consider development applications for proposals which do not strictly comply with the development standards included in the draft CLEP.

The intention of such a provision is to grant a degree of flexibility for Council to assess and where justified, support the merit of certain development proposals (even though they do not strictly comply with the development standard) where it can be shown that the development would result in a better outcome based on planning grounds, and the development would be in the public interest.

Clause 4.6 of the draft CLEP therefore provides Council with an opportunity to consider and where appropriate support development proposals that exceed the building height controls included in the draft CLEP, where Council can be satisfied there is sufficient merit in doing so, and where such a development is in the public interest.

ATTACHMENT 1

