



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**13 November 2018**

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**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  
Peter Sidgreaves

Acting Director Customer and  
Corporate Strategy  
Charles Weber

Acting Director Sport  
Community and Recreation  
Tina Chappell

Chief Financial Officer  
Paul Rofe

Director Planning and Environment  
Nicole Magurren

Director Community Assets  
Sandra Kubecka

# SEATING DIAGRAM

Camden Council Meeting

Councillor  
Rob Mills

Councillor  
Theresa Fedeli

Councillor  
Lara Symkowiak

Councillor  
Michael Morrison

Councillor  
Eva Campbell

Councillor  
Ashleigh Cagney

Councillor  
Paul Farrow

Councillor  
Cindy Cagney

Media

Public Address

Public Seating





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# ORDINARY COUNCIL

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## ORDINARY COUNCIL

**SUBJECT: PRAYER**

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### 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**

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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.



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## ORDINARY COUNCIL

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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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**

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

### **RECOMMENDED**

**That leave of absence be granted.**



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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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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.**

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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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.**

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## ORDINARY COUNCIL

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting of 23 October 2018 held 30 October 2018.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting of 23 October 2018 held 30 October 2018, copies of which have been circulated, be confirmed and adopted.**

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## **ORDINARY COUNCIL**

### **Mayoral Minute**

**SUBJECT: MAYORAL MINUTE - COUNCIL OPENS THE NEW HARRINGTON PARK LAKE RESERVE YOUTH PLAY SPACE**

**FROM:** Mayor

**TRIM #:** 18/366156

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On Saturday 3 November 2018 hundreds of local residents joined Council for the official opening of the Harrington Park Lake Reserve, Youth Play Space.

This exciting development is the first of the three new play spaces that will be opened this year and is part of a \$5 million initiative by Council to provide opportunities for children, young people and families to get outdoors, exercise and socialise.

The park is equipped with accessible and unisex toilets, shade structures, seating and additional parking and has been designed to incorporate and compliment the natural landscaping within the Harrington Park Lake Reserve.

I am delighted that we have been able to deliver this park earlier than was anticipated and that our community are already out enjoying the facility. I am sure we will see many more young people and families out and about during these warmer months.

I would like to thank all the staff who contributed to this project from planning through to construction. This is another example of the high quality services and facilities that we are providing to our ever growing community.

I would also like to congratulate all involved in the opening and the variety of activities and entertainment that was on offer. It was wonderful to see our community coming together and enjoying the facility.

I look forward to the opening of Sedgewick Reserve Youth Play Space and Curry Reserve Water Play Space in the coming weeks.

#### **RECOMMENDED**

**That Council note the information.**



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## ORDINARY COUNCIL

**ORD01****SUBJECT: DRAFT SUBMISSION TO LOWES CREEK MARYLAND PRECINCT EXHIBITION****FROM:** Director Planning and Environment**TRIM #:** 18/335557

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**PROPERTY ADDRESS:** 749, 751, 761, 765, 877, 895, 905, 925, 975 The Northern Road, Bringelly  
40 Greendale Road, Bringelly**PROPONENT:** Macarthur Developments Pty Ltd**OWNERS:** GA Flaherty, DA&GA Tedesco, T Chiefari, F&F Daniele, Cameron Brae Properties Pty Ltd, Birling Land Holdings Pty Ltd, Greendale Land Holdings Pty Ltd, Nonorrah Farm Pty Ltd, Maryland Homestead Pty Ltd, Tranteret Pty Ltd, D Vitocco Constructions Pty Ltd, A D&I Vitocco

### PURPOSE OF REPORT

The purpose of this report is to advise Council of the exhibition of the Lowes Creek Maryland (LCM) Precinct Plan. The report recommends that Council make a submission to the Department of Planning and Environment (DPE) in response to the exhibition. Council's draft submission is provided as an **attachment** to this report.

The report also recommends that Council make a separate submission to the Minister for Planning regarding the current contributions framework and to the Heritage Council of NSW regarding the proposed inclusion of the Maryland Homestead on the State Heritage Register.

### BACKGROUND

On 1 October 2018, the Minister for Planning exhibited the draft precinct planning package for LCM. The draft precinct package includes a draft indicative layout plan (ILP) which outlines the key land uses proposed in the precinct. The exhibition concluded on 9 November 2018 however Council has been granted an extension until 16 November 2018.

On 28 August 2018, a Councillor briefing was held to introduce the draft planning package. On 16 and 30 October 2018, further Councillor briefings were held to discuss the key opportunities and issues with the draft planning package.

Two community drop in sessions were hosted by DPE at Oran Park Library (16 and 20 October). A summary of the questions asked during these sessions is discussed in this report.

### **The Precinct**

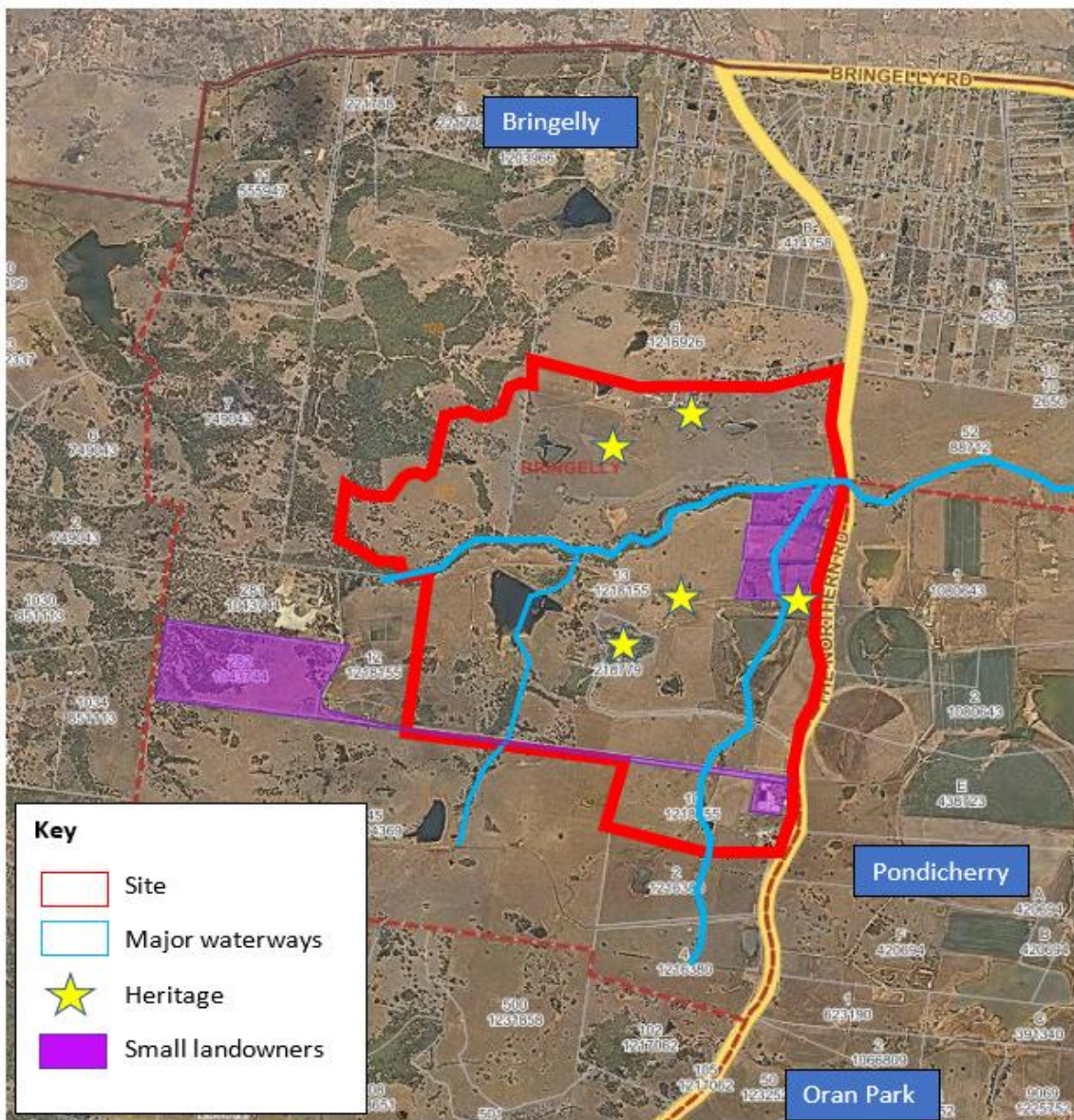
The precinct is approximately 517ha in size and has a 13km frontage to The Northern Road. It has a sloping topography, falling 65m from the southwestern corner to The Northern Road.



The land is predominately used for agricultural purposes, including a sand and soil use in the south-eastern portion of the site.

There are several heritage items in the precinct, including the Maryland Homestead, Birling 1812 and Birling 1937. The Maryland Homestead is especially significant due to its collection of buildings and retention of ancillary buildings (e.g. dairy cluster). The Maryland Homestead and associated curtilage is currently being considered for State Heritage Listing.

Lowes Creek runs in a west to east direction across the precinct. Two large farm dams are located on the tributaries of Lowes Creek. A number of smaller dams are also located throughout the precinct. **Figure 1** shows the features contained within the site.

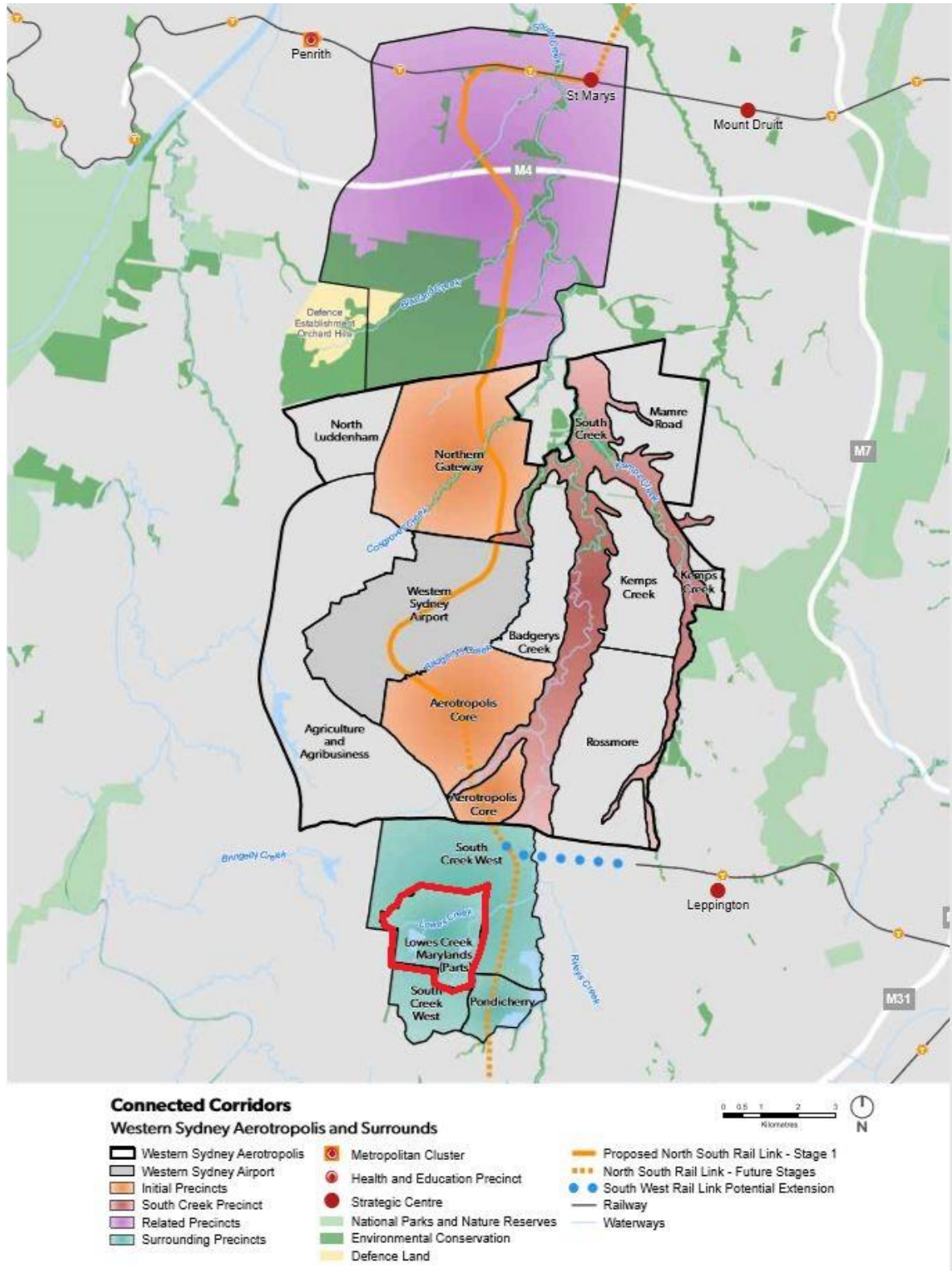


**Figure 1: Lowes Creek Maryland Precinct main site features**

The precinct is located in the South West Growth Area (SWGGA). LCM previously formed part of the Maryland and Lowes Creek Precincts, which were identified by the DPE in 2005 for future urban development.



LCM is approximately 5km north of the Oran Park town centre, within the suburb of Bringelly. A map showing the site and surroundings is shown in **Figure 2**.



**Figure 2: LCM Context Map (DPE, 2018)**

The proposed north-south rail corridor is located east of the precinct. The proposed south-west rail extension, located to the north of the precinct, will connect Leppington



to the Western Sydney Aerotropolis. The Aerotropolis is located approximately 11km to the north.

### **Background**

In September 2015, LCM was released for precinct planning purposes by the Minister for Planning in accordance with the Precinct Acceleration Protocol (PAP). A Voluntary Planning Agreement (VPA) was entered into between the major landowners and the Minister for Planning to fund the studies required to undertake the precinct planning work.

## **MAIN REPORT**

### **Precinct Planning Package**

The Draft Precinct Planning Package includes:

- Lowes Creek Maryland Precinct Discussion Paper (including draft changes to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP));
- Draft SEPP Maps;
- Draft Indicative Layout Plan (ILP);
- Amendments to the Growth Centres Development Control Plan (DCP); and
- Strategic Consistency Report.

The following technical studies were also exhibited:

- Biodiversity and Ecology;
- Consistency with the Biodiversity Certification Order 2007;
- Water Cycle Management (including Riparian and Flooding);
- Land Capability, Salinity and Contamination;
- Odour;
- Noise;
- Bushfire;
- Indigenous Heritage;
- Non-Indigenous Heritage;
- Cultural and Visual Landscape Analysis;
- Traffic and Transport;
- Housing Market Analysis;
- Demographics and Social Infrastructure;
- Retail and Employment Demand; and
- Infrastructure Servicing Strategy.

### **Draft Indicative Layout Plan (ILP)**

The draft ILP provides residential, commercial and community uses for the precinct. The draft ILP was informed by the technical studies and is provided as an **attachment** to this report. An additional map, showing the main features of the site is also provided as an **attachment** to this report.

The draft ILP proposes approximately 7,000 dwellings to accommodate approximately 22,400 residents. The draft ILP proposes a range of dwelling types from large lot housing to mixed use developments and/or residential flat buildings (six storeys in height) in parts of the precinct.

A 20,000sqm local centre is proposed. Buildings in the local centre will range in height from 9m to 21m (two to six storeys). Employment uses are also proposed in the mixed-





use zone situated off The Northern Road. The precinct also proposes a K-12 school site. In total, it is estimated the precinct will generate approximately 1,810 jobs.

Other key features include:

- The re-use of the Maryland Homestead, Birling 1937 and dairy clusters for commercial or community uses;
- Part use of the Maryland curtilage and Birling 1812 as public parks;
- Six double playing fields and 22 hardcourts;
- Retention of riparian land and land for conservation of significant vegetation;
- Interconnected shared pathways to allow access to these natural assets;
- Two online basins, six offline basins and 21 bioretention basins to ensure that stormwater and water quality on and off the precinct are managed responsibly;
- The design of the dry basins will be integrated into cycleways and used as landscape features; and
- A community facility located close to the school and commercial centre.

A breakdown of the draft ILP is provided as an **attachment** to this report.

The precinct will be developed in stages to ensure sufficient infrastructure and services are available. A staging plan is provided as an **attachment** to this report.

#### **Draft Development Control Plan**

The draft planning package includes a precinct specific DCP that contains controls to guide the development including, natural assets, landscaping, open space and road provisions, heritage conservation and design of the town centre.

#### **DRAFT SUBMISSION - Issues for Council**

Council's draft submission is provided as an **attachment** to this report. Council officer's recommended changes to the draft SEPP, ILP and DCP are summarised below:

#### **1. Residential Density**

##### **1.1 Higher Density and Shortfall in Open Space**

The average dwelling density proposed for LCM is 26.3 dwellings/ha and has been informed by the Housing Market Needs Analysis.

The estimated population within the precinct, arising from the proposed density, will create a 4.52ha open space shortfall. This shortfall equates to approximately 1,600 residents or 470 low density dwellings.

To offset the shortfall in open space, the DPE has proposed 3 dry basins which will serve a dual use/open space drainage function. The basins have a total area of 7.4ha, of which approximately 4.52ha is proposed to serve this dual use purpose.

#### **Officer's Recommendation**

While there is no objection to the use of the dry basins for passive recreation, Council officers consider these areas should not be included within the open space calculations, as they will not be usable in a 1 in 100-year storm event. It is recommended that:

- Additional open space be provided to ensure sufficient open space for the community in both dry and wet weather; or

- The density be reduced to ensure that the quantum of open spaces meet the requirements.

### **1.2 New Minimum Lot Size and Small Lot Housing**

A new minimum lot size of 250sqm is proposed for dual occupancies in higher density bands (46 – 60 density band). This new control would allow dwellings on lots of 125sqm.

The existing controls in the Growth Centres SEPP permit dual occupancies on land with a minimum lot size of 400sqm at its highest density band.

Furthermore, while the exhibition material does not specifically include small lot housing in the precinct, this housing type was discussed during the preparation of the draft ILP.

Small lot housing is a form of housing constructed on freehold titles, generally built from side boundary to side boundary. This type of housing is typically 2 – 3 bedrooms in a 2 to 3 storey form. Open space comprises of lightwells in the middle of the dwelling and a small front yard. The allotments vary from 60sqm – 200sqm in size.

#### Officer's Recommendation

Council officers do not support the proposed minimum lot size control or small lot housing. It is recommended that the new control and/or the introduction of small lot housing is omitted from the precinct.

The new building forms facilitated by the proposed minimum lot control and inclusion of small lot housing is incompatible with the design intent of the precinct and not supported.

### **1.3 Density Bands in Density Band Map**

The draft Residential Density Map (RDM) includes dwelling density ranges. The density ranges prescribe the minimum and maximum number of dwellings over a specific area of the precinct.

#### Officer's Recommendation

It is recommended that the minimum density from each band be removed.

### **1.4 Residential uses in B4 Mixed Use Zone**

The B4 Mixed Use zone is located on the eastern boundary of the site. The intention of the zone is to provide an area that will deliver a mix of employment and residential opportunities.

While there is an overall FSR applied to the B4 zone, there are no controls in the draft SEPP or DCP to address the amount of commercial and/or residential development.

#### Officer's Recommendation

The B4 Mixed Use zone will be an important employment generator within the precinct as the zone would allow for a wide variety of commercial uses such as office and professional uses.

It is recommended that a minimum commercial FSR component be applied to ensure the viability of commercial developments in the B4 Mixed Use zone.



## 2 Zoning of Local Parks and Drainage Basins

The draft SEPP zones local parks in residential areas as RE1 Public Recreation and drainage basins adjoining the E2 Environmental Conservation zone as SP2 Infrastructure - Drainage. These items are identified in the Land Reservation Acquisition (LRA) Maps to ensure they are dedicated to Council.

### Officer's Recommendation

The prescriptive nature of the zoning map provides limited flexibility for variation during the DA stage and consequently, any minor changes to the location of these items would require a Planning Proposal.

It is recommended that the DPE consider:

- A flexible zoning provision in the Growth Centres SEPP to allow flexibility for infrastructure and open space; or
- Zoning open space and drainage basins in accordance with the adjoining zone (i.e. R2 Low Density Residential and E2 Environmental Conservation) where these uses are permitted.

## 3 School Site Zoning

The draft SEPP proposes a R3 Medium Density Residential zone to the proposed K-12 school site. The proposed zoning is inconsistent with the use of the site for a school.

### Officer's Recommendation

It is recommended that the school site be zoned SP2 Special Uses- Educational Establishment. This is especially important given that the school site has not been identified for acquisition under the draft SEPP LRA Map.

A SP2 Special Uses- Educational Establishment zoning will provide certainty to Council and the community to ensure that the school site is developed for its intended purpose as a school.

## 4 Infrastructure

### 4.1 Ongoing Maintenance of Riparian Corridors

The draft ILP provides approximately 60.52ha of riparian land. The riparian land is in association with Lowes Creek, a tributary of South Creek.

### Officer's Recommendation

The conservation of South Creek is a planning priority within the Western City District Plan. Given the importance of South Creek in shaping the Western Parkland City, a state or district wide co-ordinated approach is required to ensure South Creek and its tributaries are maintained.

Council officers recommend the DPE consider an appropriate mechanism to fund the retention and management of South Creek and its tributaries.

This approach should ensure the long-term maintenance is funded and that the same approach to conservation and regeneration is undertaken across Council boundaries.

### 4.2 Identification of classified roads and school site

The draft Land Reservation Acquisition (LRA) Map does not identify the K-12 school site or any of the classified roads within the precinct. These items will be dedicated to the relevant state agencies in the future.

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Officer's Recommendation

Council officers recommend the LRA Map be modified to include the school site and all classified roads. The inclusion of the school site and classified roads in the LRA map will provide greater transparency by identifying areas of the precinct under public ownership.

#### **4.3 Local Infrastructure**

Under the current contributions framework, Council can collect up to \$30,000 per lot (the contributions cap). If the cost of providing essential infrastructure exceeds the contributions cap, Council can refer the contributions plan to IPART and DPE for review and approval and can then seek funding under the Local Infrastructure Growth Scheme (LIGS) to cover the full cost of infrastructure under the plan.

Recent changes have meant that new CPs are no longer eligible for LIGS funding. This means Council is unable to recoup the difference between the \$30,000 per lot cap and the actual cost of providing infrastructure whilst the CP is being reviewed by IPART and DPE. The review and approval of a CP by IPART and DPE can take up to 18 months.

Officer's Recommendation

The inability to levy or recoup development contributions that exceed the contributions cap during the IPART and DPE review period presents a financial risk to Council and impacts Council's ability to provide infrastructure to the community.

This issue affects not only the LCM precinct, but future urban release areas in the Camden LGA. It is therefore recommended that:

- A satisfactory arrangements clause be included into the Growth Centres SEPP (relating to the Camden Growth Area) to ensure that agreements for the delivery of infrastructure are in place between the developer and Council prior to issue of the consent for a Subdivision Certificate, or that an IPART-approved contributions plan is in place; and
- A separate letter be forwarded to the Minister for Planning which details Council's concerns with the changes to the contributions framework and identifies the financial risk to Council. A copy of the draft letter is **attached** to this report.

#### **4.4 Timing of State Infrastructure**

The proposed density in LCM is supported by future state infrastructure such as classified roads within the precinct and the future Western Sydney Aerotropolis and the north-south rail extension.

Officer's Recommendation

Council officers recommend that a satisfactory arrangements clause be included in the Growth Centres SEPP (relating to the Camden Growth Areas) to ensure the developer has provided a contribution to state infrastructure prior to subdivision of the site.

## **5 Heritage**

### **5.1 Birling View Lines**

The Cultural and Landscape Analysis identifies key view lines between the heritage items within the site, towards each other and beyond.

Officer's Recommendation

While the draft ILP maintains most of these important views, the link between the two Birling items are intersected by low density development at a maximum height of 9m. These developments are likely to obscure the Birling view corridor.



It is recommended that:

- The ILP be modified to ensure the view lines between these two items are maintained; or
- A detailed view analysis be prepared prior to the subdivision of the relevant stage to determine the appropriate building envelopes of lots which intersect the Birling 1812 and Birling 1937 view line. This view analysis shall be applied to each affected site via an 88B instrument.

## 5.2 Strengthening of heritage controls

It is recommended that several controls within the draft DCP be modified to better define the timing of required further investigation reports. The recommended changes to the DCP are contained in the draft submission which is provided as an **attachment** to this report.

## 6 Commercial Controls

### 6.1 Building Height in Local Centre

One key view line, incorporated in the draft ILP is the view from The Northern Road to the Maryland knoll. This view is important as it is one of the only places from which Maryland can be seen outside of the precinct (see **Figure 3** below).

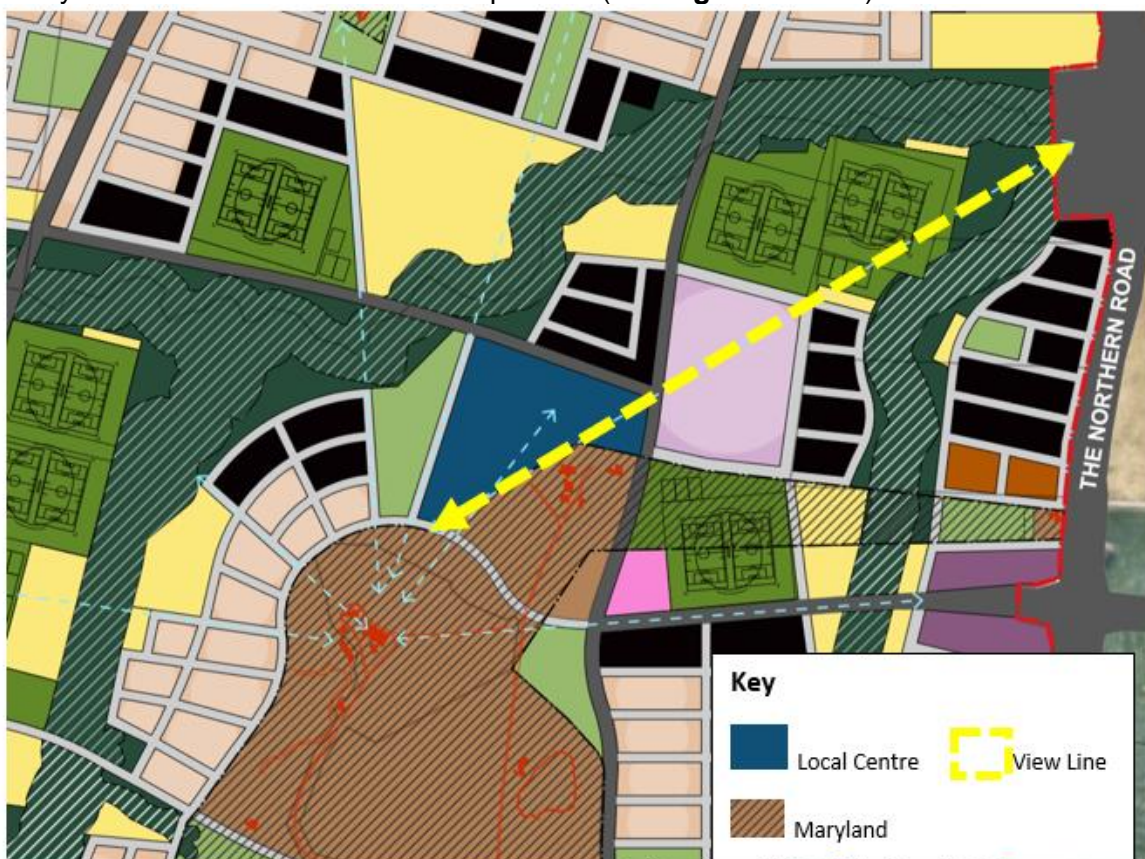


Figure 3: Location of significant view from The Northern Road to Maryland Homestead

#### Officer's Recommendation

The draft SEPP introduces a 21m (6 storey) height limit along the northern boundary of the proposed local centre. However, buildings constructed at the 21m height may obscure the key view line mentioned above.

It is recommended that the height of buildings at the north-eastern corner of the local centre be reduced to 12m (3 storeys) to preserve the key view line from The Northern Road to the Maryland knoll.

### 6.2 Building Height and FSR control in B4 Mixed Use Zone

The draft SEPP introduces a maximum height of 21m and maximum FSR of 0.5:1 in the B4 Mixed Use zone.

#### Officer's Recommendation

There is currently no nexus between the two proposed controls as any development at 21m is likely to exceed the mandated 0.5:1 FSR and vice versa. It is recommended that the FSR within the zone reflect the 21m height limit.

### 6.3 Design of Buildings in B4 Mixed Use zone

The draft DCP addresses the development and design of buildings in the B4 Mixed Use zone. The design of these buildings, particularly their interface and relationship with the riparian corridor to the west, Maryland gatehouse and adjoining park to the north is important to ensure that these elements of the precinct are respected. The location of the B4 zone relative to the above-mentioned items are shown in **Figure 4** below.



Figure 4: Location of the B4 zone relative to important uses

#### Officer's Recommendation

It is recommended that controls be introduced to guide the design of proposed buildings and how buildings will address adjoining land uses.



## 7 Technical Recommendations

Council officers have reviewed the exhibited material and recommended a number of technical amendments. These are listed below and discussed in detail in the draft submission, provided as an **attachment** to this report.

- Services Infrastructure;
- Odour;
- Acoustic;
- Contamination;
- Salinity;
- Water Cycle Management;
- Traffic and Parking;
- Open Space Design; and
- Biodiversity.

## 8 General Grammatical and Administrative Changes to the Draft DCP

Following review of the draft DCP, Council officers have made additional general comments and grammatical recommendations.

### Comments During Public Exhibition

Council representatives attended the two drop-in sessions hosted by DPE to observe and answer any questions the community may have in relation to Council procedure.

Approximately 36 people attended the drop-in sessions. Some of the questions raised by the attendees who attended these drop-in sessions included:

- What is the timing of infrastructure over my land and over LCM?
- What is the proposed zoning for my land?
- What is the timing of other precincts within the SWGA?
- Where is the location of the North South Rail Extension and the M9 Orbital?
- What is the procedure undertaken to rezone my land?

### Draft Submission for State Heritage Listing of Maryland

On 24 October 2018, the Heritage Council formally exhibited Maryland for consideration to be included in the State Heritage Register. Council has been invited to make a submission on this nomination.

Council's draft submission (**attached** to this report) provides in principle support for the listing of Maryland in the State Heritage Register, subject to future consultation during the review of a site-specific Conservation Management Plan (CMP).

The State Heritage listing of Maryland will provide an additional level of protection for the heritage item to ensure the significance of both the homestead and curtilage are retained.

### Next Steps

Following exhibition, the DPE will assess the submissions received and complete supplementary technical work. The draft ILP may be updated followed by preparation of gazettal material for the Minister.

Council is currently preparing a Section 7.11 Contributions Plan for the precinct. Once drafted, the plan will be reported to Council for consideration. If the average contribution for a residential allotment exceed the \$30,000 cap, the contributions plan will be sent to IPART for review and endorsement.



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## **FINANCIAL IMPLICATIONS**

The precinct planning package for LCM does not have any direct financial implications for Council, subject to the endorsement and adoption of a future Contributions Plan for the precinct.

## **CONCLUSION**

The LCM precinct is part of the South West Growth Area. It is recommended that Council make a submission to the Department of Planning and Environment (DPE) in response to the exhibition.

It is also recommended that Council make separate submissions to the Minister for Planning regarding the current contributions framework and the Heritage Council of NSW regarding the proposed inclusion of the Maryland Homestead on the State Heritage Register.

## **RECOMMENDED**

### **That Council:**

- i. endorse the draft submission to the draft Lowes Creek Maryland Precinct Planning package and resolve to forward this submission to The Department of Planning and Environment;**
- ii. endorse the draft letter relating to Council's concerns on contributions planning and resolve to forward this letter to the Minister for Planning;**
- iii. endorse the draft submission to the State Heritage Listing of Maryland and resolve to forward this submission to the Heritage Council; and**
- iv. forward a copy of Council's submissions and letters to Mr Chris Patterson MP, State Member for Camden.**

### **ATTACHMENTS**

1. Submission to Department of Planning and Environment
2. Lowes Creek Maryland Draft ILP
3. Breakdown of the Lowes Creek Maryland Precinct
4. Lowes Creek Maryland Landuse Plan
5. Proposed Staging Plan
6. Council Submission to NSW Heritage Council
7. Letter to Minister - Contributions Planning





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## ORDINARY COUNCIL

**ORD02**

**SUBJECT: DELIVERY PROGRAM SIX MONTH PROGRESS REPORT (JANUARY TO JUNE 2018)**

**FROM:** Acting Director Customer & Corporate Strategy

**TRIM #:** 18/229313

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### PURPOSE OF REPORT

To report Council's progress status on the four-year Delivery Program 2017/18 to 2020/21 for the period January to June 2018 and to seek Council's approval of the rescission of a policy.

### BACKGROUND

In accordance with the *Local Government Act 1993*, 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 community. The IPR framework also requires councils to report every six months on the progress of the Delivery Program.

The suite of documents includes:

- **Community Strategic Plan (10 year+)**

This Community Strategic Plan is the highest level of plan, which stretches beyond the next ten years, identifying the community outcomes and strategies.

- **Four Year Delivery Program and Operational Plan (Budget)**

The Delivery Program is Council's commitment to progress the Community Strategic Plan in its Council term, which is aligned with the six Key Directions. The Delivery Program shows how the community's aspirations are developed into objectives (community outcomes).

- **Resourcing Strategy: Executive Summary**

The Strategy ensures the community's long-term objectives are met. It integrates the below strategy and plans in accordance with the IPR framework:

- Asset Management Strategy and Plans;
- Workforce Plan;
- Long Term Financial Plan;

and includes two additional areas: the Technology Solutions Strategic Plan and the Plant, Equipment and Fleet Management Plans and Procedures:

Council adopted the above listed suite of documents in June 2017 and this report, for the period January to June 2018, provides the progress status on the Delivery Program as per the IPR framework.

Councillors were briefed on the Delivery Program progress report on 30 October 2018.

**MAIN REPORT**

The four-year Delivery Program and Operational Plan (Budget) was adopted in June 2017. The IPR framework requires Council to report the progress on the four-year Delivery Program.





This is the second report of the four-year reporting cycle on the adopted 39 Performance Indicators under the Delivery Program. A copy of the progress report, January to June 2018, is provided as an **attachment** to this report. The progress report includes the status of the performance indicators under each of the six Key Directions and provides overall highlights, in accordance with the IPR requirements.

Council monitors its progress in achieving the objectives stated in the Community Strategic Plan through the implementation of the Delivery Program under six Key Directions:

1. Actively Managing Camden LGA's Growth;
2. Healthy Urban and Natural Environment;
3. A Prosperous Economy;
4. Effective and Sustainable Transport;
5. An Enriched and Connected Community;
6. Strong Local Leadership.

Council utilises a rating scale to assess the status of the performance indicators under each of the Key Directions, and **Table 1** provides the description under each rating scale and **Table 2** provides performance indicators progress status.

**Table 1**

Rating Scale	Symbol	Description
'On Track'		When the 'actual' is either equal, less or greater than the set target.
'Monitoring'		Corporate variance of ±10% applies to the set target and is considered achievable, feasible and realistic for performance improvement, with the exception of legislative requirements.
'Needs Work'		When the 'actual' is either below or above the corporate variance.
'Trend'		Shows a pattern of change data over time where setting a target is not possible.

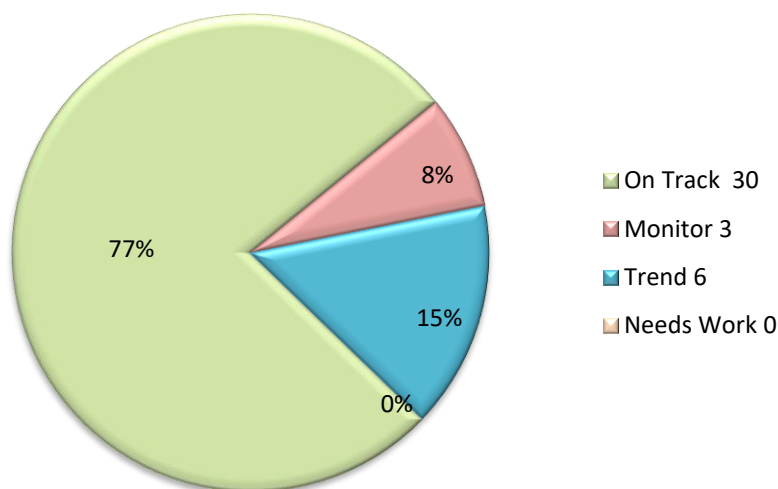


**Table 2**

Key Direction	No. of Performance Indicators	Status			
		On Track ✓	Monitoring 👁️	Needs 🔧	Trend 📈
Actively Managing Camden LGA's Growth	4	4	0	0	0
Healthy Urban and Natural Environment	12	7	2	0	3
A Prosperous Economy	3	1	0	0	2
Effective and Sustainable Transport	5	4	1	0	0
An Enriched and Connected Community	8	8	0	0	0
Strong Local Leadership	7	6	0	0	1
<b>TOTALS</b>	<b>39</b>	<b>30</b>	<b>3</b>	<b>0</b>	<b>6</b>

In summary, of the 39 Performance Indicators, 30 Indicators (77%) were assessed as 'On Track'; 0 Indicators (0%) as 'Needs Work'; 6 Indicators (15%) as 'Trend' and 3 Indicators (8%) as 'Monitoring'. This equates to 30 of the 39 performance indicators (77%) being assessed as 'On Track'.

The below diagram provides a visual presentation on the overall progress status:



Detailed information on the performance indicators and Council's progress towards achieving the outcomes stated in the Community Strategic Plan is provided as .

## Review of Policies

Pursuant to Council's 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 the Mayor and Councillors.
Category 2	Strategic - Council resolved	Not required by legislation but resolved by Council. A strategic policy expresses Council's 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.

As part of Council's ongoing review of its policies and procedures, feedback was received from Managers and the Executive Leadership Group, which identified that Council's Food Premises Policy (Category 2) is no longer required.

The existing Food Premises Policy refers to Australian Standards, which are now covered by conditions of development consent, and the other aspects of the policy are appropriately covered by current legislation and planning codes.

As a result, it is proposed that Council's Food Premises Policy be rescinded.

### FINANCIAL IMPLICATIONS

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

### CONCLUSION

The report highlights that 85% of the performance indicators are positive including 77% as 'On Track' and 8% as 'Monitoring'.

Council continues to make progress in achieving community outcomes and in meeting the commitments as stated in its Delivery Program 2017/18 to 2020/21.

Following a review of Council's policies, it is proposed that Council's Food Premises Policy be rescinded.

### RECOMMENDED

**That Council:**

- i. note this report and the attached Delivery Program Progress Report January to June 2018; and**
- ii. rescind Council's Food Premises Policy.**

### ATTACHMENTS

1. Delivery Program Progress Report Jan to June 2018



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## ORDINARY COUNCIL

**ORD03**

**SUBJECT: LEGAL SERVICES PANEL - EXTENSION OF APPOINTMENT**  
**FROM:** Acting Director Customer & Corporate Strategy  
**TRIM #:** 18/327239

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### PURPOSE OF REPORT

This report seeks Council's approval to extend the appointment of the firms currently on the Legal Services Panel.

### BACKGROUND

Tenders for Council's legal services were sought in 2014. Firms tendered in the following areas:

- Local Government, Governance and Administrative Law;
- Planning Development and Environmental;
- Property and Commercial;
- Risk Management; and/or
- Employment and Industrial Relations.

The recommended appointment of legal firms to Council's panel was partly based on the current composition and structure of the firms and the experience and local government knowledge of nominated partners and senior associates. The tender specifications in no way guaranteed any level of work and stipulated that work would be sought on an as-required basis.

Councillors were briefed on this matter on 30 October 2018.

### MAIN REPORT

Council approved the successful tenders on 11 November 2014. The corresponding legal services contract was then entered into on 24 November 2014 for two years with two further two-year extensions of the contract at Council's discretion. This provided Council with a cost-effective way of extending the arrangements, subject to satisfactory performance by the tenderers, and is in line with general industry practice.

The firms appointed were:

- Bartier Perry - property and commercial law, planning, development and environmental law, risk management, employment law and industrial relations;
- Caldwell Martin Cox - property and commercial advice as well as general local government legislation advice;
- HWL Ebsworth - all five areas of law;
- Lindsay Taylor Lawyers - development, developer contributions legislation and practice as well as general local government legislation advice;
- Sparke Helmore - all five areas of law, with a particular emphasis on local government, planning, development and environmental law;

- 
- Swaab Solicitors - development, environment and land management expertise as well as expert advice in relation to local government legislation.

The current term expires in November 2018. The Legal Services Panel continues to meet Council's requirements and an extension of the appointment of the firms for a further two years is recommended.

In 2020, Council proposes to seek fresh tenders for its legal services.

### **FINANCIAL IMPLICATIONS**

This report has no direct financial implications for Council.

### **CONCLUSION**

It is proposed to extend the appointment of the firms currently on the Legal Services Panel for two years.

### **RECOMMENDED**

**That Council extend the appointment of the following firms for two years to provide legal services:**

- i. Bartier Perry;**
- ii. Caldwell Martin Cox;**
- iii. HWL Ebsworth;**
- iv. Lindsay Taylor Lawyers;**
- v. Sparke Helmore Lawyers; and**
- vi. SWAAB Solicitors.**



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## ORDINARY COUNCIL

**ORD04**

**SUBJECT: ACCEPTANCE OF FUNDING - NSW YOUTH OPPORTUNITIES PROGRAM FOR CAMDEN YOUTH EMPOWERMENT PROJECT**

**FROM:** Acting Director Sport, Community & Recreation

**TRIM #:** 18/348404

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### PURPOSE OF REPORT

The purpose of this report is to advise Council of the successful grant funding application for \$50,000 (excl. GST) from NSW Department of Family and Community Services (Youth Opportunities Program) for the Camden Youth Empowerment Project, and to seek Council's endorsement to accept the funding.

### BACKGROUND

The Youth Opportunities Program provides one-off grants of up to \$50,000 (excl. GST) to non-government organisations and local government. Funding is for new projects that enable young people to lead and participate in community development activities.

Council will receive \$50,000 (excl. GST) from NSW Department of Community Services to implement the Camden Youth Empowerment Project.

### MAIN REPORT

The Department of Family and Community Services NSW has advised Council that it was successful in its application for \$50,000 (excl. GST) for the Camden Youth Empowerment Project. Council will partner with YMCA NSW to deliver this project. The project will deliver a series of youth led events and workshops, increasing opportunities for young people in Camden to develop leadership skills and knowledge whilst supporting them to become active change makers for Camden.

Twenty young leaders from Camden Council's Youth Council and YMCA NSW Young Leaders Group of Mount Annan will work together to design, coordinate, implement and evaluate major events/programs (Multicultural Youth Festival, StreetYm and Late-Night Basketball), promoting and raising awareness of issues concerning young people including youth homelessness, youth mental health etc. These groups will work together to design and implement a series of skill-based workshops, aimed at young people 12-25 years, who have disengaged, or are at risk of disengaging, from school/community.

These workshops and training/education opportunities, will be focused on youth mental health accreditation for young people, swim safety programs in the summer months, building and sustaining healthy relationships among social groups, positive lifestyle and career-based workshops as well as social skills development and youth leadership opportunities. The project will be supported by Camden Council and YMCA NSW.

The project will commence in January and run until December 2019.

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## **FINANCIAL IMPLICATIONS**

Camden Council and YMCA NSW will support the project through in-kind support, which is allowed for in existing budgets. The \$50,000 (excl. GST) funding will cover the cost of the activities within the project.

## **CONCLUSION**

Council has been successful in its funding application for \$50,000 (excl. GST) through the NSW Department of Family and Community Services Youth Opportunities Program. This program will deliver a series of youth-led events for young people in Camden.

It is recommended that Council accept the grant funding of \$50,000 (excl. GST), administered by the NSW Department of Community Services through the Youth Opportunities Program.

## **RECOMMENDED**

**That Council:**

- i. accept grant funding of \$50,000 (excl. GST) from NSW Department of Family and Community Services Youth Opportunities Program for inclusion in the current budget;**
- ii. write to the Hon. Raymond Williams MP, Minister for Multiculturalism and Minister for Disability Services, thanking him for the grant; and**
- iii. write to Mr Chris Patterson MP, Member for Camden, thanking him for his support.**





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## ORDINARY COUNCIL

### ORD05

**SUBJECT: COUNCILLOR REPRESENTATIVE ON THE BUSINESS ASSURANCE AND RISK COMMITTEE**

**FROM:** General Manager

**TRIM #:** 18/318738

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#### PURPOSE OF REPORT

To appoint a Councillor to the vacant position on the Business Assurance and Risk Committee.

#### BACKGROUND

Council endorsed the implementation of a Business Assurance and Risk Management framework in June 2014 and, as part this framework, a Business Assurance and Risk Committee was established.

The objective of the Business Assurance and Risk Committee is to provide independent assurance and assistance to Camden Council on risk management, control, governance and external accountability responsibilities.

The Committee consists of three independent members and two Councillor members. At the Ordinary meeting of 27 September 2016, Council appointed Cr Sidgreaves and Cr Fedeli as representatives on the Business Assurance and Risk Committee for the term of Council.

#### MAIN REPORT

The Office of Local Government recommends the Councillor membership of Audit and Risk Committees should not include the Mayor of Council. Cr Sidgreaves was appointed as a member of Council's Business Assurance and Risk Committee on 27 September 2016. As a result of Cr Sidgreave's election to Mayor on 11 September 2018, Cr Sidgreaves has resigned from the Business Assurance and Risk Committee in line with best practice.

It is recommended that Council appoint a Councillor representative to the Business Assurance and Risk Committee to fill the vacant position for the remainder of the Council term.

#### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

#### CONCLUSION

Council should appoint a Councillor representative to the Business Assurance and Risk Committee until September 2020.

#### RECOMMENDED

**That Council appoint one Councillor as representative to the Business Assurance and Risk Committee until September 2020.**

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## ORDINARY COUNCIL

ORD06

**SUBJECT: MINUTES OF THE 30 AUGUST 2018 BUSINESS ASSURANCE AND RISK COMMITTEE MEETING**

**FROM:** General Manager

**TRIM #:** 18/313235

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### PURPOSE OF REPORT

The purpose of this report is to provide Council with the minutes of the 30 August 2018 Business Assurance and Risk Committee meeting.

### BACKGROUND

Council endorsed the implementation of a Business Assurance and Risk Management framework in June 2014 and, as part this framework, a Business Assurance and Risk Committee was established.

The objective of the Business Assurance and Risk Committee is to provide independent assurance and assistance to Camden Council on risk management, control, governance and external accountability responsibilities.

Council resolved to adopt the Committee's current Business Assurance and Risk Committee Charter on 13 October 2015. The Charter includes a requirement to report to Council the minutes of the Business Assurance and Risk Committee meetings for noting.

### MAIN REPORT

The Business Assurance and Risk Committee met on 30 August 2018. The agenda discussed at the meeting included consideration of the following:

- Enterprise Risk Management Update;
- Fraud and Corruption Prevention Internal Audit Report;
- Project Management Status Update;
- Audit Report Recommendations – Implementation Status Update – July 2018;
- Internal Audit Plan Status Update and Proposed Internal Audit Program 2018-2021;
- External Audit Update;
- Governance information Report – 30 June 2018;
- Other Matters periodically reported to the Committee;
- Checklist of Compliance with Committee Requirements.

The minutes of the 30 August 2018 Committee meeting were approved by the Committee post meeting and are provided as an **attachment** to this report.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.



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## **CONCLUSION**

The Business Assurance and Risk Committee plays an important role in supporting the governance framework of Council. Reporting the minutes from Committee meetings keeps Council informed of the outcomes from those meetings and are submitted for information.

## **RECOMMENDED**

**That Council note the Minutes of the Business Assurance and Risk Committee meeting of 30 August 2018.**

## ATTACHMENTS

1. Minutes of Business Assurance and Risk Committee - 30 August 2018



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## ORDINARY COUNCIL

ORD07

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**  
**FROM:** General Manager  
**TRIM #:** 18/354083

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

- Camden Women's Community Shelter;

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

- the personal hardship of any resident or ratepayer Section 10A(2)(b);

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 the personal hardship of a resident or ratepayer in accordance with the provisions of Sections 10A(2)(b) of the *Local Government Act, 1993*.**