



Camden Council

Business Paper

Ordinary Council Meeting
12 September 2017

Camden Council
Administration Centre
70 Central Avenue
Oran Park



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
NSWH	NSW Housing
OEH	Office of Environment & Heritage
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils

General Manager
Ron Moore

Mayor
Lara Symkowiak

Director Customer and Corporate
Strategy
David Reynolds

Manager Governance and Risk
Charles Weber

Chief Financial Officer
Paul Rofe

Acting Director Sport Community
and Recreation

Director Planning and Environment
Nicole Magurren

Director Community Assets
Vince Capaldi

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Theresa Fedeli

Councillor
Peter Sidgreaves

Councillor
Michael Morrison

Councillor
Ashleigh Cagney

Councillor
Eva Campbell

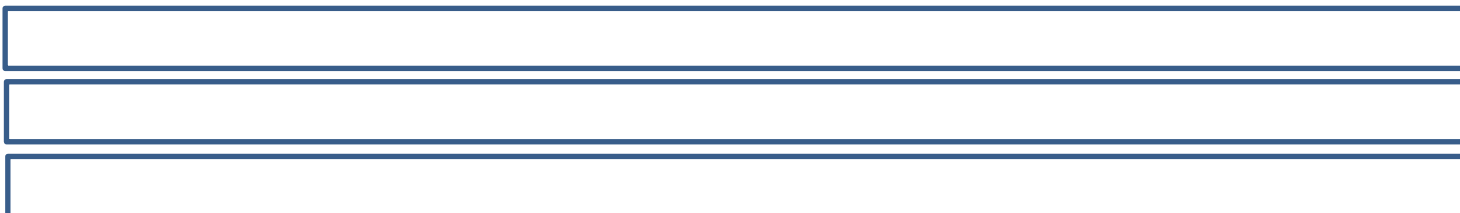
Councillor
Paul Farrow

Councillor
Cindy Cagney

Public Address

Public Seating

Media





ORDINARY COUNCIL

ORDER OF BUSINESS - ORDINARY COUNCIL

Prayer.....	6
Acknowledgement of Country	7
Recording of Council Meetings	8
Apologies.....	9
Declaration of Interest.....	10
Public Addresses	11
Confirmation of Minutes	12
Mayoral Minute	13
ORD01 Subdivision to Create 47 Residential Lots and Two Residue Lots, Construction of Roads, Drainage, Associated Site Works and Landscaping - 645 Cobbitty Road, Cobbitty.....	14
ORD02 Torrens Title Subdivision to Create Two Lots - 31 Allison Circuit, Oran Park.....	21
ORD03 Construction of a New Farm Building and Retaining Wall, Partial Removal of a Portion of the Existing Stables Complex and Tree Removal - 2 Caernarvon Close & 110 Macquarie Grove Road, Kirkham	26
ORD04 Temporary use of Camden Bicentennial Equestrian Park for a Bikes & Bulls Event - 66 Cawdor Road, Camden	36
ORD05 Submission to Parliamentary Inquiry on Land Release and Housing Supply In New South Wales	45
ORD06 Options to Reduce Land Use Conflict at Little Street, Camden	49
ORD07 Fraud and Corruption Prevention Policy and Plan	54
ORD08 Enterprise Risk Management Policy	57
ORD09 Refurbishment of Various Parks and Playgrounds.....	60
ORD10 Biobanking of Gundungurra Reserve (North and South).....	62
ORD11 Closure of the Meeting to the Public	66



ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

Either – “So help me God” or “I so affirm” (at the option of councillors)



ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.



ORDINARY COUNCIL

SUBJECT: RECORDING OF COUNCIL MEETINGS

In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the *Local Government Act 1993*, be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.



ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.



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.



ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

The Public Address session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

Where a member of the public raises a question during the Public Address session, 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 question per speaker per meeting.

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

Public Addresses are 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.

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, or make a point of order ruling if a speaker breaches the Guidelines.

RECOMMENDED

That the public addresses be noted.



ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 22 August 2017 and the Minutes of the Local Traffic Committee Meeting held 15 August 2017.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 22 August 2017 and the Minutes of the Local Traffic Committee Meeting held 15 August 2017, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

Consideration of Mayoral Minute (if any).



ORDINARY COUNCIL

ORD01

SUBJECT: SUBDIVISION TO CREATE 47 RESIDENTIAL LOTS AND TWO RESIDUE LOTS, CONSTRUCTION OF ROADS, DRAINAGE, ASSOCIATED SITE WORKS AND LANDSCAPING - 645 COBBITTY ROAD, COBBITTY

FROM: Director Planning & Environment
TRIM #: 17/251930

APPLICATION NO: DA/2017/199/1
PROPERTY ADDRESS: 645 Cobbitty Road, Cobbitty
APPLICANT: YSCO Geomatics
OWNER: AV Jennings Properties Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for subdivision to create 47 residential lots and two residue lots, construction of roads, drainage, associated site works and landscaping at 645 Cobbitty Road, Cobbitty.

The DA is referred to Council for determination as there are four unresolved submissions, two submissions containing 44 signatures and two submissions from individual lots objecting to the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine DA 199/2017 for subdivision to create 47 residential lots and two residue lots, construction of roads, drainage, associated site works and landscaping pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 199/2017 seeks approval for subdivision to create 47 residential lots and two residue lots, construction of roads, drainage, associated site works and landscaping.

Specifically the proposed development involves:

- Subdivision into 47 residential lots ranging from 315m² to 617.5m² and two residue lots of 1436m² and 955.6m² (which will be the subject of future DAs for residential development); and
- Construction of roads, a temporary drainage reserve on Lot 100, provision of underground power lines, associated bulk earthworks and landscaping.

Estimated cost of works is \$3,750,000.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development Applications, then click on 'Find A DA'.

THE SITE

The site is known as 645 Cobbitty Road, Cobbitty and is legally described as Lot 12 DP 1209214. The site has an area of 32,800m² and is located on the northern side of Cobbitty Road. The site is currently vacant.

Surrounding development consists of the Cobbitty Park Christian Retirement Village to the east, Harrington Park to the south and Macarthur Anglican School to the west and north.



SITE HISTORY

The subject site was rezoned in 2007 as part of the Oran Park precinct and is part of the sub-precinct F which is to provide a minimum of 200 dwellings.

A copy of the Precinct Residential Density Targets map is provided as an attachment.

Development consent was granted for the demolition of an existing dwelling, garage and driveway under DA 1432/2016 on 9 January 2017.

KEY DEVELOPMENT STATISTICS

The DA has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the DA.



Clause	Requirement	Provided	Compliance
State Environmental Planning Policy (Sydney Regional Growth Centres) 2006			
2.6 Subdivision – Consent Requirements.	Development consent required for subdivision.	This DA seeks consent for the subdivision of land.	Yes.
4.1 Minimum Subdivision Lot Size.	300m ² .	The proposed residential lots range from 315m ² to 617.5m ² .	Yes.
4.1B Residential Density – Oran Park Precinct.	Consent must not be granted unless the consent authority is satisfied that the delivery of a minimum of 7,540 new dwellings in the Oran Park Precinct can be achieved. Each subdivision must contain provision to encourage a mix of dwelling types.	This DA proposes 47 residential lots and two (2) residue lots (which will be the subject of future DAs for residential development) and therefore contributes to the overall minimum dwelling density targets set by this clause. The proposed subdivision layout provides for a mix of future dwelling types through the provision of a range of lot sizes.	Yes. Yes.
5.9 Preservation of Trees or Vegetation.	Consent is required to remove native vegetation.	Some tree removal is proposed however the subject site is bio-certified and as such the tree removal is acceptable. A condition is recommended requiring that all native vegetation removed must be offset by replacement native planting a minimum 1:1 ratio to ensure no net loss.	Yes.

Oran Park Development Control Plan - 2007			
Control	Requirement	Provided	Compliance
2.1 Indicative Layout Plan.	Development to be in accordance with the indicative layout plan (ILP). A copy of the ILP is provided as an attachment.	The proposal is considered to be consistent with the ILP.	Yes.
2.3 Residential Density Targets.	The residential dwelling target for the Oran Park Precinct is 7,540; Sub-precinct F – minimum yield of 200 dwellings.	The proposal contributes to the Oran Park Precinct and Sub-precinct F by providing 47 new residential lots plus two residue lots for future development.	Yes.



	A copy of the Oran Park Precinct is provided as an attachment.		
3.1 Street Network and Design.	<p>Street network design must be provided in accordance with the ILP and Street Network Plan.</p> <p>All streets to be in accordance with Camden Council Engineering Design and Construction Specifications.</p>	<p>No specific streets or roads are identified to be provided for the subject site on the Street Network Plan.</p> <p>The proposed local streets provide a 7.4m wide carriageway and 3.5m wide verge which is consistent with the road design criteria within the DCP.</p> <p>The intersection with Cobbitty Road was assessed and considered acceptable by Council's Traffic Engineers subject to conditions.</p>	Yes.
3.2 Pedestrian and Cycle network.	Pedestrian and cycle pathways are to be part of the infrastructure works for each residential stage.	1.2m wide footpaths are located on one side of each street.	Yes.
7.3 Block and Lot Layout.	<p>Block lengths to be generally 250m. Block lengths in excess of 250m may be considered when pedestrian connectivity, stormwater management and traffic safety objectives are achieved.</p> <p>300m² minimum lot size.</p> <p>9m frontage when measured at the envisaged building line (as measured 4.5m front setback for lots between 9m and 15m).</p>	<p>The largest block is approximately 280m and is considered satisfactory as:</p> <ul style="list-style-type: none"> - pedestrian connectivity is provided by 1.2m wide footpaths on one side of each proposed road; - stormwater management is acceptable; - The road network is considered satisfactory; and - The allotments can be adequately serviced by waste vehicles. <p>Lot sizes are a minimum 315m² which will enable a compliant future dwelling house to be built on the lots.</p> <p>Each lot has a frontage greater than 9m.</p>	Yes.



ASSESSMENT

Zoning and Permissibility

Zoning:	R1 – General Residential.
Permissibility:	Subdivision and earthworks are proposed within land zoned R1 General Residential which are permissible with consent under Clause 2.3 and 2.6(1) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i).	<p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</u> - Compliant with conditions recommended.</p> <p><u>State Environmental Planning Policy 55 – Remediation of Land</u> - Compliant with conditions recommended.</p> <p><u>Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)</u> - Compliant with conditions recommended.</p>
Local Environmental Plan - S79C(1)(a)(i).	Not applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii).	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii).	<p><u>Oran Park Development Control Plan 2007</u> - Compliant with conditions recommended.</p> <p><u>Camden Development Control Plan 2011</u> – Compliant with conditions recommended.</p>
Planning Agreement(s) - S79C(1)(a)(iiia).	None.
The Regulations - S79C(1)(a)(iv).	Impose prescribed conditions.
Likely Impacts - S79C(1)(b).	No significant impacts.
Site Suitability - S79C(1)(c).	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d).	Four unresolved submissions, two submissions containing 44 signatures and two submissions from individual lots objecting to the proposed development which are addressed in Submissions section below.
Public Interest - S79C(1)(e).	The development is in the public interest.



Key Issues

Vehicular Access

One vehicle access point is proposed into and out of the site from Cobbitty Road. The entry and exit arrangements for the site will be left in and left out only. A median strip is proposed along Cobbitty Road to ensure vehicle movements are limited to left in and left out.

The DA was referred to Roads and Maritime Services (RMS) and Council's Traffic Engineers for comment who have recommended conditions for consent.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 21 April 2017 to 4 May 2017. Four submissions with two submissions containing 44 signatures and two submissions from individual lots objecting to the proposed development.

The following discussion addresses the issues and concerns raised in the submissions.

1. *Concern is raised that the 'small lot' subdivision and future two storey dwellings along the eastern boundary will have adverse impacts on the residential amenity of the retirement village in terms of overshadowing, noise, privacy and additional traffic.*

Officer comment:

The Oran Park Indicative Layout Plan (ILP) identifies the site for medium density residential development, with the locality forming part of Sub-precinct F which requires a minimum residential yield of 200 dwellings. The proposal contributes to the Oran Park Precinct residential target and Sub-precinct F by providing 47 new residential lots plus two residue lots which will have the potential for subdivision under future applications.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP) Oran Park – Turner Road Precincts permits a minimum 300m² lot size within the R1 General Residential zone. The 47 residential lots range from 315m² to 617.5m² and are consistent with what was envisaged for the locality.

The DA proposes subdivision only, there are no dwellings proposed. The future dwellings will be subject to separate future applications and will be assessed against the relevant planning controls.

The vehicle entry arrangements into the site will be left in and left out with a median strip to be provided in Cobbitty Road. A road safety assessment was submitted and considered acceptable by Council's Traffic Engineers and the RMS.

The development is consistent with the applicable planning controls and will not have any unacceptable amenity impacts on the amenity of adjoining properties.

2. *Concern is raised the proposal will impact adjoining property values.*

Officer comment:



The issue of property value is not a matter of consideration under S79C of the *Environmental Planning & Assessment Act 1979*.

3. *Comment is made that the retirement village is not able to contribute to the boundary fencing.*

Officer comment:

Dividing fences are a private matter covered by the *Dividing Fences Act 1991* and is a matter for discussion between the property owners. However, the applicant has advised that where there is no fencing, or where the fencing is dilapidated, between the subject site and the adjoining retirement village, they will provide 1.8m colorbond or similar type fencing.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 199/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 199/2017 for subdivision to create 47 residential lots and two residue lots, construction of roads, drainage, associated site works and landscaping at 645 Cobbitty Road, Cobbitty.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Indicative Layout Plan - Oran Park
4. Precinct Residential Density Targets Map
5. Public Exhibition & Submissions Map - *Supporting Document*
6. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD02

**SUBJECT: TORRENS TITLE SUBDIVISION TO CREATE TWO LOTS - 31
ALLISON CIRCUIT, ORAN PARK**
FROM: Director Planning & Environment
TRIM #: 17/256405

APPLICATION NO: 332/2017
PROPERTY ADDRESS: 31 Allison Circuit, Oran Park
APPLICANT: Hawes and Swan Planning
OWNER: Mr Russell Charles Crichton

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a two lot Torrens title subdivision at 31 Allison Circuit, Oran Park.

The DA is referred to Council for determination as there is one unresolved submission objecting to the proposal.

SUMMARY OF RECOMMENDATION

That Council determine DA 332/2017 for a two lot Torrens title subdivision pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 332/2017 seeks approval for a two lot Torrens title subdivision.

Specifically the proposed development involves:

- Torrens title subdivision to create two lots having areas of 300.37m² (Lot 3244/1) and 329.03m² (Lot 3244/2).

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development Applications, then click on 'Find a DA'.

THE SITE

The site is known as 31 Allison Circuit, Oran Park and is legally described as Lot 3244 DP 1194673.

The site is located at the corner of Allison Circuit and Davidson Street in Oran Park and is currently vacant. The site has a primary frontage of 19.85m, a secondary frontage of 28m (excluding the splayed corner), and an overall site area of 629.4m².

The locality contains a mixture of single and two storey dwelling houses and dual occupancies. Adjoining the allotment to the north and west are single storey dwellings.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the DA.

Clause	Standard	Proposed	Compliance
SEPP (Sydney Region Growth Centres) 2006			
2.6 Subdivision – Consent Requirements.	Land to which this Precinct Plan applies may be subdivided, but only with consent.	Consent is sought pursuant to this DA.	Yes.
4.1A Minimum lot sizes for other development.	Minimum lot size for a dwelling house 300m ² .	Lot 3244/1 is 300.37m ² . Lot 3244/2 is 329.03m ² .	Yes.

Clause	Standard	Proposed	Compliance
Oran Park Development Control Plan 2007			
2.3 Residential Density Targets.	Residential dwelling target for the Oran Park Precinct is 7,540.	This proposal contributes to ensuring the Oran Park Precinct achieves the residential target.	Yes.
7.3 Block and Lot	Lot to meet the	Lot 3244/1 is	Yes.



Clause	Standard	Proposed	Compliance
Layout.	<p>minimum lot size for a dwelling is 300m².</p> <p>Minimum lot frontage for the applicable density band is 9m.</p>	<p>300.37m². Lot 3244/2 is 329.03m².</p> <p>Lot 3244/1 is 11.9m wide. Lot 3244/2 is 14.6m wide.</p>	Yes.

ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as a subdivision by the SEPP which is a permissible land use in this zone.

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Compliant with conditions recommended.</u></p> <p><u>State Environmental Planning Policy 55 – Remediation of Land - Compliant with conditions recommended.</u></p> <p><u>Deemed SEPP Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997) - Compliant with conditions recommended.</u></p>
Local Environmental Plan - S79C(1)(a)(i)	None applicable.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<p><u>Oran Park Development Control Plan 2007 - Compliant with conditions recommended.</u></p> <p><u>Camden Development Control Plan 2011 – Compliant with conditions recommended.</u></p>
Planning Agreement(s) - S79C(1)(a)(iiiia)	None applicable.
The Regulations S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	One submission was received which is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.



Key Issues

The key issues associated with the DA are limited to the submission issues discussed in this report.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 4 April 2017 to 17 April 2017. One submission was received objecting to the development.

Council staff contacted the submission writer to discuss their concerns however were unsuccessful in resolving the issues raised in the submission. The following discussion addresses the issues raised in the submission.

1. *The subdivision may result in an additional dwelling fronting Davidson Street.*

Officer comment:

The subdivision envisages there will be a future dwelling constructed on each of the proposed lots.

Proposed Lot 3244/1 has a primary frontage to Davidson Street, so a future dwelling on this lot will front Davidson Street. It is recommended a restriction be placed on the title of proposed Lot 3244/1 requiring vehicular access be provided from Davidson Street, adjacent to the southern side boundary of the lot.

Proposed Lot 3244/2 is a corner lot. It is recommended that a restriction be placed on the title of proposed Lot 3244/2 requiring vehicular access be provided from Allison Circuit, adjacent to the western side of the lot.

The location of vehicle access points has been considered to ensure the future dwellings can achieve off street car parking without impacting existing infrastructure.

2. *Subdivision of the lot will result in an additional two lots sharing a boundary with the objector's lot.*

Officer comment:

The subdivision does not result in two lots sharing a boundary with the existing property to the north. Proposed Lot 3244/1 will share a side boundary with the property to the north.

The design of the future dwellings on both lots will need to comply with the relevant planning controls.

3. *The boundary of the created lots will be in close proximity to the corner of the road.*

Officer comment:

The proposed lots meet the minimum frontage required by the Oran Park DCP. Subject to the recommended conditions, driveways can be provided which comply with Council's Engineering Specification and the relevant Australian Standard (AS2890) with respect to sight lines and distance from the intersection.



-
4. *One of the proposed lots is 300m² which will not meet the requirements needed for a corner block.*

Officer comment:

The proposed lots comply with the minimum lot size and frontage requirements of the Growth Centres SEPP and the Oran Park DCP.

5. *Subdivision would result in two double storey dwellings which would devalue the objector's property and create privacy issues.*

Officer comment:

Two storey dwellings are permissible subject to compliance with the relevant planning controls.

Land valuation is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 332/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 332/2017 for the two lot Torrens title subdivision of 31 Allison Circuit, Oran Park, subject to the attached conditions.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Public Exhibition & Submission Map - *Supporting Document*
4. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD03

SUBJECT: CONSTRUCTION OF A NEW FARM BUILDING AND RETAINING WALL, PARTIAL REMOVAL OF A PORTION OF THE EXISTING STABLES COMPLEX AND TREE REMOVAL - 2 CAERNARVON CLOSE & 110 MACQUARIE GROVE ROAD, KIRKHAM

FROM: Director Planning & Environment
TRIM #: 17/229185

APPLICATION NO: DA/2017/390/1
PROPERTY ADDRESS: 2 Caernarvon Close Kirkham and 110 Macquarie Grove Road Kirkham
APPLICANT: Peter Dunbier
OWNER: Peter and Nicole Dunbier

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a new farm building and retaining wall, partial removal of an existing horse stables and tree removal associated with the landholding at 2 Caernarvon Close, Kirkham and 110 Macquarie Grove Road, Kirkham.

The DA is referred to Council for determination due to a variation to the street setback control in the Camden Development Control Plan 2011 (DCP).

SUMMARY OF RECOMMENDATION

That Council determine DA 390/2017 for the construction of a new farm building and retaining wall, partial removal of the existing horse stables and tree removal associated with the landholding at 2 Caernarvon Close, Kirkham and 110 Macquarie Grove Road, Kirkham, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 390/2017 seeks approval for the construction of a new farm building and retaining wall, partial removal of the existing horse stables and tree removal at 2 Caernarvon Close Kirkham and 110 Macquarie Grove Road Kirkham.

Specifically the proposed development involves:

- Partial demolition of the existing horse stables;
- Construction of a new farm building consisting of 308m² floor area and an 88m² awning;
- Associated earthworks to facilitate the development;
- Construction of a sandstone retaining wall;
- Associated landscaping; and
- Removal of one tree.

The total cost of works being \$140,000.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development Applications, then click on 'Find A DA'.

THE SITE

The site comprises two properties, known as 2 Caernarvon Close and 110 Macquarie Grove Road, Kirkham, and is legally described as Lot 24 DP 700360 and Lot 4 DP 832365.

2 Caernarvon Close, Kirkham is a corner lot with a primary frontage to Caernarvon Close and a secondary frontage to Macquarie Grove Road. The property is zoned R5 Large Lot Residential and consists of a residential dwelling and horse stables. The lot is 10,000m² in size. The proposed farm building is sited between the horse stables and dwelling and is outside the 1 in 100 year flood level which affects the southern portion of the site.

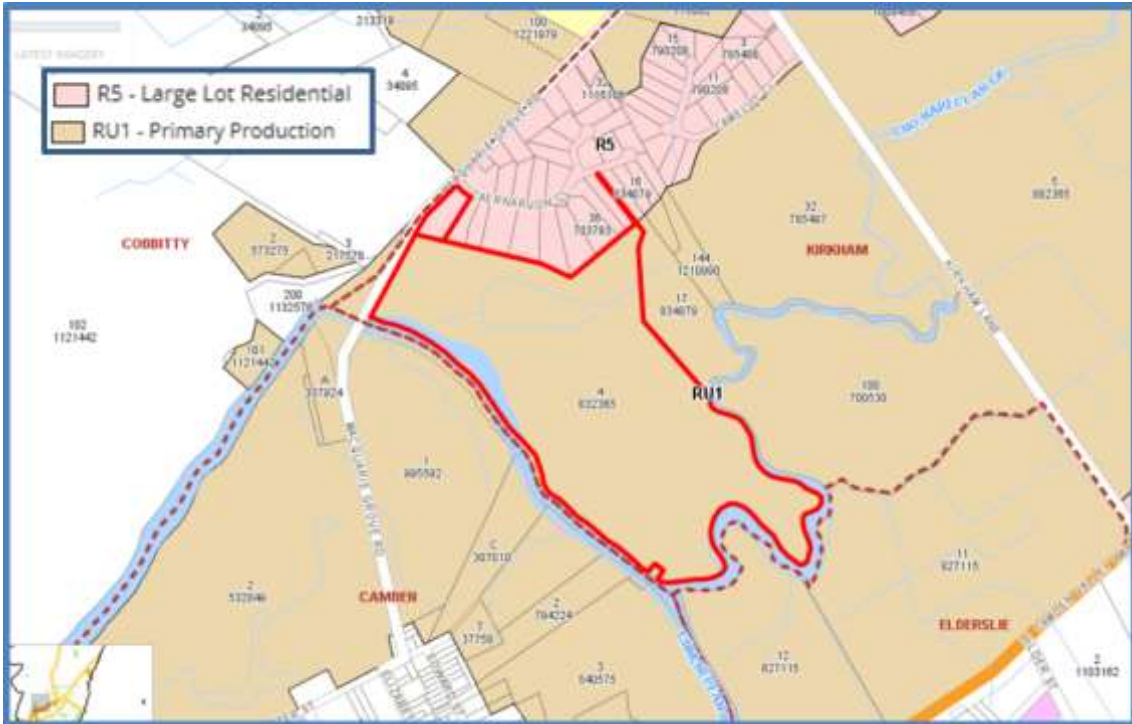
110 Macquarie Grove Road has a frontage to Macquarie Grove Road and is accessed via a common boundary with 2 Caernarvon Close (rear of site). The property is zoned RU1 Primary Production and is used in conjunction with the adjoining property at 2 Caernarvon Close for the purpose of horse agistment and associated agricultural activities. The lot has an area of 48.45 hectares and the majority of the property is affected by the 1 in 100 year flood level.

2 Caernarvon Close and 110 Macquarie Grove Road are in the same ownership.

Surrounding the site to the east and north are residential dwellings. The Nepean River adjoins the site to the south and to the west is the Camden Airport.



Aerial Photo



Zoning Map

SITE HISTORY

Development consent was granted for the ‘construction of a metal shed for storage, stabling and agistment of horses and ancillary veterinary care’ under DA 1001/2000 on 2 Caernarvon Close, Kirkham, with the agistment of the horses being within 110 Macquarie Grove, Kirkham.

KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is compliant with the exception of a variation to the street setback control. Below is a summary of the key development statistics associated with the DA.

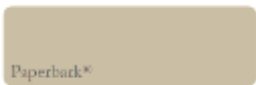

Clause	Requirement	Provided	Compliance
Camden Local Environment Plan 2010			
4.3 Height of Buildings.	Max permitted height 9.5m.	6.85m maximum.	Yes.
5.9 & 5.9AA Trees or Vegetation.	Consent required for tree removal.	The removal of one tree is proposed. Council’s Vegetation Management Officer has reviewed the proposal and has recommended conditions for replacement plantings.	Yes.
7.1	Development situated at or below	The proposed farm building is to be situated above the 1	Yes.



Clause	Requirement	Provided	Compliance
Camden Local Environment Plan 2010			
Flood Planning.	the flood planning level shall make considerations in regards to flood risk management.	in 100 year flood level. Flood free access is maintained to the site. The structure is a non-habitable rural structure and therefore considered acceptable in its location.	
7.2 Airspace Operations.	Development not to conflict with airport operations.	The DA was referred to Camden Airport for comment and no objection was raised.	Yes.

Control	Requirement	Provided	Compliance
Camden Development Control Plan 2011			
B1.11 Flood risk management.	Development to be in accordance with Council's flood risk management policy.	The development is consistent with the flood risk management policy. Conditions regarding construction methods and flood risk management are recommended.	Yes.
B3.1.5 Environmental Heritage – Cultural and Visual Landscapes.	Development should optimise the preservation and interpretation of the identified significant Cultural and Visual Landscapes.	See Preservation of Cultural and Visual Landscapes discussion in the Key Issues section of the report.	Yes – subject to conditions.
D1.2 Farm Buildings.	All farm buildings must be ancillary to an existing agricultural use being undertaken on the land on which it is situated.	Approval was granted for an agricultural use (horse agistment) under DA1001/2000. The proposed farm building is associated with the rural land use under the above development consent. A condition is recommended requiring the farm building to be decommissioned if 2 Caernarvon Close and 110 Macquarie Grove Road Kirkham no longer operates as one landholding.	Yes.



Control	Requirement	Provided	Compliance
Camden Development Control Plan 2011			
	Farm buildings should be constructed using materials, colours and finishes that complement the principal dwelling, including low reflective, neutral/earth tones which blend in with the natural landscape.	<p>The external wall cladding and roof material is proposed to be colorbond. This is consistent with the colorbond construction of the existing horse stables.</p> <p>The proposed colour of the walls is Paperback.</p>  <p>The proposed colour of the roof/doors is Basalt (non-reflective).</p>  <p>These colours are considered neutral and recessive and will appropriately blend into the landscape.</p>	Yes.
	Farm buildings should be sited so as not to be visually prominent when viewed from the road.	See Visual Impact discussion in the Key Issues section of the report.	Yes.
	Farm buildings should be constructed in a cluster to minimise the amount of land occupied by development.	The proposed farm building will adjoin the existing horse stables on the site. The location is considered appropriate given its associated use with the horse agistment use/business and proximity to the existing buildings on the site.	Yes.
	The minimum setback from any road is 20m.	8m to Macquarie Grove Road.	No – See DCP Variation 1.
	The minimum side and rear boundary	Side – 37m (Eastern	Yes.



Control	Requirement	Provided	Compliance
Camden Development Control Plan 2011			
	setback is 5m.	Boundary). Rear – 59m.	

ASSESSMENT

Zoning and Permissibility

Zoning:	R5 Large Lot Residential
Permissibility:	<p>The proposed development is defined as a ‘Farm Building’ which is a permitted land use within the zone. The LEP defines a farm building as:</p> <p><i>‘a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated’.</i></p> <p>The proposed farm building is ancillary to the agricultural land use approved on the site under DA 1001/2000.</p>

Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration

State Environmental Planning Policy(s) - S79C(1)(a)(i).	<p>State Environmental Planning Policy 55 – Remediation of Land – Compliant with conditions recommended.</p> <p>Deemed SEPP Regional Environmental Plan No 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.</p>
Local Environmental Plan - S79C(1)(a)(i).	Camden LEP 2010 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii).	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii).	Camden Development Control Plan 2011 – Generally compliant with one variation proposed to the Macquarie Grove Road frontage as discussed below.
Planning Agreement(s) - S79C(1)(a)(iii).	None.
The Regulations - S79C(1)(a)(iv).	Impose prescribed conditions.
Likely Impacts - S79C(1)(b).	No significant impacts.
Site Suitability - S79C(1)(c).	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d).	The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 21 April 2017 to 4 May 2017. No submissions were received.
Public Interest - S79C(1)(e)	The development is in the public interest.

Compliance with Plans or Policies



DCP Variation 1 – Minimum Setback from a Road

DCP Control

The Camden DCP (Clause D1.2.5) requires farm buildings to be setback a minimum 20 metres from any road.

Variation Request

The farm building is proposed to be setback a minimum 8 metres from Macquarie Grove Road. The applicant has requested a DCP variation to facilitate the development, given the site constraints and existing stables building.

Council Staff Assessment

Council staff have reviewed the DCP variation and taken into consideration the following:

- The site constraints which limit the location of the proposed farm building. These constraints include flooding, on-site sewage management to service the residential dwelling, the existing horse stables and existing internal vehicular access to the horse stables.
- The 1 in 100 year flood affectation on the site is shown in the figure below. As shown, the opportunity for the construction of a building above the 1 in 100 year flood level is limited to the north-western portion of the site adjacent to Macquarie Grove Road.
- The area available to erect a building is further limited by the effluent disposal area associated with the residential dwelling. A plan demonstrating the area required for the disposal of wastewater is included as an attachment to this report.
- Vegetation screening is proposed along the Macquarie Grove Road frontage to screen the farm building from the street. Additional screen planting is recommended to the north of the proposed farm building to further mitigate the visual impact as viewed from Macquarie Grove Road when travelling south.
- The proposal includes excavating the land a maximum 2.68m below existing ground level, as viewed from Macquarie Grove Road. As a result, the farm building will be partially concealed from the road. In addition, a condition is recommended that the maximum height of the farm building be reduced to be no higher than the height of the existing stables building, as discussed in the Key Issues section.

Having regard to the above, Council officers support the setback variation, subject to the height of the farm building being reduced to be no higher than the existing stables building and the provision of additional planting.



Extent of 1 in 100 year and 1 in 20 year flood events.

Key Issues

Preservation of Cultural and Visual Landscapes

The Camden DCP (Part B3.1.5 – Cultural and Visual Landscapes) requires the preservation of identified significant cultural and visual landscapes. The Macquarie Grove Road corridor pastoral landscapes and sequential vistas and view corridors have been identified as a potential heritage cultural and visual landscape.

The photo below shows the view corridor from Macquarie Grove Road travelling south, across the site to the ridgeline beyond. The proposed farm building will form part of that vista and as such, consideration has been given to its bulk, scale and form.

The view to the ridgeline beyond is considered significant and should be preserved. As proposed, the height of the farm building will protrude above the existing stables building.

It is recommended that the height of the proposed farm building be reduced to be no higher than the height of the existing stables building. The recommended condition will reduce the height of the farm building by approximately 550mm.

Subject to the above condition, Council staff are satisfied the view of the ridgeline can be maintained.



View of the site from Macquarie Grove Road looking south.

Visual Impact

The Camden DCP (Part D1.2) requires farm buildings to be sited so as not to be visually prominent when viewed from the road.

The land is proposed to be excavated a maximum 2.68m below existing ground level, as viewed from Macquarie Grove Road. As a result of this excavation, the proposed farm building will be partially concealed from the road.

The applicant has proposed vegetation screening along the Macquarie Grove Road frontage to screen the farm building from the street. Additional screen planting is recommended to the north of the proposed farm building to further soften the visual impact when viewed from Macquarie Grove Road travelling south.

Subject to the recommended amendments, being a reduced building height and additional planting, the proposed farm building is considered to be suitably sited when viewed from Macquarie Grove Road.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 21 April 2017 to 4 May 2017. No submissions were received.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.



CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 390/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 390/2017 for the construction of a new farm building and retaining wall, partial removal of the existing horse stables complex and tree removal associated with the landholding known as 2 Caernarvon Close, Kirkham and 110 Macquarie Grove Road, Kirkham, subject to the recommended conditions.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Public Exhibition & Submissions Map - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: TEMPORARY USE OF CAMDEN BICENTENNIAL EQUESTRIAN PARK FOR A BIKES & BULLS EVENT - 66 CAWDOR ROAD, CAMDEN

FROM: Director Planning & Environment

TRIM #: 17/282795

APPLICATION NO: DA/2016/1542/1
PROPERTY ADDRESS: 66 Cawdor Road, Camden
APPLICANT: Mr Brodie Scott Carmichael
OWNER: Camden Council

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the temporary use of the Camden Bicentennial Equestrian Park (BEP) for a rodeo and motocross event known as 'Bikes and Bulls', once a year for the next five years, on 20 January (setting up on 19 January and packing up on 21 January) at 66 Cawdor Road, Camden.

The DA is referred to Council for determination as there remain unresolved issues raised in two submissions.

SUMMARY OF RECOMMENDATION

That Council determine DA 1542/2016 for the temporary use of the BEP for a rodeo and motocross display known as 'Bikes and Bulls' on 20 January (setting up on 19 January and packing up on 21 January) for a trial period of one year pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

THE PROPOSAL

DA 1542/2016 seeks approval for a rodeo and freestyle motocross event known as 'Bikes and Bulls'. Specifically the proposed development involves:

- The event will be held on 20 January (setting up on 19 January and packing up on 21 January);
- The event will operate in the following manner:
 - Gates open at 4.00pm - 20 January;
 - Show starts at 6.30pm – 20 January;
 - Estimated finish 9.30pm – 20 January; and
 - Pyrotechnic display commencing at 9.00pm and lasting for a period of approximately five minutes.
- 1,500 people estimated to attend;
- Five food stalls including a licensed bar area;
- A 6m x 6m marquee tent hosting a meet and greet and autograph signing;
- One merchandise trailer; and
- One jumping castle to operate between 4.00pm and 7.30pm.

The total cost of works being \$100,000.00.

Note: The DA originally proposed the event to be held on 27 January 2018 however this has been modified to 20 January 2018.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council’s website under the Development Applications, then click on ‘Find A DA’.

THE SITE

The site is known as 66 Cawdor Road, Camden and is legally described as Lot 41 DP 839537.

The site is located on the corner of Cawdor Road and Sheathers Lane, Camden within the grounds of the BEP.

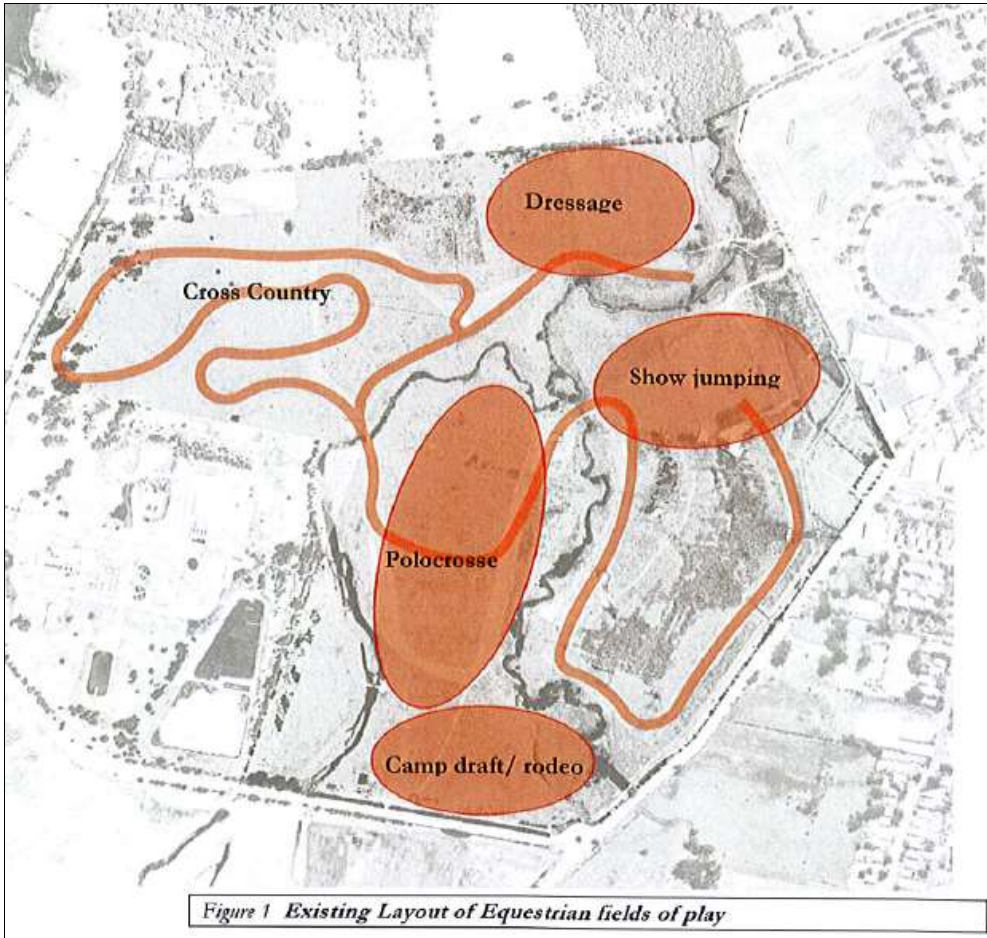


BACKGROUND

DA 2043/2001 was approved on 17 December 2001 for the establishment of an equestrian sporting facility, erection of fencing and construction of a clubhouse, refreshment stand, canteen, amenities and BBQ shelter at 66 Cawdor Road, Camden.

The DA also approved, amongst other things, two rodeo events per year within the camp draft/rodeo area accessed from Sheathers Lane.

A Masterplan for the site was endorsed by Council in 2005 which sets out the uses of the site and the areas in which they can occur. A map of the use areas is provided below.



The 'Bikes and Bulls' event is to be conducted in the Polocrosse Area.

KEY DEVELOPMENT STATISTICS

The DA has been assessed against the relevant planning controls and is compliant. Below is a summary of the key development statistics associated with the DA.

Clause	Requirement	Provided	Compliance
Camden Local Environmental Plan 2010			
2.8 Temporary Uses of Land.	Temporary use of land is permissible in any zone for a temporary use for a maximum of 52 days (whether or not consecutive days) in any period of 12 months. Development consent must not be granted unless the consent authority is satisfied that: (a) the temporary	The event is located in the RE1 – Public Recreation Zone and is for a period of three days including setup and removal within a 12 month period. The proposal will not	Yes.



	<p>use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and</p> <p>(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and</p> <p>(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and</p> <p>(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.</p>	<p>impact future development and is consistent with the temporary use provisions of Local Environmental Plan - 2010 (LEP).</p> <p>Subject to conditions, the temporary use will not have an unacceptable impact on adjoining land and the amenity of the neighbourhood. The show runs for approximately 2.5 hours, with speakers directed away from residences. The event ceases at 9.30pm. A one year trial is recommended.</p> <p>The temporary use and location of structures will not adversely impact the land given they will be in place no more than three days in a 12 month period. A condition is recommended requiring notification of the event to the relevant emergency services.</p> <p>A condition is recommended requiring the site to be restored to the condition it was prior to the event.</p>	
--	---	--	--



Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
B1.9 Waste Management.	A waste management plan to be submitted with the development application.	A waste management plan has been provided. Conditions are recommended to ensure the waste is handled appropriately.	Yes.
B1.16 Acoustic Amenity.	Ensure the amenity of nearby residential uses is not unreasonably affected.	<p>The main show is approximately 2.5 hours in length. The applicant has provided a plan showing the speakers associated with the event being orientated away from sensitive noise receivers (residences).</p> <p>The event will be in place for three days to facilitate setup and pack up. The show will take place on the evening of 20 January, concluding at 9.30pm. Conditions are recommended to ensure the event concludes at the time nominated.</p> <p>The applicant has requested a five year approval, however it is recommended that consent be granted for one year only.</p>	Yes.
B1.18 Trial Periods.	In the event that Council proposes to grant development consent for the use of the premises and the use is to be carried out on, in or adjacent to residential zone and the proposed use may have an adverse impact on surrounding land uses. Council may	<p>The applicant has requested approval for the event to be held once a year for the next five years.</p> <p>It is recommended that the event be trialed for the first year only (January 2018) and a condition be imposed restricting the event to a one year event.</p>	Yes.



	include as a condition of consent a trial period.		
B4.1 General requirements for Signs.	Inappropriate Signs.	A condition is recommended that signage be subject to a 'Banner and Signage' application.	Yes.
B5.1 Off Street Car parking rates/requirements.	In circumstances where the car parking and/or other requirements are not defined by this chapter a Car parking and Traffic Impact Assessment Study may be required.	Councils' Traffic Engineers have reviewed the DA and are satisfied the site can accommodate the projected number of patrons during the single day event.	Yes.

ASSESSMENT

Zoning and Permissibility

Zoning:	RE1 – Public Recreation.
Permissibility:	The proposed development is defined as a 'Temporary Use of Land' by the LEP which is a permissible land use in this zone subject to the use is not exceeding 52 days in one 12 month period.

Environmental Planning and Assessment Act 1979 - Section 79(C) Matters for Consideration

SEPP(s) - S79C(1)(a)(i).	<u>SEPP No. 20 Hawkesbury/Nepean River</u> - Compliant with conditions recommended.
LEP - S79C(1)(a)(i).	<p><u>Camden LEP 2010</u> - Compliant with conditions recommended. Pursuant to Clause 2.8 of the Camden LEP 2010, 'Temporary Use of Land' is permitted within the RE1 – Public Recreation zone.</p> <p>Temporary use of land is permitted in any zone for a temporary use for a maximum period of 52 days in any 12 month period. The proposed event seeks to make use of the site under clause 2.8 for three days within a 12 month period.</p> <p>The proposal is considered to comply with the provision of clause 2.8 and is therefore permissible.</p> <p>Conditions reinforcing this are recommended.</p>
Draft EPI(s) - S79C(1)(a)(ii).	None applicable.
DCP(s) - S79C(1)(a)(iii).	Camden DCP 2011 - Compliant with conditions



	recommended.
Planning Agreement(s) - S79C(1)(a)(iiiia).	None.
The Regulations - S79C(1)(a)(iv).	Impose prescribed conditions.
Likely Impacts - S79C(1)(b).	No significant impacts.
Site Suitability - S79C(1)(c).	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d).	Two submissions were received which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e).	The development is within the public interest and could attract 1,500 people which could benefit local businesses.

Key Issues

Noise and Amenity

The applicant has advised that sound for the event will be provided through “two modular flown line array systems” connected to control and direct sound in a certain direction and reduce overall impact. In addition, the applicant is proposing to undertake a flyer drop a week before the event over a distance of 250m from the site to inform potentially affected noise receivers.

The event will operate for one day from 4:00pm to 9:30pm. The performance commences at 6.30pm and concludes at 9.30pm. Conditions are recommended which require the orientation / positioning of noise speakers to be directed away from the closest noise sensitive receivers located in Barsden and Little Streets Camden.

The closest noise sensitive receivers are located approximately 650m away. As such a condition is recommended requiring a letter box drop within a 700 metres radius of the proposed rodeo arena.

Noting this is the first event of its type in Camden, it is recommended the event be trialed for the first year (January 2018) to allow Council to monitor the impact of the event. Further, a condition is recommended requiring any complaint received from the general public (who are not attending the event) to be recorded in a complaints book and be provided to Council with any future application for similar events.

BEP Masterplan

The DA proposes a combined rodeo and motocross event with a fireworks display. The BEP Masterplan allows for two rodeo events per year. Motocross is not a listed activity in the Masterplan.

Whilst motocross is not a listed activity within the BEP Masterplan it is to be performed in conjunction with the rodeo. The motocross component is considered acceptable as it is a temporary use and will only be performed in one 2.5hr period within a 12 month period which is acceptable under the LEP provisions.

The applicant has requested a five year approval, to run the event on 20 January. Given this event has not previously been run in Camden, it is recommended approval be granted for one year only to allow the impacts of the event to be monitored. Separate approval would be required for future events.



Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 15 February 2017 to 28 February 2017. Two submissions were received objecting to the proposed development.

The following addresses the issues and concerns raised in the submissions.

1. *Proposal impacting on the amenity of the area as a result of excessive noise from motor bikes, announcements and crowd participation.*

Officer comment: The performance commences at 6.30pm and concludes at 9.30pm. The speakers for the event will face inward towards the performance area and away from the closest sensitive noise receivers located in Barsden and Little Streets Camden (approximately 650 metres away).

The applicant has requested a five year approval, to run the event on 20 January. Given this event has not previously been run in Camden, it is recommended approval be granted for one year only to allow the impacts of the event to be monitored. Separate approval would be required for future events.

2. *Live animals being used as entertainment.*

Officer comment: The event will involve live animals participating in the rodeo events.

Council under DA 2043/2001 (approved 10 December 2001) gave consent for rodeo events to be undertaken within the BEP. This DA is therefore not inconsistent with the development consent issued for the land and the Masterplan prepared for the site.

The applicant has advised that they are affiliated with the National Rodeo Association. The National Rodeo Association complies with the standards for the care and treatment of rodeo livestock which was developed by the National Consultative Committee for Animal Welfare (NCCAW), being an advisory committee to the Government on Animal Welfare policy.

The standards document the responsibilities of rodeo personnel, rules for the care of livestock, equipment requirements and specifications, stock selection and use and arena selection and use.

A condition is recommended requiring compliance with the NCCAW standards for the care and treatment of rodeo livestock.

3. *This event does not fit with the Bicentennial Equestrian Park (BEP) uses.*

Officer comment: Development consent DA 2043/2001 gave approval for various uses for the site including equestrian events and rodeos. In addition, a Masterplan was developed for the site that references uses such as:

- Polocrosse;
- Camp drafting and Rodeo;
- Dressage;
- Pony Club;
- Horse Trials;



-
- Camden Show Society events;
 - Showjumping; and
 - Carriage Driving.

Whilst motocross is not a listed activity within the BEP Masterplan it is to be performed in conjunction with the rodeo. The motocross component is considered acceptable as it is a temporary use and will only be performed in one 2.5hr period.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications.

CONCLUSION

The DA has been assessed in accordance with 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly DA 1542/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA1542/2016 for the temporary use of land for the Bikes and Bulls Event to be held between 19 January 2018 and 21 January 2018 only at 66 Cawdor Road, Camden, subject to the recommended conditions.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Public Exhibition & Submissions Map - *Supporting Document*
4. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD05

SUBJECT: SUBMISSION TO PARLIAMENTARY INQUIRY ON LAND RELEASE AND HOUSING SUPPLY IN NEW SOUTH WALES

FROM: Director Planning & Environment

TRIM #: 17/263839

PURPOSE OF REPORT

The purpose of this report is to advise Council of a Parliamentary Inquiry on land release and housing supply in New South Wales (the Inquiry) and to seek Council's endorsement to forward this report as our submission to the Inquiry.

BACKGROUND

Terms of Reference for Inquiry

The Legislative Assembly Committee on Environment and Planning has resolved to undertake an Inquiry to examine land release and housing supply in NSW.

The terms of reference of the Inquiry are:

That the Committee on Environment and Planning inquire into and report on land release and housing supply in NSW, with particular focus on:

- a) *the resources and support needed within the Department of Planning and Environment for:
 - i. *the delivery of a housing supply process;*
 - ii. *the coordination and funding of enabling infrastructure;**
- b) *delivery mechanisms following the rezoning of land through to construction;*
- c) *the complementary roles of state authorities, local councils and utilities;*
- d) *the different characteristics of Greater Sydney and non-metropolitan NSW; and*
- e) *other related matters.*

The Committee has sought submissions from interested parties to assist in undertaking the Inquiry. The deadline for submissions is 5 September 2017 however Council has been granted an extension until 15 September 2017 to finalise its submission.

MAIN REPORT

Council has significant experience in the challenges surrounding the rezoning and release of land and the subdivision and development process in urban release areas and precincts within the South West Priority Growth Area (SWPGA). Given the majority of the SWPGA is located within the Camden LGA, Council will continue to play an important role in land release and housing supply.



This report considers the major impediments to land release and housing supply in the context of the SWPGA which is where the majority of current and future land releases are planned many of the issues also apply generally to all future urban release areas.

Land release process

The rezoning of land within the SWPGA known as the “precinct planning process” currently takes between two to three years to be finalised. A substantial portion of this time involves liaising and negotiating between DPE/Council officers and State government agencies to agree on outcomes and priorities.

The precinct planning process could be expedited if these matters were resolved faster, or if a central agency had authority to make binding decisions and establish a clear governance structure on the roles and responsibilities of stakeholders. This approach could be similar to the former Growth Centres Commission which oversaw the rezoning of the Oran Park and Turner Road precincts in 2007.

Recommendation

That the Inquiry consider the establishment of a central agency to oversee the precinct planning process, coordinate input from State government agencies and other key stakeholders, and act as a decision-making body to resolve conflicts and expedite the precinct planning process.

Furthermore, a governance structure should be established as part of future land releases and precinct planning that clarifies the roles and responsibilities of all stakeholders, including State and local government. State matters should be managed by State government, whilst local matters, including matters such as the local road network and local open space design etc. should be determined and managed by Council.

Managing the development of fragmented land holdings

Land ownership patterns impact on the time taken for a precinct to transition from the rezoning phase to the development phase. Precincts which are owned by a single landowner/developer can be developed quicker and more efficiently than precincts with fragmented owners.

As an example, approximately 7,000 of the 10,000 lots planned within the Oran Park and Turner Road precincts (including Gledswood Hills and Gregory Hills) have been developed since 2010 due to these precincts having lead developers. Larger developers can commission detailed designs for their landholdings and plan the development and release of lots in a sequential manner.

In contrast, there have been no new residential lots released within the Leppington Stage 1 and Leppington North precincts (which are highly fragmented) since their rezoning in November 2015 and March 2013 respectively. There are no lead developers in these two precincts.

The establishment of a central land consolidation or coordination authority in the land release process (such as Urban Growth NSW or the Office of Strategic Lands) could assist in resolving the issues which result from highly fragmented land holdings.

The strategic land acquisition and facilitation of development for the Rouse Hill town centre (North West Priority Growth Area) by the Office of Strategic Lands is an

example where a central authority assisted in facilitating development in a timely manner.

The role of these authorities could extend to the coordination of landowners or developers within local catchments to increase the feasibility of development and enable the cost-effective provision of local infrastructure.

Recommendation

That the Inquiry investigates the establishment of a central land consolidation or coordination authority to address the impacts of land fragmentation on the release and development of land.

Level of detail at precinct planning stage in fragmented precincts

The specialist studies undertaken at the precinct planning stage inform the broad master planning process however additional fine detail studies are required before DAs are prepared.

Often the detailed studies need to be undertaken across large areas of land or catchments e.g. detailed drainage studies, and it is often not feasible for smaller developers to fund this work. This impacts on the ability of smaller landowners to attain development approvals.

Recommendation

That the Inquiry reviews the level of detail required at the precinct planning stage and investigates mechanisms for undertaking and funding detailed design studies in precincts with fragmented land ownership.

Forward Funding of Infrastructure Design

Section 94 Contribution Plans (CPs) collect money for the design of higher-level infrastructure, such as collector roads and drainage basins. These plans provide funds for Councils to undertake designs and construct infrastructure. However this work is often required to be undertaken prior to the development of the land.

Councils however do not have a mechanism to collect s94 contributions prior to the development of land. This can result in Councils needing to forward fund the design and construction of key infrastructure that is required to unlock land for development. This places a financial burden on Councils who may need to borrow money. The ability to repay the money is dependent on the collection of the monetary contributions from developers.

Recommendation

That the Inquiry investigates financing options that reduce the financial risk and burden on local Councils, for the provision of essential enabling infrastructure.

Coordination and provision of essential infrastructure

The timing and provision of infrastructure for precincts in the SWPGA is an impediment to the supply of housing, affecting both the release and rezoning of new precincts, and development within existing released precincts.



There is often a significant delay between the rezoning of precincts and the availability of essential infrastructure such as water, sewer, gas and electricity services, and detailed plans which outline the sequencing and timing of infrastructure delivery are not publicly available. The delay and uncertainty means that whilst some precincts have undergone the precinct planning and rezoning process, the land within those precincts is unable to be developed.

The lack of certainty regarding the timing of infrastructure to service the Leppington precinct has resulted in Leppington being rezoned in stages, with Stage 1 (2,500 lots) being released in November 2015, and the remaining Stages 2 to 5 (a further 7,000 lots) being delayed until essential infrastructure becomes available.

An opportunity exists for greater coordination of infrastructure delivery throughout the SWPGA to ensure infrastructure is provided within an appropriate timeframe.

Recommendation

That the Inquiry investigates the establishment of an infrastructure coordination authority, which oversees the planning and delivery of essential infrastructure within the identified growth areas and priority precincts.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

Council has considerable experience in the rezoning, land release and development process in SWPGA precincts and urban release areas, and will continue to play a key role in housing supply. The key issues affecting land release and housing supply in the Camden LGA include:

- the land release process;
- the fragmentation of land holdings;
- the level of detail required at precinct planning stage for fragmented precincts; and
- the coordination and provision of essential infrastructure.

It is recommended that this report be forwarded as Council's submission to the Parliamentary Inquiry on Land Release and Housing Supply in New South Wales.

RECOMMENDED

That Council:

- endorse this report as Council's submission to the Parliamentary Inquiry on Land Release and Housing Supply in New South Wales;**
- forward this report to the Parliamentary Inquiry on Land Release and Housing Supply in New South Wales; and**
- forward a copy of Council's submission to the State Member for Camden, Mr Chris Patterson MP.**

ORDINARY COUNCIL

ORD06

SUBJECT: OPTIONS TO REDUCE LAND USE CONFLICT AT LITTLE STREET, CAMDEN

FROM: Director Planning & Environment

TRIM #: 17/205421

PREVIOUS ITEMS: ORD14 - Notice of Motion - Little Street, Camden - Ordinary Council - 13 Jun 2017 6.00pm

PURPOSE OF REPORT

The purpose of this report is to outline options to reduce land use conflict in Little Street, Camden as resolved through a Notice of Motion on this issue at the meeting of 13 June 2017.

BACKGROUND

On 13 June 2017, Council resolved that:

- i. *the General Manager or his nominee, prepare a report for Councillors into possible solutions to reduce conflict between these zones as required by the objectives contained within the Camden Local Environmental Plan 2010 Land Use Table.*
- ii. *the report be completed and submitted to Council no later than three months from this meeting.*

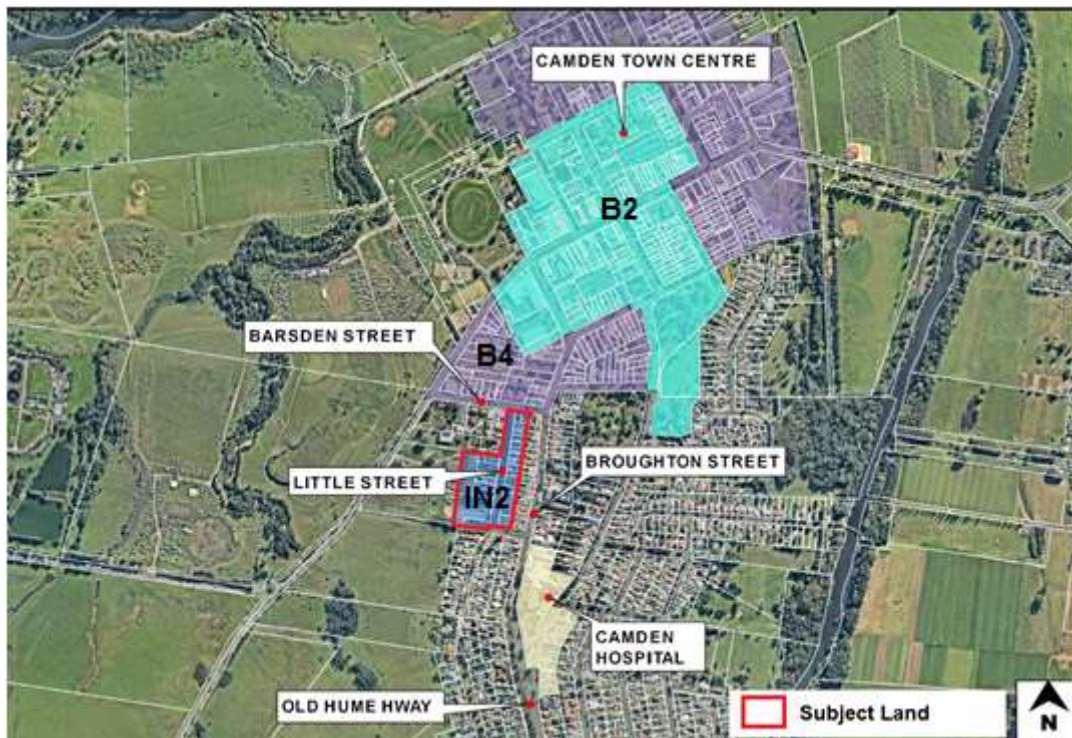


Figure 1 – Little Street, Camden – Location Map



Little Street is located approximately 0.5km south of the Camden Town Centre and is within close proximity to the Camden Hospital (refer to **Figure 1**). The precinct is located approximately 7km from Smeaton Grange, Camden's largest industrial area.

Zoned under the Camden Local Environmental Plan 2010 (Camden LEP 2010), Little Street is made up of a number of zones including IN2 Light Industrial, R2 Low Density Residential, and R3 Medium Density Residential (refer to **Figure 2**). To the rear of the lots on the western side of Little Street is an area of RU1 Primary Production zoned land. The RU1 boundary is broadly consistent with the 1 in 100 year flood line.

Little Street precinct contains 24 lots zoned IN2 Light Industrial, the remaining 35 lots are zoned for residential purposes. Of the 24 industrial lots, 16 lots have residential uses on them, one lot has been issued with development consent (June 2017) for the construction of an industrial development, and the remaining seven lots are used for a range of industrial and urban services uses.

A number of residents in the area have expressed concern regarding land use conflict in the area and that the objectives of the IN2 Light Industrial zone are not being met. There are specific concerns about traffic and parking, pedestrian safety, noise, the scale of development, and heavy vehicle movements.

Councillors were briefed on this matter on 15 August 2017.

MAIN REPORT

History of Zoning

Prior to Camden LEP 2010, the industrial land in Little Street was zoned 4(b) Service Industrial under Camden Local Environmental Plan No 46 (Camden LEP 46), gazetted in 1989.

In response to the standardised LEP template introduced by the NSW Government in 2006, Camden LEP 2010 was adopted, repealing Camden LEP 46 on 3 August 2010.

Given the standardisation of zones and permissible uses within the new LEP template (Camden LEP 2010), Council applied the zone that was the closest equivalent to the previous 4(b) Service Industrial zone. The IN2 Light Industrial zone was considered to be the 'best fit' zone and encouraged a wide variety of light industrial, warehouse and related land uses.

The objectives of the IN2 Light Industrial zone in the Camden LEP 2010 include:

- To provide a wide range of light industrial, warehouse and related land uses;
- To encourage employment opportunities and to support the viability of centres;
- To minimise any adverse effect of industry on other land uses;
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area;
- To support and protect industrial land for industrial uses; and
- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.



Figure 2 – Little Street – Existing zoning (Source – Camden LEP 2010)

Residential accommodation is prohibited in the IN2 Light Industrial zone under the Camden LEP 2010.

Under Camden LEP 46, the only form of residential accommodation permissible was a dwelling house used in conjunction with industry and situated on land on which such industry was conducted.

The existing dwellings within the IN2 zoned land enjoy ‘existing use rights’. Uses that demonstrate ‘existing use rights’ can continue to operate provided the nature of the use remains continuous and the same.

Options to reduce land use conflict in Little Street

There are a number of options available to Council to reduce and investigate land use conflict between the industrial and residential uses in Little Street.

Option 1 - Consultation and enforcement

Ongoing surveillance and enforcement in and around Little Street, to ensure that conditions of development consent are complied with (for example, restrictions on truck size and loading areas).

This action has had positive results, and it is considered that ongoing consultation and enforcement will help to further alleviate any negative impacts on residents in the area.

The following actions are suggested:

- Continue working with local industry to work through specific issues and to ensure conditions of development consent are being complied with; and



- Continue patrols of Little Street and the surrounding area. Where there is non-compliance, Orders and fines could be issued in accordance with Council's Compliance and Enforcement Policy.

Option 2 - Prepare a 'good neighbour charter'

A 'good neighbour charter' could be developed in conjunction with local industry and residents through a community workshop.

The charter would seek a commitment from all parties (including Council) to communicate and be responsive to neighbour concerns, and proactively resolve any issues.

Whilst not legally binding, a 'good neighbour charter' would promote a collaborative approach and encourage parties to keep communication lines open.

Option 3 – Review the Camden Development Control Plan 2011 (Camden DCP 2011)

Council could investigate the inclusion of specific controls for future development in Little Street within the Camden DCP 2011, such as limited hours of operation, limiting truck sizes / movements, noise etc. These controls would apply when a DA is lodged for development in Little Street.

It is noted however that State Environmental Planning Policy - Exempt and Complying Development Codes 2008 (Codes SEPP) would continue to apply. Under the Codes SEPP, a person can apply for a complying development certificate (CDC), in which case the controls in the Code SEPP override the Camden DCP 2011.

Option 4 – New LEP Clause – industrial development adjacent to residential uses.

Council could investigate the inclusion of a new clause in the Camden LEP 2010 which would require development applications for industrial development adjacent to residential uses to take into consideration specific matters such as height, scale, siting, character, screening, storage of plant equipment, noise generation, hours of operation, traffic and parking.

Any amendment to the Camden LEP 2010 would require a Planning Proposal and approval by the Department of Planning and Environment (DPE). The clause would be a local provision and Council would need to work with DPE to ensure the clause could be supported.

Option 5 – Review zoning

A review of zoning would require Council to undertake detailed strategic analysis to ensure there is planning merit and to understand the potential impacts, including loss of employment land, flooding, and net community benefit. In addition, studies such as contamination and traffic, would need to be prepared to examine whether the land is suitable for an alternate use, such as residential.

Investigating a rezoning is an extensive process, and it is unlikely that residents would notice any significant change in the area in the short to medium term. This is because 'existing use rights' provisions enable existing uses on the land to continue to operate.

Should Council resolve to review the zoning of land in Little Street, it is recommended that it is undertaken as part of a wider strategic review of Camden's industrial and employment lands. This could be included in the Phase 2 of Council's comprehensive LEP review, and would require approval by the DPE.

Options 4 and 5 would be undertaken in conjunction with Phase 2 of the review of the Camden LEP 2010. The timing of this project is dependent on the finalisation of the draft District Plan.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report. Implementation of the options outlined in this report may have financial implications, however these will be considered through future budget allocations.

CONCLUSION

There are a number of options to address land use conflict in Little Street including ongoing consultation and enforcement, preparation of a 'good neighbour charter', site specific DCP controls, drafting of a new LEP clause for development adjacent to residential uses, and reviewing the zoning of the current IN2 Light Industrial land.

The options as outlined in this report provide potential short term and longer term benefits to reduce conflicts between land uses in Little Street. It is therefore recommended that in the short term Council officers continue to work with the community and business owners in Little Street to reduce ongoing conflict. Beyond that, it is recommended that Council officers further investigate amendments to planning controls including a potential rezoning.

RECOMMENDED

That Council:

- i. continue to work with local industry in Little Street, Camden to work through land use conflict issues and to ensure conditions of development consent are being complied with;**
- ii. investigate the preparation of a good neighbour charter for Little Street;**
- iii. investigate the preparation of site specific DCP controls for Little Street as part of the comprehensive review of the Camden DCP 2011;**
- iv. investigate the inclusion of a new LEP clause for industrial development adjacent to residential uses as part of Phase 2 of the comprehensive review of Camden LEP 2010; and**
- v. investigate the zoning of Little Street as part of Phase 2 of the comprehensive review of Camden LEP 2010.**



ORDINARY COUNCIL

ORD07

SUBJECT: FRAUD AND CORRUPTION PREVENTION POLICY AND PLAN
FROM: Director Customer & Corporate Strategy
TRIM #: 17/273221

PURPOSE OF REPORT

This report provides an overview of recommendations from the Audit Office of NSW and Council's internal Policy and Procedure Audit for the introduction of a fraud and corruption prevention framework. This report also recommends that Council adopt the supporting proposed Fraud and Corruption Prevention Policy and note the supporting Plan.

BACKGROUND

Arising out of Council's focus on improving its own business practices through the Business Improvement Plan (BIP) in 2014/2015, Council officers identified that greater attention and control needed to be placed on improving our focus and systems to prevent inappropriate business practices from occurring.

This in turn led to the creation of an internal audit function, including the role of Internal Auditor appointed in October 2014, which supports an independent Business Assurance and Risk Committee that was established in 2015 and now oversees a comprehensive audit program. Council has since joined the insurance pool CivicRisk Mutual (CRM – formerly Westpool and United Independent Pools), which has delivered not only to budget savings, but also access to a shared risk management approach which has been embedded across the organisation.

In 2015, the Audit Office of NSW issued a Better Practice Guide titled 'Fraud Control Improvement Kit – Managing your Fraud Control Obligations'. The Kit was developed because they believed that the industry needed to improve its approach to managing this area. The Audit Office is also carrying out a fraud control performance audit this year which will provide a snapshot of fraud in local government and an analysis of council fraud controls against the Audit Office's Fraud Control Improvement Kit.

A fraud and corruption prevention policy, plan and assessment of fraud risks were recommended in Council's internal Policy and Procedure Audit and adopted by the Business Assurance and Risk Committee in March 2016.

Following the Business Assurance and Risk Committees consideration, staff have been working to provide council with a practical effective response to strengthen Council's operations and identify mitigation strategies that could continue to reduce the risk of fraud and corruption occurring. As a result, a proposed framework for fraud and corruption prevention has been developed which consists of a new policy and plan.

The policy and plan were the subjects of a Councillor briefing on 15 August 2017 and were provided to the Business Assurance and Risk Committee on 30 August 2017 for noting.

MAIN REPORT

Responsibility to manage fraud

Auditing Standard ASA 240 provides:

The primary responsibility for the prevention and detection of fraud rests with both those charged with governance of the entity and executive leadership. It is important that management, with the oversight of those charged with governance, place a strong emphasis on fraud prevention, which may reduce opportunities for fraud to take place, and fraud deterrence, which could persuade individuals not to commit fraud because of the likelihood of detection and punishment. This involves a commitment to creating a culture of honesty and ethical behaviour.

The Framework

The Fraud and Corruption Framework is centered on a proposed Fraud and Corruption Prevention Policy and a proposed Fraud and Corruption Prevention Plan that outline the responsibilities and steps to manage fraud and corruption. Copies of both documents are **attached** to this report.

The new proposed policy is intended to set out Council's position on fraud and corruption whereas the proposed plan is the primary responsibility of the General Manager and provides extended guidance to the organisation.

The policy is risk-based and appropriate to address the level and nature of internal and external fraud risks currently faced by Council. The policy does not operate in isolation and has strong links to other ethical behaviour policies recently introduced, including the Statement of Business Ethics, is responsive to changes in the operating environment and is due to be reviewed at least every two years. Fraud risk assessment is also part of Council's enterprise risk management process which is the subject of another report in this Business Paper.

The framework aims to:

- Specify Council's attitude and approach to confronting and reducing the risks of fraud and corruption;
- Demonstrate that Council will not tolerate fraudulent practices;
- Demonstrate Council's commitment to:
 - Minimising opportunities for corrupt conduct;
 - Detecting, investigating and disciplining/prosecuting corrupt conduct;
 - Reporting corrupt conduct to the Independent Commission Against Corruption (ICAC) and NSW Police where relevant;
 - Taking a risk management approach to the identification and management of corruption risks; and
 - Educating on fraud and corruption awareness.

Staff training is also considered important. It is noted that ICAC provided training to Council planners early in 2017 and other council staff in August 2017 to further strengthen awareness of controls around fraud and corruption prevention. Council



undertook further Code of Conduct training in November 2016. Refresher and knowledge update training will be provided on an ongoing basis and included in the induction process.

CONCLUSION

The introduction of a Fraud and Corruption Prevention Policy and Plan addresses recommendations from the Audit Office of NSW and Council's internal Policy and Procedure Audit.

It is proposed to carry out a comprehensive staff and Councillor program to ensure:

- Ongoing promotion of ethical behaviour, and fraud and corruption education and awareness;
- Better understanding of fraud and corruption by staff and Councillors, reinforced by using a variety of communication channels;
- Inclusion of fraud and corruption control expectations in the induction process;
- Training material that deals with real life situations involving fraud and corruption risks.

The proposed Fraud and Corruption Prevention Policy and Plan (which has been included for Councillors' information) assist to ensure that Council, through its Councillors and its staff, act in a transparent, ethical and accountable manner to enhance and protect Council's reputation, and encourage a culture of integrity and ethical conduct and adds to the extensive work undertaken by Council over the last three to four years.

RECOMMENDED

That Council adopt the proposed Fraud and Corruption Prevention Policy and note the Fraud and Corruption Prevention Plan as attached to this report.

ATTACHMENTS

1. Draft Fraud and Corruption Prevention Policy
2. Draft Fraud and Corruption Prevention Plan



ORDINARY COUNCIL

ORD08

SUBJECT: ENTERPRISE RISK MANAGEMENT POLICY
FROM: Director Customer & Corporate Strategy
TRIM #: 17/274235

PURPOSE OF REPORT

This report recommends that Council adopt the proposed Enterprise Risk Management Policy. This is a new policy for Council and builds on substantial work undertaken to date.

BACKGROUND

Council has progressively improved its approach to Enterprise Risk Management (ERM) since focussing on improving its own business practices through the Business Improvement Plan (BIP) in 2014/2015. Council has since joined the insurance pool CivicRisk Mutual (CRM – formerly Westpool and United Independent Pools), which has delivered not only to budget savings, but also access to a shared risk management approach which has been embedded across the organisation.

Council also identified the need for and created an internal audit function, including the role of Internal Auditor who was appointed in October 2014, which supports an independent Business Assurance and Risk Committee (BARC), which was established in 2015, and has progressed other key activities that have sought to increase the organisation's awareness of sound risk management practices and the assurance they can provide to well-managed operations.

As part of the risk management focus, CRM also engaged a consultant to undertake a Continuous Risk Improvement Program (CRIP) audit. The results of this audit were received by Council in March 2015 and were subsequently considered, adding to the organisation's broader program of work on risk management generally. The audit identified that Camden Council had yet to develop and implement a formal enterprise risk management (ERM) framework and that this was an opportunity to improve Council's approach to managing risk.

The CRIP audit results were also considered by the BARC on 29 July 2015 with a key outcome being that risk management became, and remains, a standing item on their agenda.

MAIN REPORT

Council has considered its approach to risk management following the CRM audit and our BIP review and worked through a process to develop Council's ERM framework. This included the appointment of an external consultant with particular local government risk management expertise.

The development of the framework included:

- Development of an ERM policy and strategy/framework that sets out how Council intends to manage risks;
- Provision of risk appetite/criteria tools and a methodology for risk assessment;



-
- Conduct of training and workshops with Senior Management and the Executive Leadership Group on how to identify strategic and operational risks; and
 - Development of a Corporate Risk Register and mechanisms for monitoring and reporting on risks.

The consultant conducted interviews with members of the Executive Leadership Group, the Business Assurance Officer, the Chief Financial Officer and the Chair of the Business Assurance and Risk Committee to gauge their opinion on risk management at Council and what they envisaged for Council's ERM framework.

Following the development of the ERM framework (based on a draft ERM policy and strategy) in consultation with Council staff, training was conducted on ERM for the Executive Leadership Group and the Senior Management Team.

Following the training sessions, 29 workshops were arranged across all Council operational areas. These workshops were designed to educate staff and identify risks across Council to develop Council's initial ERM register. The results of the workshops were used to refine the proposed ERM policy and strategy. It is noted that the ERM strategy is an internal operational document that implements the ERM policy for the guidance of Council officers.

The proposed ERM policy is developed in a way that will assist Council to better manage and understand its risks and give a greater understanding of responsibilities across Council in identifying and controlling those risks. Adopting this policy will also assist to promote ERM throughout Council.

This policy was the subject of a Councillor briefing on 15 August 2017 and was reported to the BARC on 30 August 2017.

The key features of the proposed ERM policy include:

- Managing risks across the organisation in a clear and organised way;
- Making sure that risk management is in line with Council's strategy, operations and finances;
- Making it easier to understand what each Council staff member needs to do;
- Training Council staff about risk management;
- Monitoring and improving how Council manages its risks;
- Identifying risks consistently and deciding how serious they are;
- Dealing with risks before they become more serious;
- Understanding risk controls better and deciding how to manage them;
- Being able to improve Council's strategic decisions on risk.

It is also proposed to carry out a comprehensive staff program to ensure:

- Ongoing risk management education and awareness;
- Better understanding of ERM throughout Council, reinforced by using a variety of communication channels, including a strong understanding by staff of how ERM will assist in their day to day operations;
- Training material that deals with a wide range of risk situations.



FINANCIAL IMPLICATIONS

This report has no direct financial implications for Council. However, the proposed ERM policy will give greater understanding of risk management across Council and so assist to reduce the level of risk and therefore potential financial exposure in the future.

CONCLUSION

It is recognised that risk management is not a standalone function, but an integral part of all organisational processes.

Adopting the proposed ERM policy will demonstrate Council's commitment to ERM and will advance the integration of ERM across Council. The proposed policy was developed with extensive internal consultation.

The proposed Enterprise Risk Management policy will apply to all levels of Council activity and enhance the development of Council's risk management culture.

RECOMMENDED

That Council adopt the draft Enterprise Risk Management Policy.

ATTACHMENTS

1. Draft Enterprise Risk Management Policy



ORDINARY COUNCIL

ORD09

SUBJECT: REFURBISHMENT OF VARIOUS PARKS AND PLAYGROUNDS

FROM: Director Community Assets

TRIM #: 17/254410

PURPOSE OF REPORT

To request Council's endorsement of six parks and playgrounds within the established areas of the Camden Local Government Area, which have been identified for refurbishment or redevelopment.

BACKGROUND

Council Officers identified parks and playgrounds through our annual audit process that require varying degrees of refurbishment and redevelopment, to ensure that these sites continue to be functional community facilities into the future.

On 9 May 2017, Councillors were presented a list of potential sites for park upgrades. Following this briefing, Councillors were invited to inspect these sites and provide feedback. A further briefing was held on 8 August 2017, to discuss options as detailed in this report.

As part of the 2017/18 Budget, Council transferred \$500,000 to the Asset Renewal Reserve to fund park improvement works.

MAIN REPORT

As part of the annual audit process, six sites have been identified as requiring refurbishment or redevelopment. The proposed works will improve the amenity of these facilities and ensure that they continue to meet the needs of the growing Camden community into the future.

The sites that have been identified are located within Camden Council's established areas. The table below identifies the proposed sites and works to be undertaken:

Reserve	Address	Proposed Works
Manna Gum Reserve	Holdsworth Drive, Narellan Vale	Playground upgrade and landscape works
Rotary Reserve	Cowper Drive, Camden South	Removal of the dilapidated toilet block, (refer note 1) and undertake landscape works
Flinders Reserve	Flinders Road, Camden South	Playground embellishment and landscape works
Catherine Fields Reserve	Catherine Fields road, Catherine Fields	Conversion of one tennis court to a multi-purpose court and refurbishment of the remaining tennis court.



Liquidamber Reserve	Liquidamber Drive, Narellan Vale	Extend carpark to increase parking provision and playground embellishment
Lawson Reserve	Crookston Avenue, Camden South	Playground upgrade, court upgrade and landscaping

Note 1: The toilet facility at Rotary Reserve has been closed to the public for more than 17 years. It is considered that building is unserviceable and now beyond economic repair, and is therefore recommended for demolition. Any recoverable elements will be disposed of appropriately for reuse and/or recycling (where possible).

FINANCIAL IMPLICATIONS

The estimated cost of the improvement works identified is \$500,000, and funding is available from Council's Asset Renewal Reserve to carry out the works.

CONCLUSION

Council officers have identified the following six parks and playgrounds for refurbishment or redevelopment:

- Manna Gum Reserve, Narellan Vale
- Rotary Reserve, Camden South (including disposal of toilet facility)
- Flinders Reserve, Camden South
- Catherine Fields Reserve, Catherine Field
- Liquidamber Reserve, Narellan Vale
- Lawson Reserve, Camden South

It is recommended that Council endorse the refurbishment or redevelopment of these parks and playgrounds to ensure that they continue to be functional community facilities.

RECOMMENDED

That Council:

- endorse the following locations and their proposed improvement works:**
 - **Manna Gum Reserve, Narellan Vale**
 - **Rotary Reserve, Camden South (including disposal of toilet facility)**
 - **Flinders Reserve, Camden South**
 - **Catherine Fields Reserve, Catherine Field**
 - **Liquidamber Reserve, Narellan Vale**
 - **Lawson Reserve, Camden South; and**
- allocate \$500,000 from Council's Asset Renewal Reserve to undertake these works.**



ORDINARY COUNCIL

ORD10

SUBJECT: BIOBANKING OF GUNDUNGURRA RESERVE (NORTH AND SOUTH)
FROM: Acting Director Sport, Community & Recreation
TRIM #: 17/267640

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement for the establishment of a biobank site at Gundungurra Reserve (North) and Gundungurra Reserve (South) to preserve and protect the critically endangered *Cumberland Plain Woodland*, pending approval by the NSW Office of Environment and Heritage (OEH).

BACKGROUND

Biobanking is a voluntary market based scheme that was introduced in 2008 by the NSW Government to provide:

- A transparent and objective method for the assessment and management of biodiversity offsets;
- Permanent security and management actions for biodiversity offsets;
- A secure mechanism for investment in biodiversity conservation; and
- Ensure that losses in biodiversity value can be balanced with gains, assisting to achieve State Plan targets.

Biobanking is a mechanism for assessing, minimising and offsetting the impacts of development on biodiversity. It balances the needs of landowners and developers with the need to maintain biodiversity.

Biobanking establishes an 'improve or maintain' test for biodiversity. Improving or maintaining biodiversity value means avoiding the clearing of areas with significant vegetation and native wildlife where biodiversity value can be preserved, and offsetting the impacts of development from other locations. The offsets are measured in terms of credits, using the Biobanking Assessment Methodology.

Credits are created when a landowner enters into a biobanking agreement. Credit value is determined by the market at the time of establishing the biobanking site. The agreement is attached to the land title and includes provisions that require current and future landowners to:

- Carry out management actions to improve biodiversity values on the site; and
- Not undertake activities that would reduce the biodiversity values of the site.

When a landowner sells their credits, a specified minimum amount from the sale proceeds (known as Part A) is paid into the Biobanking Trust Fund. Annual payments are then made to the landowner from the fund to undertake management actions within the biobanking area. This endowment runs with the land in perpetuity to benefit current and future landowners.

Additional proceeds from the sale of the credits (known as Part B) occur when the credit value is a higher rate than what has been identified to undertake perpetual maintenance of the property. This amount is payable directly to the landowner.

Passive management actions, i.e. retention of native vegetation, regrowth, fallen timber and bush rock, must commence as soon as the Biobank site is established. Active management, i.e. fencing, of a Biobank site must be undertaken once at least 80% of credits have been sold and the Biobanking Trust Fund has sufficient funds to invest and provide annual management payments to the landowner in the future.

The cost of implementing active management actions is generally scaled higher in the first few years once they have been commenced, reflecting the higher cost of establishing perimeter fencing, installing gates, signage etc. with payments from the trust scaling down as the years go on.

A Councillor briefing was held on 15 August 2017 regarding this matter.

MAIN REPORT

In October 2016, Council officers engaged consultants to undertake an assessment of the feasibility of biobanking Council reserves.

The assessment found that Gundungurra Reserve (North) and Gundungurra Reserve (South) are viable options for establishing a biobanking site. The cost effectiveness could be maintained by including both locations within a single biobanking site and thereby reducing administration and management costs associated with multiple sites.

A detailed assessment was undertaken of Gundungurra Reserve (North) and Gundungurra Reserve (South) (figure 1). The total area of this proposed Biobank site is 38.31ha of which 37.52 will generate credits. The remaining area comprises dams (0.50ha) and walking tracks (0.28ha) that will not generate credits.

The threatened ecological community listed under the NSW *Threatened Species Conservation Act 1995* on the proposed Biobank site is *Cumberland Plain Woodland*. *Cumberland Plain Woodland* is also listed as critically endangered under the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999*.

The vegetation onsite generates an anticipated total of 595 credits, however the number of credits will be discounted as the Biobank site is categorised as a 'Natural Area – Bushland' under the *Local Government Act 1993* and has an adopted Plan of Management.

Management of the Gundungurra Biobank Site will involve the implementation of standard management actions and will include:

- The active management and reduction of weeds;
- The erection and maintenance of 506m of post and rail (metal pipe) fence;
- The erection and maintenance of 669m of boundary markers consisting of timber bollards arranged at line-of-sight to demarcate the boundary;
- The erection and maintenance of 67m of High Tensile Steel Cable fencing;
- The maintenance of 2,608m of existing rural fence;
- The application of fire, where appropriate, within three separately identified burn units;



- Replanting or supplementary planting where natural regeneration is not sufficient;
- Active management of human disturbance; and
- The retention of regrowth/native vegetation, dead timber, and rocks.

Management of the site will also include:

- Supplementary planting including in areas where natural regeneration is occurring but is insufficient to bring to benchmark condition within a reasonable timeframe;
- Addition of stags with hollows; and
- Control of rabbits and foxes (as required).



Figure One: Proposed biobanking sites

A submission has been made to the OEH to establish a biobanking site at Gundungurra Reserve (North) and Gundungurra Reserve (South) as a single biobanking site. OEH has advised Council that it could take up to 12 months for a site to be approved for registration as a Biobank site.

An application for Biobanking of Gundungurra Reserve (North) and Gundungurra Reserve (South) is consistent with Council's adopted Local Biodiversity Strategy and



Biodiversity Certification in the Camden LGA Policy to secure conservation outcomes for high value natural environments.

FINANCIAL IMPLICATIONS

The biobanking feasibility assessment has identified a potential 595 credits within Gundungurra Reserve (North) and Gundungurra Reserve (South). These credits are required to be verified by the OEH. Once the verification of credits has been ascertained, and the biobanking site approved, the current market rate will be applied to each credit.

Part A funds generated from the sale of credits are identified to undertake management actions within the biobanking area and paid to Council via an annual allocation. The value of credit sales over and above those identified to undertake management actions are known as Part B funds. Part B funds are paid directly to Council. The allocation of Part B funds will be determined by Council should registration of the biobanking site be approved by the OEH.

CONCLUSION

An opportunity exists to establish Biobank sites on Council owned land and generate biodiversity credits to help manage and maintain the land for biodiversity value. The sites identified are Gundungurra Reserve (North) and Gundungurra Reserve (South).

Establishing a site for biobanking within the Camden Council local government area provides a transparent objective method for the assessment and management of biodiversity offsets. Biobanking ensures positive 'improve or maintain' biodiversity outcomes for the Community. Biobanking can assist Council with the ongoing costs for conservation management of our high value conservation land, ensuring its existence in perpetuity.

RECOMMENDED

That Council:

- i. endorse the submission for Gundungurra Reserve (North) and Gundungurra Reserve (South) to be registered as a single biobanking site pending approval by the Office of Environment and Heritage.**
- ii. That Council be advised of the outcome of the biobanking approval process.**



ORDINARY COUNCIL

ORD11

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC

FROM: Director Customer & Corporate Strategy

TRIM #: 17/270511

In accordance with the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2005*, the following business:

- Appointment of Independent Directors for the Camden Region Economic Taskforce
- General Manager's Performance Review and Contract Renewal

is, in the opinion of the General Manager, of the following kind referred to in section 10A(2)(a) of the Act:

- Personnel matters

and the following business:

- Submission to Department of Planning and Environment on Land Release

is, in the opinion of the General Manager, of the following kind referred to in section 10A(2)(d)(i) of the Act:

- Commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it

and should be dealt with in a part of the meeting closed to the media and public.

Before a part of the meeting is closed, members of the public may make representations as to whether that part of the meeting should be closed. Representations can only be made in writing to the General Manager prior to the commencement of the meeting or a fixed period immediately after the motion is moved and seconded. That period is limited to four minutes under Council's Code of Meeting Practice.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed part.

Members of the public will be readmitted to the meeting immediately after the closed part has ended and, if Council passes a resolution during the closed part, the Chairperson will make the resolution public as soon as practicable after the closed part has ended.

RECOMMENDED

That Council:

- hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting; and**
- close the meeting to the media and public to discuss a report about information dealing with a personnel matter and a report about commercial information of a confidential nature in accordance with the provisions of sections 10A(2)(a) and 10A(2)(d)(i) respectively of the *Local Government Act 1993*.**