



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**10 January 2022**

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**Camden Council  
Administration Centre  
70 Central Avenue  
Oran Park**



The public can also view the meeting via Council's webcast. A link to this webcast can be found on Council's webpage – <http://webcast.camden.nsw.gov.au/video.php>



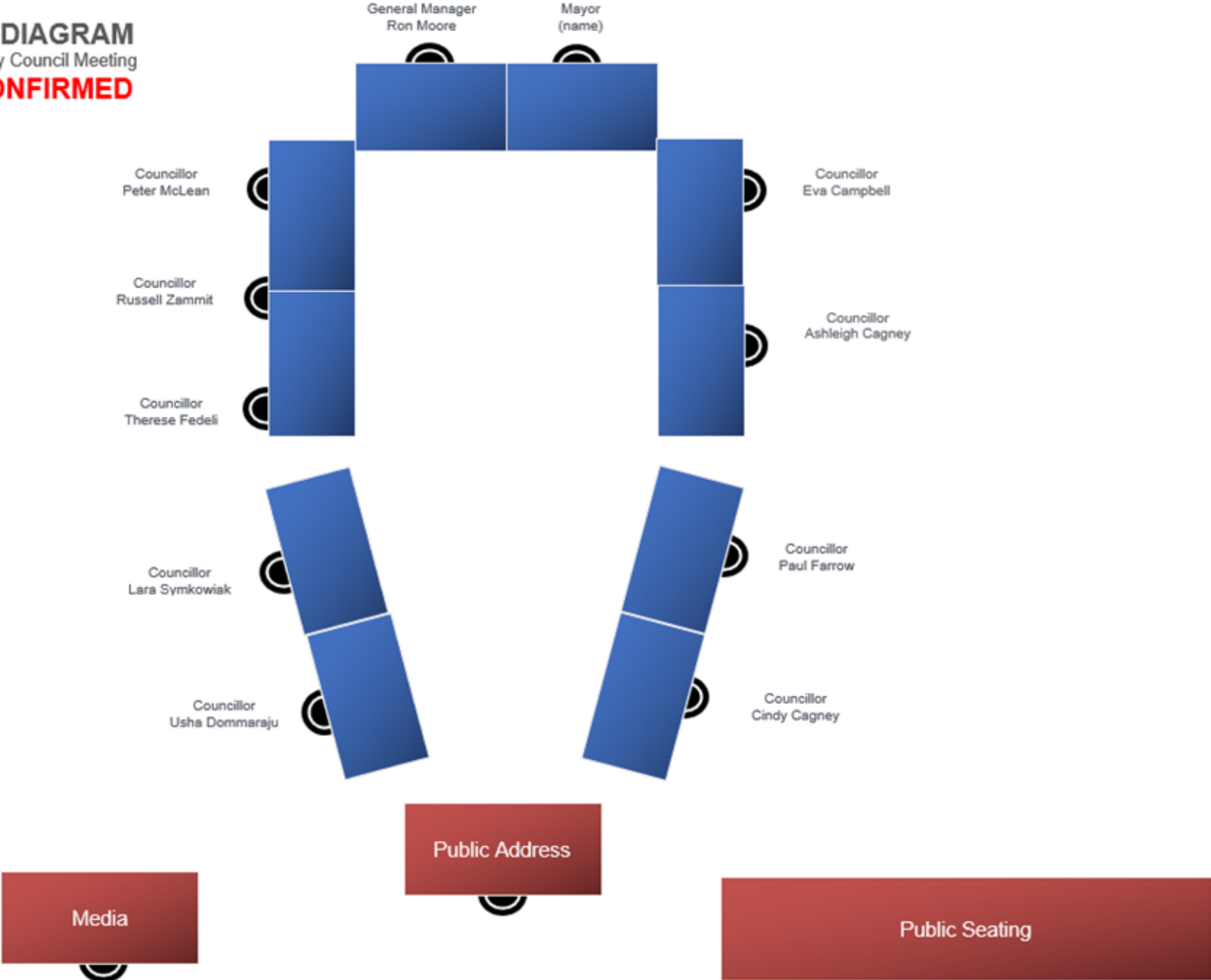
## COMMON ABBREVIATIONS

AEP	Annual Exceedance Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
CRET	Camden Region Economic Taskforce
DA	Development Application
DCP	Development Control Plan
DPIE	Department of Planning, Industry & Environment
TfNSW	Transport for NSW
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
LSPS	Local Strategic Planning Statement
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
S10.7 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
S603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
S73 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
VPA	Voluntary Planning Agreement

# SEATING DIAGRAM

Camden Ordinary Council Meeting

**TO BE CONFIRMED**



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## ORDINARY COUNCIL

**SUBJECT: OATH OR AFFIRMATION OF OFFICE**

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In accordance with section 233A of the *Local Government Act 1993*, all elected Councillors must take an oath of office or make an affirmation of office at or before the first meeting of the Council.

The oath or affirmation may be taken or made before the General Manager, an Australian legal practitioner or a Justice of the Peace.

A Councillor who fails, without a reasonable excuse, to take the oath of office or make an affirmation of the office in accordance with the Act is not entitled to attend a meeting as a Councillor, until the Councillor has taken the oath or made the affirmation.

### **OATH**

“I [*name of councillor*] swear that I will undertake the duties of the office of Councillor in the best interests of the people of the Camden Local Government Area and the Camden Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment”.

### **AFFIRMATION**

“I [*name of councillor*] solemnly and sincerely declare and affirm that I will undertake the duties of the office of Councillor in the best interests of the people of the Camden Local Government Area and the Camden Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the *Local Government Act 1993* or any other Act to the best of my ability and judgment”.

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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

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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

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### 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)*

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## **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: WEBCASTING 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 live streamed and recorded by Council staff for minute taking and webcasting purposes.

No other webcasting or recording by a video camera, still camera or any other electronic device capable of webcasting or recording speech, moving images or still images is permitted without the prior approval of Council. Council has not authorised any other webcasting or recording of this meeting. A person may, as provided under 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 any device in contravention of this clause.

I remind those that are in the chamber that your image and what you say will be broadcast live to the public and will also be recorded so please be mindful of your actions and comments. You should avoid making statements that might defame or offend and note that Council will not be responsible for your actions and comments.



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## **ORDINARY COUNCIL**

**SUBJECT: LEAVES OF ABSENCE**

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

**RECOMMENDED**

**That leaves of absence be granted.**

## **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 4.28-5.19).

Councillors should be familiar with the disclosure provisions contained in 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.

Only the audio recording of the public address speakers will be heard on Council's webcast. Visual images of the speaker will not be captured as part of that webcast.

### **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 held 9 November 2021.

**RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 9 November 2021, copies of which have been circulated, be confirmed and adopted.**

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## **ORDINARY COUNCIL**

**SUBJECT:       MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).

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## ORDINARY COUNCIL

ORD01

**SUBJECT: ELECTION OF MAYOR - 2022/2023**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 21/202364

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### PURPOSE OF REPORT

The purpose of this report is to conduct an election for the position of Mayor, who will hold office until a new Mayoral election is conducted in September 2023.

### BACKGROUND

The position of Mayor is required under section 225 of the *Local Government Act 1993* (the Act). The procedures to be followed in respect of the election of the Mayor are set out in section 290 of the Act (timing), section 394 of the *Local Government (General) Regulation 2021* (the Regulation) (method) and Schedule 7 to the Regulation (process).

### MAIN REPORT

#### **Nominations**

To be nominated for election to the position of Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee, and must indicate the consent of the nominee.

The form must be delivered to the General Manager prior to the start of the Council meeting on Monday, 10 January 2022. To assist, nomination forms have been issued under separate cover to each Councillor for this purpose.

#### **Election Process**

The General Manager will act as the returning officer for the election.

If only one nomination is received, no election is required, and the General Manager is to declare the nominee the duly elected Mayor for the 2022/2023 term, which expires in September 2023.

If more than one nomination is received, Council is required to resolve the method of voting, with the following three methods available:

- Open voting (A show of hands or similar means);
- Ordinary ballot; or
- Preferential ballot.



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However, the Office of Local Government (OLG) advises that councillors need to be present at the meeting in person to participate in voting by means of an ordinary ballot or preferential ballot. Therefore, if any Councillors participate in the meeting and consequently the election of the Mayor via audio-visual link, as permitted under section 237 of the Regulation, open voting is the only method of voting available for the election on this occasion.

If no Councillors participate in the meeting via audio-visual link and Council resolves to use a method of voting other than show of hands, ballot papers will be handed to each Councillor for completion. It is important that the ballot papers are completed correctly to ensure that they constitute formal votes. Informal votes are described in clause 345 of the Regulation.

Ordinary and preferential ballots must be conducted as secret ballots.

The General Manager is to declare the candidate with the majority vote the duly elected Mayor for the 2022/2023 term.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **CONCLUSION**

The position of Mayor is required under the Act and the Mayoral term is until September 2023. Council is to conduct an election for the position of Mayor and the General Manager will act as the returning officer for the election.

### **RECOMMENDED**

**That Council:**

- i. if there is only one valid nomination, authorise the General Manager to declare the nominated Councillor to be the duly elected Mayor for the 2022/2023 term; or**
- ii. if there is more than one valid nomination:**
  - a. determine the method of voting; and**
  - b. hold an election for the office of Mayor at the Council Meeting of 10 January 2022 under the supervision of the General Manager as returning officer; and**
  - c. once the election result is known, authorise the General Manager to declare the candidate with the majority vote the duly elected Mayor for the 2022/2023 term.**

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## ORDINARY COUNCIL

ORD02

**SUBJECT: ELECTION OF DEPUTY MAYOR - 2022/2023**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 21/203011

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### PURPOSE OF REPORT

The purpose of this report is to determine to appoint, and to conduct an election for, the position of Deputy Mayor, who will hold office until September 2023.

### BACKGROUND

Unlike the position of Mayor, which is required under section 225 of the *Local Government Act 1993* (the Act), the position of Deputy Mayor is optional and Councillors may elect a Deputy Mayor for the Mayoral term or a shorter period under section 231 of the Act. Although optional, past practice has been to retain the position of Deputy Mayor for each Mayoral term.

The position of Deputy Mayor does not involve any additional responsibilities or functional authority beyond the normal role of a Councillor, except when requested by the Mayor or at times when the Mayor is prevented by illness, absence or otherwise from carrying out the duties of office. At such times, the Deputy Mayor assumes the role of the Mayor as specified under section 226 of the Act.

The procedures required to be followed in respect of the election of Deputy Mayor are the same as that for the election of the Mayor and are set out in section 394 of the *Local Government (General) Regulation 2021* (the Regulation) (method) and Schedule 7 to the Regulation (process).

### MAIN REPORT

#### **Nominations**

To be nominated for election to the position of Deputy Mayor, a nomination form must be completed. The nomination form must be signed by two Councillors, one of whom may be the nominee, and must indicate the consent of the nominee.

The form must be delivered to the General Manager prior to the start of the Council meeting on Monday, 10 January 2022. To assist, nomination forms have been issued under separate cover to each Councillor for this purpose.

#### **Election process**

The General Manager will act as the returning officer for the election.

If only one nomination is received, no election is required, and the General Manager is to declare the nominee the duly elected Deputy Mayor for the 2022/2023 term or for such shorter period as Council determines.





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If more than one nomination is received, Council is required to resolve the method of voting, with the following three methods available:

- Open voting (A show of hands or similar means);
- Ordinary ballot; or
- Preferential ballot.

However, the Office of Local Government (OLG) advises that councillors need to be present at the meeting in person to participate in voting by means of an ordinary ballot or preferential ballot. Therefore, if any Councillors participate in the meeting and consequently the election of the Deputy Mayor via audio-visual link, as permitted under section 237 of the Regulation, open voting is the only method of voting available for the election on this occasion.

If no Councillors participate in the meeting via audio-visual link and Council resolves to use a method of voting other than show of hands, ballot papers will be handed to each Councillor for completion. It is important that the ballot papers are completed correctly to ensure that they constitute formal votes. Informal votes are described in clause 345 of the Regulation.

Ordinary and preferential ballots must be conducted as secret ballots.

The General Manager is to declare the candidate with the majority vote the duly elected Deputy Mayor for the 2022/2023 term.

### **FINANCIAL IMPLICATIONS**

There are no financial implications.

### **CONCLUSION**

The position of Deputy Mayor is not required but past practice has been to retain the position of Deputy Mayor for each Mayoral term. The Mayoral term is until September 2023. Council may conduct an election for the position of Deputy Mayor and the General Manager will act as the returning officer for the election.

### **RECOMMENDED**

**That Council:**

- i. determine to appoint a Deputy Mayor for the period of the 2022/2023 Mayoral term;**
- ii. if there is only one valid nomination, authorise the General Manager to declare the nominated Councillor to be the duly elected Deputy Mayor for the period of the 2022/2023 Mayoral term;**
- iii. if there is more than one valid nomination:**
  - a. determine the method of voting; and**

- 
- b. hold an election for the office of Deputy Mayor at the Council Meeting of 10 January 2022 under the supervision of the General Manager as returning officer; and**
  - c. once the election result is known, authorise the General Manager to declare the candidate with the majority vote the duly elected Deputy Mayor for the period of the 2022/2023 Mayoral term.**



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## ORDINARY COUNCIL

## ORD03

**SUBJECT: COUNTBACK OF VOTES**

**FROM:** Director Customer & Corporate Strategy

**TRIM #:** 21/591136

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### PURPOSE OF REPORT

The purpose of this report is to recommend that Council declare that any casual vacancy occurring in the office of a Councillor within 18 months after the date of the last ordinary election is to be filled by a countback of votes cast at the election.

### BACKGROUND

Councils must, by resolution, declare that casual vacancies occurring in the office of a councillor within 18 months of the election are to be filled by a countback of votes cast at the election if councils want to fill vacancies by these means. Councils that do not resolve to fill vacancies using a countback at their first meeting after the election will be required to fill vacancies using a by-election.

### MAIN REPORT

Following the 2021 local government election, councils have, for the first time, the option of using a countback of votes cast at the last ordinary election to fill casual vacancies occurring in the offices of councillors in the first 18 months after the election. This will allow councils to use a countback to fill vacancies at a lower cost than the cost of holding a by-election.

The relevant statutory provision is section 291A of the *Local Government Act 1993* (the Act), which states:

#### **291A Countback to be held instead of by-election in certain circumstances**

- (1) This section applies to a casual vacancy in the office of a councillor if –
  - (a) the casual vacancy occurs within 18 months after the date of the last ordinary election of the councillors for the area, and
  - (b) the council has at its first meeting following that ordinary election of councillors, by resolution, declared that any such casual vacancy is to be filled by a countback of votes cast at the last election for that office.
- (2) This section does not apply to a casual vacancy in the office of a councillor if the councillor who vacated office was elected –
  - (a) in an election using the optional preferential voting system (including the election of a mayor elected by the electors of an area), or
  - (b) in an election without a poll being required to be held.
- (3) A casual vacancy to which this section applies is to be filled by a countback election conducted in accordance with the regulations.

- (4) A countback election to fill a casual vacancy to which this section applies must be conducted –
  - (a) if the election at which the person whose departure created the casual vacancy was elected was administered by the Electoral Commissioner – by a returning officer appointed by the Electoral Commissioner, or
  - (b) if the election at which the person whose departure created the casual vacancy was elected was administered by a returning officer appointed by an electoral services provider engaged by the council—by a returning officer appointed by the electoral services provider.
  - (c) (Repealed)
- (5) If a countback election fails or the returning officer is otherwise unable to fill the casual vacancy by a countback election –
  - (a) the returning officer must notify the general manager of the council concerned, and
  - (b) a by-election in accordance with this Part must be held to fill the casual vacancy.
- (5A) If an electoral services provider engaged by the council is unable to appoint a returning officer for the purposes of subsection (4)(b), a by-election in accordance with this Part must be held to fill the casual vacancy.
- (6) This section does not apply to a casual vacancy in the office of a councillor if the vacancy occurs before the day prescribed for the purposes of this section by the regulations.

Where Council resolves to fill casual vacancies using a countback in the first 18 months of its term, the General Manager is required under section 393C(3) of the *Local Government (General) Regulation 2021* (the Regulation) to notify the NSW Electoral Commission of Council's resolution within seven days of the resolution. If required, a countback election must be carried out in accordance with Schedule 9A to the Regulation.

The Office of Local Government (OLG) has provided template wording for the resolution required under section 291A(1)(b) of the Act in its 2021 publication *Post-election guide for councils, county councils and joint organisations*, and that template wording has been used in the recommendation of this report.

### **FINANCIAL IMPLICATIONS**

It is anticipated that the cost of using a countback of votes to fill casual vacancies occurring in the offices of Councillors in the first 18 months after the election would be lower than the cost of holding a by-election, as the countback will require few staff and does not involve the leasing of venues.

The cost of the 2021 election for Council exceeded \$500,000.



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## **CONCLUSION**

Council is required to decide at its first meeting after the election if it wishes to use a countback of votes to fill a casual vacancy in the office of a Councillor in the 18 months immediately following the election. Otherwise, a by-election would be required to fill such a casual vacancy at additional cost to Council.

## **RECOMMENDED**

**That Council:**

- i. pursuant to section 291A(1)(b) of the *Local Government Act 1993* (the Act), declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act; and**
- ii. directs the General Manager to notify the NSW Electoral Commission of the Council's decision within seven days of the decision.**

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## ORDINARY COUNCIL

ORD04

**SUBJECT: LOCAL GOVERNMENT NSW SPECIAL CONFERENCE 2022**  
**FROM:** Director Customer & Corporate Strategy  
**TRIM #:** 21/216226

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### PURPOSE OF REPORT

The purpose of this report is to inform Councillors of the upcoming Local Government NSW (LGNSW) Special Conference (the Conference) and seek nominations for Council's voting delegates (if any) with respect to motions.

### BACKGROUND

The local government elections in NSW were postponed from 4 September 2021 to 4 December 2021. The LGNSW Annual Conference was scheduled to take place in Sydney from 28 to 30 November 2021, which would have placed the event in the last week of the election campaign period. As a result, the annual conference was split into two components, a one-hour online event held on 29 November 2021 and a Special Conference to be held in Sydney at the Hyatt Regency from Monday, 28 February to Wednesday, 2 March 2022.

Online registration and submission of motions are now open for the Conference on the LGNSW website.

Conference details were provided through the Weekly Councillor Update of 7 January 2022.

### MAIN REPORT

#### **Conference Motions**

Members (councils) are encouraged to submit motions as early as possible to allow assessment of the motions and distribution of the Business Paper. In line with the LGNSW rules, the latest date that motions can be accepted for inclusion in the Conference Business Paper is Sunday, 30 January 2022.

Motions will only be included in the Business Paper for the conference where they:

- Are consistent with the objects of LGNSW, per Association Rule 4;
- Relate to Local Government in NSW and/or across Australia;
- Concern or are likely to concern Local Government as a sector;
- Seek to advance the Local Government policy agenda of LGNSW and/or improve governance of the Association;
- Have a lawful purpose (a motion does not have a lawful purpose if its implementation would require or encourage non-compliance with prevailing laws);
- Are clearly worded and unambiguous in nature; and
- Do not express preference for one or several members over one or several other members.



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All motions must also be aligned to one of the following categories:

- Economic;
- Infrastructure;
- Planning;
- Environment;
- Social and Community;
- Governance;
- Accountability.

### **Voting Delegates**

In order to vote at the Conference, Council must nominate its voting delegates. This is separate from registering to attend the Conference.

Council is entitled to nominate six voting delegates to vote at the Conference on motions. A delegate must attend in person to be able to vote on motions.

Council must register its voting delegates by 5:00pm on Thursday, 17 February 2022. Additional nominations received after the closing date cannot be accepted.

### **Changes to Voting Delegates**

A registered voting delegate for motions can be changed at any time by giving notice in accordance with LGNSW rules, in writing, signed by either the Mayor or General Manager.

### **Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy**

In accordance with clause 6.7 of Council's Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy, any expenses incurred by the Mayor or Councillors attending conferences, including travel, registration costs and incidental conference costs, are not reimbursable. Instead, Councillors are to personally fund (or utilise their Councillor annual allowance to fund) any expense incurred for conference attendance.

The standard registration cost to attend the Conference for each attendee is \$1,094.50 (including GST). The optional conference dinner ticket is an additional \$176.00 (including GST).

Further information can be found in the **attached** Conference Program.

Conference registration closes on Monday, 14 February 2022. Councillors are requested to advise Council's General Manager before this date if they wish to attend the Conference so that bookings can be made accordingly.

### **FINANCIAL IMPLICATIONS**

This report has no financial implications.

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## **CONCLUSION**

Councillors are able to register to attend the Conference and Council is entitled to submit motions and nominate six Councillors to vote on policy motions at the Conference.

Voting delegates must be advised to LGNSW by 5:00pm on Thursday, 17 February 2022.

## **RECOMMENDED**

**That Council:**

- i. note the information in this report;**
- ii. nominate up to six delegates to vote on motions at the Local Government NSW Special Conference; and**
- iii. authorise the Mayor and/or General Manager to nominate an alternate registered voting delegate where a nominated registered voting delegate is unable to vote on Council's behalf.**

## ATTACHMENTS

1. LGNSW Annual Conference Program