



Camden Council

Business Paper

Ordinary Council Meeting
26 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

Director Planning and Environment
Nicole Magurren

Manager Governance and Risk
Charles Weber

Chief Financial Officer
Paul Rofe

Director Community Assets
Vince Capaldi

Acting Director Sport Community
and Recreation

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Ashleigh Cagney

Councillor
Theresa Fedeli

Councillor
Eva Campbell

Councillor
Peter Sidgreaves

Councillor
Paul Farrow

Councillor
Michael Morrison

Councillor
Cindy Cagney

Public Address

Public Seating

Media





ORDINARY COUNCIL

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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 12 September 2017.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 12 September 2017, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - MOUNT ANNAN LEISURE CENTRE EXPANSION AND OPEN DAY

FROM: The Mayor

TRIM #: 17/297423

On Saturday 16 September 2017, Council officially opened the newly expanded Mount Annan Leisure Centre. The leisure centre together with Birriwa Youth Space, which Council officially opened in May 2016, forms an exciting precinct which is highly utilised by Camden residents and the broader Macarthur region.

This expansion was a \$13.5 million investment by Council which has transformed the leisure centre into a modern recreational precinct that the whole family can enjoy. The redevelopment of this centre provides the community with a high-quality sports and leisure facility that will meet the growing demand for indoor sports, leisure and recreation across the Camden area.

These upgrade works included:

- Expansion of the health and fitness facilities with state of the art fitness equipment.
- New toilets and change rooms.
- A new indoor multi-purpose sports hall, with two courts.
- Expansion of crèche facilities.
- Upgrade of kiosk.
- Additional car parking.
- Refurbishment of the pool hall.
- Refurbishment of existing toilets and change rooms.
- Landscaping.

I am pleased that through sound financial management Council was able to deliver both stages one and two at the same time, limiting the disruption to patrons.

This leisure centre is a fantastic community asset, and these improvements have made it an inviting place to exercise, socialise and participate in sport and fitness activities.

I am delighted with the outcome and would like to take this opportunity to acknowledge the hard work and commitment of Council's Major Projects Team and the Sport, Community and Recreation team who worked collaboratively on this project. I would also like to acknowledge the YMCA for their contribution and assistance on the day.

It was fantastic to see the community take part in all the free activities that were available at the leisure centre and Birriwa Youth Space including a BBQ, face painting, balloon twisting, jumping castle, Yoga classes, stilt walkers, hula hoop activities and live music.

As Mayor, I am committed to seeing a diverse range of high-quality sport and recreational facilities that the whole family can enjoy, throughout the Camden Local Government Area.

The 2018/2019 period will see the development of two exciting water play parks, one in Oran Park and another located at Curry Reserve, in Elderslie.

In addition to these great spaces and following the overwhelming success of the Birriwa Youth Space, this period will also see the construction of two additional youth spaces located at Harrington Park Lake and Sedgwick Reserve, Currans Hill.

These fantastic spaces are a result of a \$4 million commitment made by Council and will be a great addition to some of Camden's more established suburbs.

As Mayor, I am very proud of the Mount Annan Leisure Centre expansion and that our excellent financial management practices has made it possible to deliver another four new youth spaces, which I look forward to seeing the community enjoy.

RECOMMENDED

That Council note the above information.



ORDINARY COUNCIL

ORD01

SUBJECT: TWO STOREY DWELLING, ATTACHED SECONDARY DWELLING AND ASSOCIATED SITE WORKS - 20 CASTLEMAINE STREET HARRINGTON PARK

FROM: Director Planning & Environment

TRIM #: 17/274009

APPLICATION NO: 801/2017

PROPERTY ADDRESS: 20 Castlemaine Circuit HARRINGTON PARK

APPLICANT: Ashley Dray – Metricon Homes

OWNER: Stefan So and Susan So

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of a two storey dwelling, attached secondary dwelling and associated site works at 20 Castlemaine Street, Harrington Park.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 801/2017 for the construction of a two storey dwelling, attached secondary dwelling and associated site works 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 801/2017 seeks approval for the construction of a two storey dwelling, attached secondary dwelling and associated site works.

Specifically the proposed development involves:

- Construction of a two storey dwelling containing four bedrooms and a triple garage;
- An attached secondary dwelling containing two bedrooms;
- Connection of stormwater to the inter allotment drainage system; and
- Associated site works.

The cost of works associated with the development is \$653,875.

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, by clicking on 'Find a DA'.



THE SITE

The site is known as 20 Castlemaine Circuit and is legally described as Lot 260 DP280049. The site is irregular in shape, has a frontage of 17.66m and a site area of 1,203m².

The site is located within the residential development of Harrington Grove. Adjoining to the north and south are vacant residential lots, to the east is a single storey dwelling and to the west is an area of vegetated woodland.



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.

Camden Local Environmental Plan 2010			
	Standard	Proposed	Compliance
4.3 Height	Maximum height of buildings 9.5m.	8.075m maximum height above existing ground level.	Yes.
5.4 (9) Floor area of Secondary Dwellings	The total floor area of the secondary dwelling must not exceed whichever is the greater	The secondary dwelling has a floor area of 51.5m ² .	Yes.



	a) 60m ² b) 25% of the total floor area of the principal dwelling.		
Camden Development Control Plan 2011			
D2.3.4 Front Setback	Minimum 6m to façade.	8.4m front setback to building façade.	Yes.
D2.3.4 Rear Setback	Minimum 6m to façade.	6m rear setback.	Yes.
D2.3.4 Side Setbacks	Minimum 2m to façade (where not a garage). Minimum 1.1m to façade for garages	North - 8.2m. South - 2m. 1.101m to the garage facade.	Yes.
D2.3.4 Site Coverage	Maximum site coverage 50%.	323.5m ² /26.9% site coverage all built form.	Yes.
D2.3.4 Impervious area	Maximum impervious area 65% of site.	394m ² equating to 32% impervious area.	Yes.
B5.1 Car parking	Minimum two car spaces required and one behind building line. No additional car parking is required for the secondary dwelling.	Three car spaces are provided behind building line.	Yes.
D2.3.4 Private Open Space (POS)	Minimum 100m ² of POS, area of Principal Private Open Space (PPOS) with minimum dimensions 5m x 5m, accessible from a living room and not steeper than a 1:15 gradient.	547m ² of POS is provided to the rear, PPOS area of 5m x 5m to living zone with gradient less than 1:15 provided.	Yes.
D2.3.4 Solar Access	Minimum three hours solar access between 9am to 3pm on 21 June to a minimum 50% of PPOS and adjoining dwelling PPOS. North facing windows of living areas shall receive at least 3 hours	More than 50% of the PPOS of the subject and adjoining site (to the south) will receive three hours solar access between 9am & 3pm on 21 June. The living room windows of the principal and	Yes.



	<p>solar access between 9am and 3pm on 21 June over a portion of their surface.</p> <p>North facing windows to living areas of neighbouring properties shall not have sunlight reduced to less than three hours between 9 and 3pm on 21 June.</p>	<p>secondary dwellings will receive greater than three hours solar access between 9am and 3pm on 21 June over a portion of their surface.</p> <p>The living room windows of the adjoining property to the south will continue to receive solar access for minimum three hours over its surface between 12pm and 3pm on 21 June.</p>	
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ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility	The proposed development is defined as a 'Dwelling House' and 'Secondary Dwelling' by the LEP 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>SEPP 55 Remediation of Land - Compliant with conditions recommended.</p> <p>SEPP BASIX 2004 - Compliant with conditions recommended.</p> <p>Deemed SEPP 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 DCP 2011 – Compliant with conditions recommended where necessary.
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 bushfire prone land. A bushfire certificate prepared by a suitably qualified consultant has been provided with the application. A condition requiring compliance with the bushfire certificate has been recommended. 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 July 2017 to 17 July 2017. Two submissions were received (both objecting to the proposed development). The submitters were contacted and an attempt to resolve the submission issues was made. This resulted in one submission being withdrawn. However, one submission remains unresolved.

The following discussion addresses the issues and concerns raised in the unresolved submission.

- 1. The second storey windows on the south elevation will look directly into the backyard of the adjoining property where it is anticipated a pool will be located.*

Officer comment:

There are three windows on the upper level of the south elevation of the proposed dwelling (shown in Figure 1 below), two of which service bedrooms and a third servicing an ensuite (bathroom). The windows do not service a living room or sitting room.

Bedrooms and bathrooms are considered to be areas of low occupancy and therefore present limited opportunity for overlooking to adjoining properties. Windows are required to be provided to each room in order to meet the requirements of light and ventilation under the Building Code of Australia. The windows are not considered excessive in size to service the needs of each room.

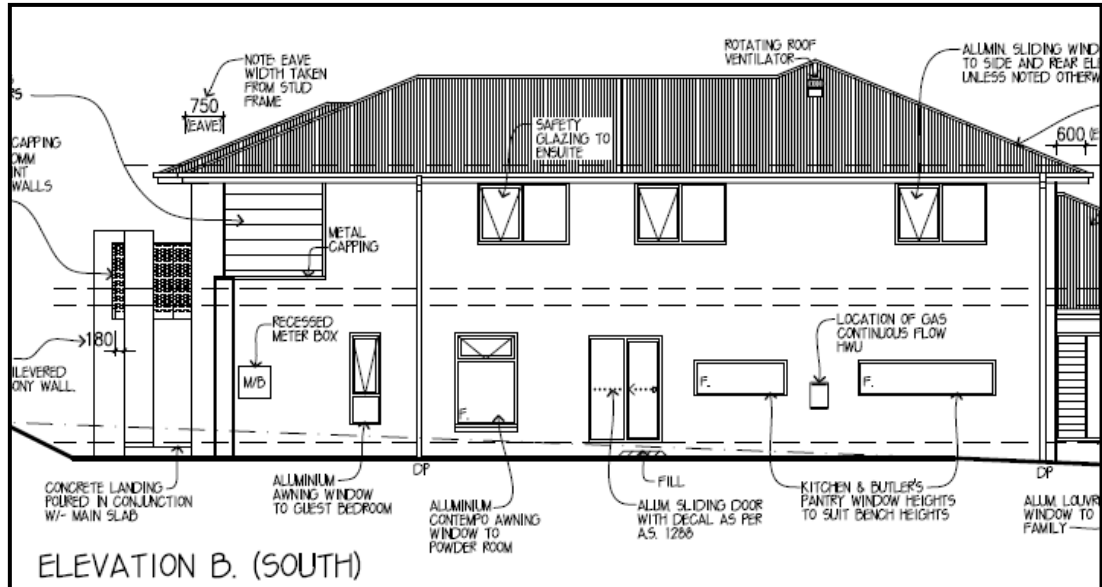


Figure 1 - Proposed south elevation windows

2. The overshadowing created by the dwelling on the adjoining lot is quite prominent due to the building design.

Officer comment:

It is acknowledged that there is some overshadowing of the adjoining lot due to the two storey built form and the east-west orientation of the site. Council staff have reviewed the shadow diagrams (an attachment to this report) together with the proposed plans of the adjoining property and are satisfied the adjoining property will retain the required rate of solar access in accordance with the *Camden DCP 2011*.

The Principal Private Open Space of the adjoining property will receive the required solar access between the hours of 9am and 12pm on 21 June. Based on the proposed adjoining dwelling design, solar access to the living area windows will also be maintained in accordance with the *Camden DCP 2011*.

Additionally, the proposed dwelling complies with the minimum side setback requirement of 2.0m at the southern boundary. The proposed 2 storey portion of the dwelling is setback 4.0m from the southern boundary which exceeds the minimum setback requirement of 2.0m.

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 801/2017 is recommended for approval subject to the conditions attached to this report.



RECOMMENDED

That Council approve DA 801/2017 for the construction of a two storey dwelling, attached secondary dwelling and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* subject to the conditions attached to this report.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Shadow Diagrams
4. Floor Plans - *Supporting Document*
5. Adjoining Property Site Plan - *Supporting Document*
6. Public Exhibition & Submissions Map - *Supporting Document*
7. Submission - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: THREE LOT TORRENS TITLE SUBDIVISION, CONSTRUCTION OF A SINGLE STOREY DWELLING, A TWO STOREY DWELLING AND A TWO STOREY DWELLING WITH A DETACHED GARAGE AND STUDIO DWELLING WITH STRATA SUBDIVISION - 34 THE STRAIGHT, ORAN PARK

FROM: Director Planning & Environment

TRIM #: 17/255223

APPLICATION NO: 76/2017

PROPERTY ADDRESS: 34 The Straight, Oran Park

APPLICANT: Urban Growth NSW

OWNER: Admark Constructions (Oran Park) Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a three lot Torrens title subdivision, construction of a single storey dwelling, a two storey dwelling and a two storey dwelling with a detached garage and studio dwelling with strata subdivision at 34 The Straight, Oran Park.

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

SUMMARY OF RECOMMENDATION

That Council determine DA 76/2017 for a three lot Torrens title subdivision, construction of a single storey dwelling, a two storey dwelling and a two storey dwelling with a detached garage and studio dwelling with strata subdivision at 34 The Straight, Oran Park 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 76/2017 seeks approval for a three lot Torrens title subdivision, construction of a single storey dwelling, a two storey dwelling and a two storey dwelling with a detached garage and studio dwelling with strata subdivision at 34 The Straight, Oran Park.

Specifically the proposed development involves:

- Torrens title subdivision of the land into three lots - Lot 4011 – 483.92m², Lot 4012 – 324.67m², Lot 4013 – 345.78m²;
- Construction of a two storey dwelling (four bedroom), garaging and a studio dwelling on Lot 4011 with strata subdivision;
- Construction of a two storey dwelling (four bedroom) with attached tandem garage on Lot 4012;
- Construction of a single story dwelling (three-four bedroom) with attached single garage on Lot 4013; and
- Associated site works.

The estimated cost of works for the development is \$908,293.

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, by clicking on ‘Find A DA’.

THE SITE

The site is commonly known as 34 The Straight, Oran Park and is legally described as Lot 5401 DP 1198455. The site has an area of 1154m² and is a corner lot with a frontage to The Straight and South Circuit, having a lot frontage of 25m and 35m respectively (taken from the building line).

To the north and west of the site are single storey dwellings, to the south is a vacant residential lot and to the east are two single storey dwellings.

The site was created via the residential subdivision approved under DA 1200/2012 as a residue lot suitable for future subdivision and residential development.



KEY DEVELOPMENT STATISTICS

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



State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP)			
	Standard	Proposed	Compliance
4.1A Lot Size	Minimum lot size for dwelling house 300m ² .	Lot 4011 – 483.92m ² Lot 4012 – 324.67m ² Lot 4013 – 345.78m ² Note – There is no minimum lot size specified for a studio dwelling.	Yes
4.3 Height	Maximum height of buildings 9.5m.	Lot 4011 – 7.695m Lot 4012 – 7.695m Lot 4013 – 4.984m	Yes
Camden Development Control Plan (2007) DCP			
2.3 Residential Density Targets	Proposal to meet the minimum residential density targets for the relevant precincts.	The site is located in residential density sub-precinct precinct N which requires a minimum dwelling yield of 697. The proposal will contribute to the density target being met.	Yes
7.3 Lot Frontage	Minimum lot frontage for the applicable density band is 9m.	Lot frontages proposed (measured at building line): Lot 4011 – 13.5m. Lot 4012 – 10.8m. Lot 4013 – 10.7m.	Yes
7.6.3 Front Setback	Minimum 4.5m to façade line.	Lot 4011 – 4.755m. Lot 4012 – 5m. Lot 4013 – 4.75m.	Yes
7.6.4 Rear Setback	Minimum 4m to ground floor and 6m to upper floor.	Lot 4011 – 15m to the principal dwelling on the ground and upper floors. Lot 4011 - 1m to studio dwelling on the ground and upper floors.	Yes No – See DCP Variation 1



		Lot 4012 – Ground 9.13m and Upper 14.5m.	Yes
		Lot 4013 – Ground 4.085m (Single storey only).	Yes
7.6.4 Side Setbacks	Minimum 0.9m ground floor and 0.9m upper floor	Lot 4011 – Minimum 1m side setback. Lot 4012 – Minimum 0.95m side setback. Lot 4013 – Minimum 1m side setback.	Yes
7.6.5 Site Coverage	Ground floor maximum 60%. For lots greater than 375m ² (Lot 4011) the upper level must not exceed 35%. For lots less than or equal to 375m ² (Lots 4012 and 4013) the upper level must not exceed 40%.	Lot 4011 – (Combined principal and studio dwelling) Ground - 33.73%; Upper - 33%. Lot 4012 - Ground - 34.17%; Upper - 25.43%. Lot 4013 – Ground - 39.7% (single storey).	Yes
7.6.6 Landscaped Area	Minimum 25% of site to be soft landscaped.	Lot 4011 – 50.56%. Lot 4012 – 42.3%. Lot 4013 – 43.22%.	Yes
7.6.8 Car parking	Three or more bedroom dwellings are to provide two spaces within the property boundary with one space behind the building line. Studio dwellings require one space behind the building line.	All dwellings provide two car parking spaces with at least one of those being one behind building line. The studio dwelling has two car parking	Yes



		spaces with one space being provided behind the building line and one in the driveway	
7.6.7 Private Open Space	Principal Private Open Space (PPOS) requires a minimum 20m ² & minimum dimensions of 4m & gradient no steeper than 1:10.	<p>Lot 4011 – 24m² with minimum dimensions of 4m provided, gradient less than 1:10 and accessible from a living area.</p> <p>Lot 4012 – 20m² with minimum dimensions of 4m provided, gradient less than 1:10 and accessible from a living area.</p> <p>Lot 4013 - 20m² with minimum dimensions of 4m provided, gradient less than 1:10 and accessible from a living area.</p>	Yes
7.6.7 Solar Access	50% of the PPOS (of both the proposed development and adjoining properties) is required to be receive three hours of sunlight between 9am and 3pm on 21 June.	<p>Lot 4011 – More than 50% of the PPOS will receive solar access between 12pm and 3pm.</p> <p>Lot 4012 – More than 50% of the PPOS will receive solar access between 12pm and 3pm.</p> <p>Lot 4013 – More than 50% of the PPOS will receive solar access between 12pm and 3pm.</p> <p>Solar access to the adjoining properties PPOS will receive the</p>	Yes



		required rate of greater than three hrs solar access between 9am to 3pm on 21 June to greater than 50% of PPOS.	
7.7.2 Studio Dwelling	<p>Maximum floor area of studio dwelling 75m².</p> <p>Combined upper level site coverage (principal and studio dwelling) may be exceeded subject to privacy and solar access not being compromised.</p> <p>Windows and POS must not overlook POS of adjacent dwellings (not including principal dwelling). Must either have obscured glazing, be screened or have a minimum sill height of 1.5m above floor level</p> <p>Where build over a garage and separated from upper level of principal dwelling, a minimum separation of 5m between upper levels of principal and secondary dwelling is required</p> <p>One car space to be provided behind the building line</p> <p>POS provided on balcony with access from a living space, 8m² area and dimensions 2m.</p> <p>Strata title subdivision only from the principal dwelling on the land.</p>	<p>The floor area for the studio dwelling is 64m².</p> <p>The combined upper level site coverage complies.</p> <p>No windows are proposed overlooking the principal dwelling's POS. The living area window has a sill height of 1.5m above floor level</p> <p>5m separation is provided between the principal and studio dwelling.</p> <p>Two car spaces are provided, including one in a garage and one in the driveway. .</p> <p>A balcony area of 16m² is provided, with a minimum depth 2m, and accessible from a living room.</p> <p>Strata subdivision is proposed and</p>	Yes



	<p>Access to be separate from principal dwelling and from a public street</p> <p>Provisions for separate services to be provided</p>	<p>will be conditioned within the consent.</p> <p>Access is via a public street via a separate entry adjacent to the garage.</p> <p>A separate waste bin storage and area for collection is provided.</p>	
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ASSESSMENT

Zoning and Permissibility

Zoning:	R1 General Residential.
Permissibility:	The proposed development is defined as a "Dwelling House", "Studio Dwelling" and "Subdivision" which are permitted with consent under the provisions 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>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River</u> – Compliant with conditions recommended.</p> <p><u>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</u> – Compliant with conditions recommended.</p>
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 (DCP)</u> - Generally compliant with one (1) variation proposed as discussed below.</p> <p><u>Camden DCP 2011</u> - Compliant with conditions recommended.</p>
Planning Agreement(s) - S79C(1)(a)(iii)	Voluntary Planning Agreement (VPA) made between Camden Council, Greenfields Development Company Pty Ltd, Greenfields Development Company No. 2 Pty Ltd and Landcom, pursuant Section 93F of the <i>Environment and Planning Assessment Act 1979</i> , dated 22 September 2011.

	Compliant with conditions recommended where necessary.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues section of this report.
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.

Compliance with Plans or Policies

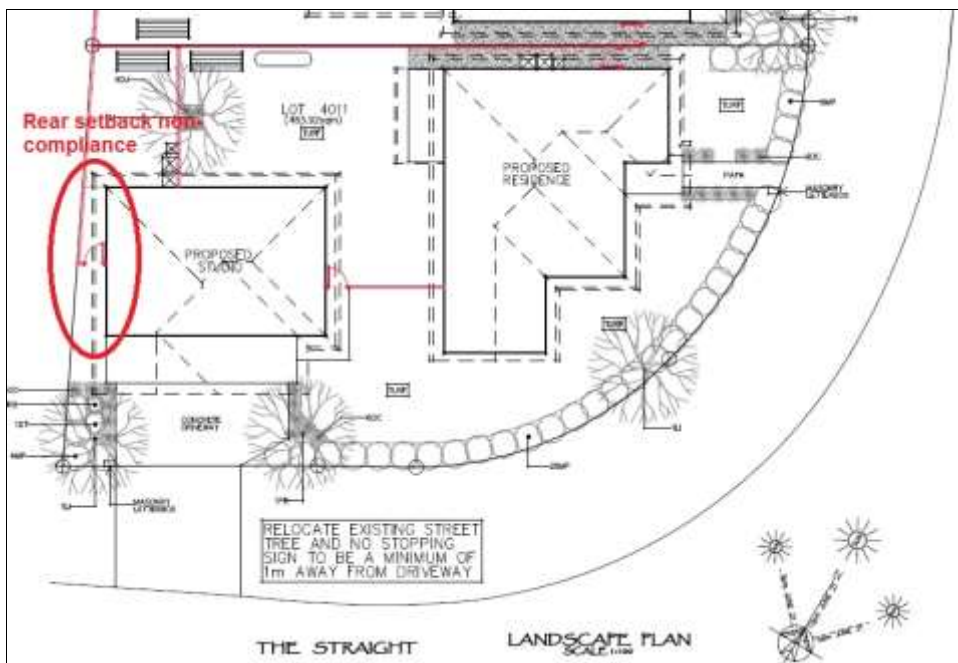
DCP Variation 1 – Rear Setback

DCP Control – 7.6.4 Rear Setback

The Oran Park DCP (Table 18) requires a rear setback of 4m on the ground level and 6m on the upper level.

Variation Request

The applicant proposes a studio dwelling on Lot 4011 with a setback of the 1m to the western boundary as shown below. The western boundary of proposed lot 4011 is considered to be the rear boundary given the orientation of the principal dwelling, however serves as the side boundary to the studio dwelling.





Council Staff Assessment

Council staff support the variation for the following reasons:

- The proposed development is consistent with the corner lot controls of the Oran Park DCP (Section 7.3.2) which requires corner lots to address both street frontages. The proposed principal and secondary dwellings on Lot 4011 address both South Circuit and The Straight respectively.
- The orientation and configuration of the studio dwelling is consistent with the adjoining development within The Straight. The private open space for Lot 4011 adjoins the private open space of properties to the north and west, maintaining separation between buildings which is one of the objectives of the rear setback controls.
- The rear setback of the studio dwelling shares a boundary with the side setback of the adjoining dwelling to the west.
- The proposed non-compliance does not result in any additional solar access or privacy impacts to the adjoining dwelling to the west.
- The site could reasonably accommodate greater development with compliant setbacks, but which could have greater amenity impacts on adjoining properties.

Key Issues

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

Submissions

The DA was publicly exhibited twice for 14 days in accordance with the DCP, with the most recent being from 4 May 2017 to 17 May 2017. One submission was received (objecting to the proposed development).

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

1. *The proposed driveway is located directly across the road raising safety concerns.*

Officer comment:

The proposed driveway for Lot 4013 will be located on the opposite side of South Circuit. The location of the driveway complies with Council's Engineering Specification (the specification), relevant Australian Standards (AS2890.1) and is considered acceptable. The specification does not restrict driveways being directly across the road from another driveway and there are many examples within Oran Park where this is the case.



-
2. *South Circuit is not a sufficient width to accommodate the increasing traffic volumes.*

Officer comment:

South Circuit has an 11.2m wide carriageway and has been designed and constructed in accordance with the Oran Park DCP.

The roads within Oran Park have been design to accommodate the growth and traffic volumes expected for the area.

The existing road network has sufficient capacity to accommodate the additional residential development and resultant vehicle movements.

3. *The proximity of the proposed driveway to the roundabout will create traffic and access issues.*

Officer comment:

The proposed driveways are sufficiently separated from the roundabout and their locations, subject to conditions, are compliant with Council's specifications and the relevant Australian Standards for driveway design (AS2890.1).

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 76/2017 is recommended for approval subject to the conditions attached in this report.

RECOMMENDED

That Council approve DA 76/2017 for a three lot Torrens title subdivision, construction of a single storey dwelling, a two storey dwelling and a two storey dwelling with a detached garage and studio dwelling with strata subdivision at 34 The Straight, Oran Park, subject to the conditions attached to this report.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Location Plan showing adjoining properties
4. Shadow Diagrams
5. Floor Plans - *Supporting Document*
6. Public Exhibition & Submission Map - *Supporting Document*
7. Submission - *Supporting Document*



ORDINARY COUNCIL

ORD03

SUBJECT: DRAFT RURAL LANDS STRATEGY - EXHIBITION OUTCOMES
FROM: Director Planning & Environment
TRIM #: 17/228944
PREVIOUS ITEMS: ORD07 - Draft Camden Rural Lands Strategy and Study -
Ordinary Council - 23 May 2017 6.00pm

PURPOSE OF REPORT

The purpose of this report is to advise Council on the outcome of the public exhibition of the draft Rural Lands Strategy and to recommend Council adopt the draft Rural Lands Strategy (as amended). The draft Strategy (as amended) is provided as **an Attachment to this report**.

BACKGROUND

Camden is historically known for its productive rural land and agricultural activities.

The connection of the Camden community to its rural land is provided in the Camden Community Strategic Plan (CSP). The CSP identifies the need to effectively manage urban development and population growth while protecting the rural and heritage character of the Camden LGA.

In considering recent planning proposals to rezone rural land, Council has reinforced the importance of protecting our rural land. Proposed infrastructure projects, including the Western Sydney Airport and the M9 Orbital have the potential to impact our rural land and rural identity.

On 23 May 2017, Council considered a report on a draft Rural Lands Strategy. At the meeting Council resolved to publicly exhibit the draft Strategy and consider a further report at the conclusion of the exhibition period to consider submissions. A copy of the previous Council report and resolution is provided as **an Attachment to this report**.

The draft Strategy provides a strategic framework to inform Council's future decision-making with regard to the protection of rural land and recommends actions to proactively manage rural land and its interface with non-rural land uses.

The draft Strategy aims to protect rural land at the rezoning stage and to provide guidance on matters such as land use conflict and scenic protection.

The draft Strategy includes the following planning principles:

1. Protect Camden's remaining rural lands;
2. Retain Camden's valued scenic and cultural landscapes;
3. Provide certainty and avoid rural land fragmentation;
4. Minimise and manage rural land use conflict;
5. Enhance Camden's rural economy;



6. Minimise unplanned non-agricultural development; and
7. Maximise opportunities for relocation of rural enterprises.

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

MAIN REPORT

The draft Strategy was exhibited from 6 June to 4 July 2017. The Rural Lands Study (prepared by Booth Associates) was included in the public exhibition material as a reference document (provided as **an Attachment this report**).

Council received 16 submissions, including four from public authorities and 12 from the community, including land owners. A copy of the submissions is provided as a **Supporting Document** to this report. A detailed consideration of the issues is provided as **an Attachment to this report**. A summary of the key issues is provided below.

Summary of Submissions

The majority of submissions expressed broad support for the draft Strategy recognising the need for growth to be carefully managed and that development not impact on rural character and views.

Key Issues from public authorities

Council received 4 submissions from public authorities in support of the draft Strategy. Liverpool and Campbelltown City Councils proposed no amendments to the draft Strategy. Wollondilly Shire Council and the Department of Primary Industries (DPI) recommended amendments to the draft Strategy as discussed below.

Wollondilly Shire Council

Wollondilly Shire Council broadly supports the draft Strategy and recommends a number of amendments to strengthen the Strategy and improve cross boundary collaboration between Councils.

- *Request that the draft Strategy be amended to include consideration of an Agricultural Enterprise Credits Scheme (AECS).*

Officer Response:

Wollondilly Shire Council has recently begun investigations into an AECS. The scheme proposes to reward farmers for the productive use of agricultural land, by imposing a levy on urban development that seeks an increase in residential density. Development of the scheme is in its early stages.

It is proposed to amend the draft Strategy to include an action to work with Wollondilly Council to explore options to protect agricultural land and encourage food production. This could include an AECS or other mechanisms to protect agricultural land.

- *Recommend further consideration be given to a 'right to farm policy'*

Officer Response



The NSW Government has adopted a *Right to Farm Policy*. The policy responds to a desire by farmers to undertake lawful agricultural practices without conflict or interference from other land uses.

The *Right to Farm Policy* contains a number of actions which aim to strengthen land use planning, improve education and awareness, ensure current reviews of environmental planning instruments (such as State Environmental Planning Policies and the Standard Instrument Local Environmental Plan) include consideration of options to ensure best land use outcomes and to minimise conflicts, and establish a baseline and ongoing monitoring and evaluation for complaints related to farming.

The draft Strategy broadly aligns to the Government's *Right to Farm Policy*. For example, the draft Strategy includes an action for Council to prepare informative/educational material for the community on farming impacts and land use conflicts. This material could include information on how complaints are managed.

The draft Strategy has been amended to reference the NSW Government's *Right to Farm Policy*.

- *Wollondilly and Camden Councils should jointly advocate for the preferred M9 corridor alignment to minimise impact on rural landholdings.*

Officer Response:

Ongoing dialogue with Wollondilly Council on the M9 Orbital is supported.

Department of Primary Industries (DPI)

DPI broadly supports the intent of the draft Strategy and specifically supports the retention of the 40ha minimum lot size in rural areas.

- *Suggest that the 'right to farm' lawful agricultural practice should be recognised in the Strategy.*

Officer Response:

The draft Strategy has been amended to reference the NSW Government's *Right to Farm Policy*.

The draft Strategy broadly aligns to the *Right to Farm Policy* and includes an action to prepare informative/educational material for the community on farming impacts and land use conflicts.

Community Submissions

Council received 12 submissions from the community, including submissions from land owners and the University of Sydney. The key issues resulting from submissions are considered below.

1. *Broad support for protecting rural lands and retaining scenic and cultural landscapes.*

A number of submissions support the draft Strategy. The submissions recognise the importance of Camden's rural lands to the wider community and the need to protect this land from future development.

The submissions reiterated the need for certainty for both land owners of rural lands and the wider community, and the need to take a long term view on the protection of Camden's rural lands.

2. *Concern regarding the lack of early consultation with rural land owners.*

Concern was raised over the lack of direct consultation with landowners within the rural lands area prior to the preparation of the Study and draft Strategy. Concern was raised that not engaging directly with rural land owners has resulted in a Study and Strategy that do not reflect the realities of farming and farming practices.

It was also identified that some rural land owners are supportive of protecting rural lands and have local knowledge that would be of benefit.

Officer Response:

Council officers engaged rural lands specialists (Booth and Associates) to prepare a technical evidence base study to inform the Rural Lands Strategy.

The public exhibition of the draft Strategy has provided an opportunity for rural landowners to contribute to the draft Strategy. If adopted, the implementation of the actions within the draft Strategy will include further consultation with landowners.

3. *Concern regarding the findings of the Rural Lands Study. The Study should not be endorsed by Council.*

Concern was raised over the accuracy of information contained within the Rural Lands Study. The accuracy of the classification of land data has been questioned.

Officer Response:

The land classification data is largely based on the existing physical attributes of the land. This information informs the Study by providing a snapshot of the current situation. The draft Strategy contains no specific actions linked to the land classification data.

4. *It is unreasonable to restrict urban development when farming is not viable.*

Concern was raised over the draft Strategy's impact on future urban development within rural lands. It was considered unreasonable to restrict urban development where the land has limited viability as agricultural land.

It was identified that all rural land is not agricultural land, and that land classified as Class 3, 4 and 5 has limited potential as agricultural land.

Officer Response:

The draft Strategy includes criteria to assist in the assessment of planning proposals to rezone rural land, outside of the South West Priority Growth Area (SWPGA). The assessment criteria includes:



-
- Proposals must be consistent with state and local strategic plans;
 - Proposals must not adversely impact on the operation of existing rural enterprises;
 - Proposals must be a logical extension to existing urban areas; and
 - Proposals must not reduce the quality of scenic landscapes, vistas, ridgelines or heritage values.

It is acknowledged that farming within the Sydney Basin has a number of challenges and the draft Strategy does not specifically consider farming viability as one of the criteria for consideration for planning proposals.

The draft Strategy contains a planning principle to “Enhance Camden’s Rural Economy” and it is proposed to strengthen this principle by the inclusion of an action to work with Sydney University and other partners such as DPI and Wollondilly Shire Council to explore opportunities to increase farming viability through innovative farming practices and maximising potential opportunities created by key infrastructure such as the M9 Orbital and future Western Sydney Airport.

5. *Concern regarding land use conflict between farms and urban development impacting on farm viability.*

Concern was raised that existing land use conflict between farms and urban development is placing pressure on farms and is a threat to farm viability. A number of submissions raised the importance of supporting rural land uses and minimising the loss of agricultural land in the area.

Officer Response:

The draft Strategy includes an action to investigate the potential introduction of appropriate zones within the SWPGA to provide a buffer between rural land uses and transition urban development. It is noted this action will not apply retrospectively to growth area precincts that have already been rezoned to enable development.

6. *There is a need to consider housing diversity and sustainable housing solutions. In particular, there is a need to explore rural residential as an interface.*

A number of submissions identified an opportunity to allow limited urban development, whilst protecting significant scenic and cultural landscapes. It was further identified that there is a need to provide a transition to rural lands from existing urban development.

Officer Response:

The draft Strategy includes an action to investigate the introduction of appropriate transition zones within the SWPGA to provide a buffer between rural land uses and urban development. The draft Strategy also includes criteria to assist in the assessment of planning proposals outside of the SWPGA.



-
7. *University of Sydney (Camden Campus) should be protected from urban encroachment. Council should work with the University to explore and promote innovative opportunities for the Camden Campus.*

A submission from the University of Sydney raised the need to protect the University of Sydney lands from future urban encroachment. The Camden Campus of the University undertakes a range of research projects which are sensitive to biosecurity impacts. Potential urban encroachment could impact on the viability of the campus for such research.

The submission by the University also highlighted the opportunity for a strengthened partnership with Council to explore future opportunities to improve and protect the economic viability of farming.

Officer Response:

It is proposed to insert the following statement (and related action) into the draft Strategy:

“The University of Sydney (Camden Campus) is Australia’s leading tertiary education provider in Agriculture and Veterinary Science. The Camden Campus is an important asset that should be protected from urban encroachment. Council will work with the University to investigate innovative opportunities for the Camden Campus”.

8. *Lack of detailed analysis of the M9 Corridor impact on rural lands.*

Concern was raised that the draft Strategy did not include any detailed analysis on the proposed future M9 Outer Sydney Orbital Corridor. It was identified that the proposed orbital would have a significant impact on rural lands and ongoing viability.

It was also identified that the draft Strategy identified negative impacts of the potential M9 Orbital and should be amended to recognise potential benefits of the M9 and future Western Sydney Airport with respect to access to new markets and the like.

Officer Response:

The NSW Government is yet to confirm the corridor alignment for the M9 Orbital. The draft Strategy recommends Council advocate for an alignment that minimises the impact on our rural land.

It is recommended that the draft Strategy be amended to acknowledge the potential opportunities created as a result of future infrastructure such as the M9 and Western Sydney Airport.

Additional Clarification

It is proposed to include additional wording to clarify the draft Strategy does not apply to land within the SWPGA (with the exception of the action to investigate the potential introduction of appropriate zones within the SWPGA to provide a buffer between rural land uses and urban development).



Summary of Proposed Amendments (post exhibition)

- Amend Principle 1 (Protect Camden’s remaining rural lands) to include “work with Wollondilly Council to explore options to protect agricultural land and encourage food production” and support ongoing dialogue with Wollondilly Council on the M9 Orbital;
- Acknowledge the University of Sydney land and the area around it should be protected from urban encroachment;
- Acknowledge opportunities associated with the M9 Outer Sydney Orbital;
- Acknowledge the significance of flood plains that act as a natural buffer for urban encroachment and should be protected;
- Amend Principle 5 (Enhance Camden’s Rural Economy) to recognise the role of the University of Sydney and future partnership opportunities;
- Insert a reference to the NSW Government *Right to Farm Policy*; and
- Amendment to clarify application of the Rural Lands Strategy excludes land within the SWPGA (with the exception of the action to investigate the potential introduction of appropriate zones within the SWPGA to provide a long term buffer between rural land uses and urban development).

A copy of the draft Strategy showing the proposed changes is provided as **an Attachment to this report**. Subject to Council endorsement, the draft Strategy will be finalised and placed on Council’s website.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report. The implementation of actions identified within the draft Strategy may have future financial implications, however these will be considered through future budget allocations.

CONCLUSION

The draft Rural Lands Strategy seeks to protect Camden’s remaining rural lands and address emerging pressures and land use conflicts.

A total of 16 submissions were received as a result of the public exhibition. The majority of submissions support the principles and actions contained within the draft Strategy.

The submissions have been considered and a number of amendments to the draft Strategy are recommended. It is recommended that Council adopt the draft Strategy as amended.



RECOMMENDED

That Council:

- i. adopt the draft Rural Lands Strategy as amended;**
- ii. forward the adopted Rural Lands Strategy to the Department of Primary Industries, the Greater Sydney Commission, Department of Planning and Environment, and Transport for NSW; and**
- iii. write to all submitters to notify them of Council's decision.**

ATTACHMENTS

1. Draft Rural Lands Strategy
2. Draft Camden Rural Lands Strategy and Study - Council report & resolution I - 23 May 2017
3. Camden Rural Lands Study
4. Rural Lands Strategy – Submissions response
5. Submissions Rural Land Strategy - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: ACCEPTANCE OF BETTER WASTE AND RECYCLING GRANT FUNDING 2017-2021

FROM: Director Planning & Environment

TRIM #: 17/291214

PURPOSE OF REPORT

To seek Council endorsement to accept \$437,868 (excl. GST) in grant funding over the next four years from the NSW State Government's *Waste Less Recycle More*, Better Waste and Recycling Fund initiative to undertake projects to help reduce illegal dumping activities in the Camden LGA.

BACKGROUND

The NSW EPA has advised Council that its request to participate in the second round of the Better Waste and Recycling Fund for 2017 until 2021 has been successful.

MAIN REPORT

Under the Better Waste and Recycling Fund guidelines, Council submitted a project table for the four year program to help tackle the issue of illegal dumping within the Camden LGA. This program includes the four year appointment of an Environmental Protection Officer dedicated to investigating and regulating illegal dumping activity.

FINANCIAL IMPLICATIONS

There are no financial implications for Council as the funding will cover the full cost of the project. The grant funding will be received as per the table below over the next four years;

Financial year	Funding amount
2017/18	\$109,934
2018/19	\$109,934
2019/20	\$109,000
2020/21	\$109,000

CONCLUSION

Council has been successful in its application for the Better Waste and Recycling program and will receive a total of \$437,868 over the next four years to implement its approved projects.



RECOMMENDED

That Council:

- i. accept the grant funding of \$437,868 (excl. GST) over the next four years from the NSW EPA; and**
- ii. write to the Mr Chris Patterson MP, State Member for Camden, to thank him for his support towards this project.**



ORDINARY COUNCIL

ORD05

SUBJECT: PETITION - SKATE PARK FOR MT ANNAN OR NARELLAN VALE
FROM: Director Customer & Corporate Strategy
TRIM #: 17/291233

PURPOSE OF REPORT

The purpose of this report is to advise Council of a valid petition titled "Petition to build a skate park in the Narellan Vale/Mount Annan area".

The petition contains 107 signatures.

Council's Code of Meeting Practice, section 6.4 states:

On receipt of a valid petition, a report will be submitted to the next available meeting of Council. The report is to note the nature of the petition and number of signatories. The Chairperson must not permit discussion or debate on the petition with the petition being noted for further consideration in conjunction of the subject matter.

Therefore this report brings the petition before Council for information purposes only.

A copy of the petition is provided as an attachment to this report.

RECOMMENDED

That Council:

- i. note the petition; and**
- ii. advise the lead petitioner of this resolution.**

ATTACHMENTS

1. Petition on skate park for Mt Annan or Narellan Vale - *Supporting Document*



ORDINARY COUNCIL

ORD06

SUBJECT: ADOPTION OF PURCHASING AND PROCUREMENT POLICY
FROM: Director Customer & Corporate Strategy
TRIM #: 17/150371

PURPOSE OF REPORT

To adopt Council's revised Purchasing and Procurement Policy.

BACKGROUND

Following an Internal Audit, recommendations were made to review Council's current Purchasing and Procurement Policy. The current Purchasing and Procurement Policy required updating to address the audit findings and to reflect best practice and current legislation.

MAIN REPORT

The Purchasing and Procurement Policy mirrors best practice principles drawn from the Office of Local Government best practice guides, legislation, internal/external Audit findings and information available from the Independent Commission Against Corruption (ICAC).

Council has already implemented several steps to guide, control and review these practices across the organisation including improving its own business practices through the Business Improvement Plan (BIP) commencing in 2014/2015, creating 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 also since joined the insurance pool CivicRisk Mutual (CRM – formerly Westpool and United Independent Pools), which has delivered not only budget savings, but also access to a shared risk management approach which has been embedded across the organisation and assists to build our capacity to appropriately manage risk.

Arising from this considered approach to managing risk and seeking best practice, Council has employed a Purchasing and Procurement Coordinator who is dedicated to supporting the purchasing and procurement function at Council. The role of this function is to ensure Council has the correct procurement framework, policies and procedures in place that result in both compliance with Council's procurement policies, legislation and best practice. This role has also introduced new efficiencies in the way Council procures goods and services.

The **attached** Policy does not include the Purchasing and Procurement Guidelines, as they are an operational document and do not require endorsement by Council. The guidelines have been endorsed by the Executive Leadership Group (ELG) for operational purposes. The Purchasing and Procurement Policy has been endorsed by the ELG, Council's Senior Management Team (SMT), and Council's Business Assurance Risk Committee.



A workshop on the Purchasing and Procurement Policy was held on 12 September 2017.

Through the application of this Policy, Council is committed to the following:

- obtaining value for money for the Community;
- transparency and accountability;
- making environmentally sustainable decisions;
- eliminating any conflicts of interest;
- monitoring and evaluating performance;
- providing policy and guidance on purchasing and procurement activities to ensure consistency;
- setting out Council's procurement governance framework;
- promoting transparent local sourcing of goods and services.

The Purchasing and Procurement Policy provides a framework to support the purchasing and procurement function. The Policy acts as a basis for our ongoing operational efforts to introduce new efficiencies including new systems and cost saving measures in the way we procure goods and services.

FINANCIAL IMPLICATIONS

There are no direct financial implications of this Policy. It is expected that Council will realise savings and greater value for money through a better procurement process.

CONCLUSION

Council has updated the existing Purchasing and Procurement Policy to reflect best practice and incorporate legislative requirements. The Policy has been endorsed by ELG, SMT and Council's Business Assurance Risk Committee and is recommended for endorsement by Council.

RECOMMENDED

That Council rescind the previous version of the Purchasing and Procurement Policy 5.32 and adopt the updated Purchasing and Procurement Policy P3.0161.1 as attached to this report.

ATTACHMENTS

1. Purchasing and Procurement Policy P3.0161.1



ORDINARY COUNCIL

ORD07

SUBJECT: DELIVERY PROGRAM SIX MONTH PROGRESS REPORT (JANUARY TO JUNE 2017)

FROM: Director Customer & Corporate Strategy

TRIM #: 17/258397

PURPOSE OF REPORT

To report Council's progress on the four year Delivery Program 2013/14 to 2016/17 for the period January to June 2017 and to seek Council's approval of classification changes to policies and procedures or their rescission for the reasons set out below.

BACKGROUND

In accordance with the *Local Government Amendment (Planning and Reporting) Act 2009*, all councils are required to undertake their planning and reporting activities using the Integrated Planning and Reporting (IPR) framework. The framework requires councils to develop a suite of plans that reflect the vision and aspirations of their communities. The Plans include:

- **Community Strategic Plan (10+ Plan) – Camden 2040**
Camden 2040 stretches beyond the next ten years, identifying the community outcomes and strategies.
- **Resourcing Strategy**
The Strategy considers assets, staff requirements and financial resources necessary to deliver Camden 2040 over the first ten years of the plan. The Strategy incorporates:
 - Asset Management Strategy (including plans)
 - Workforce Plan
 - Long Term Financial Plan
- **Delivery Program (four year) and Operational Plan (one year) with Budget**
The Delivery Program shows how the community's aspirations, identified through community engagement and developed into objectives (community outcomes) in Camden 2040, have been translated into local services and actions that will be undertaken by Council. The annual Operational Plan is the subset of the Delivery Program.

The IPR framework also requires councils to report their progress on the four year Delivery Program. The Attachment 1 is a copy of the January to June 2017 progress report and is the last progress report for the four year Delivery Program 2013/14 to 2016/17.

MAIN REPORT

The four year Delivery Program 2013/14 to 2016/17 was adopted in 2013. This Delivery Program was developed by the previously elected Councillors as part of the IPR framework.



A series of Councillor workshops and information packs on the revised Community Strategic Plan, Delivery Program and Resource Strategy was distributed to the newly elected councillors in the month of April 2017. At the Council Meeting on 9 May 2017, the Draft Community Strategic Plan and Delivery Program was endorsed for public exhibition followed by final endorsement of these documents for implementation on 27 June 2017.

This reporting period January to June 2017, concludes the reporting obligations for the Delivery Program (2013/14 to 2016/17) in accordance with the IPR framework.

This report January to June 2017 adheres to the IPR framework requirements and includes:

- Progress on the Delivery Program Indicators by Key Directions
- Delivery Program outcomes that support the objectives as per Camden 2040.

Table 1 shows the rating scale of the indicators and the Delivery Program's progress for this reporting period January to June 2017.

Table 1

Rating Scale Coding	Rating Scale Description	No. of Indicators
	On Track	57
	Monitor	2
	Off Track	6
	Previously Reported	51
TOTAL		116

Detailed information on the indicators and Council's progress towards achieving the outcomes in Camden 2040 is provided as **Attachment 1** to this report. The current Delivery Program (2017/18 to 2020/21) continues to manage and monitor the performance indicators through principal activities as per the IPR framework.

Policies

Pursuant to our guidelines, all policies and procedures are categorised as follows:

Category 1	Statutory/Regulatory/ Legislative - Council resolved	Required by legislation and resolved by Council. Examples are Code of Conduct, Code of Meeting Practice, Payment of Expenses and Provision of Facilities to Mayor and Councillors.
Category 2	Strategic - Council	Not required by legislation but resolved by Council. A strategic policy expresses Council's



	resolved	position on an issue and is likely to affect Councillors, the public and external stakeholders.
Category 3	Operational - internal policies and procedures	Approved by the General Manager through the Executive Leadership Group. Developed primarily for the guidance of staff.

A Councillor briefing on Council’s Policy and Procedure Framework was held on 28 March 2017.

As part of Council’s ongoing review of its policies and procedures, feedback was received from Managers and the Executive Leadership Group. As a result, one policy has been proposed to be rescinded and one to be reclassified. The affected policies and procedures are provided as **Attachment 2** to this report.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The report highlights that 91% of indicators demonstrate Council is positively moving towards achieving the objectives of Camden 2040, with 88% of indicators ‘on-track’ and 3% rated as ‘monitor’.

Council has continued to make significant progress in achieving community outcomes and in meeting the commitments as stated in its Delivery Program 2013/14 to 2016/17. Council is also continuing to review policies and procedures.

RECOMMENDED

That Council:

- i. note the report and the attachment; and**
- ii. adopt the proposed changes to the policies and procedures identified in the attachment – Review of Council’s Policies and Procedures.**

ATTACHMENTS

- 1. Six Month Delivery Program Progress Report January to June 2017
- 2. Policies and Procedures



ORDINARY COUNCIL

ORD08

SUBJECT: INVESTMENT MONIES - AUGUST 2017

FROM: Director Customer & Corporate Strategy

TRIM #: 17/278494

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 31 August 2017 is provided.

MAIN REPORT

The weighted average return on all investments was 3.13% p.a. for the month of August 2017. The industry benchmark for this period was 1.69% (Ausbond Bank Bill Index).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Responsible Accounting Officer is the Chief Financial Officer.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. **note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act, Regulations, and Council's Investment Policy*;**
- ii. **note the list of investments for August 2017; and**
- iii. **note the weighted average interest rate return of 3.13% p.a. for the month of August 2017.**

ATTACHMENTS

1. Investment Report - August 2017



ORDINARY COUNCIL

ORD09

SUBJECT: ROADS AND MARITIME SERVICES 2017/18 FUNDING - ACTIVE TRANSPORT, LOCAL GOVERNMENT ROAD SAFETY AND SAFER ROADS PROGRAMS

FROM: Director Community Assets

TRIM #: 17/240152

PURPOSE OF REPORT

To seek Council acceptance of grant funding from Roads and Maritime Services, and to seek the allocation of relevant matching funds as required from the Capital Works Reserve.

BACKGROUND

Roads and Maritime Services (RMS) seeks applications from Councils each year for projects under a range of specific funding programs. Council's applications have been successful under the following funding programs:

- 2017/18 Active Transport Program - \$20,000
- 2017/18 Local Government Road Safety Program - \$13,500
- 2018/19 Safer Roads Program - \$65,000

MAIN REPORT

Active Transport Program

The NSW Government offers 50/50 funding under the Active Transport Program for pedestrian and bicycle facilities.

Council has been advised by the Roads and Maritime Services on behalf of the NSW Government that the following applications have been successful in the 2017/2018 financial year:

- Camden LGA – Shared path signage and Line marking (Existing paths at various locations)

Project Cost Estimate	\$40,000 (excluding GST)
Funding Offered	\$20,000 (excluding GST) (50%)

Council will need to match the funds provided in order to complete this project in the 2017/18 financial year.

Local Government Road Safety Program

RMS contributes funding towards approved road safety projects, confirmed to the value of \$13,500 in 2017/18, with matching project contributions from Council already budgeted. A status report is provided at Local Traffic Committee meetings, outlining the progress of the programs.



Safer Roads Program

The NSW Government offers funding under the Safer Roads Program for engineering safety projects that are unsuccessful in receiving funding under the Australian Government's Black Spot Program.

Council has been advised by the Roads and Maritime Services on behalf of the NSW Government that the following application has been successful, however delayed until the 2018/2019 financial year:

- Welling Drive / Waterworth Drive / Henrietta Drive Roundabout – Centre Island Reconstruction to reduce speeds at the roundabout.

Project Cost Estimate	\$65,000 (excluding GST)
Funding Offered	\$65,000 (excluding GST) (100%)

FINANCIAL IMPLICATIONS

Council is required to commit matching funding in accepting the funding under the Active Transport Program. It is proposed that \$20,000 matching funding be allocated from the Capital Works Reserve for 2017/18.

The works will create additional signage, line marking and devices which will need to be maintained over time. Maintenance of these installations will be funded from Block Grant Funding from the RMS.

CONCLUSION

Council has been successful in securing grant funding under the following programs:

- 2017/18 Active Transport Program - \$20,000
- 2017/18 Local Government Road Safety Program - \$13,000
- 2018/19 Safer Roads Program - \$65,000

The grant funding will enable improved road safety outcomes for the community and it is recommended that the grant funds be accepted and matching funds be provided, as required.

RECOMMENDED

That Council:

- accept RMS funding of \$20,000 (excluding GST) under the Active Transport Program towards Shared Path Signage and Linemarking, with matching Council funding of \$20,000 transferred from the Capital Works Reserve;**
- accept RMS funding of \$13,500 (excluding GST) for projects under the Local Government Road Safety Program;**
- accept RMS funding of \$65,000 (excluding GST) under the Safer Roads Program in the 2018/19 Budget, towards the reconstruction of the Welling Drive / Waterworth Drive / Henrietta Drive Roundabout;**
- authorise the relevant documentation to be finalised and signed under delegation; and**
- write to The Hon Melinda Pavey MP, Minister for Roads, Maritime and Freight, and Mr Chris Patterson MP, State Member for Camden, thanking them for their assistance.**



ORDINARY COUNCIL

ORD10

SUBJECT: COMMUNITY SMALL GRANTS 2017/2018
FROM: Acting Director Sport, Community & Recreation
TRIM #: 17/283164

PURPOSE OF REPORT

This report seeks Council's endorsement of the recommended funding allocations in this year's Community Small Grants Program (CSGP), a component of Council's Community Financial Assistance Program.

BACKGROUND

Council provides an annual financial assistance program to assist local groups, one element of which is the CSGP. The 2017/2018 budget has allocated \$87,200 to this program.

CSGP guidelines assist Council in the consideration and allocation of funds to applicants. The guidelines are available on Council's website and are provided to all applicants.

MAIN REPORT

The availability of funds through the CSGP was promoted via:

- Two information sessions for community groups were held at the Camden Civic Centre on 26 June 2017 and 28 June 2017;
- Council networks, the Camden Interagency Group;
- Local papers, radio; and
- Council's website, Oran Park Council office and Camden and Narellan Libraries.

Twenty-nine applications were received with a total of \$136,152 requested. Eight new groups applied for funding.

Each application was assessed against the program guidelines, with further consideration given to the impact on the local community, number of participants, applicant's financial or in-kind contribution and availability of other funding sources. Additional information on each project is provided in support documents to this report.

As it is not possible to fund every project under the program, unsuccessful groups will be:

- Advised of potential alternate sources of funding and provided with assistance to access these funds wherever possible;
- Provided with information about other partnerships which may be possible to achieve their goals; and



- Notified of and encouraged to participate in grant writing workshops.

This matter was the subject of a Councillor briefing on 12 September 2017.

The following projects are recommended for full funding:

Project Number	Name of Community Group	Project	Amount requested	Amount Recommended for funding
1	Eventing Equestriad	2018 National Eventing Championships hosted by Equestriad	\$6,500	\$6,500
2	Kids of Macarthur Health Foundation	Leckey Stander & Wall Mounted Activity Panels	\$6,500	\$6,500
3	Aspect Macarthur School Cobbitty	Participation, engagement and understanding	\$4,944	\$4,944
4	Camden Historical Society Inc	Purchase of Display Cases	\$4,263	\$4,263
5	Cobbitty Markets	Automate stall holder rent collection on market days	\$3,700	\$3,700
6	Narellan Men's Shed	Construction for projects to assist children in preschools, schools and community groups	\$3,580	\$3,580
7	Camden/Wollondilly Domestic Violence Committee	Domestic Violence Posters Project with the Camden Liquor Accord	\$3,292	\$3,292
8	Macarthur Diversity Services Initiative Ltd	HYPE - Helping Young People Excel	\$2,950	\$2,950
9	Macarthur Lions Club	Equipment Improvement/Upgrade-shelf storage and walkie talkies for major events	\$2,196	\$2,196
10	NSW Lacrosse	National Men's Indoor Lacrosse Championships 2017	\$2,125	\$2,125
11	Camden District Activity Centre	Spanish Fiesta	\$2,000	\$2,000
12	Mt Annan Football Club	Team Shelters for Wandarrah Reserve	\$1,881	\$1,881
Sub Total: Fully Funded Projects Recommended				\$43,931



The following projects are recommended for part funding:

	Name of Community Group	Project	Amount requested	Amount recommended
13	Australian Foundation for Disability	Music and Wellbeing activities for People with Disabilities at Oran Park Community Participation Day Program	\$6,000	\$5,200
14	Fisher's Ghost Youth Orchestra	Macarthur Mini Music Makers	\$6,000	\$5,000
15	Turning Point Camden	Health and Hygiene Initiative provides material assistance to those experiencing homelessness and living rough	\$5,638	\$4,000
16	Mother Hubbard's Cupboard in Camden Incorporated	Feminine Hygiene Project provides material assistance to those experiencing homelessness and living rough	\$5,000	\$4,000
17	Camden RSL Bowling Club	Shade structure umbrellas on south side of Camden RSL bowling green	\$6,500	\$3,500
18	Anglican Parish of Cobbitty	Audio visual Enhancement Cobbitty Church Hall	\$6,500	\$4,000
19	The Shepherd Centre	Tone Time for Tiny Tots music therapy program for children who are hearing impaired	\$6,000	\$3,800
20	Macarthur Raptors Incorporated	Host and install the scoring system and electronic scoreboards	\$6,224	\$3,200



21	Hope Anglican Church Leppington	Purchase of outdoor playground equipment	\$6,500	\$3,000
22	Camden Rugby Club Incorporated	Equipping our Volunteers will provide tools and equipment for volunteers	\$6,500	\$3,500
23	Carrington Care	Wellbeing and Information Day for seniors , health, wellbeing, travel	\$2,582	\$2,182
24	Camden Red Sox Baseball Club Incorporated	Purchase of Sun Protection for Junior Players purchase of shade structures	\$5,795	\$1,881
Sub Total: Part Funded Projects Recommended				\$43,263
Sub Total: Fully Funded Projects Recommended				\$43,931
Total Recommended for Funding				\$87,194

The following projects are not recommended for funding in this round:

	Name of Community Group	Project	Amount requested
25	Narellan Sportz Softball Club	Equipment and Maintenance Trailer	\$5,825
26	Cobbitty Public School P&C Association	Cobbitty Outdoor Learning Environment	\$5,500
27	Camden Community Connections Inc	Small Walkabouts	\$5,200
28	Macarthur Centre for Sustainable Living	Working Wisely at MCSL	\$2,435
29	Disability Macarthur	Family Fun Day	\$3,414

FINANCIAL IMPLICATIONS

An amount of \$87,200 has been allocated in the 2017/2018 budget for the Community Small Grants Program.

CONCLUSION

The work undertaken by a range of not-for-profit community organisations contributes to the increase of social capital and improved community well-being within the Camden



LGA. This has been demonstrated by the quality and range of projects seeking assistance.

Applications have been assessed against the criteria contained in the program guidelines and recommendations reflect this assessment. The recommendations seek to maximize support to as many and as a broad range of community groups as possible.

Projects recommended for funding will complement existing services within the community and provide improved opportunities for the community to access services and/or facilities within the LGA.

RECOMMENDED

That Council:

- i. approve grants to projects 1 to 24, totalling \$87,194 as outlined in this report, to be funded from the 2017/2018 Community Small Grants Program; and**
write to all applicants, both successful and unsuccessful, advising them of the outcome.

ATTACHMENTS

1. Community Small Grants 2017 2018 - information sheet for Councillors - *Supporting Document*



ORDINARY COUNCIL

ORD11

SUBJECT: FUNDING FOR GRANDPARENTS DAY FROM NSW FAMILY AND COMMUNITY SERVICES

FROM: Acting Director Sport, Community & Recreation

TRIM #: 17/298260

PURPOSE OF REPORT

This report recommends that Council accept \$7,000 grant funding from NSW Department of Family and Community Services to hold a Grandparents Day celebration.

BACKGROUND

Children aged 0 to 11 contribute to almost 20% of Camden Local Government Areas (LGA) residential population. Camden Grandparents and grand-friends play an important role in supporting local families. The Camden LGA Grandparents Day event is a whole of community celebration and acknowledgement of the contributions of Grandparents and older people. It aims to showcase intergenerational connections and provides opportunities for local grandchildren and grandparents to share their own memories and experiences of their special relationship.

MAIN REPORT

Camden LGA Grandparents Day will be held on Friday, 27th October 2017 between 10am and 1pm at Oran Park Town Park (opposite Council's Administration Building).

The Grandparents Day Steering Committee, with representation from State Government Departments, Council and the community sector, are working collaboratively to deliver this event.

Funding secured through this grant will pay for event activities and entertainment (e.g. all ages fitness workshop, garden games, Aboriginal performers and Traditional Indigenous games), marketing and advertising, hired equipment and a school based activity.

All other event costs will be paid from existing Community Development budget or through in-kind contributions.

FINANCIAL IMPLICATIONS

The NSW Department of Family and Community Services Grandparents Day funding will supplement existing Council funding.

CONCLUSION

Accepting the \$7,000 (ex GST), grant from NSW Department of Family and Community Services will enable a superior event and community experience. Recognising as a community the various ways grandparents and Elders support local children and families including a child's physical, cognitive and social development; passing on



family and cultural traditions, customs and history; and providing practical assistance caring for pre-school aged children, commuting children to and from school and extra-curricular activities is important.

RECOMMENDED

That Council:

- i. endorses the acceptance of the grant for \$7,000 (ex GST) from NSW Department of Family and Community Services for the Camden LGA Grandparents Day event; and**
- ii. write to the Honourable Tanya Davies MP - Minister for Mental Health, Minister for Women and Minister for Ageing and State Member for Camden, Mr Chris Patterson MP to thank them for their support.**



ORDINARY COUNCIL

ORD12

SUBJECT: RESPONSE TO NOTICE OF MOTION - SMEATON GRANGE INDUSTRIAL ESTATE

FROM: Director Planning & Environment

TRIM #: 17/256889

PREVIOUS ITEMS: ORD06 - Notice of Motion - Smeaton Grange Industrial Estate
- Ordinary Council - 28 Mar 2017 6.00pm

PURPOSE OF REPORT

The purpose of this report is to report back to Council on the suitability of the Smeaton Grange industrial area as resolved through a Notice of Motion at the Council meeting of 28 March 2017.

BACKGROUND

On 28 March 2017, Council resolved to:

- i. conduct a study, investigating and assessing the suitability of the current zoning of Smeaton Grange Industrial Estate bordering Residential zones; and*
- ii. provide a report to Council on the outcomes of the investigation and any proposed changes to planning controls and instruments.*

Smeaton Grange is approximately 200 ha in size and is Camden's largest zoned industrial area, supporting a range of industrial related activities. The precinct is adjacent to the Central Hills Business Park, 75m north of Mt Annan Marketplace and less than 1km north east of the Narellan Town Centre.

The precinct is bound by Camden Valley Way, Turner Road, Smeaton Grange Road and Narellan Road and is adjacent to neighbouring residential areas such as Currans Hill, Narellan Vale and Harrington Park (refer to **Figure 1**). The primary vehicle access into the precinct is from Camden Valley Way onto Anderson Road, and from Narellan Road onto Hartley Road.

There is an existing buffer between Smeaton Grange and the bordering residential areas of Currans Hill and Gregory Hills. The buffer includes an electrical easement, vegetated earth mounds, landscape screening and has a variable width. Some of the industrial lots have restrictions on title requiring separation or mounding to be retained.

Zoned under the Camden Local Environmental Plan 2010 (Camden LEP 2010), Smeaton Grange is made up of the IN1 General Industrial and IN2 Light Industrial zones (refer to **Figure 2**). Residents in the adjoining residential area have raised concerns regarding land use conflict including concerns about the operation of existing industries, the suitability and appropriateness of proposed uses and environmental impacts. Councillors were briefed on this matter on 22 August 2017.

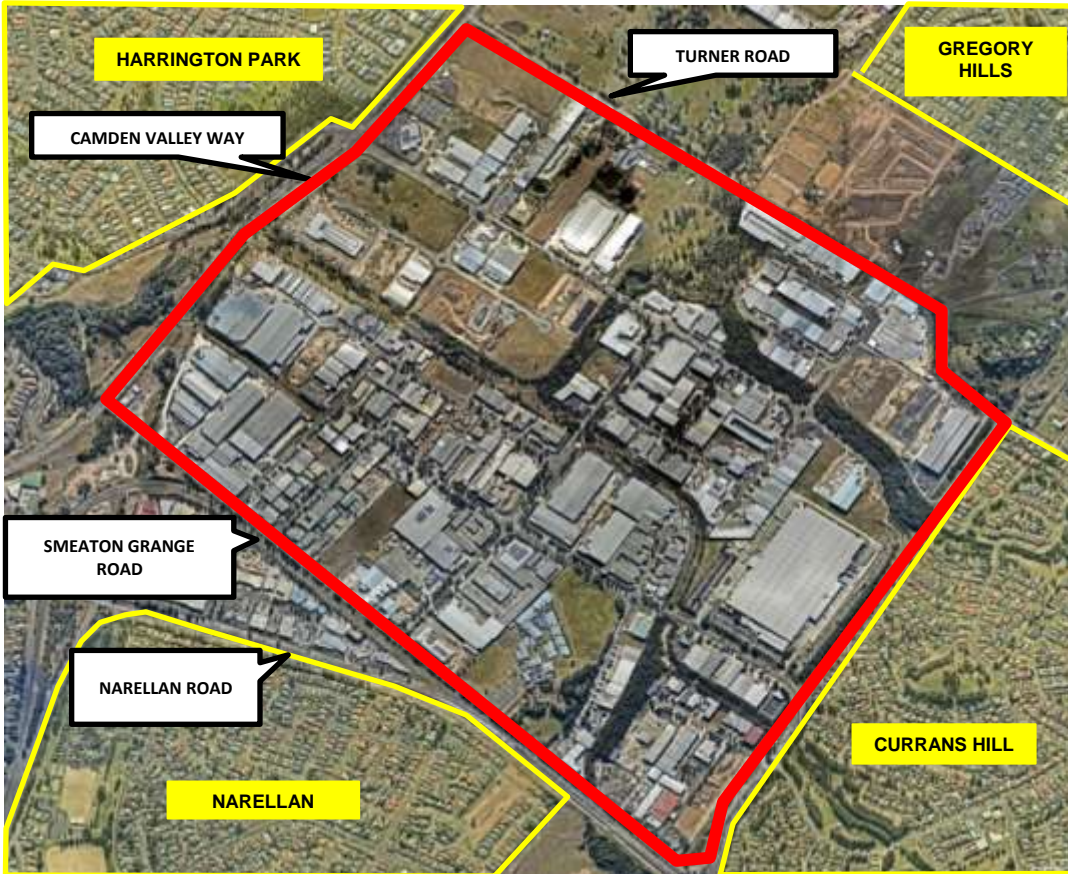


Figure 1 – Smeaton Grange Industrial Estate – Location Map

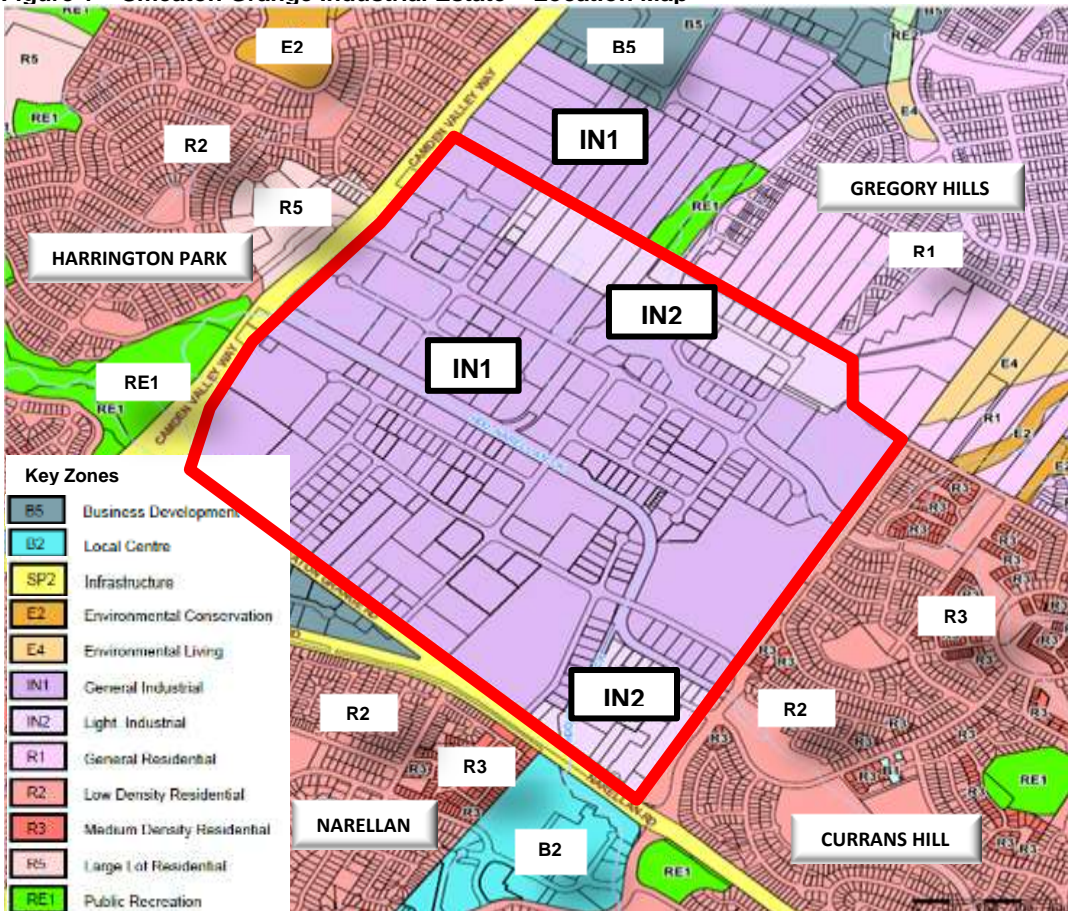


Figure 2 – Smeaton Grange Industrial Estate – Existing zoning (Source – Camden LEP 2010)



History of land use zoning

Prior to the adoption of Camden LEP 2010, the industrial area at Smeaton Grange was zoned 4(a) General Industrial, 4(b) Service Industrial and 5(a) Special Uses which was nominated for drainage and telecommunication uses and a school under Camden Local Environmental Plan No 47 (Camden LEP 47), gazetted in 1990. Rezoning investigations for Smeaton Grange and Currans Hill began in the late 1980s, however their rezoning under Camden LEP 47 did not occur until 3 August 1990.

In response to the standardised LEP template introduced by the State Government in 2006 the Camden LEP 2010 was adopted, which repealed Camden LEP 47 on 3 August 2010.

Given the standardisation of zones and permissible uses within the new LEP Template (Camden LEP 2010), Council adopted the zones that were the closest equivalent to the previous zones. The IN1 General Industrial and IN2 Light Industrial zones were considered to be the 'best fit' zones for the area, as they encouraged a wide variety of industrial, light industrial, warehouse and related land uses.

MAIN REPORT

Land use audit

A land use audit of Smeaton Grange was carried out in June 2017 (refer to **Figure 3**). The audit revealed that the majority of lots in Smeaton Grange have been developed or have DA approval to be developed.

Smeaton Grange contains 304 lots, 254 lots zoned IN1 General Industrial and 50 lots zoned IN2 Light Industrial. At the time of the audit, there were 24 lots that were either vacant or partially developed. Of these lots, 9 have DA approval.

The audit found Smeaton Grange contains a variety of land uses including hardware and building supply stores, food and drink premises, recreational centres and large warehouses with ancillary offices.

Permissible uses

A comparison of the permissible uses within the IN1 and IN2 zones of Camden LEP 2010 shows that the range of permissible uses are similar, with the exception of four additional permissible uses in the IN1 zone. These are: *agricultural produce industries; freight transport facilities; general industry; and vehicle sales or hire premises.*

The IN1 and IN2 zones permit a wide range of uses including light industries, warehouse and distribution centres with ancillary offices, takeaway food and drink premises and (indoor) recreational facilities such as gymnasiums and indoor fitness centres.

Heavy industry is prohibited in both the IN1 and IN2 zones. This approach is consistent with the previous prohibition of offensive or hazardous industry under Camden LEP 47.

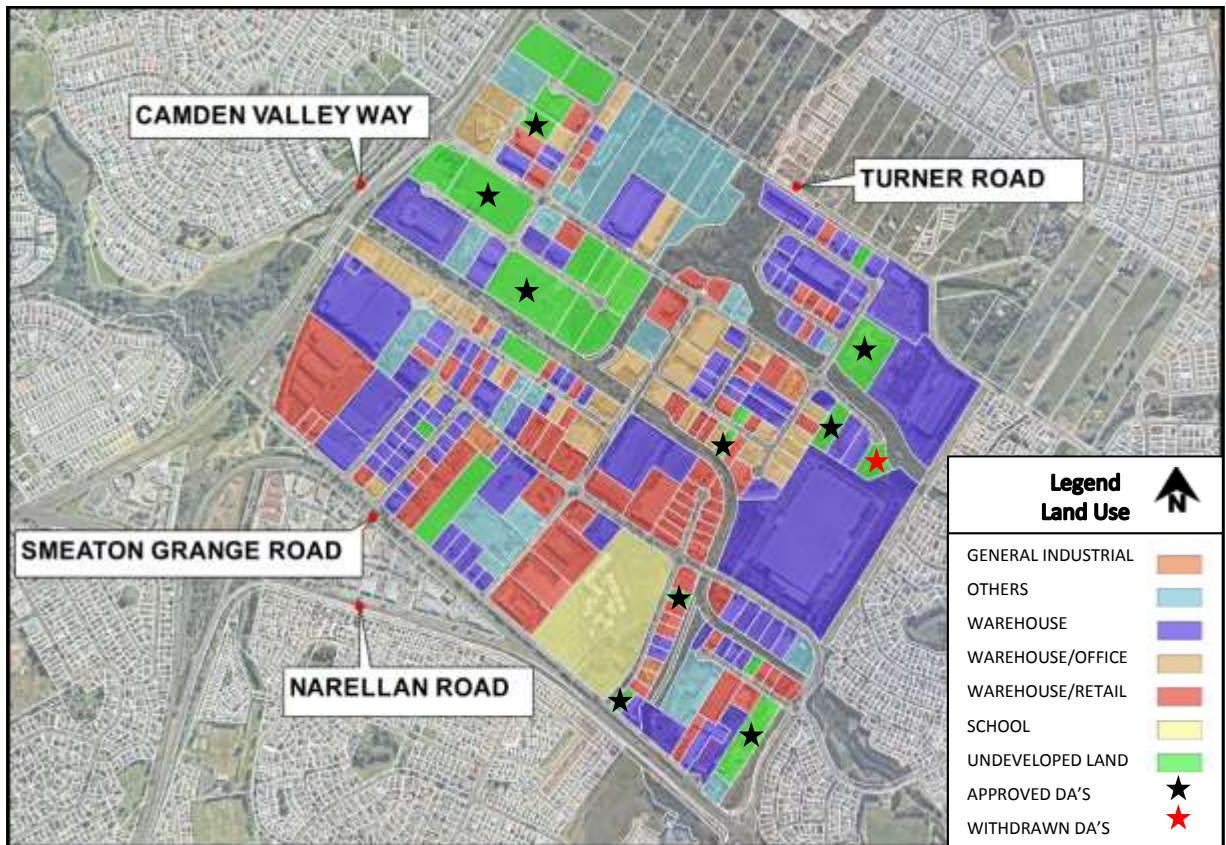


Figure 3 – Smeaton Grange Industrial Estate Land Use Audit

Land use conflict

Two recent DAs have generated a number of resident submissions raising concerns on the nature of the proposed industries, the suitability and appropriateness of the proposed uses and negative environmental impacts (noise, odour and air quality). A summary of the DAs is provided in **Table 1**.

Previous DA proposed - Galvanising Plant	State Significant DA - Proposed Smeaton Grange Recycling Facility
<ul style="list-style-type: none"> • A DA was lodged with Council in 2015. • The proposal was for the construction of a new industrial building and its use as a galvanising plant, ancillary office, car parking, landscaping and associated site works at 42A Bluett Drive Smeaton Grange. • The DA was withdrawn by the proponent. 	<ul style="list-style-type: none"> • A State Significant DA was lodged with the Department of Planning & Environment (DPE) in 2015. • The proposal is to construct and operate a waste recycling and transfer facility at 52 Anderson Road, Smeaton Grange. • The DPE website notes that further information has been requested from the proponent to assist with finalising the assessment.

Table 1 – Summary of DAs lodged in Smeaton Grange Industrial Estate



Possible Options to reduce land use conflict in Smeaton Grange

Option 1 - Consultation and enforcement

To reduce land use conflict in Smeaton Grange, Council can work with local industries to ensure conditions of development consent (for example hours of operation and noise) are being complied with. Where there is non-compliance, orders and fines can be issued in accordance with Council's Compliance and Enforcement Policy.

Option 2 – Review the Camden Development Control Plan 2011 (Camden DCP 2011)

Council can investigate the inclusion of site specific controls for future development in Smeaton Grange within the Camden DCP 2011, such as noise, odour, air quality, traffic and parking. These controls would apply when a DA is lodged for development in Smeaton Grange.

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.

This option could be implemented as part of the comprehensive review of Camden DCP 2011.

Option 3 – New LEP Clause – industrial development adjacent to residential uses.

Investigate the inclusion of a new clause in the Camden LEP 2010 to require DAs 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 DPE. The clause would be a local provision and Council would need to work with DPE to ensure the clause can be supported.

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

Suitability of the existing industrial zone

Smeaton Grange is the largest area of zoned industrial land in the Camden Local Government Area (LGA). It currently supports a diversity of employment and industry types and will continue to be an important employment precinct supporting the industrial sector.

The draft South West District Plan recognises that traditional industrial activities still exist and are located in employment and urban services land precincts, however the plan acknowledges that there has been a significant increase in mixed businesses and retail uses which are distinct from industrial land. This is applicable to Smeaton Grange and is consistent with the findings of the land use audit (refer to **Figure 3**).

The draft South West District Plan notes that whilst there has been increasing pressure to rezone precincts into residential or retail uses, the amount of employment and urban service land available is limited and must be protected.

If Council were to review the industrial zoning of Smeaton Grange, consideration would need to be given to an appropriate alternate zone and the likely impacts. Specific studies would need to be prepared to examine whether the land is suitable for an alternate zone.

For example, rezoning to a business zone would see Smeaton Grange compete with other existing centres, including Narellan and Mount Annan. An economic impact assessment would need to be undertaken to assess the potential impacts on these and other centres.

Investigating the rezoning of Smeaton Grange to a residential zone would require detailed strategic analysis and studies to ensure the sites were suitable for residential use, to consider the potential impacts and that there is planning merit.

Investigating a rezoning is a lengthy process and it is unlikely existing residents would notice any significant change in the area in the short to medium term. This is because Smeaton Grange is almost fully developed and 'existing use rights' provisions enable existing uses on the land to continue to operate.

For the reasons outlined above, a review of the zoning is not recommended at this time.

FINANCIAL IMPLICATIONS

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

CONCLUSION

There are a number of options to address land use conflict in Smeaton Grange including ongoing consultation and enforcement, site specific DCP controls and investigating a new LEP clause for development adjacent to residential uses.

The options outlined in this report provide potential short term and longer term benefits to reduce conflicts between land uses in Smeaton Grange and bordering residential zones.

RECOMMENDED

That Council:

- i. work with local industries in Smeaton Grange to ensure conditions of development consent are being complied with;**
- ii. investigate site specific DCP controls for Smeaton Grange as part of the comprehensive review of the Camden DCP 2011; and**
- iii. investigate a new LEP clause for industrial development adjacent to residential uses as part of Phase 2 of the comprehensive review of Camden LEP 2010.**



ORDINARY COUNCIL

ORD13

SUBJECT: RESPONSE TO NOTICE OF MOTION - STREAMING OF COUNCIL MEETINGS

FROM: Director Customer & Corporate Strategy

TRIM #: 17/294455

PURPOSE OF REPORT

This report comments on issues in relation to the potential streaming of Council meetings in response to previous Council motions.

BACKGROUND

At its meeting of 14 March 2017, Council resolved, further to a Notice of Motion, to investigate live streaming of Council meetings including consideration of positives and negatives and any matters concerning policy, procedure, legal implications and costs and receive a report back to Council for its consideration.

At its meeting of 13 June 2017, Council resolved, further to a Notice of Motion, that the General Manager or his nominee give an update on the investigation into live streaming of Council meetings and that the report into the investigation of live streaming of Council meetings be completed and reported back to Council by the end of September 2017. A verbal update was provided by officers at the 13 June 2017 meeting.

Council officers have also obtained information from other councils that had considered streaming, and sought professional external advice on the issues affecting streaming.

A Councillor briefing was held on this item on 12 September 2017.

MAIN REPORT

Streaming of Council meetings constitutes the casting of video and sound over the internet. This may take place as it happens ('live' streaming) or via the replay, at a later time, of a recording hosted on a website. Except where the context differentiates between these two, they are referred to together as 'streaming' in this report.

The comments in this report are based on advice from Council's lawyers and information from technology suppliers.

This report makes the following assumptions:

- Councillors, Council staff and members of the public are present during meetings.
- All may speak during a meeting, including members of the public, who can register to speak on agenda items.
- Any proposed video setup could be customised to only display footage of Councillors and selected senior staff.
- Audio recording would capture any speaker.

Ability of Council to introduce streaming

Currently, Council's Code of Meeting Practice permits recording only by Council staff for the purpose of verifying the accuracy of the minutes of Council meetings. All other recording is prohibited without the consent of Council. The wording of these restrictions would need to be amended to permit streaming.

However, there is no legal impediment to Council being able to introduce streaming, subject to the considerations below.

Increasing access to Council meetings

Streaming of Council meetings seeks to extend the audience beyond those personally present by webcasting the meetings and/or providing recording of the meetings for later access. Increasing the ways in which meetings are accessed can be seen as a positive aspect of streaming.

It is argued that some members of the public are disadvantaged by being unable to attend. However, enquiries from other NSW councils show that only a limited number of viewers stream council meetings, which should be considered in terms of the investment (refer to 'Financial Implications' below) required to implement streaming.

Council meetings, including Camden's, are traditionally held in an open setting that allows public attendance and the opportunity for members of the public to speak on relevant matters before Council.

In the case of Camden, meetings commence at 6pm, which may pose difficulties for some members of the public who wish to attend due to travel time experienced in the Sydney metropolitan region. However, it is noted that the majority of NSW councils that have introduced streaming have a rural element, where large distances would contribute to the inability to attend. The appropriateness of Council meeting start times is also to be considered by Council as a separate matter.

It is also noted that Council provides detailed and comprehensive business papers to inform the public ahead of its meetings and welcomes written submissions where a person cannot attend. Our business papers are published online on the Friday morning before the meeting, with the minutes being made available online also after they are confirmed. A member of the public can also nominate a speaker to speak on their behalf at meetings.

All decisions from Council meetings are set out in Council's official minutes, which are publicly available and following the revision of our Code of Meeting Practice now show how each Councillor present has voted on each item.

Workplace surveillance

The Workplace Surveillance Act 2005 (WS Act) applies to the:

"surveillance of an employee carried out or caused to be carried out by the employee's employer while the employee is at work for the employer" (s 9).

While it is arguable whether that WS Act intends to cover activities around streaming, the prudent course would be to assume that it would apply to Council's employees.

In this case, the provisions of the WS Act are arguably able to be satisfied as:



-
- Councillors and members of the public are not subject to the WS Act.
 - Pursuant to the WS Act:
 - Prior notice of surveillance can be given to staff.
 - Cameras can be made clearly visible and appropriate notification signs could be made clearly visible at entrances to the meeting.

However, as this change has impacts on any Council staff present at a Council meeting, it is considered essential to engage with Council staff and trade union representatives about the impact of the change and how it could be implemented. This represents another risk for Council officers to manage as it not currently a requirement for staff to attend meetings broadcast in this way.

Privacy

The Privacy and Personal Information Protection Act 1998 (PPIPA) protects personal information, which is defined as:

“information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion.”

Images and audio of persons captured at a Council meeting would fall into the definition of personal information. Therefore, it is recommended that Council’s Code of Meeting Practice and Privacy Management Plan should be amended to conform with PPIPA requirements and that signage at the entrance to Council meetings, and statements at the commencement of Council meetings, should also be provided to notify the public accordingly.

Refusal of consent to be recorded

Generally speaking, staff whose role requires attending Council meetings could not refuse to be captured by streaming, assuming the privacy and WS Act requirements above are adhered to. However, staff not so involved may object.

Although a member of the public, who wishes to address Council, can object, it would be open to Council to make consent to streaming a condition of being able to make a public address on an agenda item. In particular, the Public Address Guidelines contained in the Code of Meeting Practice could be amended accordingly. Council may consider permitting a speaker to elect not to have their image captured although their voice would be streamed.

Members of the public who do not wish to speak can also object to the capture of their image. It is recommended that, if the matter proceeds, these persons not be captured at all to minimise Council’s risks.

Closed meetings

For a part of a meeting closed to the public under s 10A of the *Local Government Act 1993* (LG Act), streaming would be incompatible with the confidential nature of the meeting. It would be necessary to cease streaming until the meeting re-opened to the public.



Defamation

Legal context

The NSW Ombudsman publication 'Better Service and Communication for Councils' states:

"A statement may be defamatory of a person if it is likely to cause an ordinary reasonable member of the community to think less of a person or to shun or avoid the person".

If defamatory statements are made in a meeting that is streamed, Council could be liable as a publisher of those statements. This would allow an injured person to sue Council for damages. This is a level of risk that Council currently does not have. This is further complicated by the fact that Council, even if it were to put notifications and warnings in place, would have no control over the comments of individuals in a live streaming situation.

There is also a concern, if broadcasts are delayed, that questions may arise as to the transparency of the 'vetting' process undertaken to screen potentially defamatory comments and also whether staff are suitably equipped to make this judgement on the floor of a live Council meeting.

Council may have access to defences under the *Defamation Act 2005*, however this depends on the circumstances of each case.

The injured (defamed) person may also be able to sue the person who made the defamatory statement. If the alleged defamer is a Councillor or Council employee, there is a potential defence in s 731 of the LG Act if the statement was made in good faith for the purpose of executing the LG Act.

This may be difficult to demonstrate however, because arguably in practice most defamatory statements made at Council meetings may be considered to be personal rather than in the exercise of a public duty. The circumstances in which the s 731 defence would be available are considered to be small and not ordinarily available.

In general, the increased exposure of a defamatory statement through streaming increases the potential legal risk to a Councillor or Council staff member of being sued in their personal capacity as an individual and to the amount of damages for which they might be personally liable.

The s 731 defence is not available to members of the public.

Councillors are also not protected by a parliamentary-style privilege. This is relevant to this issue as this type of privilege protects members of Federal and State Parliaments, allowing them to make personal statements about people in a forum where they have protection from defamation action and so cannot be sued for comments they make.

Potential damages

The *Defamation Act 2005* caps general damages at \$389,500, although additional orders can be made for aggravated damages in certain circumstances. A review of potential damages for defamation has been undertaken, which indicates a very wide range of potential outcomes. At the upper end, recent examples of decisions exist



where damages of over \$300,000 have been ordered by the courts where there is wide-ranging publication through the media.

Insurance

Council maintains a Councillors' and officers' insurance policy, which may cover a defamatory statement by a Councillor or staff member, and provides cover for defamation as a 'wrongful act'. However, Council would be subject to paying an excess under that policy for each claim and the nature of the comments would be assessed on each occasion to determine how the insurance policy responded.

Council also maintains a public liability policy in which 'defamation' is specifically listed. This would apply to a defamation claim made against Council. However, Council would be subject to paying an excess under that policy for each claim.

Councillor legal expenses

Under Council's Payment of Expenses and Provision of Facilities to the Mayor and Councillors policy, there is an ability for Councillors to be reimbursed for legal expenses incurred in defending a defamation action. However, this is constrained by the same 'good faith' and 'public duty' limitations as discussed above and is also subject to the findings being 'substantially favourable' to the Councillor.

In summary concerning defamation, each matter would be required to be considered on a case by case basis. This means that it is not possible for Council officers to provide certainty to Councillors about the level of support available to them.

Recording of meetings for later playback

In contrast to live streaming, hosted recordings allow for delayed and repeated viewing of Council meetings. While this does provide additional convenience to viewers, it is noted that the potential for additional exposure magnifies the potential risks and liabilities identified in this report.

However, recordings do provide the opportunity to edit or remove potentially defamatory statements. This may require specific legal advice in each case and adds an additional administrative burden on Council resources.

The issue of 'vetting' live meetings and the associated issues have been discussed above.

Copyright and editing issues

Any webcasts or recordings of Council meetings are the property of Council. However, Council's ability to enforce its copyright may be limited where there is unauthorised re-distribution or re-editing of the meeting. This provides the risk of material being disseminated that misrepresents the proceedings of the meeting

Equipment and services

After considering alternatives, it is considered that the most reliable and cost-effective solution to implement streaming, should it be adopted, is to outsource to an experienced external provider, where Council would acquire the required equipment and the provider would provide support services. A summary of the required equipment and service provision is as follows:



- Hardware including three HD cameras installed with video system, audio mixer, media player, router and hard drives;
- Support services including live streaming, agenda listings, archiving, editing, web page set up and hosting.

A dedicated Council officer would also be required to attend each meeting on an overtime basis and staff resources may be required to review and 'vet' a meeting before it is posted to reduce any possibility of defamation occurring.

The costings are included under 'Financial Implications'.

Comparison with other councils

A table comparing other councils' responses to live streaming is provided as a **supporting document**. The majority of councils who appear to be streaming their meetings could be considered to be rural councils.

The experience of Councils is divided. However, based primarily on defamation concerns, Penrith City Council and Fairfield City Council have not proceeded with streaming, and Port Stephens Council discontinued streaming. The City of Sydney has also recently considered streaming and has decided not to proceed.

The table includes some information on average viewer numbers, which range from 4 to approximately 100. However, most responses indicate less than 50 viewers, unless issues of particular interest are featured on the agenda, in which case some councils report an increase in the number of viewers.

Training for Councillors and staff

Council officers have obtained information on available training for Councillors and staff centered around presentation and speaking skills to ensure that any debate was well presented and clear for any members of the public viewing the meeting. The training would also include a session on defamation to be provided by a member of Council's legal panel.

The intent of the training would be to ensure that Councillors and staff can maximise the effectiveness of the Council meeting in the broadcast environment while minimising risks. The training would be delivered through a series of workshops.

FINANCIAL IMPLICATIONS

The cost of implementation of live streaming of Council meetings is estimated as:

Initial costs

1. \$24,000
System hardware and installation, cabling installation, website integration
2. \$20,000
Annual operating cost



-
3. \$35,000 - \$40,000

Councillor and staff training.

Recurrent costs

1. \$15,000 per year

System support fee

2. \$5,000 (approximate)

Council's technology staff to support the meetings

3. \$5,000

Estimated refresher training costs.

The total of these estimates is therefore approximately \$80,000 to \$85,000 in the first year, and approximately \$25,000 in each subsequent year. These amounts are currently unbudgeted however could be considered as part of the next available quarterly review.

Potential legal and resource costs in dealing with defamatory statements are unknown.

CONCLUSION

If the matter was to proceed, Council's Code of Meeting Practice and Privacy Management Plan would need to be amended to accommodate streaming and appropriate notices would need to be provided at Council meetings. Consultation with Council staff and their representatives should also occur and a budget will need to be allocated.

The positive aspect of increased access to Council meetings provided by streaming provision would have to be balanced with a number of other important issues including cost, resources required, legal and risk issues (such as defamation, WS Act and PPIPA compliance) and the low average level of viewership of Council meetings.

On balance, it is considered that the introduction of streaming would pose an unnecessary and uncontrollable legal risk whilst delivering a comparatively limited benefit for the expenditure involved and therefore, based on that assessment of risk, it is recommended that no further action be taken on this item.

RECOMMENDED

That Council note the information in this report and determine the matter.

ATTACHMENTS

1. Webcasting Council Survey - *Supporting Document*



ORDINARY COUNCIL

ORD14

NOTICE OF MOTION OF RESCISSION

SUBJECT: NOTICE OF MOTION OF RESCISSION - 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

FROM: Cr C Cagney, Cr Farrow, Cr Campbell, Cr A Cagney

TRIM #: 17/288341

"We the undersigned Councillors, hereby give notice of our intention to move that the Council resolution relating to:

Item 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 of Ordinary Council Meeting of 12 September 2017, Minute No ORD 191/17

BE RESCINDED.

Cr C Cagney
Cr Farrow
Cr Campbell
Cr A Cagney

"ORD191/17 - 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 being amended to reflect the following changes to condition (2) Modified Documents and Plans – The development shall be modified as follows:

- a) *to be deleted; and*
- b) *additional landscape screening to be provided to the northern corner of the farm building and north east façade to be shown on the revised landscaping plan. This landscaping screening shall consist of at least four native trees capable of reaching at least five metres to appropriately screen the farm building. Advanced species should be used at a height of minimum five metres as planted. The screening shall reflect an informal pattern as to integrate with the existing vegetation to be retained."*

The report from the Ordinary Council Meeting of 12 September 2017 and the attachments are provided as an Attachment to this report. The supporting documents are also provided in Supporting Documents.



RECOMMENDED

That Council determine whether to rescind the Council resolution relating to Item 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 of Ordinary Council Meeting of 12 September 2017, Minute No ORD 191/17.

Should the above Motion of Rescission be carried, it is our intention to move the following motion:

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.”

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 unamended recommended conditions referred to in Attachments for Item 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 of Ordinary Council Meeting of 12 September 2017.

ATTACHMENTS

1. Council Report and Attachments - 12/09/2017
2. Supporting Document - 12/09/2017 - *Supporting Document*



ORDINARY COUNCIL

ORD15

SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC
FROM: General Manager
TRIM #: 17/289727

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

- Appointment of Independent Directors for the Camden Region Economic Taskforce

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

- Personnel matters

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 in accordance with the provisions of Sections 10A(2)(a) of the *Local Government Act, 1993*.**