



Camden Council

Business Paper

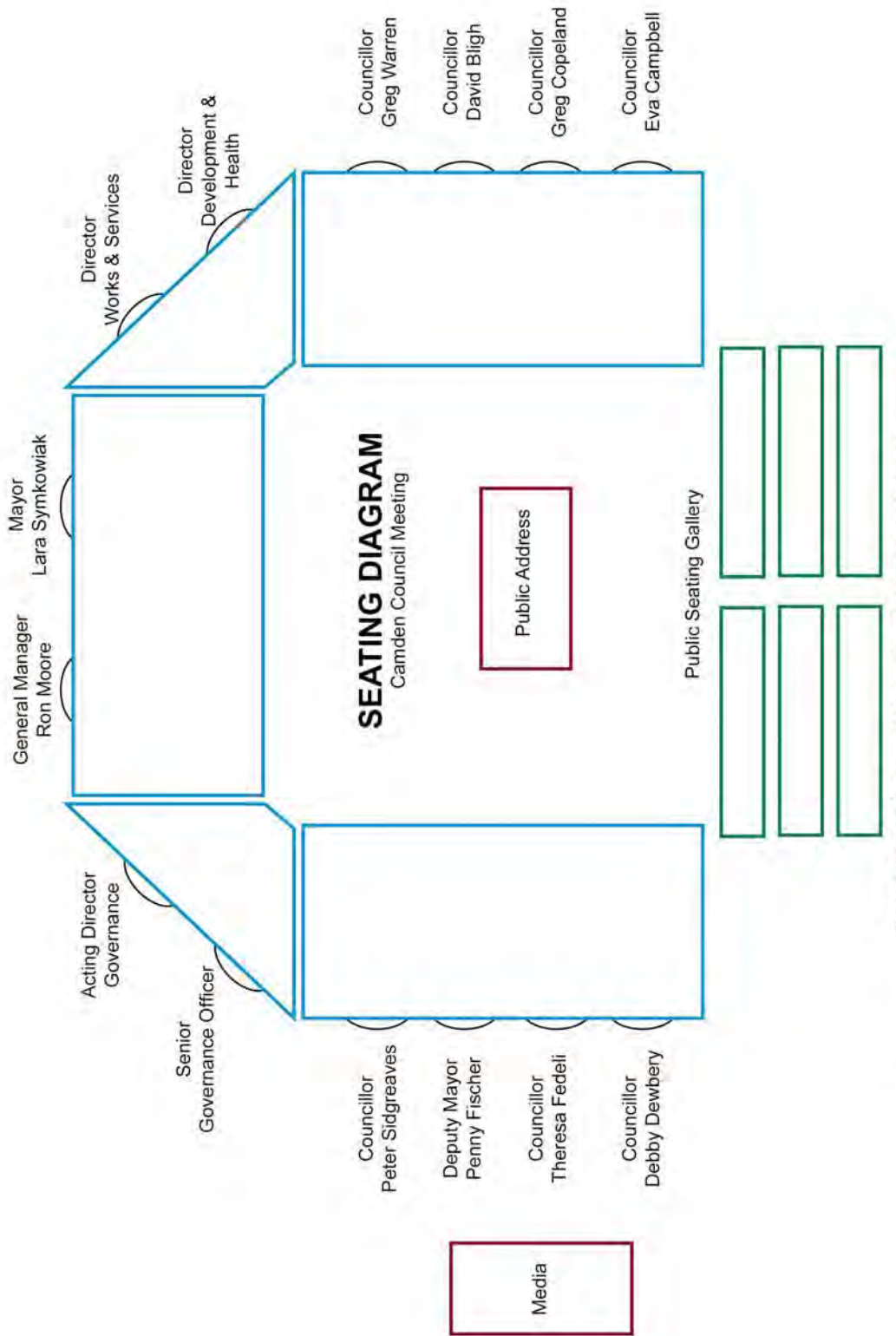
Ordinary Council Meeting
26 November 2013

Camden Civic Centre
Oxley Street
Camden



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
DECCW	Department of Environment, Climate Change & Water
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DPI	Department of Planning & Infrastructure
DLG	Division of Local Government, Department of Premier & Cabinet
DWE	Department of Water and Energy
DoH	Department of Housing
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
GCC	Growth Centres Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
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
SRA	State Rail Authority
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils



SEATING DIAGRAM
Camden Council Meeting

Public Address

Media

Public Seating Gallery

*Please do not talk during Council Meeting proceedings.
Recording of the Council Meeting is not permitted by members of the public at any time.*

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: ACKNOWLEDGMENT 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 this meeting is being audio recorded by Council staff for minute taking purposes.

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 segment (incorporating Public Question Time) in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper agenda or on any matter within the Local Government area which falls within Council jurisdiction.

Speakers must book in with the Council office by 4.00pm on the day of the meeting and must advise the topic being raised. Only seven (7) speakers can be heard at any meeting. A limitation of one (1) speaker for and one (1) speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' and should only be considered where the total number of speakers does not exceed seven (7) at any given meeting.

Where a member of the public raises a question during the Public Address segment, 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 (1) question per speaker per meeting.

All speakers are limited to 4 minutes, with a 1 minute warning given to speakers prior to the 4 minute time period elapsing.

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.

RECOMMENDED

That the public addresses be noted.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 12 November 2013.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 12 November 2013, copies of which have been circulated, be confirmed and adopted.

Attachment 5
SUBJECT LANDS

ORD06

Attachment 4

Elizabeth Park – Narellan Vale



Mount Annan Leisure Centre



Topham Road – Smeaton Grange



Camden Town Farm



Attachment 6
PUBLIC HEARING 'PROTOCOLS'

ORD06

Attachment 4

INTRODUCTION

Hearing Protocols

- Recording of Attendance
- Registered presenters to speak maximum 10 minutes each
- Non-registered presenters to speak maximum 10 minutes each
- Questions/clarification will be directed to the Facilitator
- Presenters invited to hand up any supporting documentation they want considered
- Written submissions will be made publicly available

- Notes taken for record – no verbatim minutes
- No audio recording permitted
- Not a discussion forum or opportunity for general debate
- No talking over or interruptions
- Late submissions (after meeting close) will not be considered



Attachment 7

COUNCIL REPORT ORD 09 - CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT NO. 19) - RECLASSIFICATION OF LANDS



ORDINARY COUNCIL

ORD09

SUBJECT: CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT NO. 19) - RECLASSIFICATION OF LANDS
FROM: Director Governance
BINDER: Amendment No. 19 - Reclassification of Lands

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) for the reclassification of various Council owned sites throughout the Local Government Area (LGA) from 'Community' to 'Operational' land. The Planning Proposal also seeks to rectify the reference to land for a local heritage item and insert an additional local provision into the Camden Local Environmental Plan 2010 (LEP).

BACKGROUND

In accordance with Clause 25 and 26 of the *Local Government Act 1993* (LG Act 1993), all land within Council ownership is required to be classified as either Community or Operational Land. The classifications of these lands ultimately determine how Council operates the land.

Operational Land has no restrictions other than those which apply to any piece of land (e.g. easements, restrictions to user, etc.). However, Community Land is generally reserved for public use and restrictions required by the LG Act 1993 apply to the land.

Community Land:

- cannot be sold;
- cannot be leased, licensed or any other estate granted over the land for more than 21 years; and
- must have a plan of management prepared for it.

The classification of land in accordance with the LG Act 1993 is classified by one of the following means:

1. by resolution of Council, prior to or within 3 months of when the land is acquired; or
2. by a Local Environmental Plan prepared under the Environmental Planning and Assessment Act 1979; or
3. by operation of the Local Government Act –
 - a. applies to certain land controlled by Council at 1 July 1993, or
 - b. where Council has since acquired land and there is no resolution to classify the land.

This is the report submitted to the Ordinary Council held on 14 August 2012 - Page 1



MAIN REPORT

Council has prepared a Planning Proposal for submission to the DPI to undertake the reclassification of Council owned lands from Community to Operational land. The purpose of the reclassification of each of the sites varies. The following details the lands subject to the reclassification and a brief description on the purpose of the reclassification;

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden

Whilst Council resolved to classify the above lands as 'Operational' at the time that it was acquired, the requirement to formally notify the public of its operational status was overlooked. This planning proposal will allow the existing and intended use of the land, as outlined in the Camden Town Farm Master Plan, to be carried out on the site with the correct classification. The Camden Town Farm Master Plan is presented within the Planning Proposal provided as **Attachment 1 to this report**.

- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale

Allow the reclassification to Operational land in order for Council to undertake a consolidation of the subject and adjoining lands. The consolidation will allow a Community centre to be constructed on the site.

- Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan

Allow the reclassification to Operational land in order for Council to consolidate the site currently occupied by the Mount Annan Leisure Centre. The consolidation of land will allow Council to undertake planned development and expansion of the site to meet the demands of the Community.

- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Whilst Council resolved to classify the above lands as 'Operational' at the time that it was acquired, the requirement to formally notify the public of its operational status was overlooked. This planning proposal will allow the existing and intended use of the land to be carried out on the site with the correct classification.

Camden Town Farm

The Camden Town Farm was dedicated to Council in 2003, as a bequest through the will of Miss L Davies for the benefit and enjoyment of the residents of Camden. In

This is the report submitted to the Ordinary Council held on 14 August 2012 - Page 2



2007, a master plan was adopted for the guidance of use and development of the Camden Town Farm in accordance with Miss Davies' wishes.

The subject site has since operated as a Community garden, a site for a regular farmers/produce market and a site for grazing cattle. However, in order to achieve the objectives and undertake the uses listed in the adopted Master Plan, the site requires a reclassification of the land from Community to Operational lands.

Notwithstanding the reclassification, the Planning Proposal also seeks amend the property description of the Camden Town Farm within Schedule 5 of the LEP 2010 to the correct property description to that which is listed above. The Camden Town Farm also inserts an additional local provision into the LEP 2010, which will allow the use of the farm to be undertaken in accordance with the adopted Camden Town Farm Master Plan in addition to the uses permissible within the Land Use Table.

All of the above information is contained in the draft Planning Proposal provided as **Attachment 1 to this report**.

Public Exhibition

It is proposed that the Planning Proposal will be publicly exhibited for a period of 28 days following receipt of a favourable Gateway Determination from the DPI. During the public exhibition period, relevant public agencies will also be contacted and given the opportunity to comment on the Planning Proposal. In this regard, it is proposed that the Rural Fire Service, Sydney Metro Airports and the Mine Subsidence Board will be directly consulted.

The Planning Proposal will be advertised in the local newspaper, with the public exhibition material available at the following locations:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy).
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy).
- Council's website for the length of the exhibition period (Electronic Copy).

The reclassification of land, in any instance, requires a public hearing to take place and conducted by an independent professional in accordance with Section 32 of the *Local Government Act 1993*. In 21 days following the exhibition period, a public hearing will be held for the Community to ask questions or present a case in support or objection to the reclassification of the lands. At the conclusion of the public hearing, a report is prepared by the facilitator of the public hearing for Council's consideration which details any submissions to the reclassification of land.

The outcomes of the public agency consultation, the public exhibition and the public hearing will be reported to Council at the conclusion of the exhibition period.

This is the report submitted to the Ordinary Council held on 14 August 2012 - Page 3



CONCLUSION

The classification of public owned land ultimately determines how that land is operated and used by Council. The reclassification of the lands, which are the subject of the Planning Proposal, allow Council to operate the land as originally intended. The Planning Proposal also contains the amendment of a property description and the addition of an additional local provision for the Camden Town Farm.

The Planning proposal, should a favourable Gateway Determination be received from the DPI, will be publicly exhibited and consultation with public agencies will be undertaken.

RECOMMENDED

That Council:

- i. support the Planning Proposal for the reclassification of lands within Council ownership;
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;
- iii. upon receipt of a favourable Gateway Determination:
 - a. consult relevant public authorities in accordance with the terms of the determination;
 - b. publicly exhibit (including notification and advertising) the Planning Proposal in accordance with the terms of the determination and the *Environmental Planning and Assessment Regulation 2000*; and
 - c. appoint a facilitator to chair and conduct a public hearing for the reclassification of the lands in accordance with the Gateway determination, *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*; and
- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period addressing:
 - a. any submissions received from the public in relation to the Planning Proposal;
 - b. any submissions received from the state government agencies in relation to the Planning Proposal; and
 - c. the report prepared by the facilitator of the public hearing held for the reclassification of lands which are the subject of the Planning Proposal.

ATTACHMENTS

1. Planning Proposal

This is the report submitted to the Ordinary Council held on 14 August 2012 - Page 4

ORD06

Attachment 4

Attachment 8
STATEMENT OF COUNCIL'S INTEREST



STATEMENT OF COUNCIL'S INTEREST

The aim of this statement is to clarify and provide transparency to the community of Council's interests in the following sites, which are subject to reclassification from 'Community' to 'Operational' Land:

Camden Town Farm

- Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
- Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
- Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden

Elizabeth Park – Narellan Vale

- Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale

Mount Annan Leisure Centre

- Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
- Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan

Smeaton Grange – Topham Road

- Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

In accordance with the Department of Planning and Infrastructure's Practice Note (PN 09-003), it is important to note:

Public Land is any land vested in, or under the control of, Council.

Community Land is generally open to the public, for example, parks, reserves or sports grounds. Community Land:

- cannot be sold;
- cannot be leased, licensed or any other estate granted over the land for more than 30 years; and
- must have a plan of management prepared for it.

Operational Land may be used for other purposes, for example, as works depots or garages, or held by Council as a temporary asset. Operational land has no restrictions other than those which apply to any piece of land (e.g. easements, restrictions to user, etc.).

Classification of public land refers to the process when land is first acquired and first classified as either 'operational' land or 'community' land.

Reclassification of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land.

NOTE: A copy of the Department of Planning and Infrastructure's LEP Practice Note for the Reclassification of Public Land is included in the exhibition material to assist the community in identifying information requirements.

Amendment No. 19 – Reclassification of Lands

SITE	Camden Town Farm	Elizabeth Park Site	Mount Annan Leisure Centre	Topham Road
PROPERTY DESCRIPTION	<p>Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden</p> <p>Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden</p> <p>Lot A in Deposited Plan 337524 – 75 Macquarie Grove Road, Camden</p>	<p>Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale</p>	<p>Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan</p> <p>Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan</p>	<p>Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange</p>
PURPOSES OF THE PLANNING PROPOSAL	<p>NOTE: For visual reference on the location of the lands subject to reclassification, please refer to the Locality Maps provided as an item of the exhibition material.</p> <p>This Planning Proposal has been prepared for the purposes of reclassifying the above lands in the Camden Local Government Area from 'Community' to 'Operational'.</p>			
CURRENT CLASSIFICATION	Community Land	Community Land	Community Land	Community Land
PROPOSED CLASSIFICATION	Operational Land	Operational Land	Operational Land	Operational Land

Amendment No. 19 – Reclassification of Lands

<p>PURPOSES OF THE RECLASSIFICATION</p>	<p>The reclassification of this lot is taking place to allow the use of the land to be undertaken in accordance with Camden Town Farm Master Plan. The proposed reclassification of the subject site will bring the current use of the site in line with its status.</p>	<p>The reclassification of this lot is taking place to permit the construction of a privately owned community centre and ancillary development on the site. The reclassification will facilitate the subdivision and sale of this portion of the lot to the adjoining land owners for the purposes of the construction of the community centre.</p>	<p>The reclassification of this lot is taking place to permit the planned expansion and construction of the Mount Annan Leisure Centre. The reclassification will facilitate the consolidation of both lots to achieve the planned expansion.</p>	<p>Upon dedication of these lands, Council resolved to classify the lands as 'Operational'. Due to an administrative error, the classification of the land reverted to a 'Community' reclassification. This reclassification will allow the existing and intended use of the land to be carried out on the site with an operational classification.</p>
<p>OWNER'S OF SUBJECT SITE</p>	<p>Camden Council</p>	<p>Camden Council</p>	<p>Camden Council</p>	<p>Camden Council</p>
<p>COUNCIL'S INTEREST IN THE LAND</p>	<p>Council was bequeathed the site from the will of Miss L. Davis. The site is currently in full freehold ownership of Camden Council</p>	<p>The site is currently in full freehold ownership of Camden Council</p>	<p>The site is currently in full freehold ownership of Camden Council</p>	<p>The site is currently in full freehold ownership of Camden Council.</p>
<p>HOW COUNCIL ACQUIRED INTEREST IN THE LAND</p>	<p>The land was bequeathed to Camden Council in 2000, however formal transfer of ownership was completed in 2003</p>	<p>Council acquired interest in the land through the dedication to Council for the purposes of a public reserve in 1992</p>	<p>Council acquired interest in the land through the dedication to Council for the purposes of a public reserve in 1997.</p>	<p>Council acquired interest in the lands as a result of conditions of consent in 1992. The formal transfer of ownership was completed in 2001</p>

Amendment No. 19 – Reclassification of Lands

<p>WHY COUNCIL ACQUIRED INTEREST IN THE LAND</p>	<p>N/A – the site was bequeathed to Council from the will of Miss L Davis.</p>	<p>The portion of land subject to the reclassification was dedicated to Council as surplus lands incapable of development upon subdivision. The land has since been developed as a public reserve.</p>	<p>Council acquired this land for the purpose of the construction of a leisure facility. Stage 1 of the facility has been constructed on the presumption that the lands were classified as operational land pursuant to Council Resolution on 28 July 1997. Due to an administration error, the lands reverted back to a Community classification, hence the subject of this reclassification.</p>	<p>Council accepted the land in accordance with conditions of development consent, however, there are no records available demonstrating the background.</p>
<p>EXISTING AGREEMENTS OVER THE LAND</p>	<p>The site is under the control of a Section 355 Standing Committee under the Local Government Act 1993.</p>	<p>Nil</p>	<p>The Mount Annan Leisure Centre is currently under contract for the operation and management by the Young Men's Christian Association (YMCA). The contract is a 3 year term (due to cease June 2015) with the option for an additional 3 year extension.</p>	<p>Nil</p>

Amendment No. 19 – Reclassification of Lands

<p>ASSET MANAGEMENT AND FINANCIAL BENEFITS FOR COUNCIL</p>	<p>The objectives of Council include the conservation of the heritage buildings and the conservation of the rural landscape. The ongoing development and maintenance of the site will be undertaken in accordance with any heritage requirements for the betterment of the facility. The reclassification will permit the potential development of the land in accordance with the Carriden Town Farm Master Plan.</p>	<p>Council will benefit from the sale of the lands to the adjoining owners.</p>	<p>The reclassification will allow Council to expand the current facility, which will financially benefit Council upon completion and operation of the facility.</p>	<p>The reclassification of the land will allow Council to undertake operations on the land with the correct operational status.</p>
<p>CURRENT AGREEMENTS FOR THE SALE OR LEASE OF THE LAND</p>	<p>The cottage on site currently holds a tenant on an expired continuing lease. Currently, there is no other formal agreement for the lease or sale of these lands.</p>	<p>Since 2005, the adjoining land owner has approached and been in discussion with Council to construct a privately owned community centre over the adjoining and subject lands. The lands will be sold to the adjoining owners upon the reclassification of the land.</p>	<p>Currently, there is no agreement for the lease or sale of the lands or proposed expansion of the facility.</p>	<p>Currently, there is no agreement for the lease or sale of the land.</p>
<p>RELEVANT MATTERS REQUIRED IN MAKING THE PLAN</p>	<p>All matters required by the Environmental Planning and Assessment Act 1979 in the making of this Plan are distinctly outlined within the Planning Proposal and the Gateway Determination issued by the Department of Planning and Infrastructure.</p>			

ORD06

Attachment 4

Attachment 9

LEGAL ADVICE IN RESPECT OF CAMDEN TOWN FARM MASTERPLAN AND SCOPE OF ACTIVITIES/REQUIREMENTS IN RESPECT OF A COMMUNITY LAND CLASSIFICATION

(7 DECEMBER, 2012)



Confidential

7 December 2012

Our ref: CAM01112

The General Manager
 Camden Council
 PO Box 183
 CAMDEN NSW 2570

Attention: Kim Fury

Email

Dear Sir,

Advice re Camden Town Farm Masterplan

Introduction and Background

- 1 I refer to my teleconference with Kim Fury, Megan Roberts and Linda Campbell on 23 November 2012.
- 2 Council owns land known as the Camden Town Farm, being lots 1 and 2 in Deposited Plan 532049 and Lot A in Deposited Plan 337924 (**Farm**).
- 3 The Council's vision for the Farm is,

'The farm will be developed and maintained primarily for agricultural, tourism and educational purposes. It will be operated and managed in a sustainable manner that retains its unique character and encourages and facilitates community access, participation and visitation.'
- 4 The 'Camden Town Farm Masterplan' prepared by Cityscape Planning + Projects dated March 2007 (**Masterplan**) at section 1.6 proposes the following 'Strategies' for the Farm to advance the above vision (**Strategies**):
 1. Foster Agricultural pursuits and activities
 2. Facilitates tourism and visitation
 3. Integrate educational uses and activities
 4. Establish best practice environmental management
 5. Portray history of farm
- 5 The Masterplan specifically proposes the following 'Key land uses and Activities' at section 1.8 (**Activities**):

Principal

Dr Lindsay Taylor

Practice Directors:

Adrian Hawley
 Accredited Specialist
 (Local Government & Planning)

Simon Sirmington
 Accredited Specialist
 (Local Government & Planning)

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Activities	Uses
Grow feed crops	This Activity involves growing livestock feed such as hay and associated seasonal activities such as sowing and harvesting. The Masterplan indicates that this reflects the then current use of the Farm.
Demonstration herds	This Activity involves grazing livestock on the land which allows for a portrayal of the Farm history. The Masterplan indicates that this is reflects the then current use of the Farm.
Event area	This Activity involves the use of land for events and exhibitions such as dog shows, sheep trials and events not related to agriculture, such as car exhibitions and concerts.
Exhibition space	This Activity involves the establishment of a large exhibition type hall.
Recreational fishing	The Masterplan does not contain any information on this Activity. It presumably involves recreational fishing by the public in the Nepean River adjacent to the Farm land.
Community garden	This Activity involves the use of part of the Farm land by the local community to grow crops.
Growers market	The Masterplan proposes both 'farmgate sales' and a community market. Farmgate sales involves the sale of crops grown in the community garden on a regular or permanent bases from within the existing outbuildings on the Farm. The community market would involve regular use of an open yard area for the sale of locally grown farm produce.
Dairy museum and education space	These Activities involve the use of the existing outbuildings located on the Farm to provide the public with an understanding of the role the buildings in the Farm's history, through installation of interpretive information boards, fit-out with traditional farm tools and equipment, guided tours and demonstration of building use through milking displays.
Agri-forestry	It is not clear from the Masterplan what this Activity involves. I have assumed that it involves the establishment and management of trees and other vegetation that complements the other agricultural pursuits on the Farm.
Walking, bicycle and horse trails	This Activity involves extending existing pathways and cycleways throughout the township into the Farm and establishing horse ride tours of the farm and township.
Café	This Activity is proposed to occur in the farm cottage and involves the sale and consumption of food and beverage to

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2



	attract tourists and generate revenue. The Masterplan also proposes for the establishment of an outdoor terrace area.
Retail outlet	This Activity is proposed to occur in the farm cottage and involves the sale of merchandise to attract tourists and generate revenue.
Picnic and BBQ area	This Activity involves the installation of picnic and BBQ infrastructure and facilities for use by the public.
Carpark	This Activity involves use of the land for car parking to cater for parking demands of the public who visit the Farm.

Request for Advice

- 6 Council has requested advice on:
 - 6.1 Whether all of the Strategies and Activities are permitted on the Farm land if the land is classified as community land under Part 2 of Chapter 6 of the *Local Government Act 1993 (LG Act)*? Put another way, are there any Strategies or Activities that would only be permitted if the Farm land was classified as operational land?
 - 6.2 If any of the Strategies or Activities are not permitted in relation to community land, is the Council required to cease them pending reclassification of the land? If they are, what are the additional processes or issues that will need to be undertaken and potential constraints to implementation?
 - 6.3 Even if the Strategies and Activities are all permitted, is the Council nevertheless required to cease them pending the adoption of a plan of management that authorises them in relation to the land?
 - 6.4 Does the implementation of any of the Strategies or Activities on community land attract any particular requirements under Part 2 of Chapter 6? If so, what are the requirements?
 - 6.5 Is the Council required to invite tenders in relation to any of the Strategies or Activities?

Summary of Advice

- 7 The scheme for categorising community land under the LG Act requires the Council firstly to consider what features the land has and what the proposed use of the land will be, in order to determine its appropriate category. A plan of management is then adopted to manage the use of the land.
- 8 In the case of land categorised for general community use, neither the LG Act nor regulations require a plan of management to incorporate the relevant core objectives.
- 9 Nevertheless, given the whole of the relevant scheme of the LG Act, in particular that the use of community land must be in accordance with Division 2 of Part 2 in Chapter 6 of the LG Act, it would be expected that a plan of management and the uses authorised by it, would still reflect and be consistent with the core objectives of the relevant category of the land.
- 10 This does not mean that all of the various uses of community land - considered in isolation - must be consistent with the core objectives of the category of land so

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categorised. There will be cases where a use when considered alone might be considered to be inconsistent with core objectives but can nevertheless be shown to be consistent because it is ancillary to or supports the overall or dominant character of the use. If so, in my view, the use should not be considered to be inconsistent with the core objectives and scheme.

11. Questions of fact and degree are clearly relevant in this regard. If a plan of management authorises a use which, having regard to its character or scale, has no rational or reasonable relationship with the categorisation of the land in the sense I have identified, it may well be that the validity of the plan of management could be challenged on the basis that the outcome of the plan making process is perverse giving rise to an inference that the decision to adopt the plan was manifestly unreasonable or for an improper purpose.
12. In this case, however, my view is that all of the Strategies and Activities can be carried out on the Farm if it is community land. However:
- 12.1 Council would have to cease all Activities pending adoption of a plan of management under the LG Act, other than growing feed crops and grazing livestock,
- 12.2 the plan of management would need to authorise the proposed uses, and some of those uses may require leases or licences to be granted as the LG Act prohibits any exclusive use of community land in the absence of a lease, licence or other estate granted in accordance with the LG Act, and
- 12.3 the Council would need to call tenders for any leases, licences or estates that the plan of management specifies may only be granted after having called tenders and for any leases, licences or other estates for more than 5 years which are not granted to non-profit organisations.

Legislation governing use and management of community land

Use of community land

13. Division 2 of Part 2 of Chapter 6 of the LG Act governs the use and management of community land.
14. Community land is required to be used and managed in accordance with:
- 14.1 the plan of management applying to the land;
- 14.2 any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- 14.3 Division 2 (s35).
15. For the purposes of this advice I have not considered the zoning of the land, and whether all of the Activities are permissible under the relevant zoning.
16. Council must prepare and adopt a plan of management for community land (s36) which is to categorise the land as one or more of the following (see s36(4)):
- 16.1 a natural area, in which it must be further categorised as one or more of bushland, wetland, escarpment, watercourse, foreshore or a category prescribed by the regulations,
- 16.2 a sportsground,
- 16.3 a park,
- 16.4 an area of cultural significance,
- 16.5 general community use.

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- 17 Division 1 of Part 4 of the *Local Government (General) Regulation 2005 (LG Regulation)* sets out the following guidelines (**Guidelines**) for categorisation of community land (see s36(6)(b) of the LG Act):
- 17.1 Land should be categorised as a natural area if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore. In that regard, land that is categorised as a natural area should be further categorised as a watercourse if the land includes any stream of water whether perennial or intermittent and any associated riparian land or vegetation.
- 17.2 Land should be categorised as a sportsground if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games (cl103).
- 17.3 Land should be categorised as a park if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others (cl104).
- 17.4 Land should be categorised as an area of cultural significance if the land is relevantly, an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history (cl105).
- 17.5 Land should be categorised as general community use if the land:
- 17.5.1 may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- 17.5.2 is not required to be categorised as a natural area under section 36A, 36B or 36C of the LG Act and does not satisfy the guidelines for categorisation as a natural area, a sportsground, a park or an area of cultural significance (cl106).
- 18 The scheme for categorising community land under the LG Act requires the Council firstly to consider what features the land has and what the proposed use of the land will be, in order to determine its appropriate category. A plan of management is then adopted to manage the use of the land.
- 19 Where community land comprises habitat of endangered species, threatened species, or significant natural features or is land the subject of a resolution of Council declaring that because of the presence of any item of Aboriginal, historical or cultural significance, the land is an area of cultural significance, the land must be categorised as a natural area or an area of cultural significance and the plan of management must, amongst other things, incorporate the core objectives of those categories of land.
- 20 In other cases, the LG Act does not require a plan of management to incorporate the relevant core objectives.
- 21 Nevertheless, given the whole of the scheme in Division 2 of Part 2 described above, in particular that the use of community land must be in accordance with the Division, it would be expected that a plan of management and the uses authorised by it, will reflect and be consistent with the core objectives of the relevant category of the land.
- 22 This does not mean that all of the various uses of community land - considered in isolation - must be consistent with the core objectives of the category of land so

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categorised. There will be cases where a use when considered alone might be considered to be inconsistent with core objectives but can nevertheless be shown to be consistent because it is ancillary to or supports the overall or dominant character of the use. If so, in my view, the use should not be considered to be inconsistent with the core objectives and scheme.

- 23 Questions of fact and degree are clearly relevant in this regard. If a plan of management authorises a use which, having regard to its character or scale, has no rational or reasonable relationship with the categorisation of the land in the sense I have identified, it may well be that the validity of the plan of management could be challenged on the basis that the outcome of the plan making process is perverse giving rise to an inference that the decision to adopt the plan was manifestly unreasonable or for an improper purpose.
- 24 I have reviewed the Practice Note titled 'Public Land Management' prepared by the then Department of Local Government and revised in May 2000 which states at page 12 that,

Any plan of management that is inconsistent with the core objectives after 31 December 2000 is invalid to the extent of the inconsistency (cl.23(3), Local Government (General) Regulation)

...

As stated above, any part of a plan of management that is inconsistent with the core objectives is invalid.'
- 25 The provision of the regulation referred to in the statement above has been repealed. Therefore, that statement and any other statement in the Practice Note based on that repealed provision cannot be given significant weight.
- 26 However, even if the provision of the regulation had not been repealed, I would still not agree that the statement could be given significant weight because it does not correctly reflect the terms of the repealed provision. The repealed provision only applied to plans of management in existence on 31 December 2000.
- 27 I note that the core objectives do have an express effect on the types of leases, licences or other estates which can be granted in relation to land of a particular category. Subject to some exceptions in relation to leases and licences for public utilities and services and filming), such interests can only be granted if they are granted for a purpose consistent with the relevant core objectives.

Granting of leases, licences and other estates

- 28 Council has no power to sell, exchange or otherwise dispose of community land (s45(1)).
- 29 Council may grant a lease or licence of community land, but only in accordance with Division 2 (s45(2)).
- 30 Council may grant any other estate in community land to the extent permitted by Division 2 or under the provisions of another Act (s45(3)).
- 31 Leases, licences or other estate in respect of community land may only be granted relevantly:
 - 31.1 for the provision of goods, services and facilities, and the carrying out of activities, appropriate to the current and future needs within the local community and of the wider public in relation to public recreation or the physical, cultural, social and intellectual welfare or development of persons (see s46(1)(b)(i) and s46(4)).

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- 31.2 for a purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned,
- 31.3 in respect of a licence only, for the following use or occupation of community land on a short-term, casual basis, which does not involve the erection of any building or structure of a permanent nature (see s46(1)(b)(iii) and cl116 of the LG Regulation):
- 31.3.1 the playing of a musical instrument, or singing, for fee or reward,
 - 31.3.2 engaging in a trade or business,
 - 31.3.3 the playing of a lawful game or sport,
 - 31.3.4 the delivery of a public address,
 - 31.3.5 commercial photographic sessions,
 - 31.3.6 picnics and private celebrations such as weddings and family gatherings,
 - 31.3.7 filming sessions,
 - 31.3.8 the agistment of stock.
- 32 The leases, licences and estates for the above purposes may only be granted if they are in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate (see s46(1)(b)). The purposes for which a lease or licence may be granted must also be consistent with the core objectives of the land categorisation (see s46(2)).

Are all of the Strategies and Activities permitted on the Farm land if the land is classified as community land under Part 2 of Chapter 6 of the LG Act?

- 33 There is nothing in the LG Act or the LG Reg which would prevent use of the Farm for the Strategies and Activities, and all such uses would therefore be permissible, provided that the zoning of the Farm did not restrict those uses and the plan of management authorised those uses.
- 34 However, the categorisation of the Farm may affect the types of leases, licences or estates which may be granted in respect of the Farm.
- 35 Set out in the Appendix to this advice is a list of all Activities, and a comment on the appropriate categorisation of land use for that purpose, and a comment in respect of the grant of leases or licences for the Activities.

If any of the Strategies or Activities are not permitted in relation to community land, is the Council required to cease them pending reclassification of the land? If they are, what are the additional processes or issues that will need to be undertaken and potential constraints to implementation?

- 36 In my view, all the Strategies and Activities are permitted in relation to community land, and this question therefore does not arise.

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Is the Council nevertheless required to cease any Strategy or Activity pending the adoption of a plan of management that authorises them in relation to the land?

- 37 Section 44 of the LG Act prohibits the change in nature and use of community land pending the adoption of a plan of management (s44).
- 38 My understanding of the original nature and use of the Farm is that it was a working dairy which included cropping activities (see p17 of the Masterplan) and grazing of livestock.
- 39 Therefore, other than those uses, all other uses of the Farm land are a change from the original nature and use of the land and should cease pending adoption of a plan of management.
- 40 I assume that the original cropping activities would include harvesting although it is not clear from the Masterplan whether such harvesting was for profit.
- 41 If the nature of the original cropping and harvesting was not for profit, then this should also cease pending the adoption of the plan of management.

Does the implementation of any of the Strategies or Activities attract any particular requirements under Part 2 of Chapter 6? If so, what are the requirements?

- 42 Section 47D of the LG Act provides that the exclusive occupation or use of community land otherwise than in accordance with a lease or licence or other estate, or a sublease is prohibited.
- 43 In that regard, many of the Activities proposed involve exclusive occupation or use of community land, such as the exclusive use of part of a community garden, exclusive use of the event area or exhibition area for an event, exclusive use of part of the land for stalls in the growers market or exclusive use and occupation of the farm cottage for a café,
- 44 It follows that implementation of the majority of the Activities would involve licencing or leasing of part of the Farm land.
- 45 As advised above, leases or licences may only be granted if they are expressly authorised in the relevant plan of management, are in accordance with relevant provisions of the plan of management and are consistent with the core objectives of the relevant category ascribed to the land.
- 46 It follows that the Council must ensure that any relevant plan of management authorises the leasing or licencing of the land for the particular purpose.
- 47 Additionally, public notice may need to be given of the proposal to grant certain leases or licences.
- 48 The specific requirements in relation to public notification differs depending on whether the term of a lease or licence exceeds 5 years (see s47 and s47A of the LG Act).
- 49 Some leases and licences not exceeding 5 years for use and occupation of community land may not need to be publicly exhibited, depending on the proposed use and frequency (see cl117 of the LG Regulation).
- 50 Specifically in relation to the growers market, the Council would need to enter into a lease, licence or other estate with each stall-owner. Council could grant licences to engage in trade or business to stall-owners on a short-term casual basis under s46(1)(b)(iii) of the LG Act and cl116(1) of the LG Regulation.

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- 51 There is nothing in the LG Act or Regulation which limits the term of such a licence to 12 months. However, the term of the licence, and the extent of the use would be relevant in determining whether the licence needs to be publicly notified.
- 52 If each use of the land is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence to the last occurrence is not more than 12 months, then the licence does not need to be publicly exhibited (see s47A of the LG Act and cl117(2) of the LG Regulation).
- 53 Before Council grants a particular lease or licence, it may also need to tender for the lease or licence.

Is the Council required to invite tenders in relation to any of the Strategies or Activities

- 54 Section 46A(1) requires a plan of management to specify any purposes for which a lease, licence or other estate may be granted only by tender. The Council cannot grant a lease or licence for such purposes unless and until it has tendered for it.
- 55 Section 46A(3) further provides specifically that a lease or licence for a term exceeding 5 years may only be granted by tender, unless it is granted to a non-profit organization.
- 56 Other than the above leases or licences, the Council is not required to tender for a contract for the leasing or licensing of land by the Council (see s55(3)(e) of the LG Act).
- 57 I understand that in relation to cropping activities, the Council is considering whether to lease or licence to a for-profit organisation or a non-profit organisation. It is up to the Council what type of organisation it leases or licences the land to, provided the use and lease or licence is in accordance with the plan of management and the requirements for tendering are complied with.
- 58 In any event, s46A(2) makes clear that nothing precludes the Council from tendering for the grant of any lease or licence, even if tendering is not required.
- 59 There may be a need, however, for tenders to be called under s55 of the LG Act for entry into other contracts, such as contracts to carry out works, subject to the exceptions in s55(3).
- 60 Please do not hesitate to contact me if you have any questions.

Yours sincerely,

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Appendix

Grow feed crops and demonstration herds

The land on which feed crops are grown and demonstration herds graze could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available to members of the public or a section of the public for the growing of crops. A plan of management that specifies that land categorised as general community use may be used for growing feed crops and demonstration herds should ensure that that use can be rationally justified to reflect the category and the core objectives of that category.

A lease or licence may be granted to persons for the carrying out of cropping activities that supply feed crops to the local community as it would be in relation to the cultural and intellectual welfare and development of the public, as it shows the traditional farm use of the land and presumably also best practice environmental management of the land.

Event area and exhibition space

The land on which the event area and exhibition space is located could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available to event organisers and the public for various exhibitions. A plan of management that specifies that land categorised as general community use may be used for an event area and exhibition space, should ensure that that use can be rationally justified to reflect the category and the core objectives of that category.

A lease or licence may be granted to event organisers as it involves the provision of facilities to allow public events to take place which therefore caters for the needs of the public in relation to their physical, cultural, social and intellectual welfare or development.

Recreational fishing

The land on which recreation fishing takes place is presumably the Nepean River and the riparian area adjacent to it.

Such land should be categorised as a natural area, and specifically a watercourse.

Community garden

The land on which the community garden is located could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for the public to grow crops if a plan of management specifies that as a purpose for which the land may be used.

A lease or licence of a part of the garden may be granted as it allows the carrying out of activities by the public for public recreation and is therefore in relation to their physical, cultural, social and intellectual welfare or development.

Growers market

The land on which the growers market is located could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for the public to buy and sell produce. A plan of management that specifies that land categorised as general community use may be used for a growers market should ensure that the market can be rationally justified to reflect the category and the core objectives of that category.



A licence may be granted to persons who wish to sell their produce as such a licence would be for the use or occupation of the land on a short term, casual basis for engaging in a trade or business.

Dairy museum and education space

This area could be categorised as a park or an area of cultural significance as the outbuildings show the historical use and operation of the Farm.

The various activities that provide the public with an understanding of the role of the Farm would enable the public to associate the use of the Farm with the evolving pattern of Australian cultural history.

Installed educational information would further be facilities for use mainly to educate the public and foster educational and cultural development.

Agri-forestry

The land on which agri-forestry is carried out could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for the public or specific sections of the public (presumably the same people who undertake the growing of feed crops and grazing of cattle). A plan of management that specifies that land categorised as general community use may be used for agri-forestry should ensure that that use can be rationally justified to reflect the category and the core objectives of that category.

A lease or licence may be granted to persons to carry out agri-forestry as it would be for the carrying out of an activity in relation to the intellectual welfare and development of the public as the public can presumably learn of agri-forestry methods and also best practice environmental management of the land.

Walking, bicycle and horse trails

Land used for walking, bicycle and horse trails would fall within the category of a park as it presumably involves landscaping of the land to create the trails and may involve the provision of facilities for use by the public for active or passive recreation. Additionally, such use is unlikely to intrude on the peaceful enjoyment of the land by others.

Café

The land for a café could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for use by the public, or specific sections of the public. A plan of management that specifies that land categorised as general community use may be used for a café should ensure that that use can be rationally justified to reflect the category and the core objectives of that category.

A lease or licence may be granted to the operator of the café as it will involve provision of goods and services for the needs of the public in relation to their visit to the Farm, being a public recreation and that involves cultural, social and intellectual development.

Retail outlet

The land used for a retail outlet could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for use by the public visiting the Farm. A plan of management that specifies that land categorised as general community use may be used for a retail outlet, should ensure that the type of retail can be rationally justified to reflect the category and the core objectives of that category.

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A lease or licence may be granted to the operator of the outlet as it will involve provision of goods and services for the needs of the public in relation to their physical, cultural, social and intellectual welfare or development.

Picnic and BBQ area

This area could be categorised a park as it involves provision of picnic and BBQ facilities for use by the public for passive recreation and social pursuits. Additionally, such use is unlikely to intrude on the peaceful enjoyment of the land by others.

Carpark

The land used for a carpark could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for use by the public who visit the Farm if a plan of management specifies that as a purpose for which the land may be used.

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Amendment No.19 – Reclassification of Lands



CAMDEN COUNCIL

PLANNING PROPOSAL

Amendment No. 19 – Reclassification of Lands

November 2013

Version 4 – 26 November 2013

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ORD06

Attachment 5

Amendment No.19 – Reclassification of Lands

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Background

Camden Local Environmental Plan 2010 (LEP 2010) was gazetted on 3 September 2010 and became the principal planning instrument covering land use and zoning in the Camden Local Government Area (LGA). The adoption of the LEP 2010 was a 'best fit' transition from the superseded Camden LEP's in an attempt to maintain a 'status quo' from the old to the new LEP.

Council, in its attempts to carry out the intended outcomes of each site primarily require a reclassification of lands from 'community' to 'operational' land. The following sites subject to this planning proposal include:

Camden Town Farm

- Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
- Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
- Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden

The Camden Town Farm was dedicated to Council in 2003, as a bequeath from the will of Miss L Davies for the benefit and enjoyment of the residents of Camden. In 2007, a Master Plan was adopted for the guidance of use and development of the Camden Town Farm in accordance with Miss Davies wishes.

The subject site has since operated as a community garden and a site for grazing cattle. However, in order to achieve the objectives and undertake the uses listed in the adopted Master Plan, the site requires a reclassification of the land from community to operational land.

At the time of transfer of the land to Council ownership, a resolution was made to classify the land as operational land. In accordance with Section 34 of the *Local Government Act 1992*, the classification must be advertised for 28 days within three months of the transfer of title into Council ownership notifying the public of Council's decision to classify the land. The process to notify the public of Council's decision to classify the land subsequently overlooked, hence this planning proposal being prepared to reclassify the land to operational land as initially intended.

Elizabeth Park – Narellan Vale

- Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale

Council's reference to the Elizabeth Park site in Narellan Vale refers to a small portion of land located at the eastern boundary of the subject site. The land as a whole is currently operating as a public reserve, serving the community of Narellan Vale.

Since 2005, adjoining land owners – the Baptist Churches of NSW Property Trust, has approached and been in discussion with Council to construct a community centre over the adjoining (owned by the Baptist Churches of NSW Property Trust) and subject lands. These discussions have progressed to a point that the land subject to reclassification is to be consolidated into the adjoining lot to cater for the construction of the community centre and its ancillary development. In this regard, the initial step in the process is to reclassify the land to operational land so the plan of consolidation can be registered with the Land and Property Information.

Mount Annan Leisure Centre

- Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
- Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan

Council acquired Lot 53 in 2010, where at the time of transfer was dedicated as public reserve classified as community land. The Council report did not address the classification of land and therefore, no resolution was made to classify it as operational land.

Lot 1101 was consolidation of its parent lots (Lot 51 and 52 DP 857052) which was registered in 1999. There are no known Council records which detail if both of the parent lots were classified as operational land. At the time of consolidation, the land would carry forward as community land if no resolution was made to classify the land as operational. Therefore, as a precautionary approach, this planning proposal seeks to reclassify this lot as operational land as it was originally intended.

The future aspirations of these sites, as a whole, is to undertake small additions to the existing Mount Annan Leisure Centre to serve the increasing demand from the community. In order to undertake the planned expansion of the development, the subject lots will need to be consolidated. In this regard, the initial step in the process is to reclassify the land to operational land so the plan of consolidation can be registered with the Land and Property Information.

Smeaton Grange – Topham Road

- Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Council acquired this site in 2001, where at the time of transfer a Council resolution was made to dedicate this as operational land. In accordance with Section 34 of the Local Government Act 1992, the reclassification must be advertised for 28 days within three months of the transfer of title into Council ownership notifying the public of Council's decision to reclassify the land. The process to notify the public of Council's decision to reclassify the land subsequently overlooked, hence this planning proposal being prepared to reclassify the land to operational land as initially intended.

Locality Maps for the above properties subject to the reclassification to operational lands are provided as **Attachment A** to this planning proposal.

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks to reclassify four (4) sites within the Camden Local Government Area (LGA), amend the LEP 2010 to introduce a clause where uses of Camden's Town Farm can be carried out in accordance with its adopted Master Plan, and correct the reference to lots that are listed as a heritage item within Schedule 5 of the LEP 2010.

This planning proposal will allow the intended outcomes of each of the subject sites to be achieved. The following is a brief description of each sites intended outcome:

Camden Town Farm

- Reclassify the land from community to operational land to permit the intended uses of the land to be carried out in accordance with the adopted Master Plan. A copy of the adopted Camden Town Farm Master Plan is provided as **Attachment B**.
- Amend the description of lands of the local heritage item identified as Item I26 of Schedule 5 of the Camden LEP 2010.

Elizabeth Park – Narellan Vale

- Reclassify the land from community to operational land to undertake a consolidation of the subject and adjoining lands. The consolidation will allow a community centre to be constructed on the consolidated site.

Mount Annan Leisure Centre

- Reclassify the land from community to operational land to consolidate the site currently occupied by the Mount Annan Leisure Centre. The consolidation of land will allow council to undertake planned development and expansion of the site to meet the demands of the community.

Smeaton Grange – Topham Road

- The initial advertising period to reclassify the land to operational land was overlooked. This planning proposal will reclassify the land from community to operational land which will allow the existing and intended use of the land to be carried out on the site with the correct classification.

Amendment No.19 – Reclassification of Lands

Part 2 – Explanation of provisions

Explanation of provisions for each of the subject sites are provided under the following relevant headings:

Camden Town Farm

The Camden Town Farm lands are subject to reclassification, introduction of an additional local provision and amendment to the heritage items description of lands in Schedule 5 of LEP 2010. This will require the following amendments to the LEP 2010:

Reclassification – Insert into Part 2 of Schedule 4 the following:

Column 1	Column 2	Column 3
Locality	Description	Any Trusts etc. not Discharged
Camden	Lot 2, DP 532049, 40 Exeter Street; Lot 1, DP 532049, 75A Macquarie Grove Road; Lot A, DP 337924, 75 Macquarie Grove Road	Nil

Description of Lands – amend Item I26 of Schedule 5 to read:

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Camden	Camden Town Farm (including cottage, dairy, milking parlor, barn, rustic storage sheds and out buildings, fences and views to Nepean River and hinterland)	40 Exeter Street	Lots 1 and 2, DP 532049; Lot A, DP 337924	Local	I26

Amendment No.19 – Reclassification of Lands

Elizabeth Park – Narellan Vale

The Elizabeth Park Narellan Vale site is only subject to reclassification under this Planning Proposal. This will require the following amendments to the LEP 2010:

Reclassification – Insert into Part 2 of Schedule 4 the following:

Column 1	Column 2	Column 3
Locality	Description	Any Trusts etc. not Discharged
Narellan Vale	Part Lot 2, DP 1138792, 40 Waterworth Drive – as shown edged blue on the Land Reclassification (Part Lots) Map	Nil

Due to only part of the subject site that is being reclassified, this will require the preparation of a new Land Reclassification (Part Lots) Map. The new map titled 1450_COM_RPL_013_010_20120814 is provided as **Attachment C**.

Mount Annan Leisure Centre

The Mount Annan Leisure Centre site is only subject to reclassification under this Planning Proposal. This will require the following amendments to the LEP 2010:

Reclassification – Insert into Part 2 of Schedule 4 the following:

Column 1	Column 2	Column 3
Locality	Description	Any Trusts etc. not Discharged
Mount Annan	Lot 53, DP 857052, 156A Waterworth Drive; Lot 1101, DP 884135, 363 Welling Drive	Nil

Amendment No.19 – Reclassification of Lands

Smeaton Grange – Topham Road

The Smeaton Grange site is only subject to reclassification under this Planning Proposal. This will require the following amendments to the LEP 2010:

Reclassification – Insert into Part 2 of Schedule 4 the following:

Column 1	Column 2	Column 3
Locality	Description	Any Trusts etc. not Discharged
Smeaton Grange	Lot 3513, DP 830128, 55 Topham Road	Nil

Part 3 – Justification**Section A – Need for the planning proposal.****1. Is the planning proposal a result of any strategic study or report?**

The planning proposal is not a result of any strategic study or report. The proposed amendments to the Camden LEP 2010 identified within this Planning Proposal have been identified by Council Staff and are considered minor in nature.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the planning proposal provides the best way of achieving the objectives and intended outcomes.

3. Is there a net community benefit?

Given the minor nature of the matters contained within this planning proposal, it is not considered that a Net Community Benefit Test is required. The matters addressed by this planning proposal will provide the community with new and improved community facilities.

Section B – Relationship to strategic planning framework.**4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The planning proposal is consistent with both the draft South Western Regional strategy and the Sydney Metro Strategy.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with Camden Council's Strategic Plan Camden 2040.

6. Is the planning proposal consistent with applicable state environmental planning policies?

This planning proposal is consistent with all applicable state environmental planning policies.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Ministerial Directions as explained in **Attachment D**.

Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There is no likelihood of any adverse affect on any critical habitat or threatened species, populations or ecological communities, or their habitats, as a result of this planning proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects as a result of this planning proposal.

10. How has the planning proposal adequately addressed any social and economic affects?

There are no likely social or economic effects as a result of this planning proposal.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

Not applicable.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

Due to the Elizabeth Park and Mount Annan Leisure Centre sites being located within the Campbelltown Mine Subsidence precinct, consultation with the Mine Subsidence Board is required should the planning proposal receive a gateway determination.

The Camden Town Farm also contains bushfire prone lands and portions of its lands within Australian Noise Exposure Forecast (ANEF) and Obstacle Limitation Surface (OLS) zones. In this regard, consultation with the Rural Fire Service and Sydney Metro Airports is required should the planning proposal receive a gateway determination.

In this regard, consultation will be undertaken with the following public authorities:

- Mine Subsidence Board;
- Rural Fire Service; and
- Sydney Metro Airports.

Part 4 – Community Consultation

It was initially thought that the matters dealt with in this planning proposal were of a minor nature, and would not result in any adverse impacts upon the community. Due to the nature of the amendments, it was considered that an exhibition period of 28 days is appropriate for this planning proposal. As a result of the reclassification of community lands to operational lands, a public hearing was conducted by an independent person in accordance with Section 32 of the Local Government Act 1993. The results of the public exhibition and the public hearing are discussed below.

Public Exhibition

Pursuant to the requirements of the Gateway Determination, the Planning Proposal was publically exhibited for a total of 28 days from 7 November 2012 to 5 December 2012 (inclusive). During the public exhibition period, Council received a total of nine submissions with eight objecting only to the reclassification of the Camden Town Farm from Community to Operational land. There was one submission supporting the proposal and five submission from public authorities. The proposed amendment to the Camden Town Farm property description and remaining sites subject to reclassification drew no interest from the community.

The submissions are provided as **Attachment D** to this Planning Proposal.

Public Hearing

The reclassification of land requires a public hearing to take place and be conducted by an independent person in accordance with Section 32 of the Local Government Act 1993. Council appointed Mr Graham Pascoe of Pascoe Planning Solutions, who conducted the Public Hearing on 10 December 2012.

The public hearing was attended by a total of ten representatives on behalf of the Camden Town Farm Committee, Camden Historical Society, and the community. A total of six representatives spoke specifically in relation to the proposed reclassification of the Camden Town Farm. There were no speakers in relation to the proposed reclassification of the remaining three sites.

Following the public hearing, a report was prepared by Mr Pascoe, which details the issues raised by interested parties who attended the public hearing. The Public Hearing Report is provided as **Attachment E** to this Planning Proposal.

The report recommends that the reclassification of the Camden Town Farm not proceed. However, the Public Hearing Report endorses Council's proposed reclassification for the remaining three sites.

Amendment No.19 – Reclassification of Lands

A report was submitted to Council, at its meeting on 26 November 2013, advising of the outcomes of the public exhibition period.

Council resolved, at that meeting, to proceed with the reclassification of all four properties together with the amendment to the property description of the Town Farm.

This Council report and resolution is provided as **Attachment F** to this Planning Proposal.

ORD06

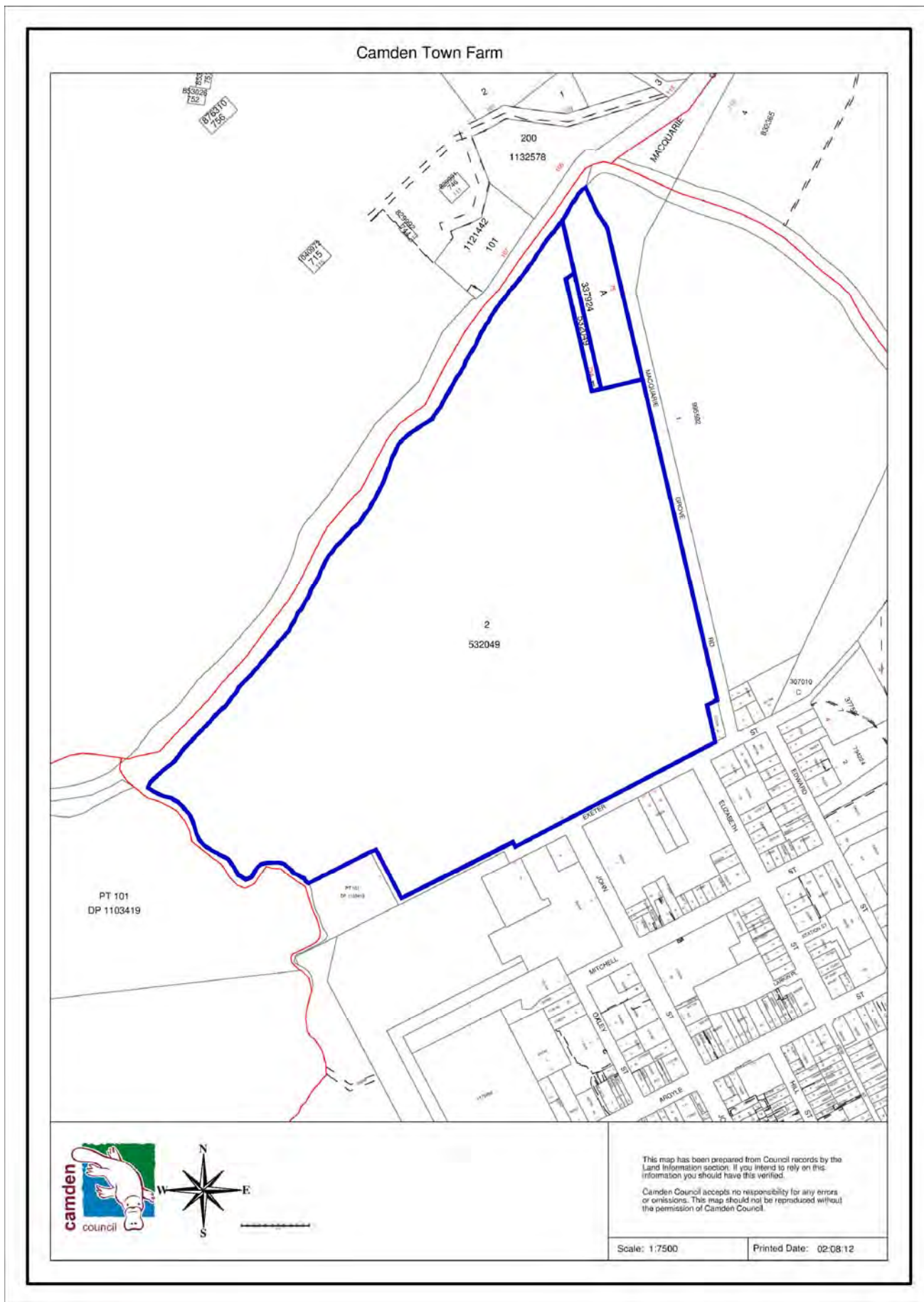
Attachment 5

ORD06

Attachment 5

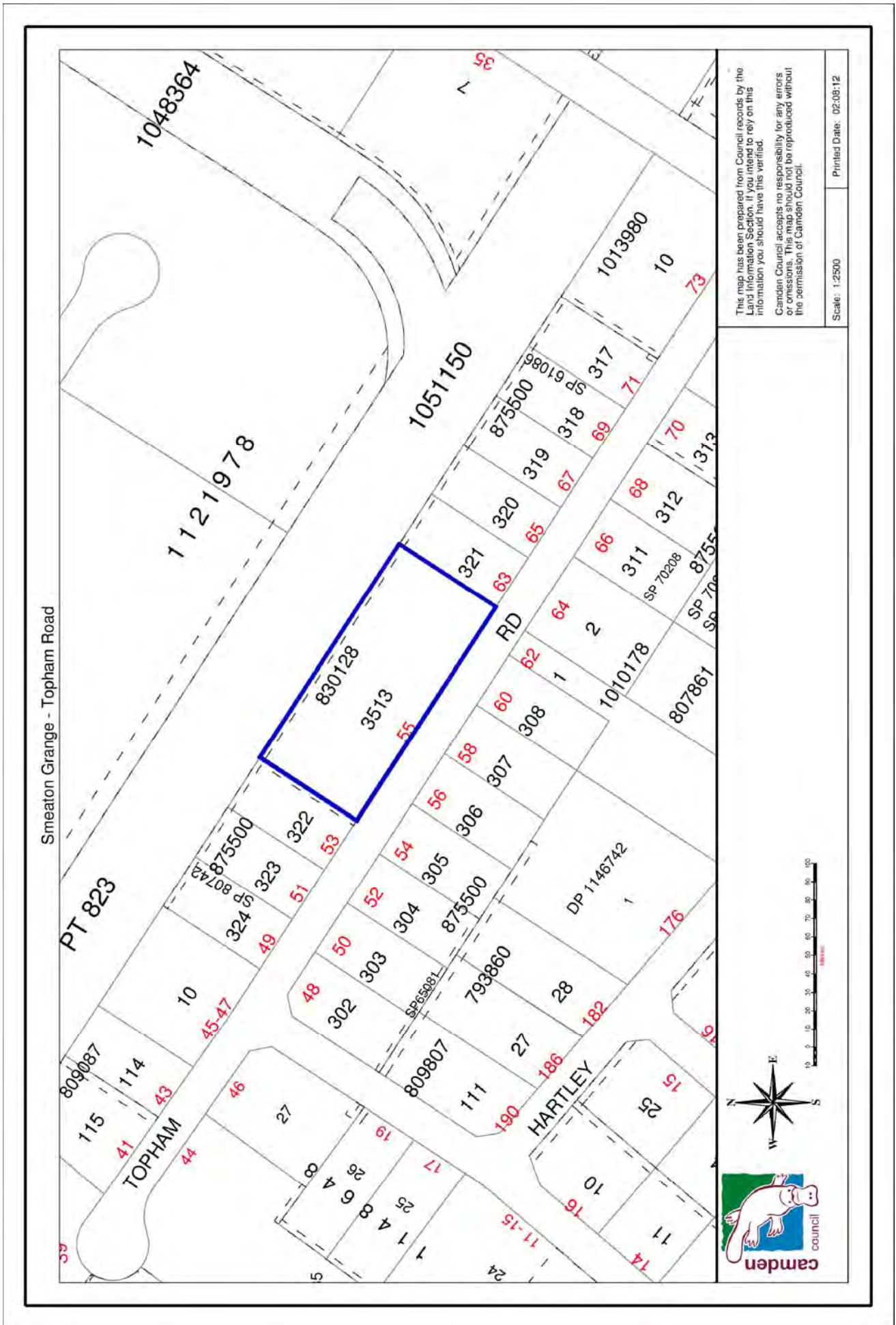
Amendment No.19 – Reclassification of Lands

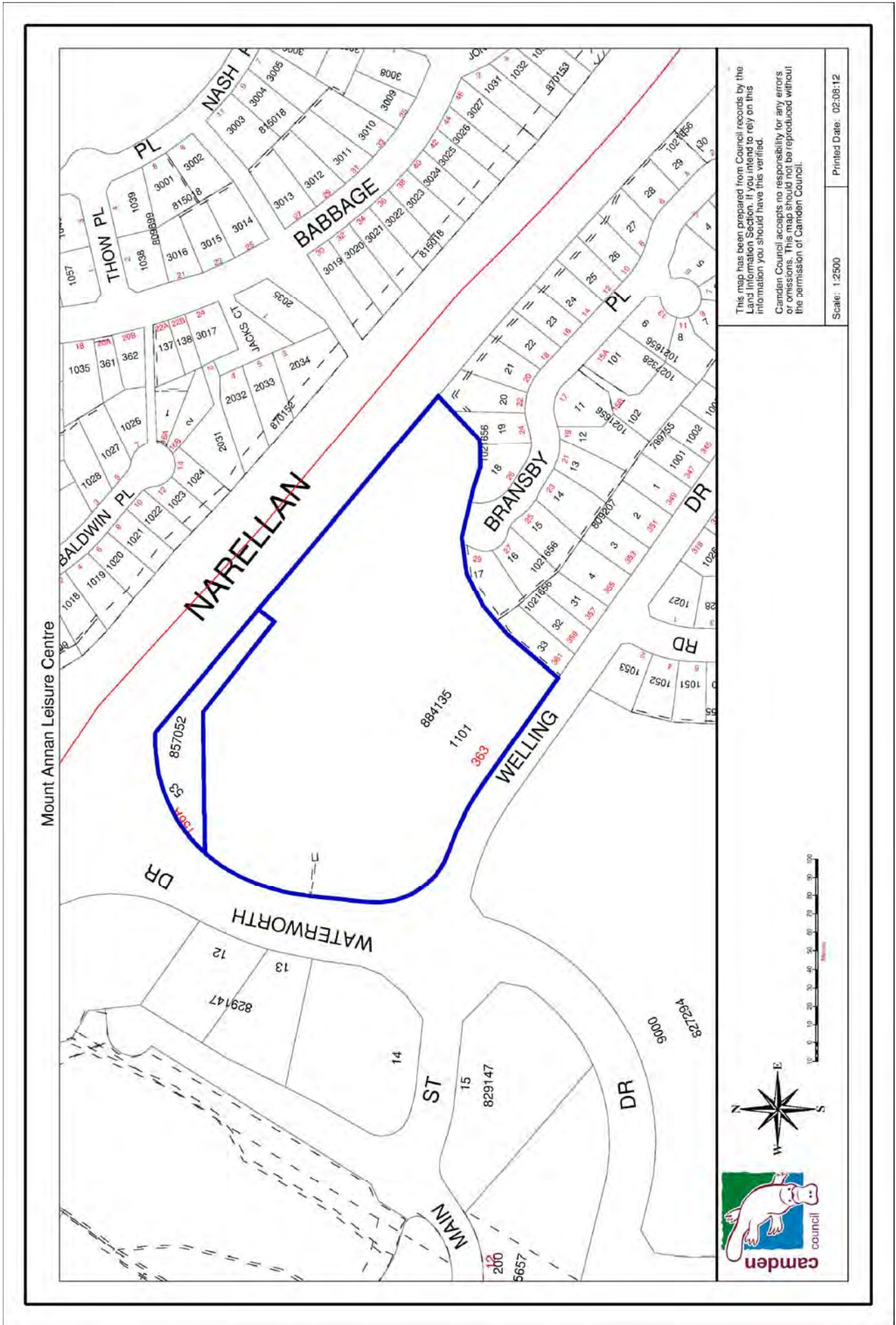
Attachment A – Locality Maps



ORD06

Attachment 5

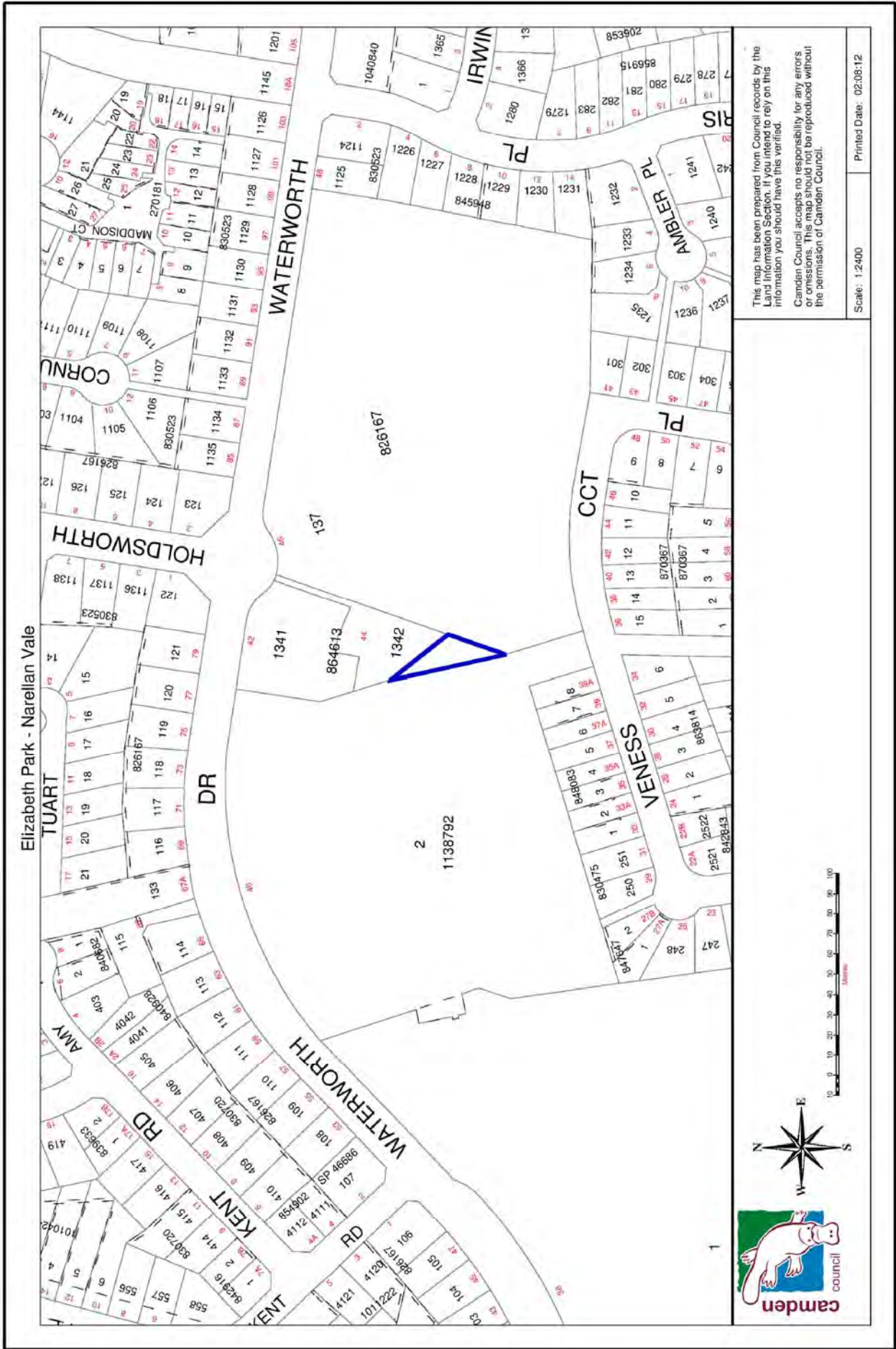




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Amendment No.19 – Reclassification of Lands

Attachment B – Land Reclassification (Part Lots) Map

ORD06

Attachment 5





Camden Local Environmental Plan 2010

Land Reclassification (Part Lots) Map - sheet RPL_013

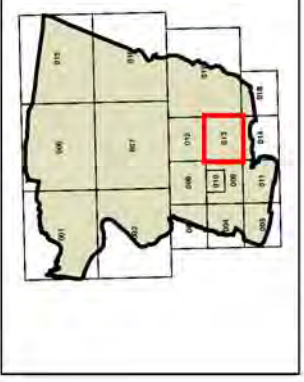
Cadastral 03/08/2012 © Camden Council

Land Reclassification (Part Lots)


- Operational Land
- Community Land

Cadastral


- Cadastral



Map identification number: 1450_COM_RPL_013_010_20122003



Projection GDA 1994
MGA Zone 55



Scale: 1:10000 @ A3

Amendment No.19 – Reclassification of Lands

Attachment C – Applicable Section 117 Directions

ORD06

Attachment 5

Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
1. Employment and Resources			
1.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. 	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of existing business and industrial zones, (c) not reduce the total potential floor space area for employment uses and related public services in business zones, (d) not reduce the total potential floor space area for industrial uses in industrial zones, and (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning. 	<p>This direction is applicable as the Smeaton Grange site is located within the business and industrial zones.</p> <p>This planning proposal is for the reclassification of land, which does not propose the alteration to the location or total potential floor space area of any business or industrial zones. It is considered that this planning proposal is consistent with the objectives of this direction.</p>
1.2 Rural Zones	<p>The objective of this direction is to protect the agricultural production value of rural land.</p>	<p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. (b) not contain provisions that will increase the permissible density of 	<p>This direction is applicable as the Camden Town Farm is located within the RU1 – Primary Production zone.</p> <p>The proposal intends to insert an additional local provision to develop and allow the intended use of the lands to achieve its planned potential as described in the adopted Camden Town Farm Master Plan. the uses proposed within the Camden</p>

Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
		land within a rural zone (other than land within an existing town or village).	Town Farm Master Plan are generally low scale, agricultural and community related uses. This is applicable only to the lands of the Camden Town Farm and not the RU1 zone as a whole.
2. Environment and Heritage			
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>A planning proposal must contain provisions that facilitate the conservation of:</p> <ul style="list-style-type: none"> (a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area, (b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and 	<p>This direction is applicable as the Camden Town Farm is listed as a local heritage item under the LEP 2010.</p> <p>The planning proposal is consistent with the objectives of this direction as the proposal does not permit or prohibit development that would adversely impact the heritage significance of the site. Furthermore, any development on the subject lands require an assessment against Clause 5.10 of the LEP 2010 prior to the development or use of the site for that purpose.</p>

Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	<p>The objectives of this direction are:</p> <p>(f) to encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(g) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(h) to minimise the impact of residential development on the environment and resource lands.</p>	<p>A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	<p>This direction applies as the Elizabeth Park and Mount Annan Leisure Centre sites are located within the R2 – Low Density Residential zone.</p> <p>Although the subject sites are located within the residential zone, the proposed reclassification of the sites from community to operational land will have no adverse impact on the existing residential densities as the sites are an existing community facility.</p>
3.5 Development Near Licensed Aerodromes	<p>The objectives of this direction are:</p> <p>(a) to ensure the effective and safe operation of aerodromes, and</p> <p>(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and</p> <p>(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not</p>	<p>In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</p> <p>(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</p> <p>(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</p> <p>(c) for land affected by the OLS:</p> <p>(i) prepare appropriate development standards, such as height, and</p>	<p>This direction is applicable as the Camden Town Farm is located partially within an ANEF and OLS zone from Camden Airport.</p> <p>The Planning proposal proposes an additional local provision for the town farm to cater for development and uses of the land in accordance with the Camden Town Farm Master Plan. Whilst the planning proposal does not rezone land, it permits sensitive land uses in proximity to the ANEF and OLS zones. However, the Master Plan prescribes development zones that permit the uses and development throughout the site, which the erection of any building is located external to the mapped ANEF zones.</p> <p>Nonetheless, as outlined within the planning proposal, consultation will be undertaken with</p>

Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
	adversely affected by aircraft noise.	(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.	Sydney Metro Airports during the public exhibition period
4. Hazard and Risk			
4.2 Mine Subsidence and Unstable Land	The objective of this direction is to prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must: (a) consult the Mine Subsidence Board to ascertain: (i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and (ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and (b) incorporate provisions into the draft	This direction is applicable due to the Elizabeth Park and Mount Annan Leisure Centre sites are located within the Campbelltown Mine Subsidence District. As outlined within the planning proposal, consultation is required with the Mine Subsidence Board, which will be undertaken during the public exhibition period.

Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
4.3 Flood Land Prone	The objectives of this direction are: (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and (c) include a copy of any information received from the Mine Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.	This direction is applicable due to the Camden Town Farm being located within the 1 in 100 Year flood zone. The introduction of an additional local provision provides development and uses to be carried out in accordance with the Camden Town Farm Master Plan. It is noted that the Master Plan is responsive to the flooding site constraint, which specifically prescribes development sitings and uses that will create no impact on the flood levels, flows or risk to human life.
		A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). A planning proposal must not contain provisions that apply to the flood planning areas which: (c) permit development in floodway areas, (d) permit development that will result in significant flood impacts to other properties, (e) permit a significant increase in the	

Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
4.4 Planning Bushfire Protection	<p>The objectives of this direction are:</p> <p>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	<p>development of that land,</p> <p>(f) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</p> <p>(g) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</p> <p>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>A planning proposal must:</p> <p>(a) have regard to Planning for Bushfire Protection 2006,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</p>	<p>This direction is applicable due to the Camden Town Farm containing bushfire prone land along its northern boundary.</p> <p>The introduction of an additional local provision provides development and uses to be carried out in accordance with the Camden Town Farm Master Plan. As outlined within the planning proposal, consultation is required with the Rural Fire Service, which will be undertaken during the public exhibition period.</p> <p>It is noted that the Master Plan is responsive to the bushfire prone land, which details development sitings and uses that are compatible and respective to the known risk. The controls on the development and uses are detailed within the Camden Town Farm Master Plan.</p>

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Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
		<p>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <ul style="list-style-type: none"> (i) an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and (ii) an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access</p>	

Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
		roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.	
6. Local Plan Making			
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: (i) the appropriate Minister or public authority, and (ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community	Development occurring as an indirect result of this planning proposal does not generate any additional need to obtain concurrence, consultation or referral to the Minister or any public authority.

Amendment No.19 – Reclassification of Lands

S.117 Direction	Objective	What a relevant planning authority must do if this direction applies	Response
		<p>consultation in satisfaction of section 57 of the Act, and</p> <p>(c) not identify development as designated development unless the relevant planning authority:</p> <p>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</p> <p>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</p>	
<p>7. Metropolitan Planning</p> <p>7.1 Implementation of the Metropolitan Strategy</p>	<p>The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.</p>	<p>Planning proposals shall be consistent with:</p> <p>(a) the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan").</p>	<p>The proposal is consistent with the NSW Government's Metropolitan Strategy 2036 published in December 2010.</p>

Amendment No.19 – Reclassification of Lands

Attachment D – Public Hearing Report

ORD06

Attachment 5

PUBLIC HEARING REPORT

PLANNING PROPOSAL FOR THE RECLASSIFICATION OF VARIOUS COUNCIL OWNED LANDS

Part Elizabeth Park, Narellan Vale
Mount Annan Leisure Centre
Topham Road, Smeaton Grange
Camden Town Farm

Prepared for:

Camden Council

Prepared by:



5 February, 2013

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(CONSULTANT TOWN PLANNER)
(JANUARY 2013)

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Associate Diploma in Business (Valuation)
Advanced Certificate in Property Agency
Certificate as Town and Country Planner (Ordinance 4)
Master of Teaching (Cand.)

MEMBERSHIPS

Corporate Member of Planning Institute of Australia
(Certified Practicing Planner)

Member of the Institute of Australian Geographers

Former member of Local Government Town Planners
Qualification Committee (Ministerial Appointment)

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Attachments

1. Publicity in Respect of Public Hearing
2. Details of Public Hearing Attendees
3. Details of Persons Responsible for Written Submissions During Public Exhibition of the Planning Proposal
4. A). Summary of Presentations to Public Hearing
B). Summary of Submissions Received During Public Exhibition of Planning Proposal
5. Subject Lands
6. Public Hearing ‘Protocols’
7. Council Report ORD 09 - Camden Local Environmental Plan 2010 (Amendment No. 19) - Reclassification of Lands
8. Statement of Council’s Interest
9. Legal Advice in Respect of Camden Town Farm Masterplan and Scope of Activities/Requirements in Respect of a Community Land Classification (7 December, 2012)

1 Introduction

This is a Report on the Public Hearing held on 10 December, 2012 from 6.00pm to 8.00pm at the 'Undercroft' of the Camden Civic Centre, situated at the corner of Mitchell and Oxley Streets, Camden.

The hearing was facilitated/chaired by Mr Graham G. Pascoe, J.P., of Pascoe Planning Solutions Pty Ltd, who was assisted by Ms Robyn Conroy (Town Planner). Mr Pascoe fulfils the criteria established at Section 47G of the Local Government Act, 1993 (LGA 1993) in respect of an appropriate person to conduct the hearing.

Council staff assisting with the conduct of the hearing were:

- Mr Matt Loader – Senior Project Officer
- Ms Kim Fury - Property Officer.

Other Council staff in attendance were:

Mr Chris Lalor – Acting Manager Strategic Planning

Ms Nicole Magurren – Acting General Manager

The relevant statutory protocols in respect of advertising/notifying of the Public Hearing were observed, with extracts presented in ATTACHMENT "1".

Details of those persons present at the Public Hearing are reproduced in ATTACHMENT "2"; whilst ATTACHMENT "3" lists persons who had made a written submission during the public exhibition of the Planning Proposal¹.

A site inspection of all sites, the subject of the Hearing, was undertaken by the Chairman/Facilitator prior to its commencement.

2 Legislative Context

Pursuant to s25 of the LGA 1993, all public land must be classified. There are two classifications for public land – "community" and "operational". Community land is land intended for public access and use, or where other restrictions applying to the land create some obligation to maintain public access. It;

- cannot be sold,
- cannot be leased, licensed or any other estate granted over the land for more than 30 years, and
- must have a plan of management prepared for it.

Operational land has no special restrictions other than those that may apply to any piece of land.

Section 27 of the LGA 1993 provides that the classification or reclassification of land may be made by a Local Environmental Plan (LEP).

¹ A summary of the same is presented as ATTACHMENT "4".

Section 28 of the LGA 1993 relates to the preparation of a draft LEP and the need for the owners of the land to consent to the preparation of a draft plan that proposes to either classify or reclassify land that is not owned by Council, in this instance Council is the owner of all lands which are the subject of this Hearing.

Council is required by Section 29 of the LGA 1993 to arrange a public hearing where it is proposed to reclassify community land to operational land. Section 29 reads as follows:

“29 Public hearing into reclassification

- (1) A council must arrange a public hearing under section 57 of the [Environmental Planning and Assessment Act 1979](#) in respect of a planning proposal under Part 3 of that Act to reclassify community land as operational land, unless a public hearing has already been held in respect of the same matter as a result of a determination under section 56 (2) (e) of that Act.*
- (2) A council must, before making any resolution under section 32, arrange a public hearing in respect of any proposal to reclassify land as operational land by such a resolution.”*

With regard to Section 29(2); no public hearing has been held into the subject matter. The Environmental Planning and Assessment Act 1979 (EPA Act) sets out the public consultation and notification requirements for the exhibition of a draft LEP.

3 Overview of the Public Hearing

The Public Hearing was conducted in respect of the proposal by Camden Council to reclassify certain lands (listed below), pursuant to a Planning Proposal known as Amendment No.19 (Version 2) dated 25 October, 2012.

The parcels of land contained in the subject Planning Proposal include:

- Elizabeth Park – Narellan Vale (Part Lot 2 DP 1138792 – Waterworth Drive, Narellan Vale)

Elizabeth Park – Narellan Vale



- Mount Annan Leisure Centre (Lot 53 DP 857052 – Waterworth Drive and Lot 1101 DP 884135 – 363 Welling Drive, Mount Annan)

Mount Annan Leisure Centre



- Part Topham Road, Smeaton Grange (Lot 3513 DP 830128 – 55 Topham Road, Smeaton Grange)

Topham Road – Smeaton Grange



- Camden Town Farm (Lot 1, DP 532049 – 75A Macquarie Grove Road, Camden; Lot 2 DP 532049 – 40 Exeter Street, Camden; and Lot A DP 3377924 - 75 Macquarie Grove Road, Camden)

Camden Town Farm



A larger scale plan and image of each parcel is presented at ATTACHMENT "5".

The Planning Proposal proposes to reclassify each of the above lands from 'community' to 'operational' land in order to 'carry out the intended outcomes of each site'.²

The Hearing 'Protocols' were established at the outset by the Chairman/Facilitator (refer to ATTACHMENT "6") and were generally complied with. Limited extensions of time for verbal submissions were granted. Further, a written submission from Mr. David Buckley (Camden Town Farm Committee Member) was accepted by the Chairman/Facilitator, whilst still in the hearing venue and in the presence of some staff and attendees, after the closure of the meeting, but before the advertised meeting closure time of 8.00pm³.

A number of participants had pre-registered to speak and confirmed at the commencement of the meeting that they wished to make a verbal presentation in respect of the Camden Town Farm. Their intent was initially noted.

No verbal or written submissions were received on the evening in respect of the following holdings:

- Elizabeth Park, Narellan Vale;
- Mount Annan Leisure Centre; and
- Topham Road, Smeaton Grange.

² Such outcomes were generally loosely described by Council as detailed later.

³ Refer to ATTACHMENT 4 (B) Item 1

Those who had pre-registered (with an interest in the Camden Town Farm proposed reclassification) were subsequently invited to speak in turn and 'hand up' any supporting material. These included:

- Mr. John Drinnan
- Mr. John Wrigley
- Mr. Peter Standen

Following each of these submissions an invitation was extended to any other person present who wished to make a verbal presentation. Three additional verbal submissions were made in this manner, from:

- Mr. Ken Macaulay
- Ms. Roslyn Tildsley
- Mr. Stephen Stubbings

At the close of the Hearing participants were thanked for their presentations and time and were advised of the program for compiling the Report and its submission to Council (January 2013) and of Council's notional timeframe for consideration of the matter (at an Ordinary Council meeting in March, 2013).

As noted previously, Mr. David Buckley (Camden Town Farm Committee member) handed a written submission to the Chairman/Facilitator prior to the scheduled hearing completion of 8:00pm.

4 Information Relied Upon

The following presents a summary of the information used to compile this Report:

- Report submitted to Ordinary Council (meeting) held on 14 August, 2012 – Item Ord09.
- Camden Council minutes – Ordinary Council Meeting, 14 August, 2012.
- Gateway Determination issued by Director General of the Department of Planning and Infrastructure dated 15 October, 2012.
- Camden Town Farm Masterplan prepared by Cityscape Planning and Projects dated March, 2007.
- Legal Advice compiled by Lindsay Taylor Lawyers, in response to a limited Council Brief dated 7 December, 2012. (Reproduced as ATTACHMENT "9").
- The NSW Local Government Act, 1993.
- The NSW Environmental Planning and Assessment Act, 1979.
- The Last Will and Testament of Llewella Hope Burns Davies.
- Camden Local Environmental Plan, 2010.
- Extract of Council Minutes – Ordinary Meeting, 26 April, 2009.
- Extract of Council Resources and Services Committee Meeting Minutes – 13 June, 2000.
- Extract of Council Minutes – Ordinary Meeting – 16 December, 2003.
- Camden Council Public Lands Register.
- Report submitted to Resources and Services Committee – 14 November, 2005.
- Council Minutes – Resources and Services Committee- 14 November, 2005.
- Extract of Council Information communicated at Town Farm Committee Meeting – 21 November, 2012.
- All written submissions to the exhibited Planning Proposal.

- Verbal submissions and supporting written documentation to the Public Hearing of 10 December, 2012.
- Written submission by David Buckley after closure of the Public Hearing, but prior to the advertised projected hearing closure of 8.00pm.

5 Council Reasoning for Reclassification

Council's reasoning for reclassifying the subject land holdings from "community" to "operational" land is not comprehensively documented. The reasoning is summarised in the Council Report ORD09 of 14 August, 2012. A copy of this Report forms ATTACHMENT "7".

The document titled "Statement of Council's Interest"⁴ accompanying the public exhibition of the proposed LEP (Reclassification) Amendment provided some limited clarification of the reclassification intent; salient statements being summarised as follows (with my comment italicised):

Camden Town Farm

The proposed reclassification of the subject site will bring the current use of the site in line with its status.

This statement merely perpetuates the ambiguity.

Elizabeth Park

The reclassification will facilitate the subdivision and sale of this portion of the lot to the adjoining landowners for the purposes of construction of the community centre.

It is clear the intent is to dispose of the land to facilitate a broader community objective.

Mount Annan Leisure Centre

The reclassification will facilitate the consolidation of both lots to achieve the planned expansion.

It remains unclear why reclassification is critical to facilitating a consolidated holding. The merit of consolidation is not challenged.

Topham Road

This reclassification will allow the existing and intended use of the land to be carried out onsite with an operational classification.

The land is currently vacant, with no evidence of an intended future use. This adds little to the merit of reclassification.

6 Summary of Submissions

Produced below is a summary of the matters raised in respect of the proposed reclassification of the Camden Town Farm (CTF) by the concerned members of the community present at the Hearing.

All issues raised at the hearing related to the proposed reclassification of the Camden Town Farm.

⁴ Refer to ATTACHMENT "8"

All speakers objected to the proposed designation as Operational Land⁵. The reasons supporting objection to the proposed reclassification are summarised below with many reinforced in ATTACHMENT "4 (A)".

1. Operational Land would be contrary to the wishes and intent of the donor of the land:
 - a. The donor, Miss Llewella Davies, was a well-known and highly regarded member of the community who had discussed her wishes for the future care and management of the land in detail both in her bequest and in person with several of those addressing the meeting. Her main intent for the land was that the land was to be used by the community in perpetuity for rural or low-impact community uses.
 - b. Council is seen as the caretaker of this gift to the community and should not facilitate its exploitation through identifying it as Operational Land. The main areas of concern in this regard are:
 - i. The potential to use the land for non-rural or commercial purposes; and
 - ii. The potential to sell the land.
 - c. Miss Davies's intention was for the land to remain in rural or sympathetic, low key community purposes that would retain the rural character of the landscape. Operational land designation would allow a much wider range of uses including commercial activity or heavy uses such as a depot on the site.
 - d. Operational designation would allow the site to be sold (whether by this or a future Council) and this would be contrary to Miss Davies' express wishes.
 - e. Community Land designation would ensure that the land must be used in accordance with the existing Masterplan and cannot be sold. It is therefore preferred.

2. The need for Operational Land designation has not been explained or justified to the community:
 - a. Council's explanation that the proposed designation was to regularise its understanding that the land had always been intended to be Operational, but had not been designated for an unknown reason, was rejected.
 - b. Significant concerns were raised that the reasons that the Operational Classification was being proposed by Council had not been properly explained or justified to the community.
 - c. The existing Masterplan was seen generally to be appropriate for its future management (with some minor amendments to convert it to a formal Plan of Management) and should be retained and implemented.

7 Consideration of Issues

7.1 Elizabeth Park - Narellan Vale

No issues were raised during the Public Hearing or the Public Consultation process.

It would appear that a community outcome is likely to be achieved by the reclassification to operational land and disposal to an entity concerned with provision of an accessible community facility.

I accordingly raise no objection to the Council intent.

⁵ It is noted that the submission "handed up" by Mr. David Buckley (CTF representative) supported the proposed "operational" reclassification (refer to ATTACHMENT "4 (B)").

7.2 Mount Annan Leisure Centre

No issues were raised during the Public Hearing or the Public Consultation process.

The need for reclassification to operational land remains somewhat unclear.

However, the doubts are not sufficient for me to raise objection to the Council intent.

7.3 Topham Road - Smeaton Grange

No issues were raised during the Public Hearing or the Public Consultation process.

The reason for reclassification to operational land remains unclear.

However, the doubts are not sufficient for me to raise objection to the Council intent.

7.4 Camden Town Farm

7.4.1 Introduction

The matters raised in the submissions to the public exhibition were oppositional in nature and largely mirrored those communicated verbally at the Hearing and summarised above at Section 6 (refer also to ATTACHMENT "4 (B)").

The Key Issues raised in both forums are further summarised and addressed below.

7.4.2 Jeopardisation of Perpetual Community Use (Including Potential Sale)

Miss Davies Last Will and Testament clearly articulated that upon cessation of farming by the Lessee of the Day that the land should be used by the community in perpetuity for rural or low impact community use. Potential sale of "the Farm" (CTF) is the antithesis of Miss Davies intent and would be facilitated by an "operational" lands classification.

Comment

It is apparent that Miss Davies Bequest intended perpetual community use of the CTF, initially as a commercial farm entity and, in the absence of an ability to continue as a farm, a low impact (grazing) rural or recreational (community) use.

With the cessation of commercial farming and the difficulty in establishing a model farm the CTF Masterplan has been established to guide a range of rural and low impact community uses generally consistent with the intent of the Bequest.

At no stage is there a direct or implied reference to the farm asset being realised by Council.

Although it appears not to be Council's intention to sell or alienate the Farm, the possibility of doing so in the future by a "less sympathetic" Council would be more readily facilitated by an "operational" classification.

A "community" classification clearly negates the prospect of such action and I am inclined to opine, is a good "risk management" strategy in this regard.

Additionally, a "community" classification supported by a relevant Plan of Management would appear to give greater certainty of intended community outcomes.

Finally, it appears that the classification as “operational” land would potentially be precluded by Section 31 (3) (b) of the Local Government Act, 1993 in respect of “the instrument of Bequest”.

7.4.3 Potential Commercial/Non-Rural or Recreational Usage (and Consequential Adverse Effects)

The classification of the CTF as “operational” land enhances the prospects of a range of uses beyond the rural community focus, potentially with consequential adverse impacts and inconsistent with the direct and implied intent of the Bequest.

Comment

It is clear that an “operational” classification may have little constraint and potentially little community impact in respect of uses which may be inconsistent with the Bequest and may have attendant adverse impacts.

Retention of a “community” classification, the need for a requisite Plan of Management, associated public process of granting leases/licenses and community involvement generally would significantly mitigate against the prospects of inappropriate uses and related adverse impacts.

7.4.4 Current CTF Masterplan Could Form Basis of a Plan of Management and Facilitate Broad Ranging Compatible Usage

The CTF Masterplan is advanced as a broad-ranging community inspired vision considered to be consistent with the terms of the Bequest (both direct and implied), whilst providing a responsive management framework.

Comment

The range of uses currently envisaged and addressed in the CTF Masterplan are considered consistent with the intent of the Bequest (both direct and implied).

All such uses can be accommodated under the “community” classification, subject to the adoption of a Plan of Management (refer to Legal Advice at ATTACHMENT “9”).

The CTF Masterplan would appear to provide a solid platform for the expeditious compilation and staged implementation of a Plan of Management.

7.4.5 Reasoning for “Operational” Classification Poorly Articulated by Council

It is claimed that the reasoning for the “operational” classification is poorly articulated with a central and “tokenistic” comment about “making good” a previous intent and it being largely a “procedural matter”.

Comment

The Planning Proposal is considered to poorly articulate the reasoning for reclassification to “operational” land. There is no clear, compelling or comprehensive justification in the Planning Proposal, nor in the Statement of Council’s Interest.

The statement “to bring the current use of the site in line with its status” epitomises the lack of clarity of intent.

8 Conclusion

In accordance with the terms of reference for conducting and reporting on the Public Hearing, the Planning Proposal and public exhibition material have been examined and all submissions reviewed, inclusive of the material detailed in Section 4 of the Report and particularly the Legal Opinion procured by Council in respect of the Camden Town Farm and reproduced as ATTACHMENT "9".

No objections or issues were identified in respect of the following parcels:

- Elizabeth Park - Narellan Vale
- Mount Annan Leisure Centre
- Topham Road - Smeaton Grange

Notwithstanding, the lack of clarity in respect of the need to reclassify the latter two parcels, I raise no objection to the proposed reclassification of all three parcels to "operational" land.

The Camden Town Farm (CTF) has sparked an impassioned outpouring of concern at the prospect that reclassification more readily facilitates, at the extreme, disposal or alienation of a highly prized community asset or part thereof and/or other undesirable landuse prospects.

The prospects of sale are immediately vetoed by a "Community" land classification; whilst the inherent obligation for a Plan of Management to accompany any community land minimises the potential of adverse landuse impacts.

The legal advice commissioned by Council clearly indicates that the range of uses identified in the Town Farm Vision and articulated in the Town Farm Masterplan can be pursued on land with a "Community" classification.

It is, however, noted that there are some current uses which may require licenses or the like that previously weren't issued and necessitate cessation until a Plan of Management and relevant licenses or similar are in place.

On balance, I am, however, not persuaded that the land needs to be classified for operational purposes and indeed is better placed and potentially managed as an iconic community asset, if it retains its "Community" land classification accompanied by a relevant Plan of Management.

Every effort should, however, be made to minimise any disruption attached to the adoption of a Plan of Management.

Finally, notwithstanding the above, it would appear that the reclassification as "operational" land would potentially be precluded by Section 31 (3) (b) of the Local Government Act, 1993 given the nature of the "instrument" of Bequest". Council should consider commissioning further legal advice in this regard for purposes of clarity.

9 Recommendations

In the light of the preceding conclusions I make the following recommendations:

1. That the Planning Proposal known as Amendment No. 19 (version 2) dated 25 October, 2012 be amended by deleting the proposal to reclassify the Camden Town Farm (namely, Lot 1 DP 532049 - 75A Macquarie Grove Road, Camden, Lot 2 DP 532049 - 40 Exeter Street, Camden and Lot A DP 3377924 - 75 Macquarie Grove, Camden) as “operational” land.
2. That the balance of the Planning Proposal to reclassify the following lands to “operational” lands proceed:
 - Elizabeth Park - Narellan Vale (Pt. Lot 2 DP 1138792 - Waterworth Drive, Narellan)
 - Mount Annan Leisure Centre (Lot 53 DP 857052 - Waterworth Drive and Lot 1101 DP 884135 - 363 Welling Drive, Mount Annan)
 - Part Topham Road - Smeaton Grange (Lot 3513 DP 830128 - 55 Topham Road, Smeaton Grange)
3. That a Plan of Management, underpinned by the Camden Town Farm Masterplan (2007), be expeditiously prepared for the Camden Town Farm and every effort be made to minimise any disruption to its adoption and facilitate the smooth transition of existing activities which require licenses in such context.
4. That this Report be made publicly available.

ORD06

Attachment 5

Attachment 1

PUBLICITY IN RESPECT OF PUBLIC HEARING

camden council

COMMUNITY ANNOUNCEMENTS

TRAFFIC DISRUPTION
 L/E Kemohan Drive, between Lodges Road and Camden Bypass
 L/E Kemohan Drive between Lodges Road and Camden Bypass is being constructed in readiness for the future connection to Camden Bypass. The works between Lodges Road and the future Camden Bypass intersection which are being carried out in conjunction with the Lodges Road contract, are ahead of schedule and due for completion in November 2012. Works include the construction of new dual carriageway road, one roundabout, a major culvert crossing, landscaped centre reserves, paths, cycleway, tree planting and hedges.

Camden Bypass Intersection and Link Road to Richardson Road
 Construction of the Camden Bypass Intersection and its connection with Richardson Road and the section of L/E Kemohan Drive to Lodges Road is about to commence. This work is being managed by Landcom on behalf of Camden Council and NSW Roads and Maritime Services. Council has been advised these works will be completed by March 2013.

L/E Kemohan Drive, Spring Farm
 This road is being constructed for a future connection to Camden Bypass. Camden Bypass and Link Road to Richardson Road, Narrabri
 Work has commenced on the intersection and is being managed by Landcom.

Oven Park Drive, Oxen Park
 Shoulder upgrading along Oxen Park Drive will commence. Minor traffic signs may be experienced.

Marsden Grove Road, Kithurst
 Shoulder widening between Kithurst Lane and Cobble Road will be occurring this week. Minor traffic delays may be experienced.

Cobbly Road, Cobbley
 Shoulder grading in the vicinity of Marschur Anglican School will be occurring. Minor traffic signs may be experienced.

NOBODIE WEED-SPRAYING / ALLIGATOR WEED
 Camden Council wishes to advise all residents and visitors with the Camden Local Government Area that herbicide spraying for the noxious weed, Alligator Weed, will be undertaken along the Nepean River between Alfred Creek and Theresa Park Weir.

There will be two periods of treatment, each lasting between three and six weeks. Roadside treatments on or after Wednesday 14 November 2012, and more late in late January/early February 2013, weather permitting.

The public is advised not to use, drink or swim in these waterways during the above periods. The treatment will be conducted in accordance with the NSW Department of Environment, Climate Change and Water License issued to Council for the control of noxious weeds in and adjoining waterways with herbicides.

Under the provisions of the Noxious Weeds Act 1993, Alligator Weed is a Class 3 weed. If you find this weed on your land the weed must be fully and continuously suppressed and destroyed. It is advisable to contact Camden Council's Noxious Weeds Officer or the NSW Department of Industry and Investment to obtain advice regarding the control of this weed, if you have identified it on your property.

Alligator Weed infestation will be treated according to manufacturer's specifications with Metolachlor Methyl and/or Cyfluthrin. All chemicals are registered for this use by the Australian Pesticides and Veterinary Medicines Authority.

For more information phone Matthew McLaughlin on 4654 7777

MAKE YOUR CONTRIBUTION TO THE NEPEAN RIVER AND NARELLAN CREEK FLOOD STUDIES
 Camden Council is seeking to improve the understanding of flooding from the Nepean River and Narellan Creek including the tributaries. This information will be used to prepare for flood events and help to minimise the risk to current and future residents of the Catchment area.

The existing Flood Studies were undertaken during the late 1990's and were based on topographic survey data and computer modelling techniques available at that time. The rapid development within the catchment and land use changes over the last 20 years mean that the flood behaviour may have changed and accordingly, must be reassessed. The identification of flood prone land is essential to ensure that this growth is managed in the Camden area in a sustainable manner.

Council has engaged WorleyParsons to update the existing Flood Study for the Nepean River and Narellan Creek including the tributaries. These Flood Studies are partially funded by the State Government under Floodplain Risk Management Program.

If you have experienced flooding in your local area we'd love to hear from you. Please visit our website, download the questionnaire and return it to PO Box 183, Camden NSW 2570. Alternatively you can email your responses to nepean@worp.com.au

A brochure enclosing the questionnaire in relation to the Flood Studies is also being sent to the residents in the vicinity of Nepean River, Narellan Creek and their tributaries.

A brochure enclosing the questionnaire in relation to the Flood Studies is also being sent to the residents in the vicinity of Nepean River, Narellan Creek and their tributaries.

37 John Street, Camden NSW 2570 | DX 25807, PO Box 183, Camden NSW 2570
 P: 02 4654 7777 | F: 02 4654 7629 | W: www.camden.nsw.gov.au | E: mail@camden.nsw.gov.au

16 - Camden-Narellan Advertiser, Wednesday, November 14, 2012

Call 13 24 25... That's Fairer Community Classifieds

Council will be holding a community information session on Wednesday 28 November, 5pm to 7pm at Camden Civic Centre in the Undercroft. For more information phone Maria Piro on 4645 5091.

RECLASSIFICATION OF POLICY
CAMDEN COUNCIL'S PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAJOR AND COUNCILLORS
 Council is required to review the Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy annually.
 The Policy clearly sets out the range of expenses and facilities payable to Councillors to ensure full accountability and transparency to the community.
 A copy of the draft policy is available to interested parties from Council Administration Buildings, 37 John Street, Camden and 19 Queen Street, Narrabri and Council's website www.camden.nsw.gov.au.
 Written submissions are welcome and should be addressed to the General Manager and received no later than Wednesday 21 November 2012 by email, email or fax (details below).
 For more information phone 4654 6125.

EXPRESSIONS OF INTEREST
CAMDEN SENIORS PROGRAM COMMITTEE
 Camden Seniors Program Committee is seeking expressions of interest from interested persons to fill a number of vacancies for committee member positions on a voluntary basis.
 The committee organises a number of events for Seniors during the year including Seniors Week and Spring and Christmas Lunches.
 For more information phone Syd Lee on 4645 5020

MATTERS ON EXHIBITION
PLANNING PROPOSAL AND DRAFT DEVELOPMENT CONTROL PLAN FOR NARELLAN TOWN CENTRE
 Camden Council has received a request from the owners of the Narellan Town Shopping Centre to consider rezoning land bounded by The Northern Road, Camden Valley Way and The Old Northern Road to allow an expansion of the shopping centre. It is proposed that the shopping centre would be linked across Camden Valley Way by a new pedestrian bridge.
 As part of considering the proposed expansion to the shopping centre, Council has reviewed the planning controls for the Narellan Town Centre area and is considering amending some building heights to encourage renewal and further investment in the area.
 A Planning Proposal and Draft Development Control Plan will be publicly exhibited from Wednesday 17 October to Friday 16 November 2012. Feedback from the community on the proposed changes, information is available at Council's Administration Buildings, 37 John Street, Camden and 19 Queen Street, Narrabri, Camden and Narellan Libraries as well as Council's website under Matters on Exhibition.
 Written submissions are welcome, should be addressed to the General Manager and received no later than Friday 16 November 2012 by mail, email or fax (details below).
 For more information phone Heath James on 4654 7833.

CAMDEN LOCAL ENVIRONMENT PLAN 2012 (AMENDMENT NO. 15) RECLASSIFICATION OF LANDS
 Council gives notice of its decision at its meeting on Tuesday 14 August 2012, to publicly exhibit a Planning Proposal and proposed amendments to the Camden Local Environmental Plan 2010 to reclassify various Council owned lands from Community to Operational land and amend the description of a heritage item following a Gateway Determination from the Department of Planning and Infrastructure.
 The following is a list of sites and brief description of the intended outcome of the planning proposal.

Camden Town Farm
 • Lot 1 in Deposited Plan 52049
 75A Macquarie Grove Road, Camden
 • Lot 2 in Deposited Plan 52049
 40 Easter Street, Camden
 • Lot A in Deposited Plan 337824
 75 Macquarie Grove Road, Camden
 Reclassification of land from Community to Operational land; and Amend the property description of the heritage listing.

Elizabeth Park - Narellan Vale
 • Part Lot 2 in Deposited Plan 135792
 Watlands Drive, Narellan Vale
 Reclassification of land from Community to Operational land.

Mount Arrian Leisure Centre
 • Lot 53 in Deposited Plan 857052
 196A Watworth Drive, Mount Arrian
 • Part Lot 1 in Deposited Plan 884135
 363 Watling Drive, Mount Arrian
 Reclassification of land from Community to Operational land.

Smeaton Grange - Topham Road
 • Lot 3513 in Deposited Plan 830128
 50 Topham Road, Smeaton Grange
 Reclassification of land from Community to Operational land.
 The exhibition material relating to the above will be available to view by the public from Wednesday 7 November 2012 to Wednesday 5 December 2012 at Council's Administration Buildings, 37 John Street, Camden and 19 Queen Street, Narrabri, Camden and Narellan Libraries as well as Council's website.
 Written submissions are welcome, should be addressed to the General Manager and received no later than Wednesday 5 December 2012 by mail, email or fax (details below).
 In accordance with Section 29 of the Local Government Act 1993 and Section 56 of the Environmental Planning and Assessment Act 1979, notice is given that a Public Hearing has been organised where the community can put forward any issues, comments or concerns. The Public Hearing will be conducted and chaired by an independent professional and a report will be furnished for Council's consideration.
 The Public Hearing will be held on Monday 10 December, from 8pm to 10pm at Camden Civic Centre - Undercroft, corner Mitchell and Oxley Streets, Camden.
 For more information phone Matt Leader on 4654 7768.

EXHIBITION OF AMENDMENT 14 - CONSOLIDATED AMENDMENT
 Council gives notice of its decision at its meeting on Tuesday 24 July 2012, to publicly exhibit a Planning Proposal to allow various minor amendments to Camden LEP 2010 following a Gateway Determination from the Department of Planning and Infrastructure.
 The exhibition material relating to the above will be available to view by the public from Wednesday 14 November to Wednesday 12 December 2012 at Council's Administration Buildings, 37 John Street, Camden and 19 Queen Street, Narrabri, Camden and Narellan Libraries as well as Council's website.
 Written submissions are welcome, should be addressed to the General Manager and received no later than Wednesday 12 December 2012 by mail, email or fax (details below).
 For more information phone Terja Uppal on 4654 7804

RECLASSIFICATION APPLICATIONS
 Council has received a Development Application for the use of land as detailed below.
 The Application may be viewed at Council's Customer Service Administration Centres, 37 John Street, Camden and 19 Queen Street, Narrabri and Camden and Narellan Libraries during normal opening hours.
 Submissions on the proposal must be received in writing addressed to the General Manager no later than the date specified below. Submissions must clearly indicate the Development Application number in addition to the name, address and daytime contact number of the person making the submission. Submissions may be lodged by mail, email or fax (details below).
 All submissions received will become public documents and will be included in any report that may be submitted to Council in relation to the application.
 For your information, under the Government Information (Public Access) Act 2009, we are required to publicly release any correspondence or information we have on our matter which regard your personal information will not be confidential.
 Enquiries relating to each Development Application are to be directed to the Assessing Officer on 4654 7777.

Proposal	Assessing Officer	Exhibition Dates
Staged subdivision to create 35 residential lots, construction of earthworks, roads, drainage and services and reclassification of an existing watercourse.	Pascoe Planning Solutions 3 Winton Place and 129 The Old Oaks Road, Castlereagh	25 October 2012 - 23 November 2012
Resubdivision to create 35 residential lots, construction of earthworks, roads, drainage and services and reclassification of an existing watercourse.	Resubdivision 37 John Street Camden Council 30229H	25 October 2012 - 23 November 2012
Construction of two recreational trails within the Australian Botanic Gardens	Rozzi Botanic Gardens Trust 141A Mount Arrian Drive MOUNT ARRAN Andrew Ison and Jessica Volokonski Camden Council	25 October - 23 November 2012

Binder: Amendment No. 19 – Reclassification of Lands

Department Of Education
 C/ The Benevolent Society NSW
 PO Box 364
 CAMDEN NSW 2570

7 November 2012

Dear Sir/Madam,

RE: CAMDEN LEP 2010 (AMENDMENT No. 19) – RECLASSIFICATION OF LANDS

I refer to the abovementioned Planning Proposal currently on public exhibition.

The planning proposal seeks amend a heritage item lot description for the Camden Town Farm Heritage Item and to reclassify various lands within the Camden Local Government Area from 'Community' land to 'Operational' land.

Please note in the vicinity of your property, the Camden Town Farm lands are proposed to be reclassified to 'Operational' lands. In particular, the following land is proposed to be reclassified:

- Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
- Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
- Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden

For more information on the Planning Proposal, please refer to the exhibition materials, which are available at the following locations from 7 November 2012 to 5 December 2012:

- Camden Office Customer Service Centre - 37 John Street, Camden
- Narellan Office Customer Service Centre - 19 Queen Street, Narellan
- Camden Library - 40 John Street, Camden
- Narellan Library - Cnr Queen and Elyard Street, Narellan
- Camden Council Website – www.camden.nsw.gov.au

If you wish to make a submission to the Planning Proposal, it is requested that all comments are received in writing no later than close of business **5 December 2012**. All submissions should be marked attention to Council's Senior Project Officer, Matt Loader and addressed to:

The General Manager
 Camden Council
 PO Box 183
 Camden NSW 2570

In accordance with Section 29 of the Local Government Act 1993 and Section 56 of the Environmental Planning and Assessment Act 1979, a Public Hearing has been organised where the community can put forward any issues, comments or concerns. The Public Hearing will be conducted and chaired by an independent professional and a report will be furnished for Council's consideration. Council invites you to attend and the following are the details for the Public Hearing:

Where: Camden Civic Centre – Undercroft
Oxley Street
Camden NSW 2570

When: 10 December 2012
6:00pm to 8:00pm

The Local Government and Planning Legislation Amendment (Political Donations) Act 2008 requires any person making a submission to this Planning Proposal to disclose any reportable political donation or gift as defined in Part 6 of the Election Funding and Disclosures Act 1981. A copy of the Disclosure Statement is available for download from Council's website or available at any of Council's Customer Service Counters. If you have made a reportable political donation or gift to any Camden Council Councillor or employee within the past 2 years, you must disclose this in accordance with the Act.

Should you require any further information in regards to the Planning Proposal, please do not hesitate to contact me on 4654 7798.

Yours sincerely,

Matt Loader
Senior Project Officer

Contact: Matt Loader
 Phone: (02) 4654 7798
 Email: matt.loader@camden.nsw.gov.au

Date: 7 November 2012

Mines Subsidence Board
 ATTN: District Manager – Darren Bullock
 PO Box 40
 PICTON NSW 2571

Dear Darren,

RE: SECTION 56 CONSULTATION – RECLASSIFICATION OF PUBLIC LANDS FROM 'COMMUNITY' TO 'OPERATIONAL' LAND

I refer to the requirements of the Gateway Determination for the Planning Proposal for Reclassification of various lots within the Camden Local Government Area.

In accordance with the requirements of the Department of Planning and Infrastructure's Gateway Determination, Council wishes to forward the proposal for your comment. This is to ensure consistency with Section 117 direction 4.2 – Mine Subsidence and Unstable Land. The Planning Proposal seeks to reclassify the following lots from 'Community' to 'Operational' land:

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden
- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale
- Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan
- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Please find enclosed the following documents pertaining to the proposed reclassification of the abovementioned lands:

- Planning Proposal
- Gateway Determination
- Council's Statement of Interest
- NSW Department of Planning and Infrastructure's LEP Practice Note (PN 09-003)
- Council Report
- Council Resolution

If you have any comments on the planning proposal, it is requested that it is received by Council **no later than 5 December 2012**. Should you require an extension to this, a written request is to be received by Council no later than the above date.

Should no correspondence be received by the above date, Council will assume that no comments will be made and Council will proceed with the Planning Proposal.

If you have any questions, do not hesitate to contact me on the details at the top of the first page.

Yours Sincerely,

Matt Loader
Senior Project Officer

Contact: Matt Loader
 Phone: (02) 4654 7798
 Email: matt.loader@camden.nsw.gov.au

Date: 7 November 2012

NSW Rural Fire Service
 ATTN: Doug Stevens
 Locked Mail Bag 17
 GRANVILLE NSW 2142

Dear Doug,

RE: SECTION 56 CONSULTATION – RECLASSIFICATION OF PUBLIC LANDS FROM 'COMMUNITY' TO 'OPERATIONAL' LAND

I refer to the requirements of the Gateway Determination for the Planning Proposal for Reclassification of various lots within the Camden Local Government Area.

In accordance with the requirements of the Department of Planning and Infrastructure's Gateway Determination, Council wishes to forward the proposal for your comment. This is to ensure consistency with Section 117 direction 4.4 – Planning for Bushfire Protection. The Planning Proposal seeks to reclassify the following lots from 'Community' to 'Operational' land:

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden
- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale
- Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan
- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Please find enclosed the following documents pertaining to the proposed reclassification of the abovementioned lands:

- Planning Proposal
- Gateway Determination
- Council's Statement of Interest
- NSW Department of Planning and Infrastructure's LEP Practice Note (PN 09-003)
- Council Report
- Council Resolution

If you have any comments on the planning proposal, it is requested that it is received by Council **no later than 5 December 2012**. Should you require an extension to this, a written request is to be received by Council no later than the above date.

Should no correspondence be received by the above date, Council will assume that no comments will be made and Council will proceed with the Planning Proposal.

If you have any questions, do not hesitate to contact me on the details at the top of the first page.

Yours Sincerely,

Matt Loader
Senior Project Officer

Contact: Matt Loader
 Phone: (02) 4654 7798
 Email: matt.loader@camden.nsw.gov.au

Date: 7 November 2012

The Secretary
 Department of Infrastructure and Transport
 GPO Box 594
 CANBERRA ACT 2601

ATTN: Aviation

Dear Sir/Madam,

RE: SECTION 56 CONSULTATION – RECLASSIFICATION OF PUBLIC LANDS FROM 'COMMUNITY' TO 'OPERATIONAL' LAND

I refer to the requirements of the Gateway Determination pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979 (NSW)* for the Planning Proposal for Reclassification of various lots within the Camden Local Government Area.

In accordance with the requirements of the Department of Planning and Infrastructure's Gateway Determination, Council wishes to forward the proposal for your comment. This Planning Proposal is being forward to you due to the vicinity of the Camden Town Farm site to the Camden Airport, and to ensure consistency with Section 117 direction 3.5 – Development Near Licensed Aerodromes. The Planning Proposal seeks to reclassify the following lots from 'Community' to 'Operational' land:

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden
- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale
- Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan
- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Please find enclosed the following documents pertaining to the proposed reclassification of the abovementioned lands:

- Planning Proposal
- Gateway Determination
- Council's Statement of Interest
- NSW Department of Planning and Infrastructure's LEP Practice Note (PN 09-003)
- Council Report
- Council Resolution

If you have any comments on the planning proposal, it is requested that it is received by Council **no later than 5 December 2012**. Should you require an extension to this, a written request is to be received by Council no later than the above date.

Should no correspondence be received by the above date, Council will assume that no comments will be made and Council will proceed with the Planning Proposal.

If you have any questions, do not hesitate to contact me on the details at the top of the first page.

Yours Sincerely,

Matt Loader
Senior Project Officer

Binder: Amendment No. 19 – Reclassification of Lands

<Name>
<Address 1>
<Address 2>

6 November 2012

Dear <Name>,

RE: ACKNOWLEDGEMENT OF SUBMISSION TO RECLASSIFICATION OF PUBLIC LANDS FROM 'COMMUNITY' TO 'OPERATIONAL' LAND

Council takes this opportunity to acknowledge receipt of your submission to the proposed reclassification of various public lands from 'Community' to 'Operational'.

Please note that all of the issues, comments, and concerns raised within your submission will be noted and considered by Council in its decision on the reclassification of lands.

Council also extends an invitation for an opportunity to speak to your submission at a Public Hearing, organized in accordance with Section 29 of the Local Government Act 1993 and Section 56 of the Environmental Planning and Assessment Act 1979. The Public Hearing will be conducted and chaired by an independent professional and a report will be furnished for Council's consideration. The following are the details for the Public Hearing:

Where: Camden Civic Centre – Undercroft
Oxley Street
Camden NSW 2570

When: 10 December 2012
6:00pm to 8:00pm

If you wish to have an allocated time to speak to your submission, you are encouraged to contact me on 4654 7798. Please note, if you wish to attend the Public Hearing and speak to your submission, a total of 10 minutes will be allocated for your opportunity to state your issues, comments, or concerns.

If you have any questions, do not hesitate to contact me on the details above.

Yours Sincerely,

Matt Loader
Senior Project Officer

Attachment 2

DETAILS OF PUBLIC HEARING ATTENDEES

**PERSONS SIGNING ATTENDANCE SHEET AT THE PUBLIC HEARING HELD AT
CAMDEN COUNCIL**

(Note: contact details are not provided here but are available on the original sheets)

Name	Address
Peter Standen	66 William Campbell Avenue, Harrington Park
John Drinnan (Camden Town Farm Committee)	282 Cobbitty Road, Cobbitty
R Moore (Camden Town Farm Committee)	ns
Roslyn Tildsley	40 Valley View Drive, Narellan
Ken Macaulay	12 Hill Street, Camden
John Wrigley	Camden Historical Society (PO Box 566 Camden)
Steve Stubbings (Limetree/Baptist Church)	3 Cashmere Drive, Elderslie
Les McDonald	135 Springfield Road, Catherine Field
Tony Biffin	220 Biffins Road, Candor
Jim Cook	19 Broadford Street, St Andrews
Betty Yewen	Broughton Street
David Buckley (Camden Town Farm Committee)	ns

Attachment 3

DETAILS OF PERSONS RESPONSIBLE FOR WRITTEN SUBMISSIONS DURING PUBLIC EXHIBITION OF THE PLANNING PROPOSAL

ORD06

Attachment 5

AUTHOR	PARTY PRESENTED
Corrine Manyweathers	Sydney Water
Colin Grove	Sydney Metro Airports
Douglas Barrett	Camden Historical Society Inc.
Les & Fay McDonald	Selves/Community
Janina Learmont	Self/Community
John Drinnan	Self/Community
K. J. Macaulay	Executor of Estate of Miss Davies
Roslyn Tildsley	Self and Frank & Margaret Tildsley
Trish Hyeronomous	Self and Peter Hyeronomous
Peter Standen	Self/Community

Attachment 4 (A)
SUMMARY OF SUBMISSIONS
COMMUNICATED AT THE PUBLIC HEARING

1. **John Drinnan** (representing himself, the CTF's s.355 Committee (the management committee for the site) and Ray Moore (who formerly operated the dairy farm on the site))
 - a. Has Council received a copy of the submission? Matt Loader confirmed receipt of the submission.
 - b. Mr. Drinnan then proceeded to read his submission to the meeting. The main issues contained were as follows:
 - i. Objects to the proposed classification of the land as operational;
 - ii. Classification as operational is clearly against the wishes of Miss Llewella Davies who bequeathed the farm for the use of the community – the people of Camden, with Council as custodian. She had discussed her wishes in detail with Mr. Ray Moore and he advised Mr. Drinnan that Miss Davies had made it clear that she did not want the land sold or used for activities other than as described in her Will.
 - iii. The proposed reclassification has not been properly justified or argued. Describing the proposal as 'minor' is not accurate or adequate. Pros and cons of each option should be explained to the community.
 - iv. In the opinion of the Committee the existing zoning and Masterplan provide adequate guidance. The existing community classification should be retained and a plan of management prepared for the site.
 - c. Mr. Drinnan also raised the following issues:
 - i. The land was bequeathed to the community by Miss Davies with the intention that Council act as its custodian on behalf of the community. Mr. Moore discussed the matter with Miss Davies in detail prior to making the will and she took great care to ensure that the wording reflected her wishes precisely. He (Mr. Drinnan) noted that Miss Davies did not consider the sale of the land an appropriate use of the bequest. The proposed classification as operational land is not consistent with her wishes.
 - ii. Mr. Drinnan acknowledges that there is no current proposal to sell the land but is concerned that if it is reclassified operational there will be a potential to sell the land without consultation or involvement by the community.
 - iii. He noted that the problem had arisen from error/bad legal advice to Council and the need for a Plan of Management if the land is Community; also that certain uses may have to be suspended while this Plan is prepared.
 - iv. He was concerned about the suggestion that even if the land is designated Community now it could be re-designated Operational in the future.
 - v. Re. The description of the classification as a 'minor' issue; he disputes this given the potential impact on the land, potential to sell it and the likelihood of going against Miss Davies' Will.
 - vi. He would like to see the land remain Community into the future in order to respect her significant gift to the people of Camden, to do what is right by Miss Davies; to implement her wishes; enact the uses identified in the Masterplan and prevent the inappropriate sale of the land. In his opinion the Plan of Management will allow each of these to be achieved.
2. **Mr. John Wrigley** (representing the Camden Historical Society (140 members))
 - a. Mr. Wrigley explained that he had had considerable personal connection with Miss Davies over the years, particularly in the last years of her life and he was aware that the bequest was very carefully thought through. She had discussed it with her solicitor, Council's General Manager and several Mayors. The wording had been drafted very carefully by her so there would be no doubt about the future use of the site.
 - b. The current proposal would be a matter of great concern to her.

- c. Mr. Wrigley then proceeded to read from his written submission. The issues he highlighted included:
 - i. He is concerned for the future of the property.
 - ii. Why does the land need to be reclassified in order to achieve Miss Davies' wishes and the provisions of the Masterplan?
 - iii. Were the executors of the Estate consulted directly?
 - iv. The community is generally quite happy with the Masterplan: a lot of thought has gone into it and it has broad community support.
 - v. To be told that there is a technical problem with the status of the land and given such a thin justification for the proposed reclassification is not good enough. The Historical Society feels that no convincing argument has been made why the existing and proposed activities cannot occur under a Community Land designation.
 - vi. The proposed reclassification appears to be a serious downgrading of the land.
 - vii. There would be nothing to stop future Council decisions designating the land for depots and offices or even selling the land without consultation.
 - viii. This would be downgrading of a generous donation.
 - ix. A plan of management is required as a matter of urgency.
 - x. The existing Masterplan provides clear basis for the Plan of Management. Resources should be allocated immediately to prepare this Plan. This would resolve most of the issues surrounding the use of the site and would allow it to be Community Land.
 - xi. In his opinion 30 years is a perfectly acceptable period for a lease for example the proposal by the Department of Education.
 - xii. It is important to protect Miss Davies' bequest in case council amalgamations proceed and/or a less sympathetic Council replaces the existing.

3. Mr. Peter Standen (66 William Campbell Avenue, Harrington Park)

- a. Mr. Standen advised that his presentation may take longer than 10 minutes; the Facilitator agreed to 15 minutes.
- b. Mr. Standen is a member of the Camden Town Farm Committee.
- c. Mr. Standen tabled a copy of his objection to the proposed classification of the property as Operational Land. He also advised that he has seen the legal advice prepared for Council (a copy being forwarded by Council to the Camden Town Farm Committee).
- d. Mr. Standen advised that his objections relate mostly to poor administration by Council staff over the years. He cited examples from his submission. The issues included:
 - i. No identification or discussion of alternatives considered and lack of justification for both the omission of the original classification and the current proposal.
 - ii. Requirements of the Local Government Act and Regulations should be seen to be complied with as part of the process.
 - iii. The level of community activities that can occur under a Plan of Management should be identified.
 - iv. It is obviously Council's intention to classify the land as operational.
 - v. Council's assertion that it has been managed as operational land since first under their control is contrary to resolutions of Council to prepare a Plan of Management.
 - vi. In his opinion the recent Department of Education proposal to build a shed on the site was against the Masterplan, not permissible under the LEP and should not have been approved (as an 'agricultural shelter') under delegated authority.
 - vii. He doesn't object to this use, just the process.

- viii. He objects to tenders to construct the shed/building. It should be moved to the adjacent site.
- ix. He raised issues with Council's former General Manager and former Director of Technical Services but no change was made to the proposals.
- x. He is of the opinion that Council is running roughshod over community land which is contrary to Miss Davies' wishes.

4. Other non-registered speakers were invited to address the meeting.

- a. **Mr. Ken McCauley** (Executor of the Estate of the Late L. Davies (benefactor))
 - i. Please see his written submission in his capacity as the executor of Miss Davies' Will which was prepared with the support of his co-executor Bruce Cunningham.
 - ii. He supports the previous submissions and in particular John Wrigley's comments about Miss Davies' intentions. She would be aghast at the suggestion to create discretion to Council to do things not contemplated by her.
 - iii. He accepts that this is not necessarily Council's current intention, but could well be so in the future.
 - iv. He also agrees with the statements about the Plan of Management made by previous speakers and notes that although there are limitations attached to designation as Community Land, in his opinion, they can be overcome.
 - v. He has discussed the potential term of leases with Councillors and notes that they can be longer than five years with the Minister's consent and the similar example of Bicentennial Park.
 - vi. An appropriate Plan of Management would allow all required and appropriate uses to proceed rather than create an open door to things that are not in accordance with the bequest.
- b. **Ms. Roslyn Tildsley**
 - i. She knew Miss Davies well. Miss Davies loved Camden and was a very community minded lady as is shown by her giving her farm to the community.
 - ii. The community gardens on the site are great for the community and their aim, to bring the community together, is working well.
 - iii. Miss Davies always spoke her mind. She was specific and exact in her intentions, and her intention was for the community to enjoy the land, not an open door for other uses she didn't want.
- c. **Mr. Stephen Stubbings** (architect and Minister of the Baptist Church)
 - i. He is an occasional user of the Town Farm (as organiser for the Church).
 - ii. In his opinion the fundamental issue is the preservation of a community asset in perpetuity.
 - iii. He feels that the only way to retain this is through Community Land designation and use.
 - iv. Council is to be hoped to preserve the farm as Community Land.
 - v. The reasons presented in the advertising material were inadequate to confirm the need for a non-community designation, particularly given the very commercial uses of Operational Lands such as stadiums and major facilities.
 - vi. He believes that the Camden Town Farm can operate successfully as community land and would like to see this occur.

Attachment 4 (B)
**SUMMARY OF SUBMISSIONS RECEIVED
DURING PUBLIC EXHIBITION OF PLANNING
PROPOSAL⁶**

⁶ Including written submission "handed up" by Mr. David Buckley at the conclusion of the Public Hearing.

ISSUES RAISED IN WRITTEN SUBMISSIONS

1. D Buckley (Citizen Representative on the Camden Town Farm (CTF) Committee)

- The members of the Camden Town Farm Committee would like to construct a covered outdoor working area to enhance opportunities for further activity and community participation on the farm.
- The Committee works very hard to maintain and improve the farm for the community; including both physical works and by growing produce etc for local sale.
- The farm is a special and spiritually moving place.
- Operational designation would allow the shade structure which would allow demonstrations for groups such as school children out of the sun.
- This type of farm can ignite a passion for rural life and career.
- The lack of Operational designation has already prevented the use of the land by the NSW Department of Education in a co-host arrangement (*note: details not provided*)
- Lack of Operational designation will prevent leasing the Lucerne paddock and agistment paddocks for more the 5 years.
- Lack of Operational designation will also prevent the continued development of the farm in accordance with the Masterplan.
- The land should be Operational in accordance with its original intention.

Comments

The inspirational impact/opportunities of the CTF are noted.

Lack of "operational" designation not considered to be a major constraint to operation/development (see also Legal Advice).

2. Corrine Manyweather (Sydney Water)

- No comment or special requirements

Comments

Noted

3. Colin Grove (Sydney Metro Airports)

- The land is adjacent to Camden Airport and is subject to regulation and restrictions.
- No comment made re the designation of the land
- Notes that any development (regardless of designation) will be subject to the provisions of the statutory legislation.

Comments

Classification not an issue per se.

Future potential concerns addressed via planning/statutory processes.

4. Camden Historical Society (Douglas Barrett) (in addition to address to the Hearing)

- Objects to reclassification of the land to Operational
- Raises question of why the land must be Operational in order to achieve the objectives of the Masterplan and/or to carry out Miss Davies' wishes.
- Feel that Miss Davies would be horrified at the thought of making the land able to be used commercially.

- Concerned that Operational will facilitate redevelopment or use contrary to Miss Davies' wishes.
- The proposed lease to the Department of Education should be a short term lease. A long term lease would be contrary to reserving the land for the community in accordance with Miss Davies' will.
- The statement provided by Council that the land cannot be used in the manner proposed without being re-designated Operational is not convincing.
- The society understands that no consultation (other than the general community consultation) has been undertaken with the Executors of the Estate. This should be done, if only as a courtesy.
- Requests that if the reclassification is supported by the independent professional preparing this report on the Reclassification; a condition be attached that Council must prepare and finalise a Plan of Management for the Camden Town Lands within three years of the reclassification.
- The Plan of Management should provide certainty about the proposed use of the site for the community and future Councils; and demonstrate its accordance with Miss Davies' wishes.

Comments

Concur lack of "operational" designation not considered to be a major constraint to operation/development.

Concur Council reasoning for reclassification is not compelling.

Public Hearing held and outcomes contained in this Report.

Executors of Estate have made verbal and written submissions.

Limitation on extent of commercial operations via a Plan of Management supported. However, Plan of Management must be prepared in an expedient manner.

5. Les and Fay McDonald

- Object to the proposed reclassification because:
 - o The land was willed to the people of Camden for use by the community.
 - o Reclassification would allow sale or lease of the land without consultation with the community.
 - o This would be contrary to the principles of open government.
 - o The justification provided for the reclassification is inadequate and they are of the opinion that those making the statement that the change is 'minor' are not qualified to make such a statement.
 - o The current zoning and master plan provide adequate guidance for the management of the Farm.
 - o A Plan of Management should be prepared.
 - o The increase in population means that a facility such as the Farm is increasingly important.
- They support Council's stated objective of encouraging Camden to remain a working country town.
- They ask Council to be mindful of recent ICAC investigations into State Government dealings in land development decisions.

Comments

Importance of the CTF to the community and reflection of district's farming heritage noted.

Concur Council reasoning for justification is not compelling.

ICAC reference not considered relevant, nor is the inference appropriate.

6. Janina Learmount - PO Box 636 Camden

- Objects strongly to the proposed reclassification.
- Reclassification would put the use and ownership of the land in jeopardy and would be against Miss Davies' intentions.
- The land was donated for the use of the community and Council is only the custodian.
- Reclassification would allow lease or sale contrary to the intention for use by the community.
- Any proposed use should be presented for full community scrutiny.
- Supports uses such as the markets and community garden and enjoys them regularly.

Comments

Importance of CTF to the community is noted.

Council role as "custodian" is acknowledged.

Concur public process for use (via "community" classification) considered appropriate.

Support of current uses noted.

7. John Drinnan - 282 Cobbitty Road, Cobbitty

- Representing himself, the CTF's s.355 Committee (the management committee for the site) and Ray Moore (who formerly operated the dairy farm on the site).
- Note: Mr Drinnan's verbal presentation was based on this written submission.
 - o Very disappointed with Council's proposal to reclassify the land as Operational.
 - o Reclassification would allow the land to be sold as if private land without further consultation with the community.
 - o The reasons for his strong objection to the proposal are as follows:
 - Classification as operational is clearly against the wishes of Miss Llewella Davies who bequeathed the farm for the use of the community – being the people of Camden, with Council as custodian. She had discussed her wishes in detail with Mr Ray Moore and he advised Mr Drinnan that Miss Davies had made it clear that she did not want the land sold or used for activities other than as described in her Will.
 - The proposed reclassification has not been properly justified or argued. Describing the proposal as 'minor' is not accurate or adequate. Pros and cons of each option should be explained to the community.
 - In the opinion of the Committee the existing zoning and Masterplan provide adequate guidance. The existing community classification should be retained and a Plan of Management prepared for the site.

Comments

Concur sale of property (if pursued) more readily facilitated by "operational" classification.

Strong intent of Miss Davies Will noted.

Concur Council reasoning for "operational" classification not compellingly argued.

Committee position of opposition to reclassification noted.

Concur the planning framework (inclusive of the CTF Masterplan) provide vision and direction for the future, but need to be reinforced with a Plan of Management. It is imperative that such plan is prepared expeditiously.

8. K J Macaulay - 12 Hill Street Camden - Executor of the will of Miss Davies with support of Bruce Cunningham (co-executor)

As executors they are strongly opposed to the proposed reclassification to Operational land.

- Such an action would be contrary to the terms of Miss Davies' will. Details of the will are provided.
- Council accepted the gift of the land and the terms attached to it.
- The terms of the gift are consistent with Community land and less consistent with Operational land designation.
- The terms of the Local Government Act prevent the designation of land as Operational if it would be inconsistent with the terms of any instrument executed by the donor or transferor of the land. (s31.3).
- It can also be argued that designation as Operational land would be inconsistent with the terms of Miss Davies' bequest, which states that the land is to be used for community purposes (as per Community land) with no mention of the activities enabled by Operational designation.
- Operational land can be sold and the definition of Operational Land provided by Council as 'a temporary asset' suggests that this, or some other use quite unrelated to the terms of the gift, is or may in the future be Council's intention.
- A Plan of Management is required that provides for uses and provides certainty of leases etc for community-based uses.

Comments

Opposition to reclassification initially noted, as inconsistent with intent of Miss Davies Will.

Concur Terms of Gift more consistent with "community" classification and less consistent with "operational" classification.

It would appear that the classification as "operational" would potentially be precluded by Section 31 (3) (b) in respect of the "instrument of Bequest".

Concur with argument that "operational" classification potentially permits uses inconsistent with the Bequest.

It not considered possible by inference from reference to a "temporary asset" to establish Council's future intention.

Concur that a Plan of Management is required. Furthermore, it is required expediently.

9. Avril Langhorn - Macarthur Growers Pty Ltd (Chair)

Supports the proposed reclassification to Operational land.

- This will allow Council to continue to operate the land as it has in the past
- It would improve the security of the use of the site by the Growers' Market
- It would also ensure a continuing source of revenue for the Camden Town Farm.

Comments

Support of the reclassification to "operational" land is initially noted.

It may well improve the security of use by the Markets. Such security is, however, considered to be subservient to other negative implications of its reclassification.

Importantly, the conduct of Markets would still be permissible under a "community" classification, with adequate opportunities for reasonable tenure.

The Growers Market is not considered to be jeopardised by retention of a "community" classification. Every positive endeavour should, however, be made to expedite the preparation of a Plan of Management and facilitate continuity of operation.

10. Roslyn Tildsley (on behalf of Frank, Margaret and Roslyn Tildsley) - 40 Valley View Drive, Narellan

Objects to the reclassification of the land to Operational.

- The land is a wonderful and well used community asset.
- She and her parents visit regularly
- If reclassification would allow the sale of the land or uses other than what Miss Davies intended she most strongly objects.
- Miss Davies was a most generous, community-minded lady who cared about Camden and left the farm to the people of Camden.

Comments

Importance of CTF to the community is noted.

Qualities of late Miss Davies noted.

Concur that reclassification to "operational" and allied possibilities potentially incompatible with Miss Davies Will.

11. Trish Hyeronimus - 28 Caroline Chisolm Avenue, Camden

Objects strongly to the proposed reclassification of the land to Operational.

- It was a gift to the community of Camden
- Council accepted the land as a gift and should not now change it to Operational land.

Comments

Confirmation of community asset status noted.

Concur with inference "operational" classification is potentially precluded by the "instrument of Bequest".

12. Peter Standen - 66 William Campbell Avenue, Harrington Park

Mr Standen's submission is extensive with many annexures providing additional information such as extracts from Miss Davies' will, Council minutes, the Camden Local Environmental Plan etc. Please refer to the submission for these annexures.

Objects strongly to the proposed reclassification of land to Operational.

The reasons for this objection are:

- Council has not identified any alternatives or discussed other options as is required when considering proposals to reclassify land to Operational.
- No justification has been provided for both the omission of any classification originally and for the current proposal.
- The earlier resolutions to identify the land as Operational in 2000 and 2002 are unjustified, unsupported by proper investigation and out of date. They cannot be used to justify the current proposal.
- Council's current proposal ignores the essential issue that under Operational classification the land can be sold or managed without any need to advise or consult with the community. This is contrary to the fundamental purpose of the bequest.
- Miss Davies' requirements and wishes were expressed strongly and clearly in her will and should be seen to be respected. Designation as Operational will facilitate other uses contrary to the terms of her will.
- The adjoining Bicentennial Park provides a suitable model for the Camden Town Farm.

- Operational land cannot be approved given the terms of the will and the provisions of s31(3)(b) of the Local Government Act. The requirements of the Local Government Act and Regulations should be seen to be complied with as part of the process.
- The exhibited Statement of Council's Interest for the Camden Town Farm is flawed and is therefore of no relevance. Inadequacies include:
 - o the inherent conflict between control by a community standing committee and the proposed Operational classification which will prevent community involvement;
 - o the statement that Operational will help to preserve the heritage buildings and the conservation of the rural landscape and development in accordance with the Master Plan. This can be fully achieved under community classification and the existing planning controls and Master Plan; and
 - o objections to a Department of Education structure approved by Council staff under delegated authority – visual impact and legality of consent questioned.
- The information provided in the exhibited Planning Proposal is inadequate and lacks justification. Important issues and questions (for example is there a better way of achieving the objectives and is there a net community benefit?) are ignored. Furthermore, a change in the classification to achieve development in accordance with the approved Master Plan is neither warranted nor necessary.
- The statement that the changed classification is minor in nature and do not result in any adverse impacts on the community is clearly wrong. The community will be removed from direct participation in decision making.
- The exhibited Planning Proposal is not made in accordance with the Department of Planning's Practice Note and should be refused. In particular:
 - o No planning merits have been identified
 - o No reasons for the proposal have been identified
 - o No indication is provided of the magnitude of financial loss or gain anticipated and the type(s) of benefit that could arise
 - o No asset management objectives have been identified
- The current Master Plan cannot be relied upon given that Council has already approved development not in accordance with the Plan.
- Council has presented to the Town Farm Committee that the Master Plan proposals cannot be carried out on Community land. This is wrong providing that a Plan of Management is prepared and adopted for the land. Leases up to 30 years are possible and commercial interests are not prevented from entering into these leases.

Comments

Opposition to reclassification initially noted.

Concur reclassification is a matter to be considered on its current merits, given the passage of time and paucity of information supporting the original apparent intent in respect of classification.

Concur that "operational" classification more readily facilitates disposal of the CTF, contrary to the Bequest.

It should be noted that retention of the current classification would not preclude a future reclassification move and potential attendant consequences.

Concur classification as "operational" could facilitate uses contrary to the late Miss Davies Bequest.

Adjoining Bicentennial Park model noted.

Concur that "operational" classification is potentially precluded by the "instrument of Bequest" (Section 31 (3) (b) Local Government Act).

Agree exhibited Planning Proposal and Statement of Council's Interest is generally inadequate.

Concur that a reclassification would exclude the community from direct participation in decision making.

ORD06

Agree that the CTF Masterplan should be afforded greater "status".

Concur that general objectives of the CTF Masterplan can generally be achieved under a "community" classification.

Attachment 5

Attachment 5
SUBJECT LANDS

Elizabeth Park – Narellan Vale



Mount Annan Leisure Centre



Topham Road – Smeaton Grange



Camden Town Farm



ORD06

Attachment 5

Attachment 6
PUBLIC HEARING 'PROTOCOLS'

INTRODUCTION

Hearing Protocols

- Recording of Attendance
- Registered presenters to speak maximum 10 minutes each
- Non-registered presenters to speak maximum 10 minutes each
- Questions/clarification will be directed to the Facilitator
- Presenters invited to hand up any supporting documentation they want considered
- Written submissions will be made publicly available

- Notes taken for record – no verbatim minutes
- No audio recording permitted
- Not a discussion forum or opportunity for general debate
- No talking over or interruptions
- Late submissions (after meeting close) will not be considered



ORD06

Attachment 7

COUNCIL REPORT ORD 09 - CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT NO. 19) - RECLASSIFICATION OF LANDS

Attachment 5



ORDINARY COUNCIL

ORD09

SUBJECT: CAMDEN LOCAL ENVIRONMENTAL PLAN 2010 (AMENDMENT NO. 19) - RECLASSIFICATION OF LANDS
FROM: Director Governance
BINDER: Amendment No. 19 - Reclassification of Lands

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement to submit a Planning Proposal to the Department of Planning and Infrastructure (DPI) for the reclassification of various Council owned sites throughout the Local Government Area (LGA) from 'Community' to 'Operational' land. The Planning Proposal also seeks to rectify the reference to land for a local heritage item and insert an additional local provision into the Camden Local Environmental Plan 2010 (LEP).

BACKGROUND

In accordance with Clause 25 and 26 of the *Local Government Act 1993* (LG Act 1993), all land within Council ownership is required to be classified as either Community or Operational Land. The classifications of these lands ultimately determine how Council operates the land.

Operational Land has no restrictions other than those which apply to any piece of land (e.g. easements, restrictions to user, etc.). However, Community Land is generally reserved for public use and restrictions required by the LG Act 1993 apply to the land.

Community Land:

- cannot be sold;
- cannot be leased, licensed or any other estate granted over the land for more than 21 years; and
- must have a plan of management prepared for it.

The classification of land in accordance with the LG Act 1993 is classified by one of the following means:

1. by resolution of Council, prior to or within 3 months of when the land is acquired; or
2. by a Local Environmental Plan prepared under the Environmental Planning and Assessment Act 1979; or
3. by operation of the Local Government Act –
 - a. applies to certain land controlled by Council at 1 July 1993, or
 - b. where Council has since acquired land and there is no resolution to classify the land.

This is the report submitted to the Ordinary Council held on 14 August 2012 - Page 1



MAIN REPORT

Council has prepared a Planning Proposal for submission to the DPI to undertake the reclassification of Council owned lands from Community to Operational land. The purpose of the reclassification of each of the sites varies. The following details the lands subject to the reclassification and a brief description on the purpose of the reclassification:

- Camden Town Farm
 - Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
 - Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
 - Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden

Whilst Council resolved to classify the above lands as 'Operational' at the time that it was acquired, the requirement to formally notify the public of its operational status was overlooked. This planning proposal will allow the existing and intended use of the land, as outlined in the Camden Town Farm Master Plan, to be carried out on the site with the correct classification. The Camden Town Farm Master Plan is presented within the Planning Proposal provided as **Attachment 1 to this report**.

- Elizabeth Park – Narellan Vale
 - Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale

Allow the reclassification to Operational land in order for Council to undertake a consolidation of the subject and adjoining lands. The consolidation will allow a Community centre to be constructed on the site.

- Mount Annan Leisure Centre
 - Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
 - Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan

Allow the reclassification to Operational land in order for Council to consolidate the site currently occupied by the Mount Annan Leisure Centre. The consolidation of land will allow Council to undertake planned development and expansion of the site to meet the demands of the Community.

- Smeaton Grange – Topham Road
 - Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

Whilst Council resolved to classify the above lands as 'Operational' at the time that it was acquired, the requirement to formally notify the public of its operational status was overlooked. This planning proposal will allow the existing and intended use of the land to be carried out on the site with the correct classification.

Camden Town Farm

The Camden Town Farm was dedicated to Council in 2003, as a bequest through the will of Miss L Davies for the benefit and enjoyment of the residents of Camden. In

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2007, a master plan was adopted for the guidance of use and development of the Camden Town Farm in accordance with Miss Davies' wishes.

The subject site has since operated as a Community garden, a site for a regular farmers/produce market and a site for grazing cattle. However, in order to achieve the objectives and undertake the uses listed in the adopted Master Plan, the site requires a reclassification of the land from Community to Operational lands.

Notwithstanding the reclassification, the Planning Proposal also seeks amend the property description of the Camden Town Farm within Schedule 5 of the LEP 2010 to the correct property description to that which is listed above. The Camden Town Farm also inserts an additional local provision into the LEP 2010, which will allow the use of the farm to be undertaken in accordance with the adopted Camden Town Farm Master Plan in addition to the uses permissible within the Land Use Table.

All of the above information is contained in the draft Planning Proposal provided as **Attachment 1 to this report**.

Public Exhibition

It is proposed that the Planning Proposal will be publicly exhibited for a period of 28 days following receipt of a favourable Gateway Determination from the DPI. During the public exhibition period, relevant public agencies will also be contacted and given the opportunity to comment on the Planning Proposal. In this regard, it is proposed that the Rural Fire Service, Sydney Metro Airports and the Mine Subsidence Board will be directly consulted.

The Planning Proposal will be advertised in the local newspaper, with the public exhibition material available at the following locations:

- Narellan Customer Service Centre and Narellan Library, Queen Street, Narellan (Hard Copy).
- Camden Customer Service Centre and Camden Library, John Street, Camden (Hard Copy).
- Council's website for the length of the exhibition period (Electronic Copy).

The reclassification of land, in any instance, requires a public hearing to take place and conducted by an independent professional in accordance with Section 32 of the *Local Government Act 1993*. In 21 days following the exhibition period, a public hearing will be held for the Community to ask questions or present a case in support or objection to the reclassification of the lands. At the conclusion of the public hearing, a report is prepared by the facilitator of the public hearing for Council's consideration which details any submissions to the reclassification of land.

The outcomes of the public agency consultation, the public exhibition and the public hearing will be reported to Council at the conclusion of the exhibition period.

This is the report submitted to the Ordinary Council held on 14 August 2012 - Page 3



CONCLUSION

The classification of public owned land ultimately determines how that land is operated and used by Council. The reclassification of the lands, which are the subject of the Planning Proposal, allow Council to operate the land as originally intended. The Planning Proposal also contains the amendment of a property description and the addition of an additional local provision for the Camden Town Farm.

The Planning proposal, should a favourable Gateway Determination be received from the DPI, will be publicly exhibited and consultation with public agencies will be undertaken.

RECOMMENDED

That Council:

- i. support the Planning Proposal for the reclassification of lands within Council ownership;
- ii. submit the Planning Proposal to the Department of Planning and Infrastructure for a Gateway Determination;
- iii. upon receipt of a favourable Gateway Determination:
 - a. consult relevant public authorities in accordance with the terms of the determination;
 - b. publicly exhibit (including notification and advertising) the Planning Proposal in accordance with the terms of the determination and the *Environmental Planning and Assessment Regulation 2000*; and
 - c. appoint a facilitator to chair and conduct a public hearing for the reclassification of the lands in accordance with the Gateway determination, *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*; and
- iv. prepare a further report for Council's consideration at the conclusion of the public exhibition period addressing:
 - a. any submissions received from the public in relation to the Planning Proposal;
 - b. any submissions received from the state government agencies in relation to the Planning Proposal; and
 - c. the report prepared by the facilitator of the public hearing held for the reclassification of lands which are the subject of the Planning Proposal.

ATTACHMENTS

1. Planning Proposal

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Attachment 8
STATEMENT OF COUNCIL'S INTEREST



STATEMENT OF COUNCIL'S INTEREST

The aim of this statement is to clarify and provide transparency to the community of Council's interests in the following sites, which are subject to reclassification from 'Community' to 'Operational' Land:

Camden Town Farm

- Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden
- Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden
- Lot A in Deposited Plan 337924 – 75 Macquarie Grove Road, Camden

Elizabeth Park – Narellan Vale

- Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale

Mount Annan Leisure Centre

- Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan
- Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan

Smeaton Grange – Topham Road

- Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange

In accordance with the Department of Planning and Infrastructure's Practice Note (PN 09-003), it is important to note:

Public Land is any land vested in, or under the control of, Council.

Community Land is generally open to the public, for example, parks, reserves or sports grounds. Community Land:

- cannot be sold;
- cannot be leased, licensed or any other estate granted over the land for more than 30 years; and
- must have a plan of management prepared for it.

Operational Land may be used for other purposes, for example, as works depots or garages, or held by Council as a temporary asset. Operational land has no restrictions other than those which apply to any piece of land (e.g. easements, restrictions to user, etc.).

Classification of public land refers to the process when land is first acquired and first classified as either 'operational' land or 'community' land.

Reclassification of public land refers to the process of changing the classification of 'operational' land to 'community' land or from 'community' land to 'operational' land.

NOTE: A copy of the Department of Planning and Infrastructure's LEP Practice Note for the Reclassification of Public Land is included in the exhibition material to assist the community in identifying information requirements.

Amendment No. 19 – Reclassification of Lands

SITE	Camden Town Farm	Elizabeth Park Site	Mount Annan Leisure Centre	Topham Road
PROPERTY DESCRIPTION	<p>Lot 1 in Deposited Plan 532049 – 75A Macquarie Grove Road, Camden</p> <p>Lot 2 in Deposited Plan 532049 – 40 Exeter Street, Camden</p> <p>Lot A in Deposited Plan 337524 – 75 Macquarie Grove Road, Camden</p>	<p>Part Lot 2 in Deposited Plan 1138792 – Waterworth Drive, Narellan Vale</p>	<p>Lot 53 in Deposited Plan 857052 – 156A Waterworth Drive, Mount Annan</p> <p>Lot 1101 in Deposited Plan 884135 – 363 Welling Drive, Mount Annan</p>	<p>Lot 3513 in Deposited Plan 830128 – 55 Topham Road, Smeaton Grange</p>
PURPOSES OF THE PLANNING PROPOSAL	<p>NOTE: For visual reference on the location of the lands subject to reclassification, please refer to the Locality Maps provided as an item of the exhibition material.</p> <p>This Planning Proposal has been prepared for the purposes of reclassifying the above lands in the Camden Local Government Area from 'Community' to 'Operational'.</p>			
CURRENT CLASSIFICATION	Community Land	Community Land	Community Land	Community Land
PROPOSED CLASSIFICATION	Operational Land	Operational Land	Operational Land	Operational Land

Amendment No. 19 – Reclassification of Lands

<p>PURPOSES OF THE RECLASSIFICATION</p>	<p>The reclassification of this lot is taking place to allow the use of the land to be undertaken in accordance with Camden Town Farm Master Plan. The proposed reclassification of the subject site will bring the current use of the site in line with its status.</p>	<p>The reclassification of this lot is taking place to permit the construction of a privately owned community centre and ancillary development on the site. The reclassification will facilitate the subdivision and sale of this portion of the lot to the adjoining land owners for the purposes of the construction of the community centre.</p>	<p>The reclassification of this lot is taking place to permit the planned expansion and construction of the Mount Annan Leisure Centre. The reclassification will facilitate the consolidation of both lots to achieve the planned expansion.</p>	<p>Upon dedication of these lands, Council resolved to classify the lands as 'Operational'. Due to an administrative error, the classification of the land reverted to a 'Community' reclassification. This reclassification will allow the existing and intended use of the land to be carried out on the site with an operational classification.</p>
<p>OWNER'S OF SUBJECT SITE</p>	<p>Camden Council</p>	<p>Camden Council</p>	<p>Camden Council</p>	<p>Camden Council</p>
<p>COUNCIL'S INTEREST IN THE LAND</p>	<p>Council was bequeathed the site from the will of Miss L. Davis. The site is currently in full freehold ownership of Camden Council</p>	<p>The site is currently in full freehold ownership of Camden Council</p>	<p>The site is currently in full freehold ownership of Camden Council</p>	<p>The site is currently in full freehold ownership of Camden Council.</p>
<p>HOW COUNCIL ACQUIRED INTEREST IN THE LAND</p>	<p>The land was bequeathed to Camden Council in 2000, however formal transfer of ownership was completed in 2003</p>	<p>Council acquired interest in the land through the dedication to Council for the purposes of a public reserve in 1992</p>	<p>Council acquired interest in the land through the dedication to Council for the purposes of a public reserve in 1997.</p>	<p>Council acquired interest in the lands as a result of conditions of consent in 1992. The formal transfer of ownership was completed in 2001</p>

Amendment No. 19 – Reclassification of Lands

<p>WHY COUNCIL ACQUIRED INTEREST IN THE LAND</p>	<p>N/A – the site was bequeathed to Council from the will of Miss L Davis.</p>	<p>The portion of land subject to the reclassification was dedicated to Council as surplus lands incapable of development upon subdivision. The land has since been developed as a public reserve.</p>	<p>Council acquired this land for the purpose of the construction of a leisure facility. Stage 1 of the facility has been constructed on the presumption that the lands were classified as operational land pursuant to Council Resolution on 28 July 1997. Due to an administration error, the lands reverted back to a Community classification, hence the subject of this reclassification.</p>	<p>Council accepted the land in accordance with conditions of development consent, however, there are no records available demonstrating the background.</p>
<p>EXISTING AGREEMENTS OVER THE LAND</p>	<p>The site is under the control of a Section 355 Standing Committee under the Local Government Act 1993.</p>	<p>Nil</p>	<p>The Mount Annan Leisure Centre is currently under contract for the operation and management by the Young Men's Christian Association (YMCA). The contract is a 3 year term (due to cease June 2015) with the option for an additional 3 year extension.</p>	<p>Nil</p>

Amendment No. 19 – Reclassification of Lands

<p>ASSET MANAGEMENT AND FINANCIAL BENEFITS FOR COUNCIL</p>	<p>The objectives of Council include the conservation of the heritage buildings and the conservation of the rural landscape. The ongoing development and maintenance of the site will be undertaken in accordance with any heritage requirements for the betterment of the facility. The reclassification will permit the potential development of the land in accordance with the Carriden Town Farm Master Plan.</p>	<p>Council will benefit from the sale of the lands to the adjoining owners.</p>	<p>The reclassification will allow Council to expand the current facility, which will financially benefit Council upon completion and operation of the facility.</p>	<p>The reclassification of the land will allow Council to undertake operations on the land with the correct operational status.</p>
<p>CURRENT AGREEMENTS FOR THE SALE OR LEASE OF THE LAND</p>	<p>The cottage on site currently holds a tenant on an expired continuing lease. Currently, there is no other formal agreement for the lease or sale of these lands.</p>	<p>Since 2005, the adjoining land owner has approached and been in discussion with Council to construct a privately owned community centre over the adjoining and subject lands. The lands will be sold to the adjoining owners upon the reclassification of the land.</p>	<p>Currently, there is no agreement for the lease or sale of the lands or proposed expansion of the facility.</p>	<p>Currently, there is no agreement for the lease or sale of the land.</p>
<p>RELEVANT MATTERS REQUIRED IN MAKING THE PLAN</p>	<p>All matters required by the Environmental Planning and Assessment Act 1979 in the making of this Plan are distinctly outlined within the Planning Proposal and the Gateway Determination issued by the Department of Planning and Infrastructure.</p>			

Attachment 9

LEGAL ADVICE IN RESPECT OF CAMDEN TOWN FARM MASTERPLAN AND SCOPE OF ACTIVITIES/REQUIREMENTS IN RESPECT OF A COMMUNITY LAND CLASSIFICATION

(7 DECEMBER, 2012)

**Confidential**

7 December 2012

Our ref: CAM01112

The General Manager
 Camden Council
 PO Box 183
 CAMDEN NSW 2570

Attention: Kim Fury

Email

Dear Sir,

Advice re Camden Town Farm Masterplan**Introduction and Background**

- 1 I refer to my teleconference with Kim Fury, Megan Roberts and Linda Campbell on 23 November 2012.
- 2 Council owns land known as the Camden Town Farm, being lots 1 and 2 in Deposited Plan 532049 and Lot A in Deposited Plan 337924 (**Farm**).
- 3 The Council's vision for the Farm is,

'The farm will be developed and maintained primarily for agricultural, tourism and educational purposes. It will be operated and managed in a sustainable manner that retains its unique character and encourages and facilitates community access, participation and visitation.'
- 4 The 'Camden Town Farm Masterplan' prepared by Cityscape Planning + Projects dated March 2007 (**Masterplan**) at section 1.6 proposes the following 'Strategies' for the Farm to advance the above vision (**Strategies**):
 1. Foster Agricultural pursuits and activities
 2. Facilitates tourism and visitation
 3. Integrate educational uses and activities
 4. Establish best practice environmental management
 5. Portray history of farm
- 5 The Masterplan specifically proposes the following 'Key land uses and Activities' at section 1.8 (**Activities**):

Principal

Dr Lindsay Taylor

Practice Directors:

Adrienne Hawley
 Accredited Specialist
 (Local Government & Planning)

Sharon Sirmington
 Accredited Specialist
 (Local Government & Planning)

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Activities	Uses
Grow feed crops	This Activity involves growing livestock feed such as hay and associated seasonal activities such as sowing and harvesting. The Masterplan indicates that this reflects the then current use of the Farm.
Demonstration herds	This Activity involves grazing livestock on the land which allows for a portrayal of the Farm history. The Masterplan indicates that this is reflects the then current use of the Farm.
Event area	This Activity involves the use of land for events and exhibitions such as dog shows, sheep trials and events not related to agriculture, such as car exhibitions and concerts.
Exhibition space	This Activity involves the establishment of a large exhibition type hall.
Recreational fishing	The Masterplan does not contain any information on this Activity. It presumably involves recreational fishing by the public in the Nepean River adjacent to the Farm land.
Community garden	This Activity involves the use of part of the Farm land by the local community to grow crops.
Growers market	The Masterplan proposes both 'farmgate sales' and a community market. Farmgate sales involves the sale of crops grown in the community garden on a regular or permanent bases from within the existing outbuildings on the Farm. The community market would involve regular use of an open yard area for the sale of locally grown farm produce.
Dairy museum and education space	These Activities involve the use of the existing outbuildings located on the Farm to provide the public with an understanding of the role the buildings in the Farm's history, through installation of interpretive information boards, fit-out with traditional farm tools and equipment, guided tours and demonstration of building use through milking displays.
Agri-forestry	It is not clear from the Masterplan what this Activity involves. I have assumed that it involves the establishment and management of trees and other vegetation that complements the other agricultural pursuits on the Farm.
Walking, bicycle and horse trails	This Activity involves extending existing pathways and cycleways throughout the township into the Farm and establishing horse ride tours of the farm and township.
Café	This Activity is proposed to occur in the farm cottage and involves the sale and consumption of food and beverage to

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	attract tourists and generate revenue. The Masterplan also proposes for the establishment of an outdoor terrace area.
Retail outlet	This Activity is proposed to occur in the farm cottage and involves the sale of merchandise to attract tourists and generate revenue.
Picnic and BBQ area	This Activity involves the installation of picnic and BBQ infrastructure and facilities for use by the public.
Carpark	This Activity involves use of the land for car parking to cater for parking demands of the public who visit the Farm.

Request for Advice

6 Council has requested advice on:

- 6.1 Whether all of the Strategies and Activities are permitted on the Farm land if the land is classified as community land under Part 2 of Chapter 6 of the *Local Government Act 1993 (LG Act)*? Put another way, are there any Strategies or Activities that would only be permitted if the Farm land was classified as operational land?
- 6.2 If any of the Strategies or Activities are not permitted in relation to community land, is the Council required to cease them pending reclassification of the land? If they are, what are the additional processes or issues that will need to be undertaken and potential constraints to implementation?
- 6.3 Even if the Strategies and Activities are all permitted, is the Council nevertheless required to cease them pending the adoption of a plan of management that authorises them in relation to the land?
- 6.4 Does the implementation of any of the Strategies or Activities on community land attract any particular requirements under Part 2 of Chapter 6? If so, what are the requirements?
- 6.5 Is the Council required to invite tenders in relation to any of the Strategies or Activities?

Summary of Advice

- 7 The scheme for categorising community land under the LG Act requires the Council firstly to consider what features the land has and what the proposed use of the land will be, in order to determine its appropriate category. A plan of management is then adopted to manage the use of the land.
- 8 In the case of land categorised for general community use, neither the LG Act nor regulations require a plan of management to incorporate the relevant core objectives.
- 9 Nevertheless, given the whole of the relevant scheme of the LG Act, in particular that the use of community land must be in accordance with Division 2 of Part 2 in Chapter 6 of the LG Act, it would be expected that a plan of management and the uses authorised by it, would still reflect and be consistent with the core objectives of the relevant category of the land.
- 10 This does not mean that all of the various uses of community land - considered in isolation - must be consistent with the core objectives of the category of land so

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categorised. There will be cases where a use when considered alone might be considered to be inconsistent with core objectives but can nevertheless be shown to be consistent because it is ancillary to or supports the overall or dominant character of the use. If so, in my view, the use should not be considered to be inconsistent with the core objectives and scheme.

11. Questions of fact and degree are clearly relevant in this regard. If a plan of management authorises a use which, having regard to its character or scale, has no rational or reasonable relationship with the categorisation of the land in the sense I have identified, it may well be that the validity of the plan of management could be challenged on the basis that the outcome of the plan making process is perverse giving rise to an inference that the decision to adopt the plan was manifestly unreasonable or for an improper purpose.
12. In this case, however, my view is that all of the Strategies and Activities can be carried out on the Farm if it is community land. However:
- 12.1 Council would have to cease all Activities pending adoption of a plan of management under the LG Act, other than growing feed crops and grazing livestock,
- 12.2 the plan of management would need to authorise the proposed uses, and some of those uses may require leases or licences to be granted as the LG Act prohibits any exclusive use of community land in the absence of a lease, licence or other estate granted in accordance with the LG Act, and
- 12.3 the Council would need to call tenders for any leases, licences or estates that the plan of management specifies may only be granted after having called tenders and for any leases, licences or other estates for more than 5 years which are not granted to non-profit organisations.

Legislation governing use and management of community land

Use of community land

13. Division 2 of Part 2 of Chapter 6 of the LG Act governs the use and management of community land.
14. Community land is required to be used and managed in accordance with:
- 14.1 the plan of management applying to the land;
- 14.2 any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land; and
- 14.3 Division 2 (s35).
15. For the purposes of this advice I have not considered the zoning of the land, and whether all of the Activities are permissible under the relevant zoning.
16. Council must prepare and adopt a plan of management for community land (s36) which is to categorise the land as one or more of the following (see s36(4)):
- 16.1 a natural area, in which it must be further categorised as one or more of bushland, wetland, escarpment, watercourse, foreshore or a category prescribed by the regulations,
- 16.2 a sportsground,
- 16.3 a park,
- 16.4 an area of cultural significance,
- 16.5 general community use.

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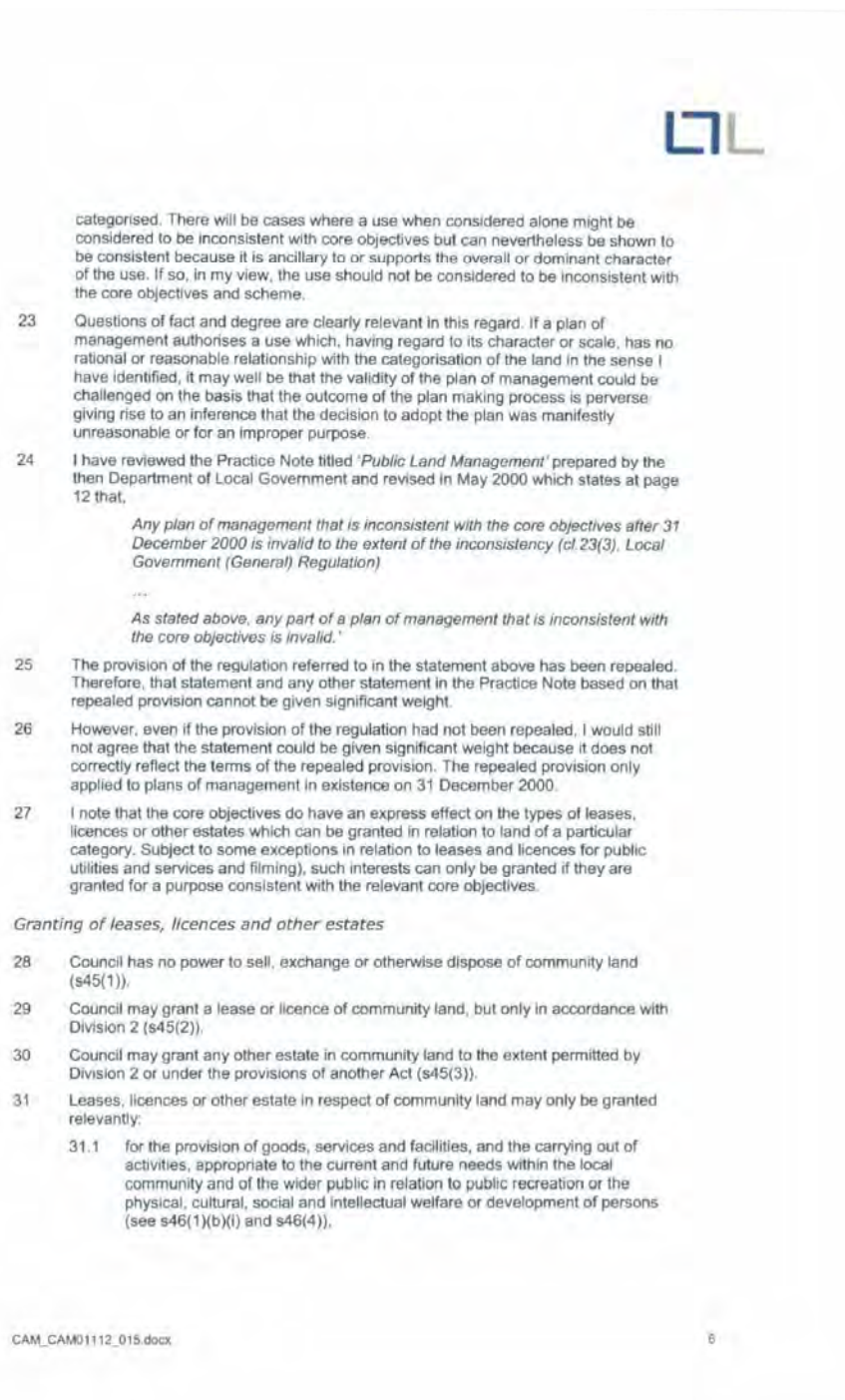
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- 17 Division 1 of Part 4 of the *Local Government (General) Regulation 2005 (LG Regulation)* sets out the following guidelines (**Guidelines**) for categorisation of community land (see s36(6)(b) of the LG Act):
- 17.1 Land should be categorised as a natural area if the land, whether or not in an undisturbed state, possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore. In that regard, land that is categorised as a natural area should be further categorised as a watercourse if the land includes any stream of water whether perennial or intermittent and any associated riparian land or vegetation.
- 17.2 Land should be categorised as a sportsground if the land is used or proposed to be used primarily for active recreation involving organised sports or the playing of outdoor games (cl103).
- 17.3 Land should be categorised as a park if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others (cl104).
- 17.4 Land should be categorised as an area of cultural significance if the land is relevantly, an area of historical significance, because of the importance of an association or position of the land in the evolving pattern of Australian cultural history (cl105).
- 17.5 Land should be categorised as general community use if the land:
- 17.5.1 may be made available for use for any purpose for which community land may be used, whether by the public at large or by specific sections of the public, and
- 17.5.2 is not required to be categorised as a natural area under section 36A, 36B or 36C of the LG Act and does not satisfy the guidelines for categorisation as a natural area, a sportsground, a park or an area of cultural significance (cl106).
- 18 The scheme for categorising community land under the LG Act requires the Council firstly to consider what features the land has and what the proposed use of the land will be, in order to determine its appropriate category. A plan of management is then adopted to manage the use of the land.
- 19 Where community land comprises habitat of endangered species, threatened species, or significant natural features or is land the subject of a resolution of Council declaring that because of the presence of any item of Aboriginal, historical or cultural significance, the land is an area of cultural significance, the land must be categorised as a natural area or an area of cultural significance and the plan of management must, amongst other things, incorporate the core objectives of those categories of land.
- 20 In other cases, the LG Act does not require a plan of management to incorporate the relevant core objectives.
- 21 Nevertheless, given the whole of the scheme in Division 2 of Part 2 described above, in particular that the use of community land must be in accordance with the Division, it would be expected that a plan of management and the uses authorised by it, will reflect and be consistent with the core objectives of the relevant category of the land.
- 22 This does not mean that all of the various uses of community land - considered in isolation - must be consistent with the core objectives of the category of land so

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- 31.2 for a purpose prescribed by any of sections 36E to 36N as a core objective of the categorisation of the land concerned,
- 31.3 in respect of a licence only, for the following use or occupation of community land on a short-term, casual basis, which does not involve the erection of any building or structure of a permanent nature (see s46(1)(b)(iii) and cl116 of the LG Regulation):
- 31.3.1 the playing of a musical instrument, or singing, for fee or reward,
 - 31.3.2 engaging in a trade or business,
 - 31.3.3 the playing of a lawful game or sport,
 - 31.3.4 the delivery of a public address,
 - 31.3.5 commercial photographic sessions,
 - 31.3.6 picnics and private celebrations such as weddings and family gatherings,
 - 31.3.7 filming sessions,
 - 31.3.8 the agistment of stock.
- 32 The leases, licences and estates for the above purposes may only be granted if they are in accordance with an express authorisation in the plan of management and such provisions of the plan of management as apply to the granting of the lease, licence or other estate (see s46(1)(b)). The purposes for which a lease or licence may be granted must also be consistent with the core objectives of the land categorisation (see s46(2)).

Are all of the Strategies and Activities permitted on the Farm land if the land is classified as community land under Part 2 of Chapter 6 of the LG Act?

- 33 There is nothing in the LG Act or the LG Reg which would prevent use of the Farm for the Strategies and Activities, and all such uses would therefore be permissible, provided that the zoning of the Farm did not restrict those uses and the plan of management authorised those uses.
- 34 However, the categorisation of the Farm may affect the types of leases, licences or estates which may be granted in respect of the Farm.
- 35 Set out in the Appendix to this advice is a list of all Activities, and a comment on the appropriate categorisation of land use for that purpose, and a comment in respect of the grant of leases or licences for the Activities.

If any of the Strategies or Activities are not permitted in relation to community land, is the Council required to cease them pending reclassification of the land? If they are, what are the additional processes or issues that will need to be undertaken and potential constraints to implementation?

- 36 In my view, all the Strategies and Activities are permitted in relation to community land, and this question therefore does not arise.

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Is the Council nevertheless required to cease any Strategy or Activity pending the adoption of a plan of management that authorises them in relation to the land?

- 37 Section 44 of the LG Act prohibits the change in nature and use of community land pending the adoption of a plan of management (s44).
- 38 My understanding of the original nature and use of the Farm is that it was a working dairy which included cropping activities (see p17 of the Masterplan) and grazing of livestock.
- 39 Therefore, other than those uses, all other uses of the Farm land are a change from the original nature and use of the land and should cease pending adoption of a plan of management.
- 40 I assume that the original cropping activities would include harvesting although it is not clear from the Masterplan whether such harvesting was for profit.
- 41 If the nature of the original cropping and harvesting was not for profit, then this should also cease pending the adoption of the plan of management.

Does the implementation of any of the Strategies or Activities attract any particular requirements under Part 2 of Chapter 6? If so, what are the requirements?

- 42 Section 47D of the LG Act provides that the exclusive occupation or use of community land otherwise than in accordance with a lease or licence or other estate, or a sublease is prohibited.
- 43 In that regard, many of the Activities proposed involve exclusive occupation or use of community land, such as the exclusive use of part of a community garden, exclusive use of the event area or exhibition area for an event, exclusive use of part of the land for stalls in the growers market or exclusive use and occupation of the farm cottage for a café,
- 44 It follows that implementation of the majority of the Activities would involve licencing or leasing of part of the Farm land.
- 45 As advised above, leases or licences may only be granted if they are expressly authorised in the relevant plan of management, are in accordance with relevant provisions of the plan of management and are consistent with the core objectives of the relevant category ascribed to the land.
- 46 It follows that the Council must ensure that any relevant plan of management authorises the leasing or licencing of the land for the particular purpose.
- 47 Additionally, public notice may need to be given of the proposal to grant certain leases or licences.
- 48 The specific requirements in relation to public notification differs depending on whether the term of a lease or licence exceeds 5 years (see s47 and s47A of the LG Act).
- 49 Some leases and licences not exceeding 5 years for use and occupation of community land may not need to be publicly exhibited, depending on the proposed use and frequency (see cl117 of the LG Regulation).
- 50 Specifically in relation to the growers market, the Council would need to enter into a lease, licence or other estate with each stall-owner. Council could grant licences to engage in trade or business to stall-owners on a short-term casual basis under s46(1)(b)(iii) of the LG Act and cl116(1) of the LG Regulation.

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- 51 There is nothing in the LG Act or Regulation which limits the term of such a licence to 12 months. However, the term of the licence, and the extent of the use would be relevant in determining whether the licence needs to be publicly notified.
- 52 If each use of the land is for no more than 3 consecutive days, not including Saturday and Sunday, and the period from the first occurrence to the last occurrence is not more than 12 months, then the licence does not need to be publicly exhibited (see s47A of the LG Act and cl117(2) of the LG Regulation).
- 53 Before Council grants a particular lease or licence, it may also need to tender for the lease or licence.

Is the Council required to invite tenders in relation to any of the Strategies or Activities

- 54 Section 46A(1) requires a plan of management to specify any purposes for which a lease, licence or other estate may be granted only by tender. The Council cannot grant a lease or licence for such purposes unless and until it has tendered for it.
- 55 Section 46A(3) further provides specifically that a lease or licence for a term exceeding 5 years may only be granted by tender, unless it is granted to a non-profit organization.
- 56 Other than the above leases or licences, the Council is not required to tender for a contract for the leasing or licensing of land by the Council (see s55(3)(e) of the LG Act).
- 57 I understand that in relation to cropping activities, the Council is considering whether to lease or licence to a for-profit organisation or a non-profit organisation. It is up to the Council what type of organisation it leases or licences the land to, provided the use and lease or licence is in accordance with the plan of management and the requirements for tendering are complied with.
- 58 In any event, s46A(2) makes clear that nothing precludes the Council from tendering for the grant of any lease or licence, even if tendering is not required.
- 59 There may be a need, however, for tenders to be called under s55 of the LG Act for entry into other contracts, such as contracts to carry out works, subject to the exceptions in s55(3).
- 60 Please do not hesitate to contact me if you have any questions.

Yours sincerely,

Dr Lindsay Taylor

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Appendix

Grow feed crops and demonstration herds

The land on which feed crops are grown and demonstration herds graze could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available to members of the public or a section of the public for the growing of crops. A plan of management that specifies that land categorised as general community use may be used for growing feed crops and demonstration herds should ensure that that use can be rationally justified to reflect the category and the core objectives of that category.

A lease or licence may be granted to persons for the carrying out of cropping activities that supply feed crops to the local community as it would be in relation to the cultural and intellectual welfare and development of the public, as it shows the traditional farm use of the land and presumably also best practice environmental management of the land.

Event area and exhibition space

The land on which the event area and exhibition space is located could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available to event organisers and the public for various exhibitions. A plan of management that specifies that land categorised as general community use may be used for an event area and exhibition space, should ensure that that use can be rationally justified to reflect the category and the core objectives of that category.

A lease or licence may be granted to event organisers as it involves the provision of facilities to allow public events to take place which therefore caters for the needs of the public in relation to their physical, cultural, social and intellectual welfare or development.

Recreational fishing

The land on which recreation fishing takes place is presumably the Nepean River and the riparian area adjacent to it.

Such land should be categorised as a natural area, and specifically a watercourse.

Community garden

The land on which the community garden is located could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for the public to grow crops if a plan of management specifies that as a purpose for which the land may be used.

A lease or licence of a part of the garden may be granted as it allows the carrying out of activities by the public for public recreation and is therefore in relation to their physical, cultural, social and intellectual welfare or development.

Growers market

The land on which the growers market is located could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for the public to buy and sell produce. A plan of management that specifies that land categorised as general community use may be used for a growers market should ensure that the market can be rationally justified to reflect the category and the core objectives of that category.



A licence may be granted to persons who wish to sell their produce as such a licence would be for the use or occupation of the land on a short term, casual basis for engaging in a trade or business.

Dairy museum and education space

This area could be categorised as a park or an area of cultural significance as the outbuildings show the historical use and operation of the Farm.

The various activities that provide the public with an understanding of the role of the Farm would enable the public to associate the use of the Farm with the evolving pattern of Australian cultural history.

Installed educational information would further be facilities for use mainly to educate the public and foster educational and cultural development.

Agri-forestry

The land on which agri-forestry is carried out could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for the public or specific sections of the public (presumably the same people who undertake the growing of feed crops and grazing of cattle). A plan of management that specifies that land categorised as general community use may be used for agri-forestry should ensure that that use can be rationally justified to reflect the category and the core objectives of that category.

A lease or licence may be granted to persons to carry out agri-forestry as it would be for the carrying out of an activity in relation to the intellectual welfare and development of the public as the public can presumably learn of agri-forestry methods and also best practice environmental management of the land.

Walking, bicycle and horse trails

Land used for walking, bicycle and horse trails would fall within the category of a park as it presumably involves landscaping of the land to create the trails and may involve the provision of facilities for use by the public for active or passive recreation. Additionally, such use is unlikely to intrude on the peaceful enjoyment of the land by others.

Café

The land for a café could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for use by the public, or specific sections of the public. A plan of management that specifies that land categorised as general community use may be used for a café should ensure that that use can be rationally justified to reflect the category and the core objectives of that category.

A lease or licence may be granted to the operator of the café as it will involve provision of goods and services for the needs of the public in relation to their visit to the Farm, being a public recreation and that involves cultural, social and intellectual development.

Retail outlet

The land used for a retail outlet could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for use by the public visiting the Farm. A plan of management that specifies that land categorised as general community use may be used for a retail outlet, should ensure that the type of retail can be rationally justified to reflect the category and the core objectives of that category.

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A lease or licence may be granted to the operator of the outlet as it will involve provision of goods and services for the needs of the public in relation to their physical, cultural, social and intellectual welfare or development.

Picnic and BBQ area

This area could be categorised a park as it involves provision of picnic and BBQ facilities for use by the public for passive recreation and social pursuits. Additionally, such use is unlikely to intrude on the peaceful enjoyment of the land by others.

Carpark

The land used for a carpark could be categorised as general community use as it does not satisfy the guidelines for any other category and the land may be made available for use by the public who visit the Farm if a plan of management specifies that as a purpose for which the land may be used.

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Amendment No.19 – Reclassification of Lands

Attachment E– Council Report & Resolution

to be inserted following Council Meeting

ORD06

Attachment 5

ORDINARY COUNCIL

ORD07

ORD07

SUBJECT: ORAN PARK TOWN CENTRE DCP & SEPP AMENDMENTS
FROM: Acting Director Governance
TRIM #: 13/49929

PURPOSE OF REPORT

The purpose of this report is for Council to consider a proposal to rezone land adjacent to the Oran Park Town Centre from R3 Medium Density Residential to B2 Local Centre and associated amendments to the Oran Park Development Control Plan to reflect recent amendments to the Town Centre Masterplan.

BACKGROUND

The Oran Park and Turner Road precincts were released in December 2007. The Oran Park Town Centre Part B DCP was adopted in October 2011. Since then design and planning of the Town Centre has progressed considerably. In addition, Camden Council has resolved to relocate its Central Administration Building to the Oran Park Town Centre.

A Civic Precinct is to be located within the Town Centre containing Council's new Administration Building, a Branch Library and Community Resource Centre, and a Leisure Centre. The Civic Precinct will be an area of approximately 3ha and will be a major focal point and hub of activity for the town centre.

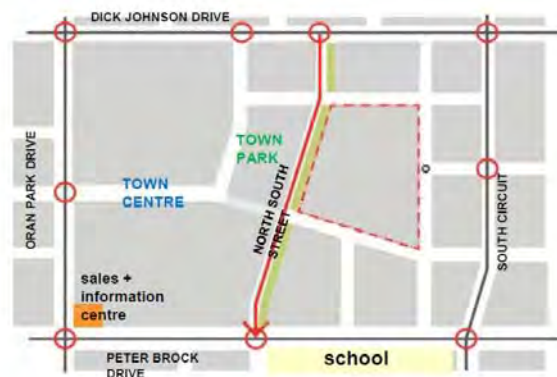
During much of 2012 and 2013 Camden Council and the project developers have undertaken a joint exercise in the masterplanning of the Civic Precinct. It was during the design development of the Civic Precinct Masterplan that the opportunity arose to review the design merits of the Masterplan for the Oran Park Town Centre and resulted in the preparation of a new Town Centre (2013 Masterplan) (**see figures 1 & 2 below**).



2007

(as per current Oran Park Part B DCP 2007)

Figure 1



2013

(as per 2013 Masterplan)

Figure 2



Figures 1 & 2 above show the proposed changes to the Oran Park Town Centre Design Layout between the original Masterplan in 2007 to the current Masterplan in 2013.

Council adopted a revised Masterplan at its meeting of the 22 October 2013. As a result of the revised Masterplan, some minor amendments are necessary to both the SEPP and the DCP to align the planning instruments with the revised vision for the site.

MAIN REPORT

Changes to the Oran Park Masterplan

The 2013 Town Centre Masterplan realigns the South Circuit, being the road that forms the eastern boundary of the town centre. This results in the eastern blocks of the town centre having a dual R3 Medium Density Residential and B2 Local Centre, unless the zoning boundaries are adjusted (**see figure 1 & 2 above**).

The key improvements to the design of the Town Centre, as reflected in the 2013 Masterplan are:

- Realignment and rationalisation of the Main North – South Street (bus route)
- Co-location of the Leisure Centre and Youth and Recreational Centre Facilities within the Civic Precinct.
- Improved street network with a more permeable grid.
- More efficient and desirable spatial layout of the Civic Precinct.
- Better relationship of proposed building and land uses within the precinct.
- Enhanced efficiencies in the calculation of facilities/amenities.
- Better pedestrian connections through the site and town centre.
- Provides surrounding street blocks of a size and proportion that can accommodate a variety of long term development option.
- Provides public open space areas within the precinct that are varied in size and character.
- Reconfigured Town Park.

Proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The land area proposed to be rezoned under the Planning Proposal (**see Attachment 1**) is located along the eastern edge of the Oran Park Town Centre (**shown in figure 3 below**). It includes a small portion of residential land that is proposed to be rezoned from R3 Medium Density Residential to B2 Local Centre. This change is required as a result of road realignment and slightly expanding the Civic Precinct.

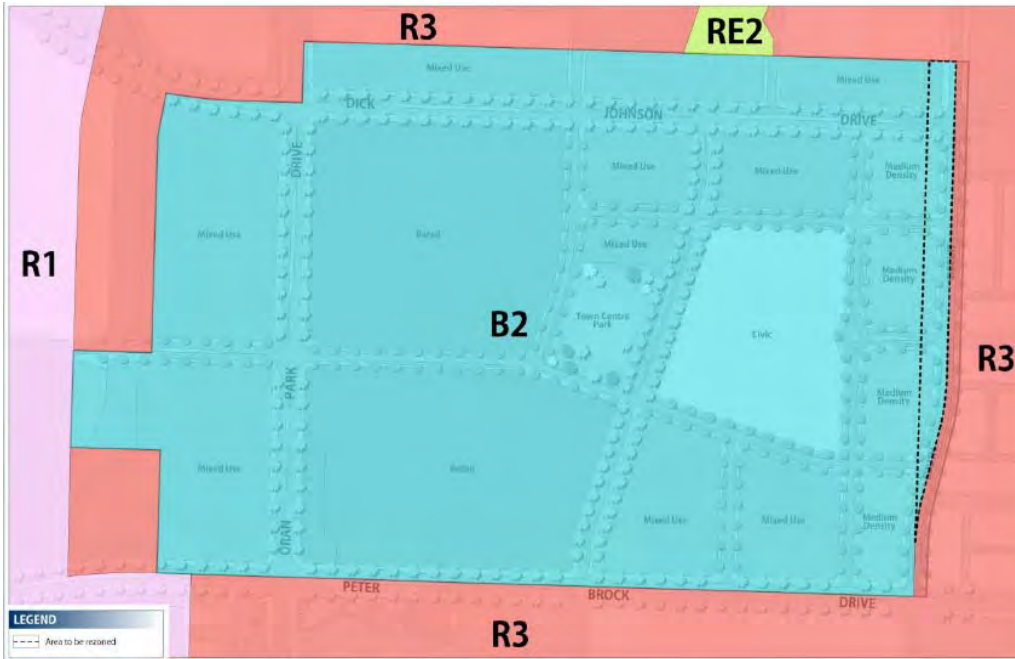


Figure 3: Proposed rezoning map for the Oran Park Town Centre/Civic Precinct. Dotted line indicates area to be rezoned.

The land to be rezoned has an area of approximately 1ha. Without proceeding with this rezoning, the land parcels in the eastern section of the Town Centre would be burdened with a dual zoning arrangement. This may affect the orderly development of these parcels and may impact on the delivery of the Town Centre.

This rezoning proposal seeks to provide a consistent land use planning arrangement between the adopted Town Centre Masterplan and the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 land use mapping arrangements.

Proposed amendments to Oran Park DCP 2007

A package of proposed amendments to the Oran Park Development Control Plan 2007 (Part B1 Oran Park Town Centre) has been submitted concurrently with this Planning Proposal. These amendments are considered minor in nature and are a result of the changes to the Masterplan in 2013. The DCP changes have been referred internally to Council staff and are under negotiation between Council and the developer. They will not be placed on public exhibition until negotiations have been completed and gateway determination has been received from the Department of Planning and Infrastructure.

Key issues for the DCP include:

- The “green link” is maintained but it is proposed to remove the Water Sensitive Urban Design (WSUD) component along the North/South Street (this is being worked through with ESD)
- Updated Part B DCP for the Town Centre Civic Precinct including updated figures, notes and text to reflect the updated 2013 Masterplan.
- Some proposed changes to controls for Building Envelope Plan (Height of buildings) , floor to ceiling heights and to setback controls.

Exhibition Period

It is recommended that Council request that the Gateway Determination require that the Planning Proposal be placed on public exhibition for 28 Days.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The purpose of this report is to inform Council of the changes required to both the SEPP and the DCP as a result of the adopted Civic Precinct Masterplan for the Oran Park Town Centre. The Planning Proposal is to rezone approximately 1 hectare of R3 Medium Density Residential zoned land that is adjacent to the Town Centre, to B2 Local Centre and to seek Council's approval to forward the planning proposal to the Department of Planning and Infrastructure for a Gateway Determination.

If Council resolves to proceed the following steps will occur:

1. Proposal will be forwarded to DPI for Gateway Determination.
2. Once Gateway Determination is received, Council will comply with any requirements. If studies are required (which is unlikely), they will be at the proponent's cost.
3. Council staff will continue to review the draft DCP and work with proponent to make any required amendments.
4. A report will be submitted to Council to consider placing the Planning Proposal and DCP amendments on public exhibition.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal for the rezoning of approximately 1 hectare of R3 Medium Density Residential zoned land, that is adjacent to the Town Centre, to B2 Local Centre and forward the planning proposal to the Department of Planning and Infrastructure for a Gateway Determination;**
- ii. upon receipt of a favourable Gateway Determination, Council require the proponent to fund all required studies (if any) and agree to fund Council's costs in undertaking any necessary peer reviews of those studies; and**
- iii. consider a further report prior to the public exhibition of the planning proposal and draft DCP amendments.**

ATTACHMENTS

1. Oran Park Town Centre Draft Planning Proposal



CAMDEN COUNCIL

DRAFT PLANNING PROPOSAL

Oran Park Town Centre Planning Proposal
Amendment to State Environmental Planning Policy
(Sydney Region Growth Centres) 2006

Date: October 2013 (Revision B)

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

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Part 5 – Community Consultation 25

Part 6 – Project Timeline 25

DRAFT

BACKGROUND

Introduction

This Planning Proposal has been prepared on behalf of UrbanGrowth NSW and Greenfields Developments Company No.2 and seeks to amend the land mapping for the Oran Park Town Centre. The amendments are sought to give effect to a revised design for the town centre which has been endorsed by both Camden Council and the project developers.

Purpose of Report

This Planning Proposal seeks to replace approximately 1 hectare of R3 Medium Density Residential zoned land that is adjacent to the town centre with a B2 Local Centre zoning.

This proposal does not seek to amend any land use controls, permissible land uses or land use restrictions relating to retail development within the Oran Park Town Centre. Rather, this proposal seeks to provide a consistent land use planning arrangement between the adopted Town Centre Masterplan, the Part B1 DCP and the SEPP land use mapping arrangements.

Subject Land

The subject land is located along the eastern edge of the Oran Park Town Centre. It is best represented in Figure 1.

Without proceeding with this rezoning, the land parcels in the eastern section of the town centre would be burdened with a dual zoning arrangement. This would impede on the development potential of these parcels and would restrict the delivery of the town centre.

Part B DCP Amendment

A detailed submission which seeks amendments to the Oran Park Development Control Plan 2007 (Part B1 Oran Park Town Centre) has been submitted concurrently with this Planning Proposal. A copy of this submission is included in Attachment 2.

The following chapters in this Planning Proposal report provide a more detailed justification of the proposal, and expand on the matters outlined above.

ORD07

Attachment 1

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006



Figure 1: Locality Plan

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The primary objective of the Planning Proposal is to amend the land use mapping arrangements under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to reflect the amended Town Centre Masterplan and correspond with the modified alignment of South Circuit- discussed below. It aims to demonstrate that the amendments proposed will deliver a logical and consistent planning regime and allow for the seamless delivery of the Town Centre over time.

Design of the Oran Park Town Centre

The Oran Park Town Centre Part B DCP was adopted in October 2011. Since then the design and planning of individual development parcels within the town centre has progressed considerably. Most notably, Camden Council has agreed to relocate its Central Administration Building to the Oran Park Town Centre.

A Civic Precinct is proposed to be located within the Town Centre. This will contain Councils new Central Administration Building, a Branch Library and Community Resource Centre, and a Leisure Centre. The Civic Precinct will be an area of approximately 3ha and will be a major focal point and hub of activity for the town centre.

During much of 2012 and 2013 Camden Council and the project developers have undertaken a joint exercise in the masterplanning of the Civic Precinct. It was during the design development of the Civic Precinct Masterplan that the opportunity arose to review the design merits of the Masterplan for the Oran Park Town Centre. This review identified a number of improvements to the design of the town centre reflected in the Part B DCP (Figure 2) and resulted in the preparation of a new Town Centre Masterplan (2013 Masterplan). The new Town Centre Masterplan is illustrated in Figure 3.

The key improvements to the design of the town centre, as reflected in the 2013 Masterplan are:

- Realignment and rationalisation of the Main North-South Street (bus route)
- Co-location of the Leisure Centre and some of the Youth and Recreational Centre Facilities (2 ball courts and rock climbing wall) within the Civic Precinct.
- Improved street network with a more permeable grid.
- More efficient and desirable spatial layout of the Civic Precinct.
- Better relationship of proposed building and land uses within the precinct.
- Enhanced building efficiencies in the sharing of facilities/ amenities.
- Better pedestrian connections through the site and town centre.

ORD07

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

- Provides surrounding streets blocks of a size and proportion that can accommodate a variety of long term development options.
- Provides public open space areas within the precinct that are varied in size and character.

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Attachment 1

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

ORD07

Attachment 1

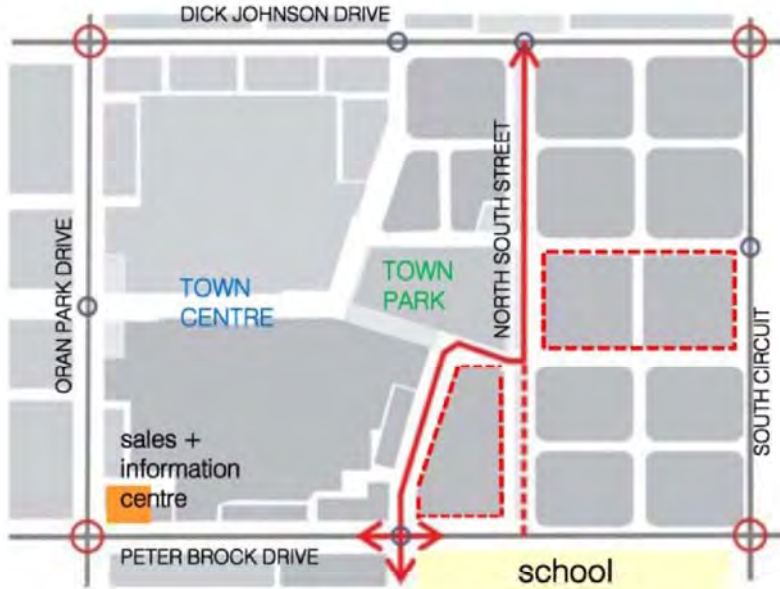


Figure 2: Town Centre Design as per Part B DCP



Figure 3: 2013 Town Centre Masterplan

Realignment of South Circuit

The 2013 Town Centre Masterplan results in the requirement to realign South Circuit, being the road that forms the eastern boundary of the town centre. However, this results in the eastern blocks of the town centre having a dual R3 Medium Density Residential and B2 Local Centre zoning.

This proposal therefore seeks to remove this dual zoning by amending the zone boundary for the B2 Local Centre zone to be consistent with the revised alignment of South Circuit.

The 2013 Masterplan achieves streets blocks of a size and proportion that can accommodate a variety of long term development options, and also provides public open space areas within the precinct that are varied in size and character.

Land Area Proposed to be Rezoned

As indicated in Section 1 of this proposal, the land area proposed to be rezoned under this Planning Proposal is located along the eastern edge of the Oran Park Town Centre.

The land area proposed to be rezoned is restricted to the land between the existing B2 Local Centre zoning boundary and the new alignment of South Circuit (approximately 1ha) to the east as demonstrated in Figures 4 & 5 below.

Without proceeding with this rezoning, the land parcels in the eastern section of the town centre would be burdened with a dual zoning arrangement. This would impede on the development potential of these parcels and would restrict the delivery of the town centre.

This proposal does not seek to amend any land use controls, permissible land uses or land use restrictions relating to retail development within the Oran Park Town Centre. Rather, this proposal seeks to provide a consistent land use planning arrangement between the adopted Town Centre Masterplan, the Part B1 DCP and the SEPP land use mapping arrangements.

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

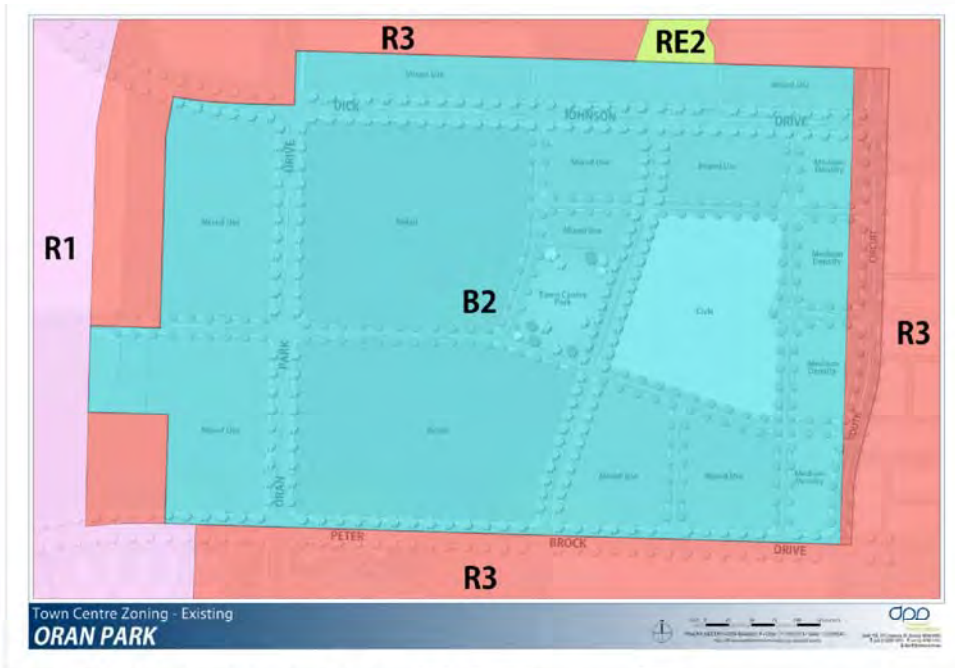


Figure 4: Existing Zoning Plan

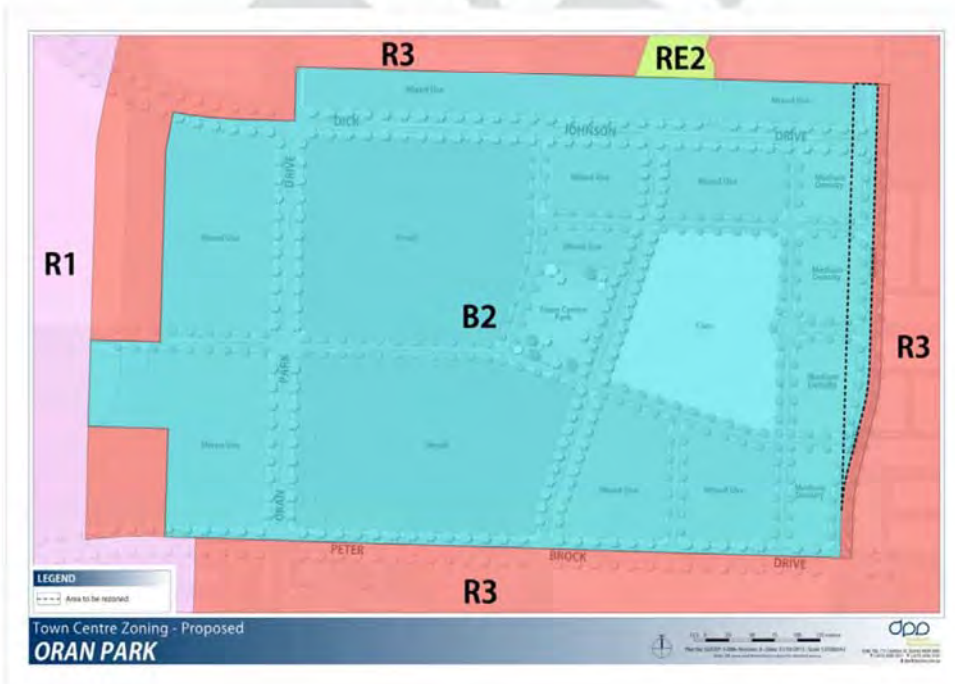


Figure 5: Proposed Town Centre Zoning Plan

PART 2 – EXPLANATION OF PROVISIONS

The objectives of this Planning Proposal are to be achieved by amending the Map set under 'Appendix 1 Oran Park and Turner Road Precinct Plan' of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) as described below and in the maps accompanying this planning proposal.

The specific amendments to the SEPP Maps are included in Attachments 3 to 6. The Maps to be amended under this proposal are.

- **Amendment to the following South West Growth Centre Land Zoning Map:**
Land Zoning Map - Sheet LZN_004
- **Amendment to the following South West Growth Centre Lot Size Map:**
Lot Size Map - sheet LSZ 004
- **Amendment to the following South West Growth Centre Special Areas Map:**
Special Areas Map - Sheet SAM 004
- **Amendment to the following South West Growth Centre Height of Building Map:**
Height of Buildings Map - Sheet HOB_004

In addition to amending Appendix 1 of the Growth Centres SEPP, an amendment to the Oran Park Development Control Plan 2007 will be necessary should the proposal receive a favourable Gateway Determination. Currently the DCP includes mapping that replicates the zoning from the SEPP, and therefore, the mapping in the DCP will need to be amended to ensure consistency between each document.

A detailed submission which seeks amendments to the Oran Park Development Control Plan 2007 (Part B1 Oran Park Town Centre) has been submitted concurrently with this Planning Proposal.

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal has been prepared on behalf of Urban Growth NSW and Greenfields Developments Company No.2. It seeks to amend the Sydney Region Growth

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Centres SEPP land mapping for the Oran Park Town Centre, to correspond with detailed design work that was undertaken following the rezoning of the site in December 2007.

The Planning Proposal has been prepared in response to the modified adopted 2013 Town Centre Masterplan. The modified Masterplan provided a strategic land use review of the eastern portion of the Town Centre, the Civic facilities and internal road layout which will facilitate a variety of long term development options and deliver a simplified grid based structure.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The modifications sought in this Planning Proposal are the best means of achieving the objectives and intended outcomes. The proposed amendments relate to statutory land use mapping outcomes contained in the Growth Centres SEPP. Other processes are not considered an appropriate means of achieving the objectives and intended outcomes promoted by this Planning Proposal.

3. Is there a net community benefit?

As suggested in the Department’s Local Plan-Making Guidelines, the Evaluation Criteria to undertake a Net Community Benefit analysis has been adapted from the Draft Centres Policy (April 2009). In some cases the Evaluation Criteria have been modified or removed to ensure the criteria are meaningful to this Planning Proposal.

The discussion below demonstrates that there is significant net community benefit resulting from the Planning Proposal.

Net Community Benefit Evaluation Criteria	Response
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	<p>The proposal is consistent with the State and regional strategic direction for development relating to housing and employment growth in the area. The subject land will form part of an identified urban growth area.</p> <p>The Proposal will assist in the coordinated delivery of housing and employment within close proximity of the Town centre transport services.</p>

ORD07

Attachment 1

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Net Community Benefit Evaluation Criteria	Response
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/ subregional strategy?	<p>The subject site for this Planning Proposal is within an area covered by the draft Sydney Metropolitan Plan 2031. The draft Metro Strategy identifies the subject land as a future urban area as part of the South West Growth Centre.</p> <p>Accordingly, the proposed amendments are consistent with the draft Metropolitan strategy for Sydney.</p>
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	<p>The Planning Proposal does not seek to alter the permissible land use arrangements or development restrictions for the subject land.</p> <p>The proposal will therefore not create a precedent or change land owner expectations of development.</p>
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	<p>The proposal will not result in any decrease in existing zoned employment lands within the Camden LEP.</p>
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	<p>The Planning Proposal will result in a minor decrease in the area of residentially zoned land within Oran Park Precinct.</p> <p>Notwithstanding, a variety of residential development is permissible within the B2 Local Centre zone.</p> <p>Therefore, the planning proposal will not impact on the potential housing supply within the Oran Park Precinct.</p>

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Net Community Benefit Evaluation Criteria	Response
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	<p>The subject site forms part of the Oran Park Precinct release area. Detailed planning and provision of public infrastructure has been undertaken as part of the rezoning process and the wider Growth Centres release area.</p> <p>In addition, this proposal will maintain and enhance the provision of an extensive public accessible cycling and pedestrian pathway network throughout the Precincts.</p> <p>Accordingly, there is adequate public infrastructure to accommodate the proposed amendments.</p>
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal will not result in any modifications to the planned road network that will impact on travel distances, times and road safety matters.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	<p>There are significant investments occurring in public infrastructure within the locality associated with development of the Growth Centre.</p> <p>Given the minor nature of the proposal, the rezoning of the land will have no impact on the predicted patronage levels.</p>
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	There are no environmental constraints associated with the subject land or this proposal.
Will the LEP be compatible / complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposal is compatible and desirably complementary with adjacent land uses, which includes residential Town Centre lands. There will be no impacts on amenity or the broader community.

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Net Community Benefit Evaluation Criteria	Response
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	<p>Given the minor nature of the proposal, it is unlikely that the rezoning would increase retail or commercial competition.</p> <p>The proposal will however ensure consistency between planning documents and facilitate the on-going delivery of Town Centre.</p>
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	<p>There are three main public interest reasons for progressing the Planning Proposal, including:</p> <ol style="list-style-type: none"> 1. It will provide a consistent planning and urban design outcome for the delivery of the Town Centre. 2. The Planning Proposal will provide certainty regarding the delivery of the Town Centre and associated land uses. This will allow for earlier delivery of facilities. 3. The public will have a clearer understanding of the defined edge of the Town Centre.

Section B – Relationship to strategic planning framework.

- 4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

Draft Metropolitan Strategy for Sydney 2031

The NSW Government released the draft Metropolitan Strategy for Sydney 2031 in March 2013. This Metropolitan Strategy sets the framework for Sydney’s growth and prosperity to 2031 and beyond.

The draft Metropolitan Strategy for Sydney 2031 sets down ambitious housing delivery targets across the Sydney Metropolitan region of 545,000 new dwellings, with 64,000 being delivered within the South West sub-region.

The South West Subregion Plan identifies the subject site as being adjacent to the South West Growth Centre. The Growth Centre has been established to provide for urban

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

growth and work is currently being undertaken to deliver residential and employment development.

The Planning Proposal is consistent with the objectives and direction of the draft Metropolitan Strategy for Sydney 2031 as it will support the balanced growth of Sydney, ensure housing growth can meet market demand, and provide for housing and employment opportunities in an area with high levels of access to planned employment, transport and infrastructure.

The proposed amendments to the Growth Centres SEPP are relatively minor in nature, and will not adversely impact on the objectives and actions of any strategy.

5. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

Camden Council's endorsed local strategic plan is 'Camden 2040 - Working Together to Achieve the Community's Vision for the Future'.

Camden 2040 has a vision to effectively manage its growth whilst promoting a prosperous local economy, with thriving local businesses and local employment. Part of successfully managing growth is to overcome a key challenge of "Achieving a balance between large population increases and keeping the valued characteristics of Camden as it is now will be an ongoing tension and challenge over the coming decades."

The specific key challenges for growing the Camden Area which relate to the Proposal include:

- Creating good quality, liveable urban environments with a greater density than is currently available in the Camden area, including providing a range of efficient, affordable and innovative housing styles and public urban and open spaces.
- The importance of building and maintaining certainty and investment confidence within the area through efficient and stable strategic planning and development control processes.

The key strategies to meet the above challenges include:

- Learning from and improving the urban planning process over time so that lessons learned from each precinct planning process, as well as industry best practice, are used in subsequent precincts to ensure improved outcomes over time
- Prioritising environmental outcomes through the planning and development process to maximise improvement and restoration opportunities and to minimise the ecological impacts of increased urban form, economic activity, and people and lifestyles.
- Ensuring greater choice and diversity in housing to meet a range of existing and future community needs

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

This Planning Proposal will fulfil these key strategies through ensuring that there is certainty and consistency in the delivery of urban growth areas within Camden.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The State Environmental Planning Policies (SEPPs) that are relevant to this Planning Proposal are identified below.

State Environmental Planning Policy	Applicable	Comment	Consistent
Standard Instrument (Local Environmental Plans) Order 2006	n/a		
Standard Instrument—Principal Local Environmental Plan	n/a		
State Environmental Planning Policy No 1—Development Standards	n/a		
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	n/a		
State Environmental Planning Policy No 6—Number of Storeys in a Building	n/a		
State Environmental Planning Policy No 14—Coastal Wetlands	n/a		
State Environmental Planning Policy No 15—Rural Landsharing Communities	n/a		
State Environmental Planning Policy No 19—Bushland in Urban Areas	Yes	The land subject to this Planning Proposal is subject to the provision of SEPP 19. The land does not contain any bushland or vegetation, and is therefore consistent with the objectives of the SEPP.	Yes
State Environmental Planning Policy No 21—Caravan Parks	n/a		
State Environmental Planning Policy No 22—Shops and Commercial Premises	n/a		
State Environmental Planning Policy No 26—Littoral	n/a		

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Rainforests			
State Environmental Planning Policy No 29—Western Sydney Recreation Area	n/a		
State Environmental Planning Policy No 30—Intensive Agriculture	n/a		
State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land)	n/a		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	n/a		
State Environmental Planning Policy No 36—Manufactured Home Estates	n/a		
State Environmental Planning Policy No 39—Spit Island Bird Habitat	n/a		
State Environmental Planning Policy No 44—Koala Habitat Protection	n/a		
State Environmental Planning Policy No 47—Moore Park Showground	n/a		
State Environmental Planning Policy No 50—Canal Estate Development	n/a		
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	n/a		
State Environmental Planning Policy No 55—Remediation of Land	n/a		
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	n/a		
State Environmental Planning Policy No 60—Exempt and Complying Development	n/a		
State Environmental Planning Policy No 62—Sustainable Aquaculture	n/a		
State Environmental Planning Policy No 64—Advertising and Signage	n/a		

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Attachment 1

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State Environmental Planning Policy No 65—Design Quality of Residential Flat Development	n/a		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	n/a		
State Environmental Planning Policy No 71—Coastal Protection	n/a		
State Environmental Planning Policy (Affordable Rental Housing) 2009	n/a		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	n/a		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	n/a		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	n/a		
State Environmental Planning Policy (Infrastructure) 2007	n/a		
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	n/a		
State Environmental Planning Policy (Kurnell Peninsula) 1989	n/a		
State Environmental Planning Policy (Major Development) 2005	n/a		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	n/a		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	n/a		
State Environmental Planning Policy (Rural Lands) 2008	n/a		
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	n/a		
State Environmental Planning Policy (State and Regional Development) 2011	n/a		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	n/a		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Yes	The Oran Park and Turner Road Precincts are located within the South West Growth Centre. The Planning Proposal	Yes

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

		<p>seeks to amend Appendix 1 and associated mapping of this SEPP.</p> <p>The proposal is consistent with the aims of the SEPP to coordinate the release of land for employment generation and housing within the South West Growth Centre.</p>	
State Environmental Planning Policy (Temporary Structures) 2007	n/a		
State Environmental Planning Policy (Urban Renewal) 2010	n/a		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	n/a		
State Environmental Planning Policy (Western Sydney Parklands) 2009	n/a		
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	n/a		
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	n/a		
Sydney Regional Environmental Plan No 16—Walsh Bay	n/a		
Sydney Regional Environmental Plan No 18—Public Transport Corridors	n/a		
Sydney Regional Environmental Plan No 19—Rouse Hill Development Area	n/a		
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	Yes	<p>The land subject to this Planning Proposal is within the SREP No 20 applicable area. Future detailed development proposals will comprehensively consider the requirements of SREP No 20 to ensure appropriate environmental considerations to water quality, heritage, flora and fauna, etc. are undertaken.</p> <p>Accordingly, the Planning Proposal is consistent with SREP No 20.</p>	Yes

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Sydney Regional Environmental Plan No 24—Homebush Bay Area	n/a		
Sydney Regional Environmental Plan No 25—Orchard Hills	n/a		
Sydney Regional Environmental Plan No 26—City West	n/a		
Sydney Regional Environmental Plan No 28—Parramatta	n/a		
Sydney Regional Environmental Plan No 30—St Marys	n/a		
Sydney Regional Environmental Plan No 33—Cooks Cove	n/a		
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	n/a		

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Each s117 Ministerial Direction is listed below with an annotation stating whether it is relevant to the Planning Proposal and confirming its consistency.

s.117 Direction Title	Applies	Consistency of Planning Proposal
1.1 Business and Industrial Zones	Y	The Planning Proposal is consistent with this direction as it seeks only a minor amendment to the existing zone boundary. No modification is sought to the existing and use and floor space controls established for the Oran Park Town Centre.
1.2 Rural Zones	NA	This direction is does not apply as the planning proposal does not affect land within an existing or proposed rural zone.
1.3 Mining, Petroleum Production and Extractive Industries	NA	This direction is does not apply as the planning proposal does not propose any modification to the permissibility or operational restrictions relating to extractive industries.

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s.117 Direction Title	Applies	Consistency of Planning Proposal
1.4 Oyster Aquaculture	NA	This direction is does not apply as the planning proposal does not incorporate any land within a Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area as identified in the NSW Oyster Industry Sustainable Aquaculture Strategy (2006) ("the Strategy").
1.5 Rural Lands	NA	This direction does not apply as the planning proposal does not affect land within an existing or proposed rural or environmental protection zone.
2.1 Environment Protection Zones	NA	This direction does not apply as the planning proposal does not affect land within an existing or proposed Environmental Protection zone.
2.2 Coastal Protection	NA	This direction is does not apply as the planning proposal does not affect land within a coastal zone.
2.3 Heritage Conservation	Y	The Planning Proposal is consistent with this direction as it maintains all areas of environmental heritage identified under the existing planning controls for the site.
2.4 Recreation Vehicle Areas	NA	This direction does not apply as the planning proposal does not seek to develop land for the purpose of a recreation vehicle area.
3.1 Residential Zones	Y	The Planning Proposal is consistent with this Ministerial Direction as there is no proposed amendment to the land use controls within the residential zonings. All provisions relating to facilitating the provision of housing are retained.
3.2 Caravan Parks and Manufactured Home Estates	Y	The planning proposal is consistent with this direction as it does not modify provisions relating to the permissibility of caravan parks and the like.

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s.117 Direction Title	Applies	Consistency of Planning Proposal
3.3 Home Occupations	Y	The planning proposal is consistent with this direction as it does not modify provisions relating to the permissibility of home occupations within dwellings.
3.4 Integrating Land Use and Transport	Y	The Planning Proposal is consistent with this Ministerial Direction. The Proposal will not result in any modifications to the adopted road and transport network infrastructure across the Oran Park and Turner Road Precincts.
3.5 Development Near Licensed Aerodromes	N/A	This direction is not applicable as the planning proposal will not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.5 Shooting Ranges	N/A	This direction is not applicable as the planning proposal will not affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range.
4.1 Acid Sulphate Soils	NA	This direction is not applicable as detailed planning relating to acid sulphate soils has been undertaken under the rezoning of the site under the Growth Centres SEPP.
4.2 Mine Subsidence and Unstable Land	NA	This direction is not applicable as the land is not identified as being within a Mine Subsidence area.
4.3 Flood Prone Land	NA	This direction is not applicable as the planning proposal does not remove or alter provisions relating to flood prone land.
4.4 Planning for Bushfire Protection	NA	This direction is not applicable as the land area subject to this Planning Proposal does not incorporate any Bushfire Prone land as mapped under Camden Council Bushfire Prone Land Maps.

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

s.117 Direction Title	Applies	Consistency of Planning Proposal
5.1 Implementation of Regional Strategies	Y	The planning proposal is consistent with this direction as the land is located within the South West Growth Centre and has been identified to accommodate urban expansion under the relevant Regional Strategies.
5.2 Sydney Drinking Water Catchments	NA	This direction does not apply to the Camden Council Area, therefore is not applicable to the land.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA	This direction is not applicable to the subject land.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA	This direction is not applicable to the subject land.
5.8 Second Sydney Airport: Badgerys Creek	NA	This direction is not applicable to the subject land.
6.1 Approval and Referral Requirements	Y	The Planning Proposal is consistent with this direction as it does not alter any approval or referral requirements.
6.2 Reserving Land for Public Purposes	NA	This direction is not applicable as it does not affect land identified under the SEPP to be reserved for public purposes.
6.3 Site Specific Provisions	Y	The Planning Proposal is consistent with this direction as does not seek to insert or alter any additional site specific provisions.
7.1 Implementation of the Metropolitan Strategy	Y	The Planning Proposal is consistent with this direction as it meets objectives of the Metropolitan Plan through implementing identified urban growth lands.

Section C – Environmental, social and economic impact.

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

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The land area is predominantly cleared and has been subject to semi-commercial, grazing and agricultural activities associated with the previous farming operations and the operation of the former Oran Park Raceway.

The Planning Proposal will not adversely impact on any critical habitat or threatened species, populations or ecological communities, or their habitats, environmental values or matters of environmental significance.

Furthermore, the site is subject to biodiversity certification under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which was gazetted on 14 December 2007.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The subject land has been cleared and does not contain any environmentally significant features.

Existing controls relating to Environmental Management in Section 8.0 of the Oran Park DCP 2007 will ensure that environmental impacts associated with the development of the site for residential purposes will be ameliorated.

10. How has the planning proposal adequately addressed any social and economic affects?

Assessment of the economic and social impacts for the Oran Park Precinct was undertaken as part of the comprehensive Precinct Planning process, which included the rezoning the site for residential and employment development.

The proposed modifications will assist in providing consistency in the planning and delivery of the Town Centre. As such, the only economic and social effects are considered to be desirably positive for existing and future communities within the region.

Section D – State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

The subject site is located within a major urban growth area of South West Sydney. A comprehensive assessment on infrastructure needs was undertaken at the Precinct Planning stages of planning for the Oran Park Precinct and public infrastructure needs to accommodate the demands of an increased urban development have been determined.

The Planning Proposal is of a minor nature and will not impact on the projected dwelling yield for the Oran Park Precinct.

As such, the proposal will not create any additional needs for public infrastructure for the locality.

12. What are the views of state and Commonwealth public authorities consulted in accordance with the gateway determination?

Given the minor nature of this Planning Proposal no State or Commonwealth public authorities have been consulted.

PART 4 – MAPS

The SEPP Maps proposed to be amended under this Planning Proposal include:

- Amendment to the Land Zoning Map - Sheet LZN_004
- Amendment to the Lot Size Map - sheet LSZ 004
- Amendment to the Special Areas Map - Sheet SAM 004
- Amendment to the Height of Buildings Map - Sheet HOB_004

Copies of the amended maps can be found in the Amendments to this Planning Proposal.

PART 5 – COMMUNITY CONSULTATION

Community consultation will be commenced by giving notice of the public exhibition of the Planning Proposal:

1. in a newspaper that circulates in the area affected by the Planning Proposal;
2. on the Camden Council website; and

In accordance with the Department of Planning and infrastructure's guidelines, 'A guide to preparing local environmental plans', the Planning Proposal is classified as a 'low impact' proposal given that:

- The Planning Proposal is consistent with the pattern of surrounding land use zones and/or land uses;
- The Planning Proposal is consistent with the strategic planning framework;
- The Planning Proposal presents no issues with regard to infrastructure servicing;
- The Planning Proposal is not a principal LEP; and
- The Planning Proposal does not reclassify public land.

In accordance with the practice guidelines, a 'low impact' proposal is required to be publicly exhibited for 14 days. However, Council is recommending that the Planning Proposal and the DCP amendments be exhibited together for a period of 28 days. Notwithstanding, the required exhibition timeframe will be confirmed at the Gateway Determination.

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

PART 6 – PROJECT TIMELINE

The following table provides a rough project timeline for the project to be completed. This timeline may change as the planning proposal is being lodged with Gateway over the Christmas period which may push the timeframes out.

Anticipated commencement date (date of Gateway determination)	December 2013
Anticipated timeframe for the completion of required technical information	TBA (although we do not believe any further studies are required for this minor amendment)
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	TBA (we expect this could occur during the exhibition period given the minor nature of this amendment)
Commencement and completion dates for public exhibition period	February / March 2014
Dates for public hearing (if required)	N/A
Timeframe for consideration of submissions	March 2014
Timeframe for the consideration of a proposal post exhibition	March/April 2014
Date of submission to the department to finalise the SEPP	April/May 2014
Anticipated date RPA will make the plan (if delegated)	May/June 2014
Anticipated date RPA will forward to the department for notification	June/July 2014

PART 7 – CONCLUSION

This Planning Proposal has been prepared on behalf of UrbanGrowth NSW and Greenfields Developments Company No.2 and seeks to amend the land mapping for the Oran Park Town Centre. The amendments are sought to give effect to a revised design for the town centre which has been endorsed by both Camden Council and the project developers.

The Planning Proposal has been prepared in response to the modified adopted 2013 Town Centre Masterplan. The modified Masterplan provided a strategic land use review of the eastern portion of the Town Centre, the Civic facilities and internal road layout

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

which will facilitate a variety of long term development options and deliver a simplified grid based structure.

The SEPP Maps proposed to be amended under this Planning Proposal include:

- Amendment to the Land Zoning Map - Sheet LZN_004
- Amendment to the Lot Size Map - sheet LSZ 004
- Amendment to the Special Areas Map - Sheet SAM 004
- Amendment to the Height of Buildings Map - Sheet HOB_004

A detailed submission which seeks amendments to the Oran Park Development Control Plan 2007 (Part B1 Oran Park Town Centre) has also been submitted concurrently with this Planning Proposal.

The adoption of this Planning Proposal, and a supporting proposed modification of the Part B DCP, will ensure that there is consistency in the ongoing design and delivery of the Town Centre and the relevant statutory mapping, land use and development control guidelines

Schedule of Attachments

- Attachment 1: Oran Park Town Centre Amended Masterplan.
- Attachment 2: Proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Land Zoning Map.
- Attachment 3: Proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Lot Size Map.
- Attachment 4: Proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Height of Building Map.
- Attachment 5: Proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Special Areas Map

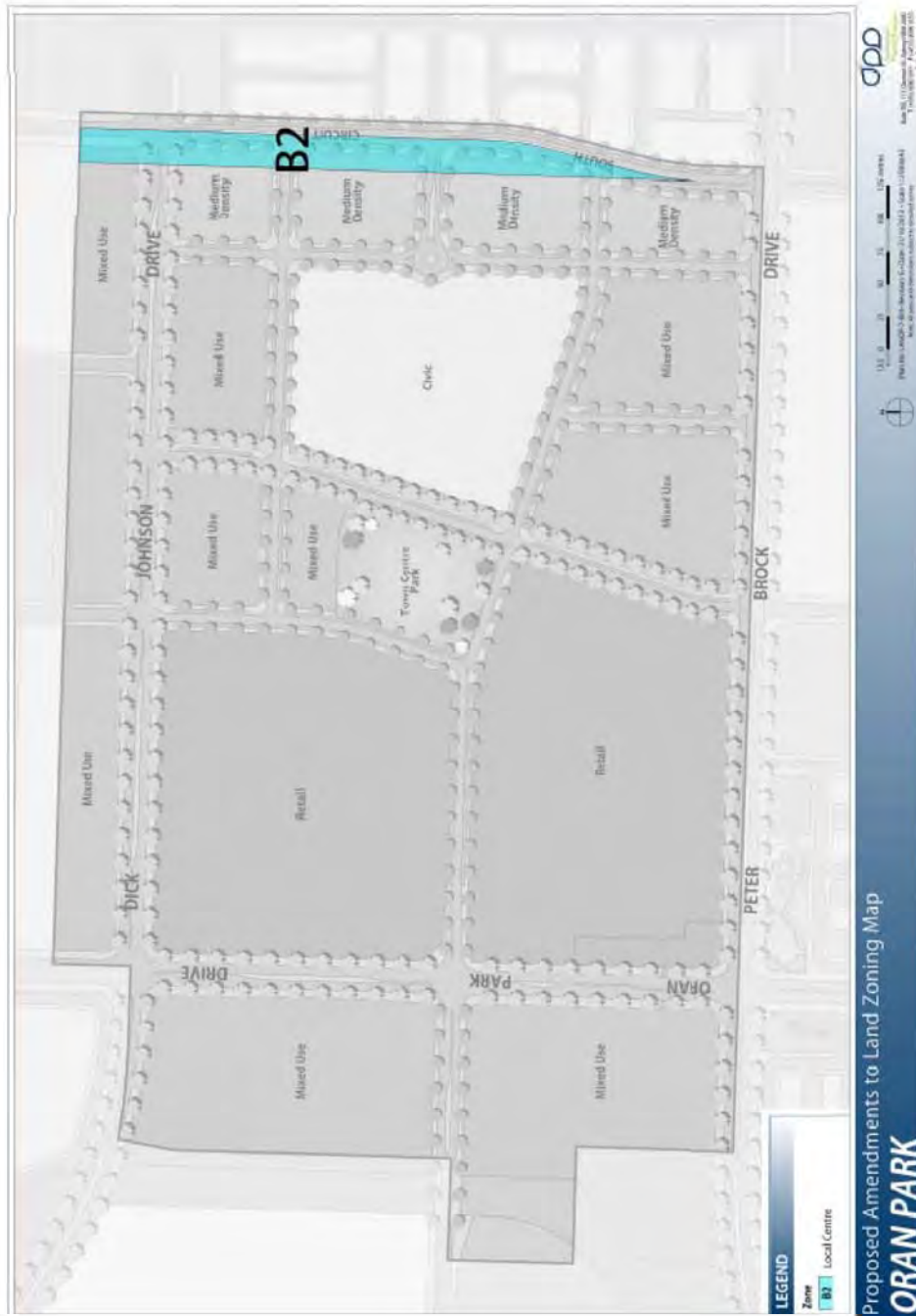
Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Attachment 1 – Oran Park Town Centre Amended Masterplan



Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Attachment 2 - Proposed Amendments to State Environmental Planning Policy (Sydney Region Growth Centre) 2006 Land Zoning Map

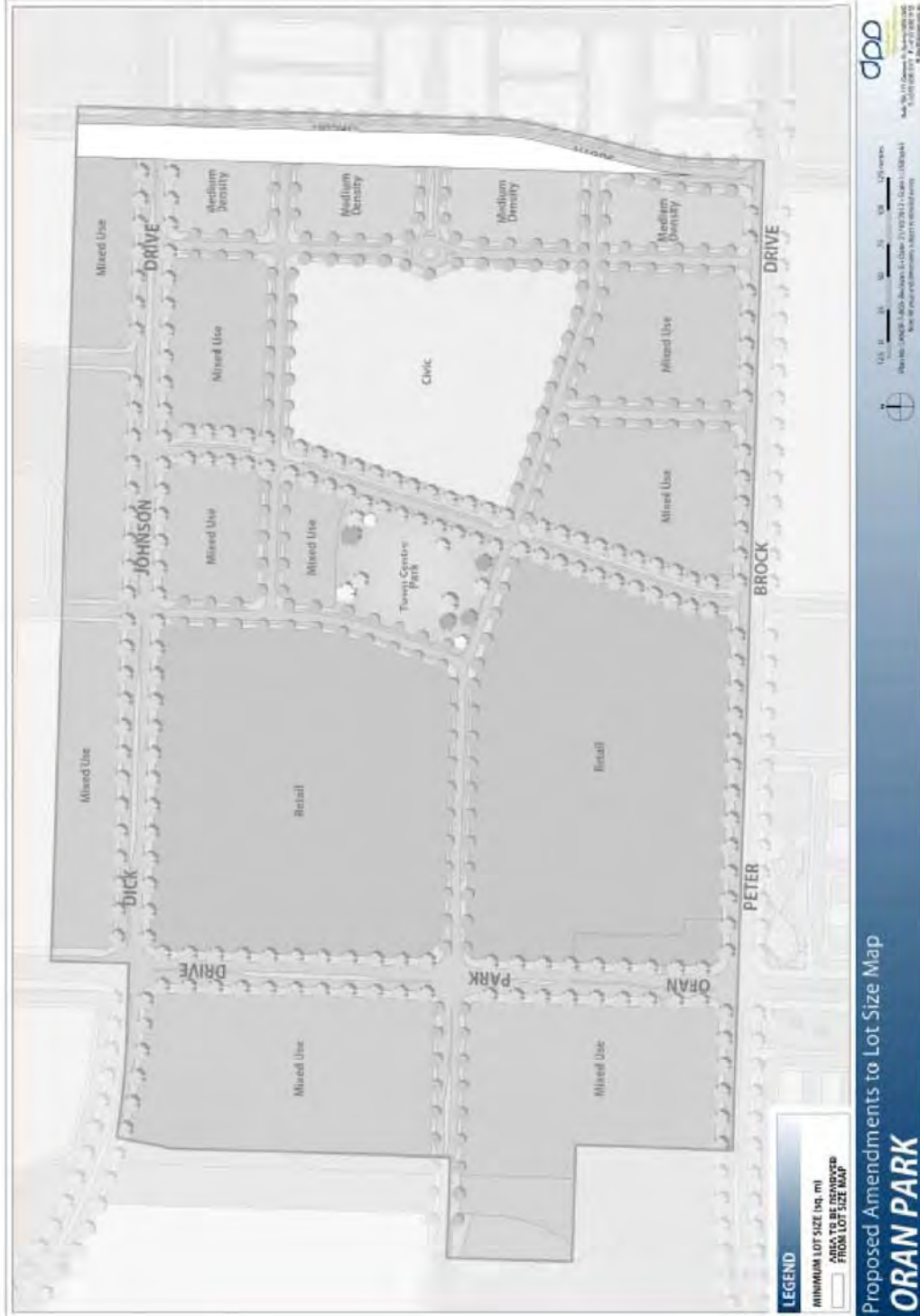


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Attachment 1

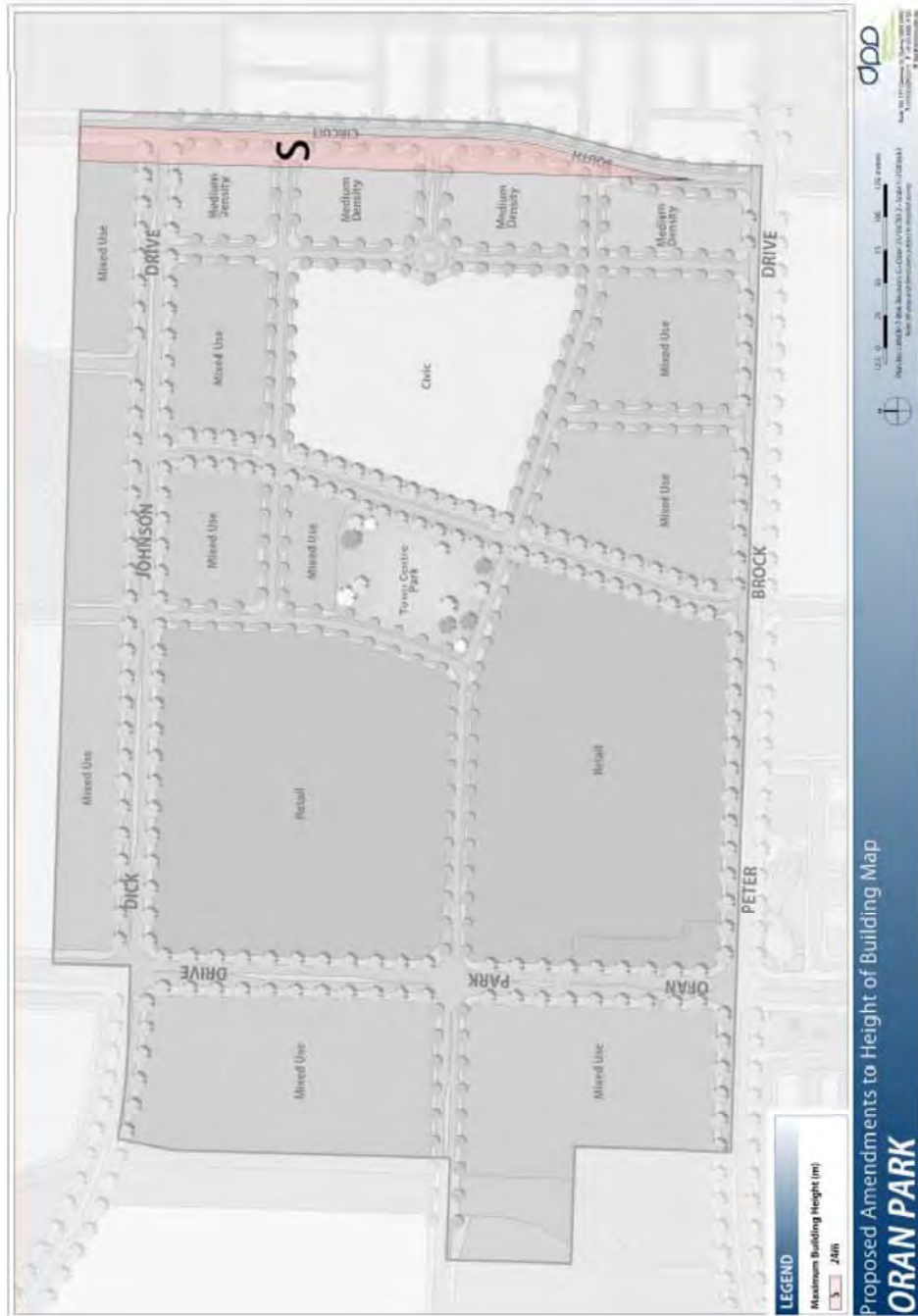
Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Attachment 3 – Proposed Amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Lot Size Map



Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Attachment 4 – Proposed Amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Height of Building Map

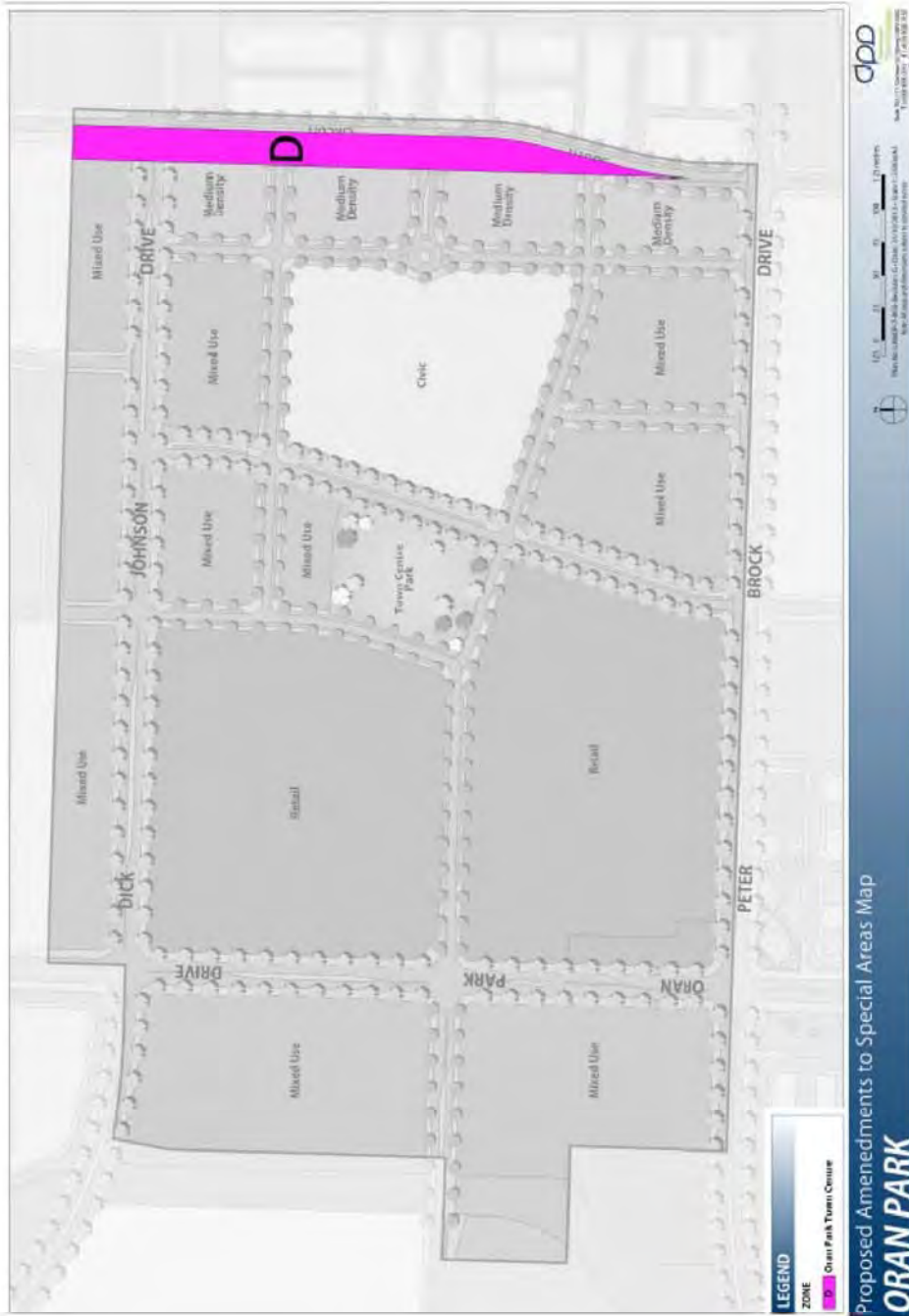


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Attachment 1

Oran Park Town Centre Planning Proposal- Amendment to SEPP (Sydney Region Growth Centres) 2006

Attachment 5 – Proposed Amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Special Areas Map



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ORD08

ORDINARY COUNCIL

ORD08

SUBJECT: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO MAYOR AND COUNCILLORS POLICY

FROM: Acting Director Governance

TRIM #: 13/56178

PURPOSE OF REPORT

The purpose of this report is to seek Council's approval to adopt the "Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy" following public exhibition, as required by the *Local Government Act 1993*.

BACKGROUND

The draft policy was considered by Council on 22 October 2013 where it was resolved that the draft policy be submitted for public exhibition for 28 days and that Council consider any submissions and formally adopt a revised "Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy" at its ordinary council meeting on 26 November 2013.

MAIN REPORT

From 23 October 2013, the draft policy was placed on the Council's website and advertised in the Camden Narellan Advertiser on 30 October, 6 November and 13 November 2013. Hardcopies of the proposed policy were also available at Council's Administration Centres.

Council has not received any submissions during the 28 day public consultation period.

A copy of the draft "Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy" as publicly exhibited is **attached to this report**.

CONCLUSION

The *Local Government Act 1993* requires that Council annually review and submit its policy to the Director-General of the Division of Local Government by 30 November each year.

Pursuant to section 252 of the Act, Council is to have regard to any submissions made and make any appropriate changes to the draft policy, prior to adopting the policy.

RECOMMENDED

That Council:

- (i) **note that no submissions have been made with respect to the proposed policy;**
- (ii) **adopt the proposed "Payment of Expenses and Provision of Facilities to**

Mayor and Councillors Policy” as attached to this report and publicly exhibited as required under the *Local Government Act 1993*; and

- (ii) submit a copy of the adopted policy to the Director-General of Local Government by 30 November 2013.**

ATTACHMENTS

1. Proposed Payment of Expenses and Provision of Facilities to Mayor and Councillors Policy - Public Exhibition Copy

ORD08

Attachment 1



**PAYMENT OF
EXPENSES &
PROVISION OF
FACILITIES TO THE
MAYOR &
COUNCILLORS
POLICY
POLICY 5.57**

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 PAYMENT OF EXPENSES & PROVISION OF FACILITIES POLICY NO 5.57

Reviewed by Council:

Minute No:

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PAYMENT OF EXPENSES & PROVISION OF FACILITIES

DIVISION: GOVERNANCE

PILLAR: GOVERNANCE

FILE / BINDER:

PART 1 - INTRODUCTION

This document is to be referred to as the "Payment of Expenses and Provision of Facilities to the Mayor and Councillors Policy".

The policy will commence from [INSERT DATE OF COUNCIL MEETING].

1. Purpose of Policy

- 1.1 The purpose of this policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by Councillors.
- 1.2 The policy comprises four parts, being:
 - **Part 1 Introduction** – defines key terms and describes the legislative and reporting requirements that prescribe the policy's purpose, objectives and scope;
 - **Part 2 Payment of Expenses** - describes the general and specific provisions, circumstances and Council procedures related to the payment of allowable expenses;
 - **Part 3 Provision of Facilities** – outlines the general and specific provisions, circumstances concerning Councillor use of Council facilities and resources; and
 - **Part 4 Other Matters** – provides guidance on issues related to Councillor acquisition and return of facilities and dispute resolution.
- 1.3 This policy is made under sections 252-254 of the *Local Government Act 1993* ("the Act"), section 403 of the *Local Government (General) Regulations* and in accordance with the Guidelines issued by the Department of Local Government (October 2009) in accordance with section 23A of the Act. The Act requires that the Council must annually adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to the Mayor and Councillors in relation to discharging the functions of civic office.

2. Objectives and coverage of the Policy

- 2.1 The objectives of the policy are to:
 - (a) Ensure there is consistency in the application of reimbursement of expenses and provision of facilities to Councillors in an equitable and non-discriminatory manner.

- (b) Assist Councillors to represent the interests of residents and ratepayers of Camden and to facilitate communication between the community and Council.
- (c) Provide a level of support which will serve to encourage residents to seek election to civic office.

2.2 This policy applies equally to the Mayor and all Councillors.

3. Making and Adoption of the Policy

- 3.1 *The Local Government Act 1993* requires Council to review and submit its policy to the Director-General of the Division of Local Government within 28 days of adoption by the Council, even if it proposes to adopt an unchanged policy. Current policies must be submitted by 30 November each year.
- 3.2 Before adopting or amending this policy, the Council must give public notice of its intention, and allow at least 28 days for public submissions. Any public submissions received will be considered and appropriate changes made prior to the adoption of the policy.
- 3.3 Even if changes that are considered not substantial are proposed, the required annual adoption of this policy must still be subject to the public notification process outlined above.
- 3.4 At any time, other than the required annual adoption of this policy and if the proposed amendment is not substantial the Council is not required to provide public notice. The term "not substantial" should be taken to mean minor changes to the wording of the policy, or changes to monetary provisions or rates that are less than 5%. It also means minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the policy will require public notice.

4. Reporting Requirements

- 4.1 Section 428 of the Act requires councils to include in their annual report:
 - (a) The Council's policy on the provision of facilities for, and the payment of expenses to, Mayors and Councillors.
 - (b) The total amount of money expended during the year on providing those facilities and payment of those expenses.
 - (c) Additional information as required by the *Local Government (General) Regulations 2005*.

5. Relevant Legislation and Policies

- Sections 252-254 *Local Government Act 1993* - Payment of expenses and provision of facilities;
- Section 428 *Local Government Act 1993* – Annual reports;
- Clause 217 *Local Government (General) Regulations 2005* - Additional information for inclusion in annual reports;
- Clause 403 *Local Government (General) Regulations 2005* – Payment of expenses and provision of facilities;
- Camden Council's Code of Conduct;

- Department of Local Government Guidelines (May 2009) issued under section 23A of the *Local Government Act 1993*;
- Department of Local Government Circulars to Councils;
- Circular 05/08 *Legal assistance for Councillors and Council employees*;
- Circular 08/24 *Misuse of Council resources*;
- Circular 08/37 *Council decision making prior to elections*;
- Circular 11/27 *Findings for review of Councillor expenses and facilities policies*;
- ICAC Publication – *No Excuse for Misuse, preventing the misuse of council resources*.

6. Approval and Support Arrangements

- 6.1 Various approval arrangements are indicated throughout the Policy and vary from full Council resolution approval to Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager approval.
- 6.2 The Executive Services Coordinator will assist Councillors with respect to seeking reimbursement of expenses incurred in their role as a Councillor, assisting with travel and accommodation arrangements, attendance at civic events, training and education, and the provision of facilities under this Policy.
- 6.3 All claims for reimbursement must be made within one month of the date of the receipt and on the appropriate "Councillor Travel and/or Expense Claim Form" (Appendix A), together with production of relevant receipts.
- 6.4 Any claim will be reconciled with the receipts and authorised as follows:
- (a) authorised by the General Manager and Mayor (or Deputy Mayor where the claim is made by the Mayor) for spouse and partner expenses, incidental expenses, advance payments, travel, accommodation, childcare and carer fees;
 - (b) authorised by two of the "Authorised Officers" as set out in clause 6.5 if the particular expense category does not require General Manager and Mayor (or Deputy Mayor in the case of a claim by the Mayor) approval.
- 6.5 The General Manager, Mayor, Director of Governance, Manager of Corporate Services, Senior Governance Officer and Executive Services Coordinator are "Authorised Officers" for the purpose of completing the "Councillor Travel and/or Expense Form".

PART 2 - PAYMENT OF EXPENSES

7. Payment of Expenses Generally

- 7.1 This policy is applicable to any Council Administrator, should such Administrator act in that capacity from time to time.
- 7.2 Camden Council is committed to ensuring that Councillors are reimbursed for expenses reasonably incurred in their role of Councillor so that they are not financially or otherwise disadvantaged in undertaking their civic duties.
- 7.3 To ensure consistency and transparency all expenses and costs claimed must be done so in accordance with the requirements of this policy.
- 7.4 For the purpose of clarity, it is noted that Councillor related business refers to functions and duties Councillors are required to undertake to fulfill their legislated role and responsibilities for the Council that should result in a direct benefit for the Council and/or the local government area.
- 7.5 Any expenses for Councillors attending conferences, including travel to, registration costs and incidental conference costs will not be reimbursable under this Policy. Instead, Councillors are to personally fund (or utilise their Councillor annual allowance) any expenses incurred with respect to conference attendance.
- 7.6 Any expenses claimed for other meetings, must be related to representing Council at official or ceremonial functions or Council related meetings as set out in this policy and in carrying out the civic duties of a Councillor.
- 7.7 For the purpose of clarity, a conference typically involves registration costs, accommodation, travel to and from the conference, sustenance and incidental costs such as taxi fares, telephone calls etc.
- 7.8 This restriction on reimbursement for conferences does not apply to other Council related meetings. Examples of such other meetings may include external committee meetings, MACROC meetings, civic and ceremonial functions, citizenship ceremonies, Australia Day ceremonies, community group events and Chamber of Commerce meetings which relate to the interests of the local government area.
- 7.9 Claims for reimbursement of expenses will only be made on production of receipts for such amounts where indicated in this policy and on completion of the appropriate "Councillor Travel and/or Expense Claim Form", itemising the expenses. Reimbursement of general expenses will not be allowed.
- 7.10 Claims for reimbursement of expenses over \$75.00 (exclusive of GST) must be accompanied by a tax invoice.

- 7.11 Payment of expenses will not be made to support a Councillor's attendance at political fund raising functions. Participation in Council elections is also a private matter and Councillors must not use Council resources in the course of this participation.

8. Attendance at Conferences

- 8.1 Councillors are encouraged to attend conferences as a formal representative of Council as part of discharging their functions of civic office.
- 8.2 Requests to attend conferences, interstate or overseas, must be approved by a Council resolution prior to attendance. The report to Council should outline the benefits of attendance by the Councillor.
- 8.3 The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager may approve attendance by Councillors at conferences within the State (ACT is taken to be included as part of NSW due to the proximity and ease of travel) without the need for Council resolution.
- 8.4 Any costs incurred relating to conference attendance, including registration fees, transport to and from the conference, accommodation, official lunches and dinners relevant to the conference and incidental expenses are to be personally funded (or paid from the Councillor's annual allowance) and is not reimbursable under this Policy.
- 8.5 For the purpose of clarity, the definition of a "conference" relates to a formal meeting designed for consultation, exchange of information or discussion. Typically, conferences will involve registration costs, accommodation, travel to and from the conference, sustenance and incidental costs such as taxi fares, telephone calls etc.
- 8.6 The conferences and training and development that Councillors will generally attend are:
- Local Government NSW Annual Conference;
 - Special "one-off" conferences called by Local Government NSW;
 - Annual conferences and seminars of the major professions in Local Government; and seminars which assist Councillors in increasing their awareness and improving their understanding of their legal and other obligations and responsibilities as elected representatives.
- 8.7 Any Councillor who does attend a conference must report back to Council with a full written report on the beneficial aspects of the conference.
- 8.8 It is noted that this restriction on reimbursement for conferences does not apply to other Council related meetings. Examples of such other meetings may include external Committee meetings, MACROC meetings, civic and ceremonial functions, citizenship ceremonies, Australia Day ceremonies, ceremonial functions, community group events and Chamber of Commerce meetings relating to the interests of the local government area.

9. Spouse and Partner Expenses

- 9.1 Where a Councillor is accompanied to a civic event, ceremonial function, conference or Council related meeting by a spouse/partner costs incurred for the attendance of the spouse/partner shall be the responsibility of the Councillor. These costs relate to travel, partner's programme and out of pocket expenses.
- 9.2 There may be limited instances where certain costs incurred by a Councillor on behalf of their spouse/partner are properly those of the Councillor expended in the performance of civic duties. Accordingly, Council will reimburse reasonable expenses in attending these functions and meetings. Such functions could include those which a Councillors spouse/partner would be reasonably expected to attend such as Council civic and ceremonial receptions, Australia Day ceremonies or on occasions, citizenship ceremonies.
- 9.3 Any further expenses incurred in relation to spouses/partners will not be reimbursed by Council. For the purposes of clarification, costs for a spouse/partner attending a conference and ancillary conference costs are not reimbursable under this policy.
- 9.4 Outside of these provisions, the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager may approve payment for the attendance of a spouse/partner as part of a Council group booking to a local charity event or similar function as may occur from time to time.

10. Incidental Expenses

- 10.1 Out of pocket expenses or incidental expenses associated with attending civic events, ceremonial functions or Council related meetings will be reimbursed on presentation of receipts and completion of a claim form as provided above.
- 10.2 Examples of incidental expenses include telephone or facsimile calls, taxi fares, parking fees or meals, where not part of the Council related meeting or function. Councillors may claim such expenses by completing the "Councillor Travel and/or Expense Claim Form" (Appendix A) and attaching the relevant receipts. The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager will authorise payment of incidental expenses.
- 10.3 For the purpose of clarification under this paragraph, incidental expenses incurred for and during Councillor attended conferences are not reimbursable under this policy. Any incidental expenses incurred by a Councillor regarding conference fees and incidental charges are to be personally funded (or be paid out of the Councillor's annual allowance).

11. Advance Payments

- 11.1 Councillors may request payment in advance in anticipation of expenses being incurred for such matters as attending civic events, ceremonial functions and Council related meetings.
- 11.2 On return Councillors must produce all receipts for the expenditure of those funds, with a full reconciliation to be completed and be authorised by the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager.
- 11.3 Councillors are to produce the receipts and complete the reconciliation within one month of the expenditure being incurred.

12. Travel to Civic Events, Ceremonial Functions and Council Related Meetings

- 12.1 Councillors will be reimbursed for travel expenses incurred relating to Council business and/or representing Council at civic events, ceremonial functions and Council related meetings. Reimbursement may include the use of a private motor vehicle, public transport, taxi, parking fees and road tolls.
- 12.2 All travel by Councillors should utilise the most direct route and the most practicable and economical mode of transport subject to any personal medical conditions.
- 12.3 Councillors using private vehicles will be paid the mileage allowance at the then current rate set by the appropriate Local Government State Award, but subject to any such payment not exceeding economy class air fares to and from the particular destination. The mode and method of transportation to be used shall be agreed with the Mayor (or Deputy Mayor in case of a claim by the Mayor) and the General Manager prior to the travel taking place, and where possible Councillors should attempt to travel with other representatives from the Council in order to minimise costs.
- 12.4 Under this policy, Councillors are personally responsible for all traffic or parking fines incurred while travelling in private or Council vehicles on Council business.
- 12.5 For the purposes of clarification in this policy, the ACT is taken to be included as part of NSW due to the proximity and ease of travel.

13. Travel to Conferences

- 13.1 Councillors will not be reimbursed for travel expenses incurred relating to attendance at conferences within NSW, interstate or overseas. Expenses incurred relating to Councillors attendance at conferences, including travel costs, are to be personally funded (or paid from the Councillor's annual allowance).

14. Interstate Travel

- 14.1 Full Council resolution approval is required prior to any interstate travel being undertaken by Councillors (excluding travel to ACT which may be authorised by Mayor and General Manager approval). The report to Council should include all details of the travel, including itinerary, expected costs and expected benefits.
- 14.2 Any costs incurred relating to interstate travel for Council business is to be personally funded (or paid from the Councillor's annual allowance).

15. Overseas Travel

- 15.1 Camden Council will not undertake any overseas travel unless a direct and tangible benefit for the Council and the local community can be established.
- 15.2 All overseas travel will be approved by a meeting of the Council prior to a Councillor undertaking a trip. Travel will be approved on an individual trip basis.
- 15.3 Before a proposal for overseas travel is approved, a detailed proposal, including nomination of the Councillor(s) undertaking the trip, purpose of the trip, expected benefits, duration, itinerary and approximate costs, will be furnished to the Council as part of the Council Business Paper.
- 15.4 After returning from overseas, Councillors or an accompanying member of staff will provide a detailed report to a meeting of the Council on the aspects of the trip relevant to council business and/or the local community.
- 15.5 Any costs incurred relating to overseas travel for Council business is to be personally funded by the Councillor (or paid for from the Councillor's annual allowance).

16. Extending Travel Arrangements

- 16.1 Councillors wishing to extend their stay in a destination they have visited for council purposes, or to travel to an alternative location, will require the prior approval of the Mayor (or the Deputy Mayor in the case of a claim by the Mayor) and General Manager. In such instances Councillors should recognise that the Council's responsibility for their travel ends when the business activity ends and not when they return home. Any additional costs incurred following the completion of the business activity, including accommodation, are not considered to be reimbursable expenses.

17. Accommodation

- 17.1 Councillors are to personally fund (or use their Councillor annual allowance) for any accommodation costs incurred as a result of conference attendance.

- 17.2 In the rare occasion that accommodation is required as part of a civic event, ceremonial function or other Council related meeting, accommodation costs may be reimbursed by Council subject to approval by the General Manager and Mayor (or Deputy Mayor in the case of a claim by the Mayor).

18. Training and Educational Expenses

- 18.1 Council provides an amount in the annual budget for "Councillor Training and Education" expenses to support and encourage active learning and skill development. Expenses for this item is limited to the annual budget allocation in any one year and is separate to this policy. Payment of additional expenses/costs in relation to such training will be as per this policy.

19. Mobile Phones, Ipad and other Telecommunication Related Expenses

- 19.1 Council will provide a mobile phone for use in order to carry out the Councillor's civic functions and responsibilities as provided in this policy under "Provision of Equipment" below. Call charges incurred for Council related business will be covered up to \$285 per month (inclusive of GST). Councillors are responsible for disclosing any personal calls made on their monthly statement and are to reimburse the Council for such personal calls accordingly.
- 19.2 If a Councillor decides to use their own personal mobile phone for Council related business, Council will reimburse an amount up to \$285 per month (inclusive of GST) for Council related business call costs. Call charges associated with private use must be met by the Councillor.
- 19.3 Council provides three options for Councillors to use iPads for Council related business (as per the Council's Usage of Ipad Policy) as follows:
- (a) A Council issued iPad;
 - (b) Bring your own iPad device where Councillors wish to use their own personal iPad for Council related business; and
 - (c) Provision of a SIM card where Councillors chose to use their own personal iPad for Council related business.
- 19.4 It is expected that where Councillors use Council issued iPads or Council issued SIM cards, that the iPads are used primarily for Council related business.
- 19.5 In the case of a Councillor using their own personal iPad for Council related business, Council will reimburse a percentage of the iPad usage costs relevant to Council business, up to a maximum of \$40 per month (inclusive of GST).
- 19.6 If an individual landline is installed to the Councillor's premises, Council will reimburse an amount up to \$115 per month (inclusive of GST) to cover rental as well as call charges for Council related business. Call charges associated with private business must be met by the Councillor.

- 19.7 Council will reimburse an amount up to \$40 per month (inclusive of GST) to Councillors for internet usage incurred primarily for Council related business. It is noted that where the same internet plan is used for internet and iPad connection, the Council will only reimburse up to the value of \$40 per month (inclusive of GST) in total.
- 19.8 Councillors must complete a "Councillor Travel and/or Expense Claim Form" for each billing period in relation to telecommunication charges associated with Council related business. All claims for reimbursement for telephone, iPad and internet costs must be made within one month of the date of the providers' invoice. Any amounts exceeding the limit must be approved for payment by the Mayor (or Deputy Mayor in the case of a claim by the Mayor) and General Manager.

20. Child care and care of elderly, disabled and/or sick immediate family members

- 20.1 Councillors will be reimbursed fees for the reasonable cost of care arrangements including child care expenses and the care of immediate family members who are elderly, disabled and/or sick in order to allow Councillors to attend Council and other official meetings/functions or to attend to their responsibilities and duties as a Councillor. Carer costs will be paid to cover the period 30 minutes prior to the scheduled commencement time of the meeting/function and one hour after the conclusion of the meeting/function.
- 20.2 The rate of reimbursement for care will be to a maximum of \$15 per hour or as varied by Council from time to time, payable on the provision of receipts or a declaration by the Councillor for such payments (Councillor Travel and/or Expense Claim Form"), within 1 month of the period being claimed. The Mayor (or Deputy Mayor in the case of a claim by the Mayor) and the General Manager will authorise payment of care and other related expenses.

21. Legal Expenses and Obligations

- 21.1 Council may, by way of resolution specifying the amount involved, indemnify or reimburse the reasonable legal expenses:
- (a) of a Councillor defending an action arising from the performance in good faith of a function under the *Local Government Act 1993* or any other Act for and on behalf of Council; or
 - (b) of a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the *Local Government Act 1993*; or
 - (c) of a Councillor for proceedings before the Local Government Pecuniary Interest Tribunal, the Independent Commission Against Corruption, Office of Ombudsman, Division of Local Government, Department of Premier and Cabinet, NSW Police Force, Director of Public Prosecutions or Council's Conduct Review

Committee/Reviewer, provided, the subject of the proceedings arises from the performance in good faith by the Councillor of a function under the *Local Government Act 1993*; and

- 21.2 If points 21.1(a), (b) or (c) have been satisfied, Council will reimburse the reasonable legal expenses only if the enquiry, investigation, hearing or proceedings taken against a Councillor results in a finding substantially favorable to the Councillor.
- 21.3 In addition, the amount of such reimbursement shall be reduced by the amount of any monies that may be or are recouped by the Councillor on any basis.
- 21.4 Legal costs will not be met for legal proceedings that do not involve a Councillor performing their role as a Councillor.
- 21.5 The Council must not meet the legal costs of legal proceedings initiated by a Councillor under any circumstance.
- 21.6 The Council must not meet the legal costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.
- 21.7 No legal expenses may be incurred by a Councillor without the express resolution of the Council prior to the expense being incurred.

22. Insurance Expenses and Obligations

- 22.1 Councillors will receive the benefit of insurance cover to the limit specified in the Council's insurance policies for the following matters arising out of the performance of their civic duties and/or exercise of their council functions:
 - (a) Public Liability – Public liability and professional indemnity insurances apply in relation to claims arising out of the Councillor's (alleged) negligent performance of civic duties or exercise of their functions as Councillors, subject to any limitations or conditions set out in the policy;
 - (b) Professional Indemnity – for matters arising out of Councillors performance of civic duties or exercise of functions provided the performance or exercise of the relevant civic duty or function is in the opinion of Council, bona fide and/or proper.
 - (c) Personal accident – Coverage where personal injury occurs whilst on Council business Australia wide.
- 22.2 Travel insurance, if considered appropriate, for any approved overseas travel on Council business is to be personally funded (or paid from the Councillor's annual allowance).

23. Additional Mayoral Expenses

Nil

Part 3 – PROVISION OF FACILITIES

24. General Provisions

- 24.1 Council will provide facilities, equipment and services that are appropriate to support the Mayor and Councillors in undertaking the role of elected members.
- 24.2 Council facilities, equipment and services are not to be used to produce election material or for any other political purposes. Councillors should not generally obtain private benefit from the provision of equipment or facilities, nor from any travel bonus or other such loyalty scheme.
- 24.3 It is acknowledged that incidental use of council equipment and facilities may occur from time to time. Such incidental private use is not subject to compensatory payment.
- 24.4 Where more substantial private use occurs, Councillors will be expected to make a payment to cover the level of private use. This payment will be made on a full cost recovery basis.
- 24.5 Councillors must be scrupulous in their use of Council property, including intellectual property, official services and facilities and should not permit misuse by any other person or body.
- 24.6 Councillors should avoid any action or situation, which could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 24.7 The interests of a Councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. Council letterhead, council crests and other information that could give the impression it is official council material must not be used for these purposes.
- 24.8 Councillors must not convert any property of the Council to their own use unless properly authorised.

25. Provision of Equipment

- 25.1 Council will provide the following equipment to Councillors, if requested, subject to the reimbursement of expenses limitations mentioned elsewhere in this policy:
- (a) Mobile telephone (standard as provided to staff) or Blackberry mobile phone with internet and email capability.
 - (b) Computer equipment (standard as provided to staff) or laptop and a wireless capable printer/fax multi-function machine with router, together with printer cartridges and replacements.
 - (c) When requested, iPads will be provided to Councillors and are the preferred mechanism for distribution of the Council's Business Paper.

- (d) Internet and ipad usage for Council related business up to the value of \$40 per month (inclusive of GST).

26. Provision of Facilities

26.1 The following facilities are provided:

- (a) A Councillors' Room is provided in the Council Offices to assist Councillors in dealing with resident and ratepayer matters and Council business generally.
- (b) Councillors' letterhead;
- (c) Sustenance only is provided to Councillors at Council/Committee meetings. Meals are provided at civic functions and the like for Councillors and/or partners.
- (d) The provision of an Executive Services Coordinator to assist and support Councillors.

27. Provision of Additional Equipment and Facilities for Mayor

27.1 The role of the Mayor is:

- (a) To exercise, in the case of necessity, the policy making functions of the governing body of the Council between meetings;
- (b) To exercise such other functions of the Council as the Council determines;
- (c) To preside at meetings of the Council; and
- (d) To carry out the civic and ceremonial functions of the mayoral office.

27.2 In order to reflect the additional time and commitment required to carry out the responsibilities of the Mayor, in addition to the support provided to Councillors, the following is provided to the Mayor:

- (a) Mayoral Office provided to assist in carrying out the Mayoral functions;
- (b) Secretarial support is provided by the General Manager's secretary;
- (c) Mayoral carparking space in the Council carpark adjacent to the Council Offices;
- (d) A dedicated Mayoral vehicle is currently not provided for private or Council use, however the Mayor may request the use of a Council pool vehicle or, if a Council pool vehicle is unavailable, a hire vehicle, similar to the current Council fleet vehicles, for official Council business, if a vehicle is required.

Part 4 – OTHER MATTERS

28. Personal Benefit

- 28.1 Councillors should not obtain private benefit from the reimbursement of expenses, provision of equipment and facilities, nor from travel bonuses or any other loyalty schemes.

29. Acquisition and Returning of Facilities and Equipment by Councillors

- 29.1 On completion of the term of office, extended leave of absence or at the cessation of civic duties and where requested, Councillors are required to return all equipment and facilities issued by the Council within 28 days. This includes unused consumables.
- 29.2 Any internet allowance provided under this policy is only applicable up until the last month of term of office held by a Councillor.
- 29.3 All equipment provided to Councillors contained in this policy, remain the property of Camden Council.
- 29.4 Under certain circumstances the General Manager will consider a request from a Councillor to purchase the equipment previously allocated to them at an agreed fair market price.

30. General Dispute Resolution

- 30.1 Should a dispute arise as to payment of a claim for reimbursement of expenses or provision of facilities, the matter should be submitted in writing by the Councillor to the General Manager, who will determine the matter in conjunction with the Mayor (or Deputy Mayor in the case of a claim by the Mayor) in accordance with the terms of this policy.

* * *

RELEVANT LEGISLATION:

Division of Local Government Circulars to Councils – 2005/08, 2008/24, 2008/37, 2008/38 and 2009/36;
Division of Local Government Guidelines for payment of expenses and provision of facilities - October 2009;
Sections 252-254, 428 - Local Government Act, 1993
Clauses 217 and 403 – Local Government (General) Regulations 2005

RELEVANT COUNCIL RESOLUTIONS:

ORD250/12 from 9 October 2012 Council Meeting.
ORD261/12 from 23 October 2012 Council Meeting
ORD 296/12 from 27 November 2012 Council Meeting

ORD08

Attachment 1

RELATED POLICIES: Policy 5.3 - Code of Conduct.
Ipad Usage Policy

DELEGATIONS: **No**

SUSTAINABILITY ELEMENT: **No**

STAFF TRAINING REQUIRED? **No**

Reviewed Cnl Mtg – 11/9/2007
Reviewed Cnl Mtg - 25/11/2008 ORD302/09
Reviewed Cnl Mtg – 27/10/2009 ORD252/09
Reviewed Cnl Mtg – 23/11/2010 ORD262/10
Reviewed Cnl Mtg – 8/11/2011 ORD 270/11
Reviewed Cnl Mtg – 27/11/2012 ORD296/12

NEXT REVIEW DATE: 27 November 2013

PREVIOUS POLICY

ADOPTED: 12 February 2007 (initial adoption date)

MINUTE: ORD25/07



**ANNEXURE A -
COUNCILLOR TRAVEL &/OR EXPENSE CLAIM
SECTION 252 LOCAL GOVERNMENT ACT 1993
COUNCIL POLICY 5.57**

ORD08

COUNCILLOR:	
MONTH:	

TRAVEL EXPENSES				
MEETING DETAILS	DATE	KMS	RATE *	VALUE
			SUB TOTAL:	\$

* Kilometre rate (cents per kilometre) dependant on vehicle capacity and current Local Government (State) Award.

OTHER EXPENSES		
DETAILS	VALUE	
SUB TOTAL:		\$

If additional space is required, please include attachment.
Note: For amounts over \$75.00 (exclusive of GST) a Tax Invoice must be provided.

TOTAL VALUE FOR REIMBURSEMENT: \$

CERTIFICATION

I hereby certify that this claim is in accordance with Section 252 of the Local Government Act and Council's Policy "Payment of Expenses & Provision of Facilities".

SIGNATURE OF CLAIMANT:	
DATE:	

Payment of this claim will be made by Electronic Funds Transfer (EFT), through Councils normal Creditor payment facility. Claimants should ensure that correct banking details are held by Council.

_____ Mayor/Deputy Mayor	_____ Authorised Officer (if within limits provided by the Policy)
_____ General Manager	_____ Authorised Officer (if within limits provided by the Policy)

Attachment 1

ANNEXURE B – Monetary Limits to Expenses

EXPENSES	MAYOR & COUNCILLORS INDICATIVE EXPENSE LIMITS	CLAUSE OF POLICY
In House Training	N/A – Budget allocation	
Local Travel	Private vehicle use - rates set out in Local Government State Award	14 and 15
Interstate Travel	N/A – Council resolution required to approve travel and all expenses to be personally funded (or paid from the Councillor's annual allowance).	16
Overseas Travel	N/A – Council resolution required to approve travel and all expenses to be personally funded (or paid from the Councillor's annual allowance).	17
Mobile phone call costs	\$285 per month	22
Telephone line rental and call costs	\$115 per month	22
Internet/iPad Usage Costs	\$40 per month	22
Carer / Childcare	Up to \$15 per hour	23

PAYMENT OF EXPENSES & PROVISION OF FACILITIES POLICY NO 5.57
Reviewed by Council:
Minute No:

ANNEXURE C – Available Facilities

EXPENSE	MAYOR	COUNCILLORS
Computer Equipment	Available	Available
Laptop Computer/Ipad	Available	Available
Multifunction Printer/Fax Facility with wireless capability/router	Available	Available
Internet and iPad Usage	Available	Available
Mobile Phone/Blackberry	Available	Available
Telephone line rental	Available	Available
Secretarial Support	Available	Not Available
Executive Services Coordinator Support	Available	Available
Councillors Room	Available	Available
Ceremonial dress	Available	Not Available
Corporate clothing	n/a	n/a
Meals/refreshments related to Council Meetings, office functions and committee meetings	Available	Available
Stationary, office supplies, postage, business cards & other similar consumables	Available	Available
Car Parking Space	Available	Not Available
Dedicated Mayoral Vehicle	Not Available	n/a
Council Pool Vehicle Use	Available	Not Available
Disabled Access	Available	Available

PAYMENT OF EXPENSES & PROVISION OF FACILITIES POLICY NO 5.57
Reviewed by Council:
Minute No:



ORDINARY COUNCIL

ORD09

ORD09

**SUBJECT: SEPTEMBER REVIEW OF THE 2013/14 OPERATIONAL PLAN
(BUDGET)**

FROM: Acting Director Governance

TRIM #: 13/42914

PURPOSE OF REPORT

This report presents the September Quarterly Operational Plan (budget) Review for the 2013/14 financial year in accordance with Part 9, Division 3, Clause 203 of the *Local Government (General) Regulation 2005*.

Its purpose is to inform Council of the necessary changes to the 2013/14 Operational Plan since the adoption of the 2013/14 - 2016/17 Delivery Program and Operational Plan, and to consider other changes put forward for determination.

SUMMARY OF BUDGET POSITION

In adopting the 2013/14 Operational Plan, Council approved a balanced budget position. Budget adjustments identified at the September Review represent a projected budget surplus for the 2013/14 financial year of \$824,802.

The projected surplus is above Council's minimum working funds level of \$1,000,000.

The improvement in the projected surplus is predominately a result of an increase in the Financial Assistance Grant, higher than expected development activity and savings in loan repayments.

ALLOCATION OF THE 2013/14 BUDGET SURPLUS

It is recommended that the projected surplus of \$824,802 be allocated to the Central Administration Building Reserve.

CURRENT RESERVE BALANCES

The balance of the Central Administration Building Reserve, Capital Works Reserve and Asset Renewal Reserve are as follows:

**Central Administration Building Reserve (proposed uncommitted balance) -
\$1,918,727**

The Central Administration Building Reserve was established as part of the planning for a new central administration building. The following transfers have been approved from the Central Administration Building Reserve for 2013/14.

CENTRAL ADMINISTRATION BUILDING RESERVE	
Reserve Balance – 30/06/2013	\$3,318,925
2013/14 Budget Transfers	
Add: 2013/14 Repayment of Loan Borrowing Transfer(1)	\$1,300,000
Less: Transfer Community Infrastructure Renewal Program(2)	(\$1,000,000)
Less: Design & Investigation (2013/14 Budget)	(\$2,525,000)
Balance of Central Admin Building Reserve	\$1,093,925
Proposed Transfer to Reserve – September Review Surplus	\$824,802
Proposed Uncommitted Balance of Reserve	\$1,918,727

- (1) Council was advised in July 2013 that as a result of the 2012/13 loan not being drawn down before 30 June 2013, Council would need to transfer \$1,300,000 from the Administration Building Reserve to part-fund the 2012/13 budget result. Upon draw-down of the loan in September 2013, the \$1,300,000 would be paid back to the reserve.
- (2) Council was advised on the 11 June 2013 that its application to continue its Community Infrastructure Renewal Program had been approved by IPART. As part of the funding package for the \$6,000,000 works program, Council approved the transfer of \$1,000,000 from the Central Administration Building Reserve and \$500,000 from the Capital Works Reserve.

Uncommitted funds within the Central Administration Building Reserve will be committed as part of the review of the 2013/14 – 2016/17 Delivery Program (2014/15 Budget). The proposed allocation of the September Review surplus of \$824,802 to this reserve will reduce Council’s reliance on loan borrowings and/or asset sales to fund the construction of the new administration building.

Capital Works Reserve (proposed uncommitted balance) - \$998,211

The Capital Works Reserve is predominately used to fund emergency capital works or to match grant funding as part of a capital grant funding agreement. The balance available within the Capital Works Reserve is made up as follows:

CAPITAL WORKS RESERVE	
Reserve Balance – 30/06/2013	\$2,772,903
2013/14 Budget Transfers	
Transfer Community Infrastructure Renewal Program	\$500,000
2013/14 RMS REPAIR Program Matched Contribution	\$202,500
Replacement of Little Sandy Bridge	\$200,000
Land Purchase (Closed Council Meeting) (1)	\$165,883
Asset Management – Drainage Truck Purchase	\$150,000
Camden West RFS Building Construction	\$135,000
Nepean River Trail Network (12/13 Revote)	\$64,500
Camden Town Farm Funding Request	\$52,120
RMS Road Improvement Works (12/13 Revote)	\$30,215
Committed Funds Held in Reserve	
Harrington Park Waterbodies	\$233,000

Argyle Street Pedestrian Lighting Improvements	\$39,685
Total – Approved Transfers & Committed Funds	\$1,772,903
2013/14 September Review Adjustments	
Adjustment Required for Land Purchase Funding(1)	\$1,789
Proposed Uncommitted Balance of Reserve	\$998,211

(1) There was a minor adjustment to the budget amount funded from the capital works reserve (\$1,789) for the purchase of land in Turner Road under the Just Terms Compensation Act. The final amount was unknown until negotiations with Council had been finalised. The purchase was reported to a closed meeting of Council 26 June 2012 (CC02/12) with negotiations being finalised in August 2013. It should also be noted that the majority of funding for the purchase of this land came from Section 94 funds therefore having no impact on Council's budget position.

Asset Renewal Reserve (uncommitted) - \$322,388

Council approved the creation of the Asset Renewal Reserve as part of adopting the 2013/14 – 2016/17 Delivery Program. Coupled with the recent approval of the continuation of the Community Infrastructure Renewal Program, the creation of this reserve further strengthens Council's ability to address the renewal of ageing community infrastructure in a timely and responsible manner.

The balance available within the Asset Renewal Reserve is made up as follows:

ASSET RENEWAL RESERVE	
Reserve Balance – 30/06/2013	\$142,888
2013/14 Budget Transfers	
2013/14 Budget Funding – Transfer to Reserve	\$179,500
Balance of Asset Renewal Reserve	\$322,388
Reserve Balance Adjustments	
Add: 2013/14 – 2016/17 Delivery Program Funding	\$519,300
Projected Reserve Balance	\$841,688

MAIN REPORT- SEPTEMBER REVIEW OF THE 2013/14 BUDGET

Further information and explanation of the increase in the projected budget surplus for 2013/14 is detailed below:

PROPOSED VARIATIONS TO BUDGET

Proposed variations between the adoption of the 2013/14 Budget and the September Review for 2013/14 have led to a projected budget surplus of \$824,802. A list of the variations (greater than \$15,000) is provided in the following table and brief explanations below.

SEPTEMBER REVIEW OF THE 2013/14 BUDGET PROPOSED VARIATIONS	Budget Impact Increase / (Decrease)
INCOME ADJUSTMENTS	
Note: Increase in income is an increase in working funds	
Shortfall in income is a decrease in working funds	
1. Financial Assistance Grant Income Increase	\$299,520
2. Development Fees & Charges Income Increase	\$265,000
3. LEP & DCP Amendments Income Increase	\$76,300
4. General Fund Interest on Investments Shortfall	(\$27,200)
5. Southern Phone Company Dividend Increase	\$27,120
Variations under \$15,000 - Various Increases	\$24,611
Sub Total - Income Adjustments	\$665,351
SEPTEMBER REVIEW OF THE 2013/14 BUDGET PROPOSED VARIATIONS (Continued)	Budget Impact Increase / (Decrease)
EXPENDITURE ADJUSTMENTS	
Note: Increase in expenditure is a decrease in working funds	
Savings in expenditure is an increase in working funds	
6. Corporate Management - Loan Repayments Savings	\$115,146
7. Street Lighting Public Lighting Tariffs Increase	(\$70,300)
8. Corporate Salary Adjustments Savings	\$48,044
9. Council Properties Electricity Expenditure Savings	\$43,900
10. Risk Management - Insurance Policy Renewals Savings	\$26,107
11. Corporate Banking & Financial Charges Savings	\$19,690
Variations under \$15,000 - Various Increases	(\$23,136)
Sub Total - Expenditure Adjustments	\$159,451
TOTAL - PROPOSED VARIATIONS TO BUDGET	\$824,802

1. **Financial Assistance Grant Income – Increase in Income of \$299,520**
Please refer to the detailed analysis provided in the next section of this report.

2. **Development Fees & Charges Income – Increase in Income of \$265,000**
Development income has exceeded budget expectations for the first quarter of 2013/14. Council has received a number of Development Applications of high value this quarter which reflects the high development activity in the release areas of Spring Farm, Elderslie, Oran Park and Gregory Hills. The level of income received from development activity is primarily dependent on the receipt of applications from developers, and as such is somewhat difficult to project given the unprecedented growth Council is experiencing.

- 3. LEP & DCP Amendments Income – Increase in Income of \$76,300**

Council has received a number of applications for LEP & DCP amendments which incur a processing and review fee payable by the applicant. Income received to date is above budget expectations for 2013/14.
- 4. General Fund Interest on Investments – Decrease in Income of \$27,200**

Whilst Council's investment portfolio continues to exceed industry benchmarks, investment income projections have been reduced as part of this review based on current market rates. The 2013/14 budget projected investment returns during 2013/14 of 4.30%. Based on the current investment market, this rate has been reduced to 4.00% for the second quarter of 2013/14, and 3.75% for the remainder of the financial year. Council officers will continue to consult with its investment advisor to ensure that investment returns are maximised within the adopted investment policy framework.
- 5. Southern Phone Company Dividend – Increase in Income of \$27,120**

The Southern Phone Company is an unlisted public company (limited by guarantee) of which only local Councils can be shareholders. Southern Phone was established in 2002 to provide and maintain a low cost telecommunication service where dividends are paid to shareholding councils on behalf of their communities. Camden Council is a shareholder in the Southern Phone Company with two shares at \$1.00 each.
- 6. Corporate Management Loan Repayments – Decrease in Expense of \$115,146**

Council approved loan borrowings for 2012/13 of \$1,600,000 as part of the 2012/13 Original Budget (adopted 26 June 2012). As reported to Council on the 25 June 2013, a review of Council's indicative budget position identified that Council could reduce its dependence on loan borrowings for 2012/13 to \$1,300,000. The decision to take up the reduced loan borrowings has resulted in savings to the 2013/14 budget of \$41,400.

In addition to the savings realised from the reduced loan amount, there is also further savings to the budget due to the loan being drawn down later than expected. Council did not receive the loan funds for 2012/13 until September 2013. This has led to a timing difference where only one repayment will be required for this loan in 2013/14. This has resulted in a savings to the budget of \$73,746. It is important to note that this savings is non-recurrent.
- 7. Street Lighting Public Lighting Tariffs – Increase in Expense of \$70,300**

The increase in street lighting charges relates primarily to a higher than expected increase in public lighting tariffs for asset maintenance. This has resulted in a revised projection for asset maintenance costs when compared to 2012/13 of 7.30%. This is significantly higher than the projected increase included within the 2013/14 original budget of 2.60% (based on forecast CPI).

Under the pricing structure for street lighting approved by the Australian Energy Regulator (AER), the maintenance cost of lighting installations in new development areas is significantly higher than existing installations. Council's budget includes a growth projection for street lighting of an additional 400 street lights for the 2013/14 financial year.
- 8. Corporate Salary Adjustments – Decrease in Expense of \$48,044**

A number of adjustments to salary estimates have been required as a result of staff turn-over, where positions have been filled by new staff at an introductory

level. A range of minor adjustments as a result of Council's performance management system have also contributed to the savings against the original budget.

9. Council Properties Electricity Expenditure – Decrease in Expense of \$43,900

Savings in Council's electricity budget are expected as a result of a projected decrease in electricity consumption at the Narellan Library and Camden Civic Centre. The reduction at the Narellan Library is due to the recent installation of solar power and improvements in the building management systems. The reduction at the Camden Civic Centre is largely due to the replacement of the air-conditioning system, which was funded through the 2010-2013 (3 years) Community Infrastructure Renewal Program.

10. Risk Mgmt Insurance Policy Renewals – Decrease in Expense of \$26,107

Savings in insurance premiums primarily relate to a reduction in Council's public liability and property insurance premiums when compared to the adopted budget. Council's original budget projected a 7.00% increase in insurance premiums (based on insurer's advice). The actual increase in insurance premiums compared to 2012/13 is an average of 3.58%.

11. Corporate Banking & Financial Charges – Decrease in Expense of \$19,690

Council was advised as part of the 2012/13 Year End Result that banking & financial charges were below budget expectations. The saving was primarily a result of Council entering into a new banking tender at the beginning of 2012/13. Banking charges for 2013/14 are anticipated to be similar to charges incurred during the 2012/13 financial year.

FINANCIAL ASSISTANCE GRANT INCOME

Financial Assistance Grants are an allocation of Federal tax revenue (e.g. income taxes and GST) distributed to the various States and Territories of Australia. The Local Government Grants Commission is the State body that calculates the financial assistance payable to each Local Government Council.

Council recently received notice from the Local Government Grants Commission advising the financial assistance grant allocation for 2013/14. The entitlement to Council consists of two components:

- 1) General Purpose Component - \$1,988,867
- 2) Local Roads Component - \$985,753

A comparison of the Financial Assistance Grants paid to Council over the past five (5) years (including the 2013/14 grant) is outlined in the following table:

	General Purpose	Local Roads	Total Grant	Increase / (Decrease)
2009/10	\$1,362,835	\$670,618	\$2,033,453	-
2010/11	\$1,460,580	\$772,564	\$2,233,144	\$199,691
2011/12	\$1,578,387	\$862,482	\$2,440,869	\$207,725
2012/13	\$1,637,603	\$892,317	\$2,529,920	\$89,051



ORD09

2013/14	\$1,988,867	\$985,753	\$2,974,620	\$444,700
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The total allocation for 2013/14 is a 17.58% increase when compared to the entitlement received in 2012/13.

In framing the 2013/14 Budget, Council estimated that it would receive \$2,675,100 in total Financial Assistance Grants (5.74% increase on the 2012/13 allocation). As a result of the higher than expected increase, the 2013/14 estimate needs to be revised upwards to \$2,974,620, representing a budget increase of \$299,520.

The increase in the grant from previous years relates to an increase in the total funds available to Local Government from \$684 million to \$709 million (CPI increase of 3.65%) and Council's share of that total increasing due to a growing population and increasing road lengths.

COUNCIL AUTHORISED VARIATIONS

Council has authorised sixteen (16) budget variations since the adoption of the 2013/14 Budget. A list of these approved variations is provided in the following table:

COUNCIL APPROVED VARIATIONS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
Admin Building Reserve - Transfer to Reserve Council Resolution - 173/13 - 09/07/2013	\$1,300,000	\$1,300,000	\$0
Little Sandy Bridge Replacement Council Resolution - 239/13 - 10/09/2013	\$325,000	\$325,000	\$0
RMS REPAIR Program - Road Improvements Council Resolutions 207/13 - 13/08/2013	\$405,000	\$405,000	\$0
Camden West RFS Building Construction Council Resolution 208/13 - 13/08/2013	\$185,000	\$185,000	\$0
Camden Town Farm Funding Council Resolution - 138/13 - 28/05/2013	\$52,120	\$52,120	\$0
NSW Community Builders Grant Program Council Resolution - 128/13 - 28/08/2013	\$35,935	\$35,935	\$0
Camden Town Farm Noxious Weeds Council Resolution - 164/13 - 09/07/2013	\$27,273	\$27,273	\$0
Local Government Energy Efficiency Program Council Resolution - 188/13 - 23/07/2013	\$23,781	\$23,781	\$0
Pop Up Library Project Council Resolution - 127/13 - 28/08/2013	\$22,791	\$22,791	\$0
Environment Education - Project Lunchbox Council Resolution - 158/13 - 25/06/2013	\$17,300	\$17,300	\$0
Rosevale Reserve Improvements Council Resolution - 175/13 - 09/07/2013	\$11,000	\$11,000	\$0
Integrating Aboriginal Pathways Council Resolution - 157/13 - 25/06/2013	\$9,300	\$9,300	\$0

Equestrian Park - Men's Shed Mower Purchase Council Resolution - 206/13 - 13/08/2013	\$4,850	\$4,850	\$0
Equestrian Park - Equipment Purchase Natural Resources Trailer Fit-Out Council Resolution - 177/13 - 09/07/2013	\$2,273 \$2,045	\$4,318	\$0
NAIDOC Week Celebrations Council Resolution - 156/13 - 25/06/2013	\$1,965	\$1,965	\$0
RMS Block Grant Expenditure Council Resolution - 207/13 - 13/08/2013	\$700	\$700	\$0
TOTAL - COUNCIL APPROVED VARIATIONS	\$2,426,333	\$2,426,333	\$0

CONTRA ADJUSTMENTS

This section deals with all offsetting adjustments between income and expenditure or a transfer of funds between allocations. These adjustments have NO impact on Council's projected budget result as both movements of income and expenditure are of equal value.

During the period 1 July 2013 to 30 September 2013, a number of contra adjustments have taken place amounting to a total of \$8,386,583. For a detailed list of these adjustments, **please refer to the Supporting Documents provided as part of the business paper.**

EXPENDITURE REVOTES

To assist Council in framing a realistic and accurate 2014/15 Budget, Managers and Directors were encouraged to identify any programmed works/projects that will not commence or be completed by 30 June 2014.

There was one (1) revote submitted at the September Review.

- Domestic Waste Management Plant Purchases - \$810,000

The 2013/14 Adopted Budget authorised the replacement of a garbage truck and the purchase of an additional green waste truck (which is required due to service growth). Due to delays in procurement and the availability of suitable suppliers, it is unlikely that Council will be able to finalise the purchases this current financial year.

2013/14 LIST OF UNFUNDED WORKS AND SERVICES

In adopting the 2013/14 – 2016/17 Delivery Program and Operational Plan, Council endorsed the List of Unfunded Works and Services. This list identifies works or services that Council is unable to fund or commence at this point in time. Items are added or deleted from the list via Council reports or by Council officers as a result of Councillor or community feedback.

There are no changes proposed to the Unfunded Works and Services List as part of the September Review.

For a copy of the current Unfunded List of Works and Services, **please refer to the Supporting Documents provided as part of the business paper.**

COUNCILLOR CONSOLIDATED WARD FUNDS

To further assist Councillors in understanding the total available funds for consideration at each budget review, the following table is provided. This table is to inform Councillors of the current balance of Consolidated Ward Funds, and where funds have been spent in this financial year.

It should be noted that the balance of Consolidated Ward Funds is over and above the projected budget surplus of \$824,802 as advised in this report.

CONSOLIDATED WARD FUNDS	
2013/14 Budget Allocation	\$30,000
2012/13 Ward Funds Revote	\$11,717
TOTAL FUNDS AVAILABLE	\$41,717
PROJECTS FUNDED IN 2013/14	
Christmas in Narellan (DA Fees) Council Resolution - 174/13 - 09/07/2013	\$547
Camden Community Connections (Donation) Council Resolution - 192/13 - 23/07/2013	\$2,000
Carols by Candlelight Macarthur Park (Donation) Council Resolution - 219/13 - 27/08/2013	\$191
TOTAL PROJECTS FUNDED IN 2013/14	\$2,738
BALANCE OF CONSOLIDATED WARD FUNDS 30 SEPTEMBER 2013	\$38,979

SUMMARY OF SEPTEMBER REVIEW ADJUSTMENTS

The following table is a summary of budget adjustments up to 30 September 2013.

SUMMARY OF BUDGET ADJUSTMENTS	Expenditure Increase / (Decrease)	Income Increase / (Decrease)	Budget Impact Increase / (Decrease)
2012/13 Carried Forward Working Funds Balance			\$1,000,000
2013/14 Adopted Budget Position			\$0
LESS: Minimum Desired Level of Working Funds			(\$1,000,000)
Total Available Working Funds 01/07/2013			\$0
2013/14 September Review Adjustments			

NOTE 1: Proposed Variations	\$28,509	\$853,311	\$824,802
NOTE 2: Authorised Variations	\$2,426,333	\$2,426,333	\$0
NOTE 3: Contra Adjustments	\$8,386,583	\$8,386,583	\$0
NOTE 4: Revotes (Budget Carry-Overs)	(\$810,000)	(\$810,000)	\$0
Total - September Review Adjustments	\$10,031,425	\$10,856,227	\$824,802
TOTAL AVAILABLE WORKING FUNDS			\$824,802

STATEMENT BY RESPONSIBLE ACCOUNTING OFFICER

The following statement is made in accordance with Clause 203(2) of the *Local Government (General) Regulations 2005*:

It is my opinion that the Quarterly Budget Review Result for Camden Council for the period ending 30 September 2013 indicates that Council's projected financial position is satisfactory. No remedial actions are required based on the financial position presented within this report.

CONCLUSION

The September Quarterly Budget Review surplus is primarily a result of an increase in development income (\$265,000), savings in the cost of loan borrowings (\$115,146) and an increase in the Financial Assistance Grant (\$299,520).

Within the next two (2) years Council will be undertaking major capital works to construct a new administration building. It is recommended that Council continue to place surplus funds in the Central Administration Building Reserve, to reduce the reliance on loan borrowings and asset sales in the future.

RECOMMENDED

That Council:

- i. approve the necessary budget adjustments as identified in the categories of 'Proposed Variations', 'Contra Variations' and 'Expenditure Revotes' of this report; and**
- ii. approve the transfer of the projected surplus for 2013/14 of \$824,802 to the Central Administration Building Reserve.**

ATTACHMENTS

1. Attachment - QBRs Statement - *Supporting Document*
2. Attachment - Budget Appendix - *Supporting Document*
3. Attachment - Unfunded Works & Services List - *Supporting Document*

ORDINARY COUNCIL

ORD10

SUBJECT: FARMLAND RATING POLICY
FROM: Acting Director Governance
TRIM #: 13/55299

PURPOSE OF REPORT

To consider any submissions received whilst the draft policy was on exhibition and adopt the Farmland Rating Policy and application form.

BACKGROUND

At its meeting of the 10 September 2013 Council resolved the following:

- i. “endorse the draft farmland rating policy and application form”
- ii. “place the policy on public exhibition for a period of 28 days ; and”
- iii. “a further report be brought back to the Council for formal adoption of the policy and to consider any submissions received during the public exhibition period.”

MAIN REPORT

Following Council’s resolution the draft policy was placed on public exhibition for a period of 28 days from the 25 September 2013 to the 23 October 2013.

No submissions have been received.

It is now recommended that Council formally adopt the farmland rating policy and application form.

The policy will provide both officers and the community clear guidelines on who qualifies for the farmland rating category. This policy will not impact those land owners who already qualify for the farmland rating category as the policy formalises current custom and practice. The adoption of this policy continues Council’s support of primary producers within the Local Government Area.

FINANCIAL IMPLICATIONS

There are no financial implications upon the adoption of this policy.

RECOMMENDED

That Council formally adopt the Farmland Rating Policy and Application Form

ATTACHMENTS

1. Farmland Rating Policy and Application Form



Farmland Rating Policy

Farmland Rating Policy

DIVISION: Governance

TRIM: Farmland Rating Policy

OBJECTIVE:

- (a) To provide clear guidelines on how to qualify for the farmland rating category.
- (b) To ensure that all farmland assessments are determined using a consistent criteria.

BACKGROUND:

The categorisation of land for rating purposes has no correlation with the zoning of land. Zoning is for planning purposes (i.e. what types of developments can be undertaken on the land) the categorisation of land for rating purposes is on the basis of the use of the land.

Council is required to categorise all land as one of the following categories:

- Farmland
- Residential
- Business
- Mining

Camden Council has two farmland rating categories:

Farmland Intensive - is implemented when a structure is used for growing mushrooms or other produce including large sheds, igloos, greenhouses and the like or a place in which or on which cattle, sheep, goats, poultry, other livestock or fish are held for the purposes of nurturing by artificial feeding methods and includes:

- (a) feed lots
- (b) piggeries
- (c) poultry farms
- (d) fish farming (including crustaceans and oysters), but does not include an animal boarding or training establishment or land used for keeping of livestock or poultry intended solely for personal consumption or enjoyment by the owner or occupier of the land.

Farmland Ordinary - is any other forms of farming as defined by Section 515 of the Local Government Act.

For the purposes of farmland rating the following reductions in the ad-valorem (rate in the dollar) apply:

1. Farmland Ordinary - 0.50 of the residential rate in the dollar
2. Farmland Intensive - 0.90 of the residential rate in the dollar

This rating structure has been in place since 1994. At that time, the Local Government Act required farmland rating to be the lowest of all rating categories.

For land to be categorised as farmland in terms of Section 515 of the Local Government Act, 1993, it must be:

*Land is to be categorised as “farmland” if it is a parcel of rateable land valued as one assessment and its “**dominant use**” is for farming (that is, the business or industry of grazing, animal feedlots, dairying, pig-farming, poultry farming, viticulture, orcharding, bee-keeping, horticulture, vegetable growing, the growing of crops of any kind, forestry or aquaculture within the meaning of the Fisheries Management Act 1994, or any combination of those businesses or industries) which:*

- (a) *“has a significant and substantial commercial purpose or character”, and*
- (b) *“is engaged in for the purpose of profit on a continuous or repetitive basis” (whether or not a profit is actually made).*

DEFINITIONS:

In order to determine whether “**dominant use**” of the land in question is for farming Council will not merely look at the amount of land used for the particular activity carried on, but also at the intensity of that use.

“**Significant and substantial commercial purpose or character**” can be determined by enquiring whether the particular activity or activities carried on are “too slight” or “too minor” to be reasonably regarded as having the requisite degree of commercial purpose or character.

The question of whether or not a profit is actually made is immaterial to the question of whether the farming is “**engaged in for the purpose of profit on a continuous or repetitive basis**”, it is still required to enquire, more or less objectively, as to whether there is evidence to support a conclusion that the activities will be economically viable in the future. In other words, the farming carried on must be “on a sufficient scale to have some element of independent viability”.

Commercial is described under the dictionary as “interchange of goods or commodities especially on a large scale” and **Business** as “the purchase and sale of goods and services in an attempt to make a profit”.

CRITERIA FOR ASSESSING APPLICATIONS:

The criteria used for this assessment is identified by:-

1. Land use; - what type of farming is being carried out
2. Assessed land capacity; - as provided by the Dry Sheep Equivalents and carrying capacity and return per hectare and
3. Minimum Area – required for commercial viability

Grazing – 10ha
 Pig Farming – 1.5ha
 Viticulture – 5ha
 Vegetable Growing – 2ha

Orcharding – 2ha
 Crop Growing – 2ha
 Forestry – 100ha

Grazing

Applications under this category must have a minimum area of 10 hectares with a minimum number 20 head of stock. Anything smaller cannot be classified as a grazing operation. *Using the Beef Stocking Rates and Farm Size as issued by DPI in June 2006 – “40 breeding cows is recommended as the minimum number of cattle needed to cover the direct costs and justify the effort of running a grazing operation”.*

The basic connotation of the word “grazing” is that animals feeding themselves by cropping the grasses, or pastures, natural or improved. The word does not include the notion of feeding by eating hay, or other produce taken from the soil by man. For this reason Horse Stud Farms will not be classified as grazing and not permissible as farming.

Sheep, Alpacas, Llamas, Goats etc will work their carrying capacity by using the dry sheep equivalent as defined in Appendix A.

Agistment

Each application should be taken on its own merits. A copy of the written agreement for agistment should be supplied showing the number of stock and the time periods of agistment. Note - where land is given over to agistment for the purposes of grazing horses used by another person for recreation or sport does not constitute the business of grazing.

Animal Feedlots

A minimum of 100 square meters per head is required with loading and unloading ramps. Also a development application will need to be submitted for any cattle feedlot with a capacity of 50 head or more.

According to DPI ‘A beef feedlot is a confined yard area with watering and feeding facilities where cattle are completely hand or mechanically fed for the purpose of production. This definition does not include the feeding or penning of cattle in this way for weaning, dipping or similar husbandry purposes or for drought or other emergency feeding, or at a slaughtering place or in recognised sale yards.’

Dairying

Must have proof of registration with the Dairy Industry Marketing Authority supplied with the application. According to Dairy Australia the average herd size is estimated at 230 head. The acceptable carry capacity is calculated using dry sheep equivalents as defined in Appendix A.

Pig Farming

Applicants will need a minimum of 1.5 ha to be allowed to keep pigs. Council will only allow a minimum small-scale piggery and, according to NSW DPI, it is defined as holding around 20 sows or 200 pigs. Piggeries with a capacity to accommodate 200 or more pigs or 20 or more breeding sows will need to obtain development consent. Should be penned and cared for in

accordance with relevant legislation. Piggeries are not permitted within 60m of a dwelling, workplace, church, school or public place.

Poultry Farming

Meat chicken farms - Day-old chicks are delivered to the farms as a batch and raised on deep litter within large, naturally or mechanically ventilated sheds with some climate control. Applications need to have a minimum of two sheds and each shed should be around 100 to 150 metres long and 12 to 15 metres wide, housing around 20,000 to 50,000 birds per shed.

Free Range Chickens, Ducks and Turkeys for Meat - The range area must be capable of continued production of vegetation. The stocking density in a shed must not exceed 28kg of live birds per square metre of floor space, unless there is mechanical ventilation where it should not exceed 35kg of live birds per square metre of floor space.

Free Range Eggs - The range area must be capable of continued production of vegetation. The stocking density in a shed is measured over a single horizontal plane [length by width] and shall be no more than:

- 10 birds per square metre up to 1000 birds
- 09 birds per square metre up to 2000 birds
- 08 birds per square metre up to 3000 birds
- 07 birds per square metre up to 4000 birds
- 06 birds per square metre over 4000 birds

These details were located on the website for the Free Range Egg & Poultry Australia Ltd.

Viticulture

A minimum cultivation area of 5 hectares is required and all applicants must supply a copy of their registration with the Wine Producers Association or other appropriate body.

Horticulture

Horticulture industry comprises fruit, nuts, flowers, turf and nursery products. The Horticulture Code of Conduct requires that all Traders (Wholesalers) must have a signed Horticulture Produce Agreements with all their grower suppliers a copy is required with the application. Nurseries are required to be registered and must be growing their own stock.

Vegetable Growing

Minimum area under cultivation must be 2 hectares and the majority of useable land either for preparation or planting must be used.

Orcharding

Parcels will need to have a minimum of 2 hectare of land under cultivation and the orchards are to cover the majority of useable land either in preparation or planting.

Beekeeping

Commercial beekeepers can be defined as those managing 200 hives or more. A hive is a colony of bees headed by a queen bee. These hives must be in continuous use. Only

properties with the extraction plant are qualified for farmland rating. All beekeepers must be registered with NSW Department of Primary Industries, a copy must be supplied with the application.

Crop Growing

Cropping industries includes wheat and other grains, oilseeds, pulses, rice, sugar, cotton and seeds. Minimum area under cultivation must be 2 hectares and the majority of useable land either for preparation or planting must be used.

Forestry

The main goal of forestry is to create and implement systems that allow forests to continue a sustainable of environmental supplies and services. There is a minimum of 100 hectares and proof of propagation required to be approved as farmland.

Aquaculture

A DPI permit is required for fish hatcheries or grow-out facilities, including yabby farms, grow-out ponds, 'fish-out' facilities and oyster farms, (but not including aquariums for display or pet shops). A copy is required with any farmland application.

Livestock Health and Pest Authority (LHPA)

Under the Rural Lands Protection Act 1998 land with an area of 10 hectares or more is rateable by the Cumberland LHPA under that Act. The 10 hectare area is prescribed in Schedule 3 of the Rural Lands Protection Regulation 2010.

In effect occupiers of rateable land do have to "register" with the LHPA. This is because section 81 of the Act says -

81 Notice to be given of changes in occupancy or ownership of rateable land

(1) A person must, within one month after ceasing to be or becoming the occupier or owner of rateable land within a district, give notice in the approved form to the authority for the district.

(2) A person is taken to have satisfied the requirements of this section in relation to a change of ownership if notice of the change is lodged with the Registrar-General in accordance with section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 within one month after the change of ownership.

A Property Identification Code (PIC) is a number allocated to a particular property on which certain stock are kept. As from 1 September 2012 the land on which certain species are kept, and which will consequently require a PIC, will be expanded. From that date the species will be - cattle, sheep, goats, pigs, deer, bison, buffalo, alpacas, llama, horses, 100 or more poultry or 10 or more emus or ostriches.

NOTE: Copies of all LHPA Rate Notices must be supplied with all Farmland Applications that have the animals listed above.

Land Used in Conjunction with Other Properties

It is important for applicants to ensure that business records clearly distinguish between expenses and incomes attributable to the subject land, as distinct from the other property that they manage, even though for tax purposes a consolidated return can be made for the

partnership. This will assist Council as to whether or not the significant and substantial commercial purpose or character of the business relating to the subject land is in fact proved.

Leased Farmland

Farmland application for land being leased for cultivation, must show size of the area leased and full lease details. The quantity of crops grown and sold in the last financial year must also be supplied, this information can be given in a separate statutory declaration from the lessee.

Farm Stays/ B&BS

Information is required on tourists' accommodation regarding the number of available rooms and the frequency of occupation.

Right of Appeal

Applications are assessed within 30 days of receipt. All applicants are notified of the outcome. Applicants have 30 days to appeal if not satisfied with the decision. There is an opportunity for a review if further information is supplied which may establish farmland categorisation.

If an applicant chooses to appeal to the Land and Environment Court against the categorisation, Council may decide to obtain an independent review of the application. This review would require the appointment of an independent advisor with agricultural experience to inspect the property and provide a written report on the categorisation determined by Council.

Incomplete Applications

If an applicant refuses to complete an application form or to provide sufficient information to enable a determination of the categorisation, the property shall be considered ineligible for farmland rating.

Frequency of appraisals

While a property owner can make application for farmland rating at any time, all land owners who receive the farmland discount must make a new application every two (2) years.

Confidentiality

All information contained within the application shall be treated as "strictly confidential"

* * *

RELEVANT LEGISLATION: Chapter 15, Part 3 and Part 3A Local Government Act 1993
Section 515 of the Local Government Act 1993

RELATED POLICIES:

DELEGATIONS: Y / N

ORD10

SUSTAINABILITY ELEMENT: Y / N

STAFF TRAINING REQUIRED? Y / N

NEXT REVIEW DATE:

PREVIOUS POLICY
ADOPTED:
MINUTE:

Attachment 1

APPENDIX A

How to use dry sheep equivalents (DSEs) to compare beef enterprises

Beef enterprises cannot be selected simply on the basis of gross margin per head or gross margin per breeding cow because each enterprise requires differing amounts of feed. For example, you can run more breeding cows on a farm if you turn off the progeny as yearlings than if all progeny is kept through until 2 years of age. In addition, it is known that large cows eat more than small cows and those pregnant or lactating animals eat more than non-reproducing animals.

In measuring the energy requirements of livestock, the standard animal against which all other animals are compared is a 50 kg wether sheep maintaining a constant weight. By definition, a 50 kg wether has a dry sheep equivalent (DSE) rating of 1, animals requiring more feed have a higher rating, and animals requiring less feed have a lower rating. The DSE rating of all classes of stock is based on the feed requirements of the animals. The energy requirements of different cattle are given in [Table 1](#), together with the ratio or rating of requirement compared with a 50 kg wether at maintenance. (Note: In some references the standard DSE is based on a 45 kg wether and not a 50 kg wether.)

From those figures we can calculate the DSE rating for an activity by estimating the numbers of cattle in each class (pregnant and lactating cows, calves, replacement females and bulls) and estimating the DSE rating of the herd.

Remember that the DSE ratings are based on a number of assumptions about weights, growth rates and calving percentages. There will be some variation in these figures from region to region and from farm to farm. So the figures in [Table 1](#) are estimates, but they do give a good idea of the general differences between types of animals.

In planning the livestock activity it is often valuable to estimate DSE requirements on a more frequent basis using the estimated numbers of livestock in each month or quarter. Depending on the climatic pattern and pasture type, the animal requirements in the most limiting feed period can be identified. The number of animals also to be carried in this period will provide a guide to the maximum stocking rate for the activity. This information is also useful in determining whether supplementary feeding should be undertaken.

Be aware that cattle and sheep may have different grazing efficiencies. In some cases animals may selectively graze pastures. Pasture composition may also be important in terms of farm management considerations. A clover-dominant pasture may cause bloat problems in cattle, and a grass-dominant pasture can cause grass tetany. A farmer with a mix of livestock types and ages can also achieve better worm control through rotation of livestock over paddocks.

In periods of drought and in the drier western country, direct comparison between livestock enterprises on a DSE basis may be inaccurate. Sheep and goats can forage better than cattle in dry times and when feed is short. In areas that regularly receive dry seasonal conditions, the safe number of cattle to run on an area may be less in terms of total DSE requirements than with sheep or goats.

Table 1. Comparative feed requirements of livestock

Livestock description	Energy required (megajoules/day)	Ratio compared with 50 kg wether (DSE rating)
Sheep		
50 kg dry wether	9.0	1.0
Cattle		
Dry stock 450 kg	54	6.0
450 kg cow last 3rd of pregnancy	66	7.3
450 kg cow early lactation	119	13.2
450 kg cow last 3rd mid lactation	112	12.4
450 kg cow last 3rd late lactation	102	11.3
Calf of above, grazing pasture (3–6 months)	34	3.8
Calf of above, grazing pasture (6–9 months)	56	6.2
380 kg heifer, early lactation, gaining 0.5 kg/day	150	16.7
350 kg yearling gaining 0 kg/day	48	5.3
350 kg yearling gaining 0.5 kg/day	71	7.9
350 kg yearling gaining 1.0 kg/day	94	10.4
350 kg yearling gaining 1.5 kg/day	116	13.0
540 kg yearling gaining 0 kg/day	57	6.3
540 kg yearling gaining 0.5 kg/day	83	9.2
540 kg yearling gaining 1.0 kg/day	109	12.1
540 kg yearling gaining 1.5 kg/day	135	15.0
Bulls 800 kg	90	10.0

Carrying capacity and return per hectare

The **budgets presented** give gross margin information on:

- (a) 'per head' basis;
- (b) 'per dry sheep equivalent (DSE)' basis; and
- (c) 'per hectare' basis.

Per hectare returns were based on unimproved or natural pasture carrying 4 DSE per hectare and improved country carrying 8 DSE per hectare. An annual cost of \$30 per hectare has been allowed for each hectare of improved pasture to cover fertiliser costs and spreading costs.

Farmers wishing to compare livestock enterprises with cropping on a gross margin per hectare basis should estimate their own carrying capacity and calculate per hectare returns. This is achieved by multiplying the 'gross margin per DSE' figure by the average stocking rate in terms of DSEs per hectare in order to estimate a 'gross margin per hectare' figure.

Table 2 contains estimates of long-term stocking rates. The figures for the Northern Slopes and Tablelands were based on a survey of district agronomists whose responses were remarkably consistent, but the remainder are estimates and are not based on trial work (except for 'intensive lucerne'). Note that there are many variables that can affect the ultimate pasture performance, so these figures can be used only as a basic guide for normal seasonal conditions.

Table 2. Estimated carrying capacities for pasture types in NSW

Pasture types NSW	Range DSE/ha	Average DSE/ha (where estimated)
Coastal		
Unimproved pasture, carpet grass, blady grass	3-6	
Top-dressed pasture with some clover	7-10	
Improved pasture, paspalum, kikuyu and clover on good fertility soils + fertiliser	14-24	
Southern Tablelands		
Low quality native pasture (mainly summer grass, low legume component)	0.5-1.5	1
Good quality native pasture, e.g. wallaby grass	1.5-3.0	
Native pasture + sub clover + superphosphate	3-12	6.5
Sown perennial grass/legume fertilised pasture	6-14	9
Southern Slopes		
Sub clover/ryegrass + fertiliser	5-10	
Sub clover/ryegrass plus lucerne and superphosphate	9-15.0	
Irrigation		
Sub clover	6-20	

Southern Plains		
Sub clover/ryegrass	1.0-2.5	1.8
Northern Tablelands		
Natural pasture (no seed or fertiliser)	1.8-4.7	3
Improved natural pasture (above + seed and fertiliser)	4.2-9.1	6.1
Perennial grass/clover + fertiliser	6.7-16.9	10
Northern Slopes		
Natural pasture (no seed or fertiliser)	1.2-3.8	2.1
Improved natural pasture (above + seed + fertiliser)	3.9-7.4	5.7
Perennial grass/clover + fertiliser	5.6-14.4	10.3
Extensive lucerne	6.7-11.6	8.7
Intensive lucerne (rotationally grazed)	9.6-11.6	12.8
Northern Plains		
Extensive lucerne	1-3	
Intensive lucerne (rotationally grazed)	3.5-8.5	7.0
Natural pasture	0.3-2.0	
Improved (sown grass + legume)	0.8-2.5	
Degraded pasture (Walgett)	0.25	

Source: Warren McDonald, Former Technical Specialist (Pastures), and Dr Peter Orchard, Program Leader (Pastures South), Wagga Wagga.



RATING YEAR 2013/14

CAMDEN COUNCIL

19 QUEEN STREET, NARELLAN. PHONE (02) 4654 7777 FAX (02)4654 7829
PO BOX 183, CAMDEN NSW 2570; DX 25807 CAMDEN

APPLICATION FOR FARMLAND RATING

For land to be categorised as Farmland for rating purposes it must satisfy the criteria as set out in Section 515 of the Local Government Act 1993

“farm land” means a parcel of rateable land which is valued as one assessment and the dominant use of which is for farming which:-

- (a) has significant and substantial commercial purpose of character; and
- (b) is engaged for the purpose of profit on a continuous or repetitive basis.
(whether or not a profit is actually made).

“farming” means the business or industry of grazing, dairying, pig-farming, poultry farming, viticulture, orcharding, beekeeping, horticulture, vegetable growing, the growing of crops of any kind, forestry, or oyster or fish farming within the meaning of the Fisheries and Oyster Farms Act 1935, or any combination of those businesses or industries.

“Commercial-Commerce” means the interchange of goods or commodities especially on a large scale

“Business” means the purchase and sale of goods and services in an attempt to make a profit.

The following questions have been structured to help you provide Council with the information required to evaluate your eligibility to receive farmland rating. Your assistance in providing as much detail as possible would be appreciated.

The form consists of three parts:-

- (a) Property Information
- (b) Dominant use of the Land
- (c) Significant & Substantial Commercial Purpose or Character

Incomplete application forms will be returned to the applicant. It should be noted that all information contained in the application will be dealt with in the strictest confidence.

Procedure

Council has 30 days to act on receipt of any application. An assessment is made and if an inspection is required, arrangements will be made via telephone to meet and review the application. If approved, Council will notify you in writing and the appropriate adjustment made to your rate account.

Notification will be sent if the application is declined stating the reason why. If you are not in agreement with Council's decision, a written request for a review can be made stating the reasons why. The application will be reviewed again and the property will be inspected.

If you are not satisfied with Council's review of the categorisation you may appeal to the Land & Environment Court of NSW within 30 days. You can contact the court on 02 9113 8200 to find out how to lodge an appeal.

IMPORTANT -The relevant documentation must be supplied with ALL applications

Type of Farming	Copies of documentation to be provided with application
Grazing	Copy of Livestock Health & Pest Authority Rates Notice
Dairying	Copy of license for Dairy Farming with NSW Food Authority
Agistment	Copy of agreement/contract showing full details.
Viticulture	Proof of registration with the Wine Producers Assoc. or other appropriate body
Horticulture	Copy of agreement between grower & trader or statutory declaration indicating this agreement exists
Nursery products	Copy of documentation stating registered nursery
Beekeeping	Copy of registration with the Department of Primary Industry
Forestry	Copy of private forest approval from the Department of Primary Industries
Fish/Oyster Farming	Copy of aquaculture permit from the Department of Primary Industries
Pig Farming	Copy of Livestock Health & Pest Authority Rates Notice

PART 1 - PROPERTY INFORMATION

Include the details of all properties in Camden area that are used in conjunction with each other for farming purposes.

Lot/DP:

.....

Property Address:

.....

.....

Total Area of Property:

Is any part of your property located in the adjoining Council areas? YES / NO

If yes, please state which Council and the total area in **that** Council.

.....

Is there a dwelling on the property? YES / NO

If yes please state how many dwellings and if they are leased who manages the property.

.....

Is any part of the property not used as part of your farming enterprise? YES/NO

If Yes please supply details.....

.....

Is the property used for tourist activities/accommodation for Farmstays, B&BS etc?

YES/NO

If yes, how often rooms are available and how often.....

PART 2 – DOMINANT USE OF THE LAND

The information required in this section relates to the type of farming business being undertaken and the area of land dedicated to this production and/or number of livestock held.

NOTE- IF MORE THAN ONE ACTIVITY IS BEING CARRIED PLEASE LIST ALL DETAILS.

GRAZING

Grazing is defined as - “animals that feed themselves by cropping the grasses or pastures (natural or improved). The word does not include the notion of feeding by eating hay, or any other produce taken from the soil by man.

Please state the percentage in the difference of Supplementary Feeding to Grazing. Supplementary Feeding Grazing.....

Indicate numbers of livestock grazing on the property at the **date of this application**

CATTLE Number.....Breed.....

Is the property registered as a stud for cattle breeding? YES / NO

What is the maximum carrying capacity of stock on the property?

OTHER STOCK eg.goats, alpacas, lamas, sheep etc

Number.....Breed.....

HORSES (other than Stud Farms)

Number.....Usage (stock, standard bred).....

What is the maximum carrying capacity of stock on the property?

Do you conduct a breeding program to improve the quality of the stock? YES / NO

Please complete the number of stock bought, raised and sold on the “Summary of Stock” table.

AGISTMENT

Do you permit livestock to be agisted on your property? YES/NO

If you answered yes to the above question:

a. How many months each year or for what period?.....

b. How much of you land is used for agistment?.....

- c. What is the agreed amount of income received for agistment?.....
- d. Who tends, cares for and has control of the agisted livestock whilst they are on your land?

.....

DAIRY CATTLE

Number..... Type.....

What is the maximum carrying capacity of stock on the property?.....

Does the Dairy have a milk quota? YES/NO

If yes please state the details.....

Please complete the number of stock bought, raised and sold on the "Summary of Stock" table.

DAIRY GOATS

Number.....

How many litres of milk were sold in the 12 months to 30 June this year for the consumption to market?

What was the average price per litre?

Please complete the number of stock bought, raised and sold on the "Summary of Stock" table.

PIG FARMING

Please provide details of number of pigs on the property **at the time of completing** this application.

Sows.....

Piglets.....Boars.....

Are any of your stock used in medical research? YES/NO

If yes please give details.....

.....

Please complete the number of stock bought, raised and sold on the "Summary of Stock" table.

SUMMARY OF STOCK - HELD FOR THE PREVIOUS FINANCIAL YEAR

	Number of stock purchased	Natural increase / number born	Number of stock sold	Average sale price per head	Stock on hand
CATTLE					
DAIRY CATTLE					
SHEEP					
GOATS					
DAIRY GOATS					
POULTRY					
ALPACAS					
PIGS					
HORSES					
OTHERS					

POULTRY

Please provide details listed below (**Do not include poultry kept for domestic use**)

	Number stock Purchased	Natural increase / number born	Number Sold	Average Price	Stock on Hand
Free Range Poultry					
Meat Poultry					
	Number Stock Purchased		Number of Eggs Sold	Average Price	Stock on Hand
Free Range Eggs					

FISH FARMING

Please provide details of quantity held and sold and any other relevant information to the Aquaculture business being conducted on the subject land.

	Number of Stock Purchased	Number of Stock Sold	Number of Stock Held
As at last financial year			
As at the time of completing this application			

Other relevant information.....

.....

.....

.....

BEEKEEPING

Please provide the following details:

(a) Number of beehives in operation and for what periods of the year.....

.....

(b) Are beehives transferred to other properties during the year? If so, for what periods?

.....

(c) Provide details of honey/honey comb/etc extracted and sold during previous 12 months.

(i) Honey.....

(ii) Honey comb.....

(iii) Other products.....

AGRICULTURE

CROPS/TREES	Specify What Type	Total amount of Produce Sold in the last financial year	Where produce is sold
<i>Fruit Trees</i>			
Vegetables			

PART 3 – Significant & Substantial Commercial Purpose or Character

Are you a Primary Producer by the Taxation Department? YES/NO

Does your farming business have an A.B.N.? YES/NO

If yes please supply the number.

Is the property currently registered with the Rural Lands Protection Board? YES / NO

What records are kept to substantiate the business activity currently being conducted?

.....

Are you engaged in Primary Production - FULL TIME / PART TIME?

If Part Time please state approximately how many hours a week you work on the land.

.....

ORD10

Attachment 1

Approximately what percentage of your household income is derived from your farming? activities?

Is the property presently divided into paddocks? YES / NO

If so, how many.....

List farm buildings (eg hay shed, machinery shed etc)

.....

.....

.....

.....

.....

List agricultural equipment held on the property.....

.....

.....

.....

.....

.....

If recently purchased please state any proposed changes that will incur in future years

.....

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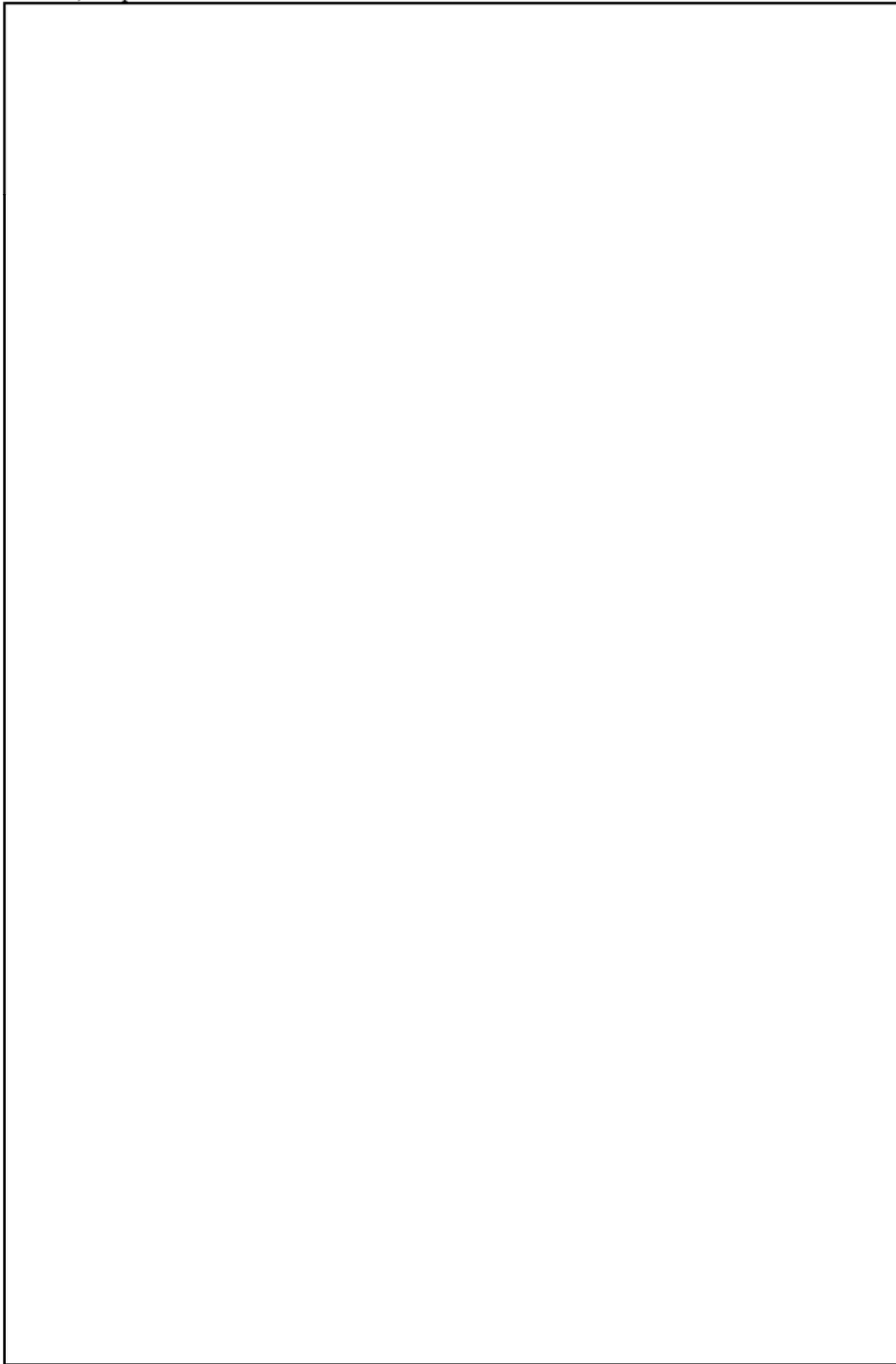
Additional information (includes any information which you may feel be relevant to the application eg proposed future development, membership to any farming organisation, weed control programs etc)

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ORD10

Attachment 1

Please provide a sketch of the property layout. For example, house, farming areas, sheds, crops.



TITLE HERE
POLICY (# HERE)
Adopted by Council:
Minute No:

STATUTORY DECLARATION

I,.....of.....
.....
in the State of New South Wales, do hereby apply to have the following land declared
farm land within the meaning of Section 515(1) of the Local Government Act, 1993
and sincerely declare and confirm that all the information submitted in support of
this application is true and correct.

Assessment Number/s:
.....

Owner/Applicant Name:
.....

Postal Address:
.....

Occupation: Phone
No.....

I make this solemn declaration according to law and subject to the punishment by
law provided for any wilful false statement in any such declaration.

Taken and Declared at
in the State of New South Wales this
.....
day of 20.....) Signature

I..... certify:
(* include only the text that applies)
1 * I saw the face of the declarant/deponent OR
* I did not see the face of the declarant/deponent because he/she was wearing a
face covering, but I am satisfied that he/she had a special justification for not
removing it, and
2 * I have known the person for at least 12 months OR
* I have confirmed the person's identity
with.....

.....
Signature of JP Date

TITLE HERE
POLICY (# HERE)
Adopted by Council:
Minute No:

ORD10

Attachment 1

OFFICE USE ONLY			
DATE	APPLICATION	RECEIVED.....	RECOMMENDATION:
APPROVE/REJECT			
If rejected without inspections give a brief reason why.....			
.....			
.....			
COUNCIL	OFFICER.....	NOTIFICATIONS	
SENT.....			

TITLE HERE
POLICY (# HERE)
Adopted by Council:
Minute No:



ORDINARY COUNCIL

ORD11

**SUBJECT: LOAN BORROWING NEGOTIATIONS - COMMUNITY
INFRASTRUCTURE RENEWAL PROGRAM**

FROM: Acting Director Governance

TRIM #: 13/64456

ORD11

PURPOSE OF REPORT

This report is to advise Council of the outcome of recent loan borrowing negotiations to secure a \$2,000,000 loan as part of the funding package for Council's Community Infrastructure Renewal Program. This program was adopted as part of the 2013/14 Operational Plan (budget).

BACKGROUND

Council at its Ordinary meeting 24 September 2013 (ORD 06) approved the following:

That Council:

- i. give delegated authority to the General Manager to negotiate and accept the most competitive loan interest rate for all future loan borrowings upon the borrowing of money being approved by the Council, and*
- ii. upon the completion of the negotiation process and acceptance of the loan, be provided with a report advising the outcome of those negotiations*

Council at its Ordinary meeting 24 September 2013 (ORD 07) also approved the following:

That Council:

- (i) execute the agreement between Council and Division of Local Government via Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13; and*
- (ii) approve the borrowing of \$2 million to part fund the \$6 million Community Infrastructure Renewal Program and that the General Manager be given delegated authority to negotiate and accept the most competitive loan interest rate.*

MAIN REPORT

Following a call for quotations from 6 banks and 1 credit union, Council accepted the offer from the Commonwealth Bank for a \$2,000,000 fixed interest loan over ten (10) year with bi-annual principal and interest repayments at a rate of 6.03% per annum.

FINANCIAL IMPLICATIONS

This borrowing was made as part of the NSW Local Infrastructure Renewal Scheme (LIRS). As a result of the 3.00% interest subsidy offered under this scheme Council will achieve interest savings over the life of the loan of approximately \$340,000. This amount will be paid to Council by the NSW State Government in six monthly instalments over the term of the loan.

CONCLUSION

This loan was drawn down 1 November 2013 which means Council's \$6,000,000 Community Infrastructure Renewal Program is now fully cash funded.

RECOMMENDED

That the information within the report be noted.

ATTACHMENTS

1. Loan Borrowing Quotes - *Supporting Document*



ORDINARY COUNCIL

ORD12

ORD12

SUBJECT: INVESTMENT MONIES - OCTOBER 2013
FROM: Acting Director Governance
TRIM #: 13/64616

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 October 2013 is provided.

MAIN REPORT

The weighted average return on all investments was 4.08% p.a. for the month of October 2013.

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 Principal Accounting Officer is the Manager Corporate Services.

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

RECOMMENDED

That Council:

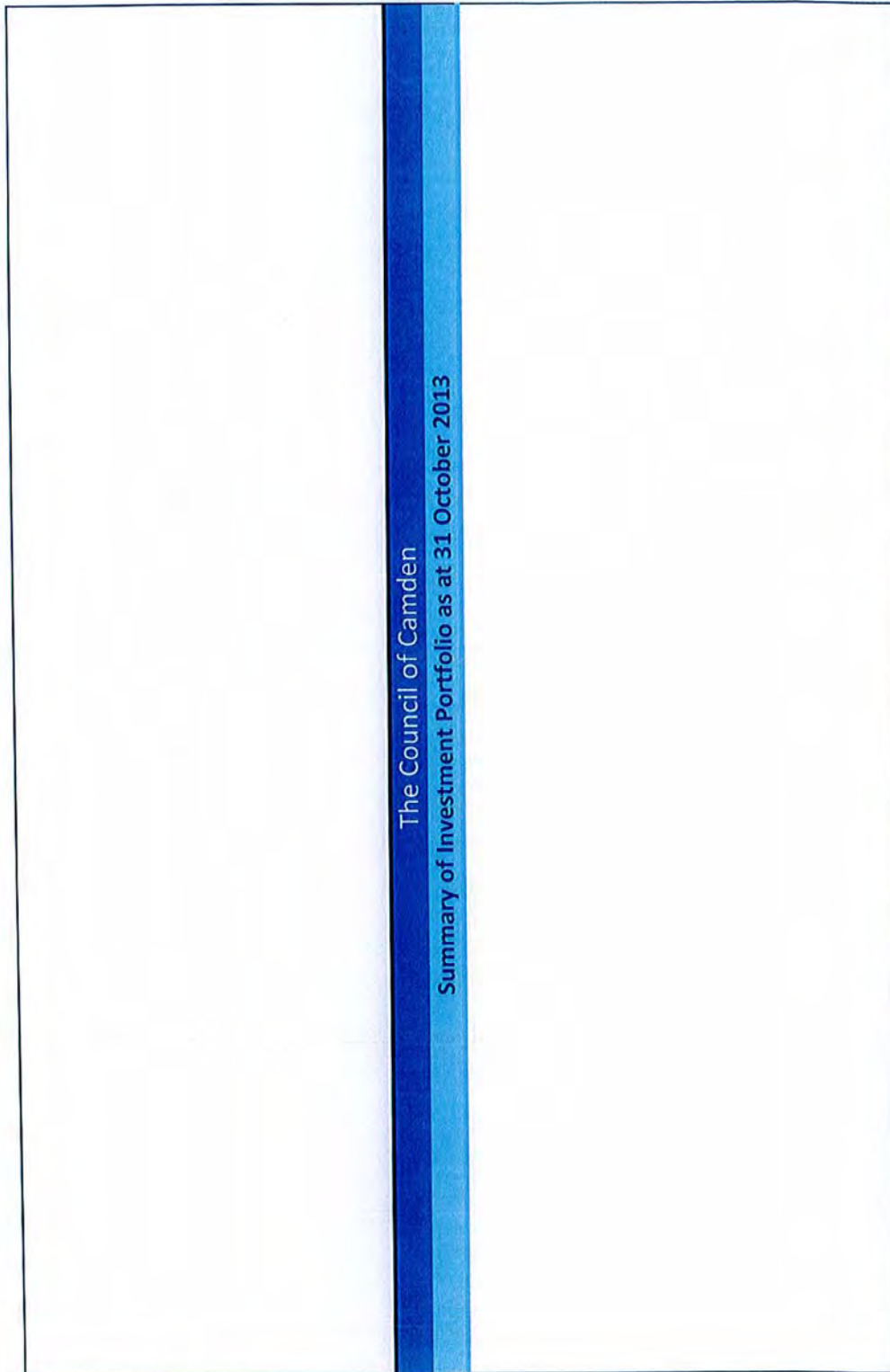
- i. **note that the Principal Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations and Council's Investment Policy;**
- ii. **note the list of investments for October 2013; and**
- iii. **note the weighted average interest rate return of 4.08% p.a. for the month of October 2013.**

ATTACHMENTS

1. October Investment Report 2013

ORD12

Attachment 1



As at 31 October 2013



The Council of Camden
Investment Summary

IBD No.	Purchase Date	Institution	Rating	Purchase Price	Type	Term in days	Maturity Date	Interest Rate	Accrued Interest
2518	3/05/2012	CUA	A2	\$ 1,000,000	TD	728	1/05/2014	5.95%	\$29,668.49
2519	10/05/2012	CUA	A2	\$ 1,000,000	TD	728	8/05/2014	5.95%	\$28,527.40
2536	27/07/2012	Suncorp Metway	A1	\$ 1,000,000	TD	734	31/07/2014	5.14%	\$13,378.08
2571	24/01/2013	CBA	A1+	\$ 1,500,000	TD	371	30/01/2014	4.40%	\$50,810.96
2572	24/01/2013	CBA	A1+	\$ 1,000,000	TD	371	30/01/2014	4.40%	\$33,873.97
2575	7/02/2013	CBA	A1+	\$ 1,000,000	TD	364	6/02/2014	4.40%	\$32,186.30
2576	7/02/2013	NAB	AA-	\$ 500,000	TD	728	5/02/2015	4.50%	\$16,458.90
2593	1/05/2013	Westpac	AA-	\$ 700,000	TD	736	7/05/2015	4.35%	\$15,350.14
2594	1/05/2013	CBA	A1+	\$ 1,000,000	TD	213	30/11/2013	4.40%	\$22,301.37
2597	6/05/2013	Westpac	AA-	\$ 2,000,000	TD	738	14/05/2015	4.35%	\$42,665.75
2598	9/05/2013	CBA	A1+	\$ 1,500,000	TD	214	9/12/2013	4.40%	\$31,824.66
2600	16/05/2013	BOQ	A2	\$ 1,500,000	TD	175	7/11/2013	4.25%	\$29,517.12
2601	17/05/2013	Westpac	AA-	\$ 500,000	TD	734	21/05/2015	4.35%	\$10,010.96
2602	17/05/2013	Westpac	AA-	\$ 500,000	TD	1098	19/05/2016	4.55%	\$10,471.23
2603	17/05/2013	CBA	A1+	\$ 800,000	TD	214	17/12/2013	4.25%	\$15,649.32
2605	24/05/2013	CBA	A1+	\$ 1,000,000	TD	214	24/12/2013	4.25%	\$18,746.58
2611	6/06/2013	Westpac	A1+	\$ 1,500,000	TD	161	14/11/2013	4.07%	\$24,754.52
2612	6/06/2013	NAB	A1+	\$ 1,500,000	TD	168	21/11/2013	4.07%	\$24,754.52
2613	7/06/2013	NAB	A1+	\$ 1,000,000	TD	181	5/12/2013	4.06%	\$16,351.23
2614	11/06/2013	CBA	A1+	\$ 500,000	TD	213	10/01/2014	4.10%	\$8,031.51
2616	13/06/2013	ME Bank	A2	\$ 1,500,000	TD	182	12/12/2013	4.25%	\$24,626.71
2617	13/06/2013	NAB	A1+	\$ 1,000,000	TD	189	19/12/2013	4.11%	\$15,876.99
2618	17/06/2013	NAB	A1+	\$ 1,500,000	TD	199	2/01/2014	4.06%	\$22,858.36
2619	20/06/2013	ME Bank	A2	\$ 500,000	TD	182	19/12/2013	4.25%	\$7,801.37
2620	27/06/2013	BOQ	A2	\$ 1,000,000	TD	154	28/11/2013	4.30%	\$14,961.64
2621	4/07/2013	ME Bank	A2	\$ 500,000	TD	189	9/01/2014	4.20%	\$6,904.11
2623	12/07/2013	NAB	A1+	\$ 500,000	TD	188	16/01/2014	4.10%	\$6,290.41
2624	19/07/2013	NAB	A1+	\$ 1,500,000	TD	181	16/01/2014	4.02%	\$17,346.58

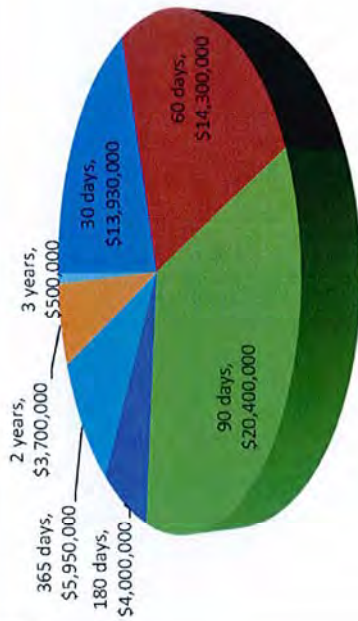
The Council of Camden Investment Summary											
IBD No.	Purchase Date	Institution	Rating	Purchase Price	Type	Term in days	Maturity Date	Interest Rate	Accrued Interest		
2625	22/07/2013	Macquarie Bank	A1	\$ 1,000,000	TD	185	23/01/2014	4.00%	\$11,178.08		
2626	25/07/2013	ME Bank	A2	\$ 1,500,000	TD	273	24/04/2014	4.20%	\$17,087.67		
2627	25/07/2013	Heritage Bank	A3	\$ 1,000,000	TD	189	30/01/2014	4.10%	\$11,120.55		
2628	30/07/2013	ME Bank	A2	\$ 750,000	TD	184	30/01/2014	4.15%	\$8,015.75		
2629	30/07/2013	BOQ	A2	\$ 500,000	TD	184	30/01/2014	4.05%	\$5,215.07		
2630	2/08/2013	CBA	A1+	\$ 1,200,000	TD	364	1/08/2014	4.00%	\$12,098.63		
2631	7/08/2013	NAB	A1+	\$ 1,000,000	TD	351	24/07/2014	3.91%	\$9,212.60		
2632	9/08/2013	NAB	A1+	\$ 1,000,000	TD	90	7/11/2013	3.82%	\$8,791.23		
2633	15/08/2013	Suncorp Metway	A1	\$ 900,000	TD	105	28/11/2013	3.77%	\$7,250.79		
2634	22/08/2013	NAB	A1+	\$ 1,000,000	TD	77	7/11/2013	3.82%	\$7,430.68		
2635	26/08/2013	CBA	A1+	\$ 1,000,000	TD	73	7/11/2013	3.90%	\$7,158.90		
2636	27/08/2013	Westpac	A1+	\$ 2,000,000	TD	93	28/11/2013	3.65%	\$13,200.00		
2637	29/08/2013	Westpac	A1+	\$ 1,000,000	TD	101	12/12/2013	3.64%	\$6,382.47		
2638	2/09/2013	Suncorp Metway	A1	\$ 1,500,000	TD	101	12/12/2013	3.76%	\$9,271.23		
2639	5/09/2013	Westpac	A1+	\$ 1,500,000	TD	105	19/12/2013	3.70%	\$8,667.12		
2640	10/09/2013	NAB	A1+	\$ 1,000,000	TD	100	19/12/2013	3.75%	\$5,342.47		
2641	12/09/2013	Westpac	A1+	\$ 2,000,000	TD	119	9/01/2014	3.71%	\$10,164.38		
2642	12/09/2013	CBA	A1+	\$ 1,000,000	TD	91	12/12/2013	3.90%	\$5,342.47		
2643	19/09/2013	Westpac	A1+	\$ 1,000,000	TD	112	9/01/2014	3.65%	\$4,300.00		
2644	24/09/2013	Westpac	A1+	\$ 2,000,000	TD	107	9/01/2014	3.68%	\$7,662.47		
2645	26/09/2013	Macquarie Bank	A1	\$ 1,000,000	TD	84	19/12/2013	3.80%	\$3,747.95		
2646	26/09/2013	NAB	A1+	\$ 1,000,000	TD	105	9/01/2014	3.75%	\$3,698.63		
2647	8/10/2013	CBA	A1+	\$ 1,000,000	TD	123	8/02/2014	3.90%	\$2,564.38		
2648	10/10/2013	NAB	A1+	\$ 1,500,000	TD	98	16/01/2014	3.73%	\$3,372.33		
2649	17/10/2013	NAB	A1+	\$ 500,000	TD	91	16/01/2014	3.70%	\$760.27		
2650	24/10/2013	NAB	A1+	\$ 1,000,000	TD	84	16/01/2014	3.72%	\$815.34		
2651	24/10/2013	Suncorp Metway	A1	\$ 1,000,000	TD	91	23/01/2014	3.45%	\$756.17		
2652	31/10/2013	CBA	A1+	\$ 1,400,000	TD	92	31/01/2014	3.80%	\$145.75		
At Call				\$ 61,250,000					\$782,752.56		
			Total Value	\$ 1,530,000	Call Account						
				\$ 62,780,000							



The Council of Camden Investment Summary						
Compliance with Council's adopted investment policy						
Distribution of Funds by Financial Institution						
Financial Institution	Investment Balance	Current Weighting	Investment Policy Limit	Investment Policy	Short/Long Term Rating	
Commonwealth Bank of Australia	\$ 15,430,000	24%	25%	Yes	A1+	AA-
National Australia Bank	\$ 15,500,000	25%	25%	Yes	A1+	AA-
Westpac Banking Corporation	\$ 14,700,000	23%	25%	Yes	A1+	AA-
Suncorp Bank	\$ 4,400,000	7%	15%	Yes	A1	A+
Macquarie Bank Limited	\$ 2,000,000	3%	15%	Yes	A1	A
Bank of Queensland	\$ 3,000,000	5%	10%	Yes	A2	A-
Credit Union Australia	\$ 2,000,000	3%	10%	Yes	A2	A-
Members Equity Bank	\$ 4,750,000	8%	10%	Yes	A2	BBB+
Heritage Bank	\$ 1,000,000	2%	10%	Yes	A3	BBB-
Total Investment	\$ 62,780,000	100%				
Exposure to Categories						
AAA/A1+ Category	\$ 41,430,000	65%	100%	Yes		
AA/A1 Category	\$ 10,600,000	17%	75%	Yes		
A/A2 Category	\$ 9,750,000	16%	30%	Yes		
BBB/A3 Category	\$ 1,000,000	2%	10%	Yes		
Total Investment	\$ 62,780,000	100%				
Term to Maturity Limits						
Portfolio % ≤ 1 yr	\$ 58,580,000	93%	100%	Yes		
Portfolio % > 1 yr ≤ 3 yrs	\$ 4,200,000	7%	60%	Yes		
Portfolio % > 3 yr ≤ 5 yrs	\$ -	0%	30%	Yes		
Total Investment	\$ 62,780,000	100%				



The Council of Camden
Investment Summary



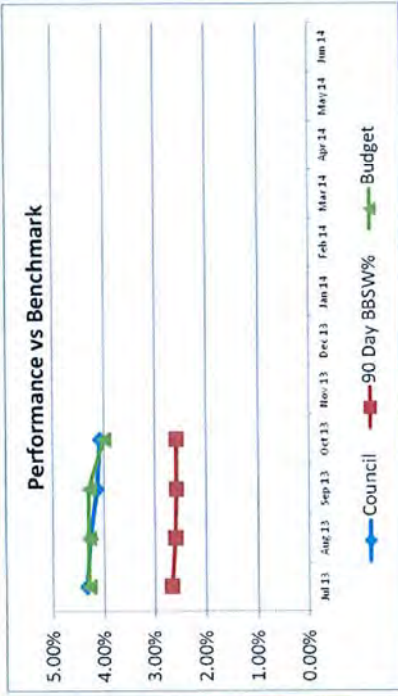
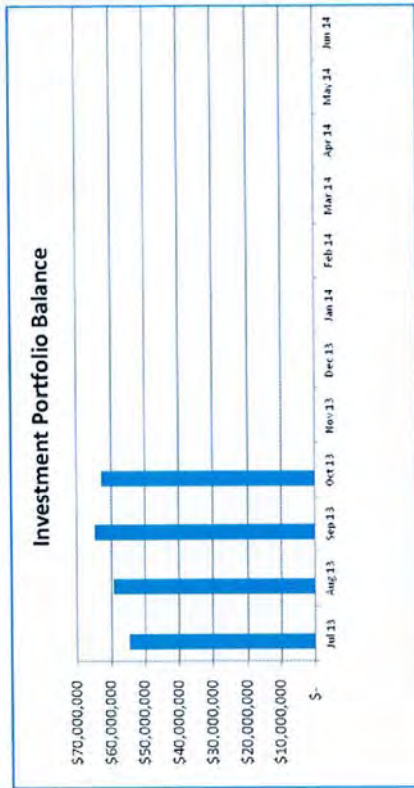
Maturity Profile	Investment	Percentage
less than 30 days Total	\$ 13,930,000	22%
Between 30 days and 60 days Total	\$ 14,300,000	23%
Between 60 days and 90 days Total	\$ 20,400,000	33%
Between 90 days and 180 days Total	\$ 4,000,000	6%
Between 180 days and 365 days Total	\$ 5,950,000	9%
Between 365 days and 2 years Total	\$ 3,700,000	6%
Between 2 years and 3 years Total	\$ 500,000	1%
Total Investment	\$ 62,780,000	100%

NUMBER OF INVESTMENTS	56
AVERAGE DAYS HELD	260
AVERAGE PERCENTAGE	4.12%
WEIGHTED PORTFOLIO RETURN	4.08%
CBA CALL ACCOUNT *	2.80%
HIGHEST RATE	5.95%
LOWEST RATE	3.45%
BUDGET RATE	4.00%
OFFICIAL CASH RATE	2.50%
AVERAGE BBSW (30 Day)	2.57%
AVERAGE BBSW (90 Day)	2.58%
AVERAGE BBSW (180 Day)	2.61%

SOURCE OF FUNDS INVESTED	Amount
SEC 94 DEVELOPER CONTRIBUTIONS	\$28,050,700
RESTRICTED GRANT INCOME	\$810,700
EXTERNALLY RESTRICTED RESERVES	\$8,145,500
INTERNALLY RESTRICTED RESERVES	\$21,550,200
GENERAL FUND	\$4,222,900
TOTAL	\$62,780,000



The Council of Camden
Investment Summary



Council's portfolio had a weighted average yield of 4.08% pa for the month of October strongly outperforming the UBS 90 day Bank Bill Swap Rate of 2.58%

INTEREST RECEIVED DURING 2013/14 FINANCIAL YEAR			
	October	Cumulative (since 1 July)	Original Budget
General Fund	\$ 102,486	\$ 364,509	\$ 954,600
Restricted	\$ 120,056	\$ 464,269	\$ 1,189,900
TOTAL	\$ 222,542	\$ 828,778	\$ 2,144,500

Council's investment portfolio has decreased by \$2 million since the September reporting period. The decrease primarily relates to payments for capital works and operational expenses.

As at 31 October 2013

Page 5 of 7



The Council of Camden Investment Summary

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

Likelihood of payment

Nature and provisions of the obligation

Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights

The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

A-1: This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign(+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.

A-2: A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.

A-3: A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

AAA: An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.

AA: An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.

A: An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.

BBB: A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

Unrated: Financial institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).

Plus (+) or Minus(-): The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories

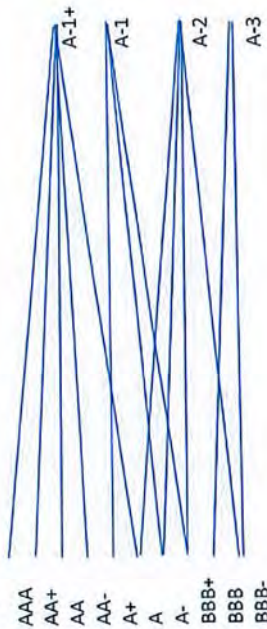
**The Council of Camden
Investment Summary**

CreditWatch highlights an emerging situation, which may materially affect the profile of a rated corporation and can be designed as positive, developing or negative. Following a full review the rating may either be affirmed or changed in the direction indicated.

A Rating Outlook assesses the potential direction of an issuer's long-term debt rating over the intermediate-to-long term. In determining a Rating Outlook, consideration is given to possible changes in the economic and/or fundamental business conditions. An outlook is not necessarily a precursor of a ratings change or future CreditWatch action. A "Rating Outlook – Positive" indicates that rating may be raised. "Negative" means a rating may be lowered. "Stable" indicates that ratings are not likely to change. "Developing" means ratings may be raised or lowered.

S&P Ratings Correlations

The standard correlation of short-term ratings with long-term ratings is shown below



Profile of Recently Invested Institutions
CUA (S&P: A2/ BBB) – CUA is Australia's largest credit union with over \$9b in assets. CUA relies on customer deposits for about 70% of its funding, while securitisation makes up 25% of its funding requirements. Its latest profit was \$24m (6 months to Dec 2011) and its Tier 1 Capital Adequacy Ratio was 14.6% (Dec 2012).

ME Bank: (S&P: A2/ BBB) - ME Bank is owned by industry super funds and has assets of around \$12b. ME Bank has a heavy reliance on securitisation (57% of funding as of Jun 2012) however it is planning to reduce this to 25% by increasing its customer deposits (which make up only 30% of its funding). Its latest profit was \$4.7 m (12 months to June 2012) and its Tier 1 Capital Adequacy Ratio was 11.3% (Dec 2012).

Bank of Queensland: (S&P: A2/ A-) – BoQ is a nationwide bank that is listed on the Australian stock exchange with around \$40b in assets.

Deposits make up 59% of total funding, wholesale funds 28%, and securitisation 12%. Its latest profit was -\$17m (12 months to Aug 2012), however this included a \$401m impairment on loans and its Tier 1 Capital Adequacy Ratio was 9.4% (Nov 2012).

Heritage Bank (Moody's: P2/A3) – Queensland based bank that has over \$8b in assets. Heritage relies on customer deposits for about 50% of its funding, securitisation makes up 23% and wholesale funds around 20%. Its latest profit was \$19.6m (6 months to Dec 2012) and its Tier 1 Capital Adequacy Ratio was 10.2% (Dec 2012).



ORDINARY COUNCIL

ORD13

SUBJECT: LITTLE SANDY BRIDGE RECONSTRUCTION - ACCEPTANCE OF GRANT FUNDING

FROM: Director Works & Services

TRIM #: 13/38283

PURPOSE OF REPORT

To advise Council of a successful grant application submitted to the NSW Department of Planning and Infrastructure under the Metropolitan Greenspace Program and seek approval to accept the grants and note matching funding, as required.

BACKGROUND

Council made a submission for grant funding towards Little Sandy Bridge Reconstruction to the Metropolitan Greenspace Program. Council has been advised that it has been successful in securing funding.

MAIN REPORT

The Metropolitan Greenspace Program is open to Councils in the Sydney Metropolitan area to fund capital projects for regional trails or regional parks. The objectives of the Program include enhancing regionally significant open space by providing links between bushland, parks, major centres, and waterways, enabling more effective public use of regionally significant open space. Support for projects that demonstrate a commitment to the design and future management of open space including improved outcomes for health, sustainability and community is also a priority.

Council made a funding submission for \$160,000 (exclusive of GST) in the 2012 funding round and has been advised that \$32,000 (exclusive of GST) has been awarded. A condition of the grant is that it is matched on a dollar-for-dollar basis and expended within 24 months of execution of the agreement. The Little Sandy Bridge Reconstruction project was approved by Ordinary Council on 10 September 2013 to be completed this financial year. This funding allocation will reduce the amount of funding required from Council's resources. Sufficient Council funds have already been allocated to match fund both this grant and a previously accepted grant from Roads and Maritime Services.

FINANCIAL IMPLICATIONS

Match funding to a value of \$32,000 for the grant for Little Sandy Bridge reconstruction has already been allocated by Council in this years budget.

CONCLUSION

The NSW Department of Planning and Infrastructure has awarded a grant to Council through the Metropolitan Greenspace Program. A grant of \$32,000 (exclusive of GST) is towards reconstruction of Little Sandy Bridge.

RECOMMENDED

That Council:

- i. accepts the grant of \$32,000 (exclusive of GST) from the Metropolitan Greenspace Program for Little Sandy Bridge Reconstruction noting that match funding has already been allocated by Council in the 2013/14 budget;**
- i. authorise the relevant documentation to be completed under Council's Power of Attorney, granted on 27 August 2013, Minute Number ORD215/13; and**
- ii. writes to the funding body – NSW Department Planning and Infrastructure thanking the Minister and Local State Member for their assistance.**

ATTACHMENTS

- 1. Little Sandy Bridge - MGP Funding Agreement**

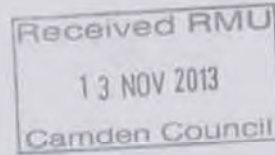
ORD13

Attachment 1



Mr Ron Moore
 General Manager
 Camden Council
 PO Box 183
 CAMDEN NSW 2570

08 November 2013



Dear Mr Moore

METROPOLITAN GREENSPACE PROGRAM

I am pleased to advise Council of its success for seed funding following its application under the Metropolitan Greenspace Program (MGP). The Hon Brad Hazzard, MP, Minister for Planning and Infrastructure, has approved the MGP grant to Council on a dollar for dollar basis, of **\$32,000.00 for the Nepean River Trail**.

The MGP aims to enhance open space and the Department appreciates the role that the Council plays in making the MGP a success. We look forward to further partnership opportunities in the future.

The provision of the MGP grant is subject to a number of terms and conditions as detailed in the enclosed agreement. If Council wish to accept the grant, the agreement should be signed and dated to be returned to the Metropolitan Greenspace Program Co-ordinator (DP&I). Council's attention is drawn to a requirement to complete the works within the stipulated time frame of 24 months.

I wish you very success with your MGP project. If you have any query please contact the Metropolitan Greenspace Programme Co-ordinator, Richard Griffiths on 9228 2041 or email greenspace@planning.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be "aj" followed by a long horizontal flourish.

Andrew Jackson
 Executive Director, Infrastructure and Planning Strategies

**DIRECTOR-GENERAL OF THE DEPARTMENT OF PLANNING &
INFRASTRUCTURE**

("the Director-General")

and

CAMDEN COUNCIL

("the Grantee")

**Nepean River Trail
- METROPOLIAN GREENSPACE PROGRAM FUNDING AGREEMENT**

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THIS AGREEMENT is made the _____ day of _____ 2013

PARTIES

Between: THE DIRECTOR-GENERAL OF THE DEPARTMENT OF PLANNING & INFRASTRUCTURE for and on behalf of the State of New South Wales.
ABN 38 755 709 681
of 23-33 Bridge Street, Sydney, NSW 2000.

And: CAMDENCOUNCIL (THE GRANTEE), being a body politic constituted under section 219 of the Local Government Act 1993
ABN 31 117 341764
of PO Box 183, Camden NSW 2570

1. RECITALS

- 1.1 The Department of Planning & Infrastructure has established the Metropolitan Greenspace Program ("MGP") to provide funding across metropolitan Sydney in relation to land conservation, embellishment and improvement of parklands and urban spaces. In implementing the program, the Department of Planning & Infrastructure works closely with local councils to plan and improve regionally significant greenspace, including parks, trails and reserves.
- 1.2 The MGP Guidelines set out in detail the objectives and working structure of the Program the objectives are summarised as:
 1. To improve regionally significant open space including links between bushland, parks, centres and waterways.
 2. To enable more effective public use of regionally significant open space.
 3. To promote planning and improve access to a diverse mix of open space opportunities for Sydney's community.
 4. To promote partnerships between state and local government.
 5. To support projects that demonstrate a commitment to the design and future management of open space including improved outcomes for health, sustainability, climate change and community.
- 1.3 The Grantee desires to undertake the Project in accordance with the Project Objectives as set out in the Grant Application form. The Project is known as the Nepean River Trail.
- 1.4 The Director-General has agreed that the Grant will be paid to the Grantee, as a grant towards the Project, in accordance with the terms and conditions contained in this Agreement.

OPERATIVE PROVISIONS

2. DEFINITIONS

- 2.1 In this Agreement unless the context otherwise requires the following words and expressions shall have the following meanings:

Agreement means this agreement, and includes the Schedules and Attachments to this Agreement;

Clause means any clause of this Agreement;

Conflict of Interest includes, but is not limited to, situations where a personal interest, including a proprietary interest, could lead to or be perceived to lead to a person being improperly influenced in the way he or she carries out the Project and other requirements under or pursuant to this Agreement;

Department means the Department of Planning & Infrastructure;

Director-General means the Director-General of the Department of Planning & Infrastructure and includes the authorised delegates of the Director-General;

Grant means the financial assistance (exclusive of GST) provided by the Director-General to the Grantee in accordance with clause 3 for the purpose of the Project, and includes any interest earned thereon;

Grant Application Form means the Metropolitan Greenspace Program application form;

GST means a tax, levy, duty, charge, deduction imposed by the GST law together with any related additional tax, interest, penalty, fine, or other charge calculated by reference to the value of anything supplied other than one imposed on net income;

GST Law means any law imposing a GST and includes A New Tax System (Goods & Services Tax) Act 1999, or if that Act does not exist for any reason, means any Act imposing, or relating, to a GST and any regulation made pursuant to any such Acts;

Input Tax Credit has the same meaning given to it in the GST Law;

Intellectual Property Rights means all rights in copyright, patents, letters patent, registered and unregistered trademarks, designs, trade secrets, trade, business names, confidential or other proprietary rights, or any rights to registration and all other rights of intellectual property as recognised by New South Wales and Australian law and whether created before or after the date of this Agreement and whether created in Australia or elsewhere and includes rights acquired by way of a licence for the use of such Intellectual Property Rights;

MGP Management Team means the group of people within the Department coordinating the MGP Program.

Milestones means the Milestones for the Project as detailed in the Works Program;

Minister means the Minister for Planning & Infrastructure and includes the authorised delegates of the Minister as well as any other Minister, government department, or body which may from time to time take over the functions of the Minister;

Project means the project referred to and as detailed in the Grant Application Form and if required by this agreement and as amended by the Works Program.

Project Completion Report means the report described in Clause 4.1(c)(i)-(iii);

Project Manager means the person or organisation appointed to manage and facilitate the Project (as nominated in the Grant Application Form) in accordance with the Works Program;

Project Objectives means the objectives of the Project set out in the accepted Application;

Supply has the same meaning given to it in the GST Law;

Taxable Supply has the same meaning given to it in the GST Law;

Term means the period of 24 months, or any such time as agreed by the parties and evidenced in writing, commencing on the date on which this Agreement is signed;

Works Program means the works schedule with Milestones prepared by the Grantee and approved in writing by the MGP Management Team;

2.2 Except where the context otherwise requires a reference in this Agreement to:-

- (a) The singular includes a reference to a plural and visa versa.
- (b) A gender includes a reference to the other genders and each of them.
- (c) Any person or the Grantee shall mean and include the legal personal representative, successor in title, and permitted assigns of such person or the Grantee as the circumstances may require.
- (d) A company includes a corporation and person and visa versa.
- (e) Any organisations, associations, societies, groups or bodies shall, in the event of them ceasing to exist or being reconstituted, renamed, replaced or incorporated or if the powers or functions of any of them are transferred to any other entity, body or group, refer respectively to

any such entity, body or group, established, constituted or incorporated in lieu thereof or succeeding to similar powers or functions;

- (f) Statutes, regulations, ordinances or by-laws shall be deemed for all purposes to be extended to include a reference to all statutes, regulations, ordinances or by-laws amending, consolidating or replacing same from time to time;
 - (g) A month shall be construed as a reference to a calendar month.
- 2.3 A business day means any day which is not a Saturday, Sunday or Public Holiday in the State of New South Wales.
- 2.4 Where any time limit pursuant to this Agreement falls on a Saturday, Sunday or Public Holiday in the State of New South Wales then that time limit shall be deemed to have expired on the next business day.
- 2.5 Where any covenant, condition, agreement, warranty or other provision of this Agreement expressly or impliedly binds more than one person then it shall bind each such person separately and all such persons jointly.
- 2.6 No amendment of or addition to the provisions of this Agreement shall be valid and binding unless it is in writing and signed by all of the Parties.
- 2.7 The headings and boldings used in this Agreement are for convenience only and shall not affect the interpretation of this Agreement.
- 2.8 Where a word or phrase is given a defined meaning in this Agreement, any other part of speech or other grammatical form in respect of such word or phrase shall unless the context otherwise requires have a corresponding meaning.

3. PROVISION OF GRANT

- 3.1 The Director-General agrees to provide the amount of \$32,000.00 to the Grantee, as a Grant to assist with the implementation of the Project, on the terms and conditions contained in this Agreement that include matching on a dollar for dollar basis by the Grantee.
- 3.2 Payment of the Grant will be made upon completion of the Project and receipt of the Project Completion Report to the satisfaction of the MGP Management Team.
- 3.3 Progress payments may be made only if one of the following criteria are met;
- (a) grant funds offered are \$40,000 or above; or
 - (b) Exceptional circumstances as agreed by the MGP Management Team with the Grantee.

3.4 Progress payments will be made in accordance with Project Milestones identified in the Works Program, and to the satisfaction of the MGP Management Team.

3.5 Final payment will require submission of a Project Completion Report to the satisfaction of the MGP Management Team.

4. CONDITIONS OF GRANT

The Grantee acknowledges and agrees that the grant is provided subject to and they are able to meet the conditions in this clause 4.0 of this agreement.

4.1 The Grantee must provide to the MGP Management Team to their satisfaction:

(a) An updated and agreed Works Program (including Project start date, finish date and Milestones) no later than 4 weeks after the date this Agreement is executed.

(b) Associated sketch plan(s) which identify the staging of work in accordance with Works Program. These plans should include a location map and concept plan (reducible to A3 size). Where the Project involves additional studies or planning, a brief shall be agreed prior to the commencement of the studies.

(c) Upon completion of the Project and before final payment is made, a Project Completion Report that includes the following:

(i) An audited financial statement of receipts and payments, in respect of the Project, certified by the chief financial officer of the Grantee's organisation using a Certificate of Expenditure in a format acceptable to the MGP Management Team. An independent audit of accounts is to be provided where requested. The statement shall also include receipts and payments and a balance sheet in respect to the Grant.

(ii) Appropriate documentation including photographs, providing a visual record of the 'before' and 'after', to demonstrate physical site outcomes from the completed work, or submission of completed studies and plans.

(iii) A Statement regarding the Project outcomes achieved and compliance with Project objectives as stated in the Grant Application Form.

4.2 The Project must be commenced within six months from the date of execution of this agreement.

4.3 The Project must be completed within the term of this agreement, being 24 months, in accordance with the Works Program.

4.4 The Grantee acknowledges that the Grant is for the sole purpose of the Project and in accordance with the terms and conditions contained in this agreement.

4.5 The Grantee must:

- (a) manage and monitor expenditure of funds for the Project (whether those funds are progress payments, as referred to in clause 3.2 or the Grantee's funds) in accordance with this Agreement and in accordance with sound financial practices;
- (b) at all times act properly and diligently in the application of funds for the Project (whether those funds are progress payments, as referred to in clause 3.3 or the Grantee's funds) subject to such variations as may be agreed to from time to time in writing between the Parties;
- (c) observe at all times the Project Objectives and the MGP Objectives;
- (d) effectively carry out the Project in accordance with all the provisions of any Statutes, Regulations and By-Laws and requirements of any Commonwealth, State, Territory or Local Authority;
- (e) maintain a regular consultative relationship with the Director-General with respect to the Project;
- (f) keep accurate and up to date financial and operational records in respect of the Project;
- (g) make provision in the Grantee's estimates of income and expenditure to provide for the Project to match on a dollar for dollar basis, the Grant to be provided by the Director-General under the MGP.

5. GOODS AND SERVICES TAX (GST)

5.1 Notwithstanding any other provision of this Agreement, if any Supply by the Grantee to the Director-General in Consideration for the Grant from the Director-General, is deemed to be a Taxable Supply for the purposes of the GST Law and the Grantee is or becomes liable to pay GST:

- (a) the Grant will, subject to clauses 5.1(b), 5.3, 5.4 and 5.5, be increased by any such GST liability of the Grantee PROVIDED the Supply is deemed to be a Creditable Acquisition so that the Director-General is or will be entitled to receive an Input Tax Credit;
- (b) The Grantee will issue to the Director-General a relevant tax invoice in respect of such Taxable Supply at the time of the supply or within 14 days of a request;

- (c) the Director-General will in respect of the Taxable Supply pay to the Grantee the amount shown on such tax invoice at the time and in the manner payment is otherwise due under this Agreement for the Supply.
- 5.2 PROVIDED HOWEVER that if as a result of the abolition or reduction in the rate of any tax, duty, excise or other Government impost associated with the introduction of a GST (excluding income tax) whether or not such abolition or reduction takes place at the same time as the commencement of the GST, the Grantee's costs of making the Supply are reduced ("Cost Reduction"), the Grantee shall reduce the amount payable by the Director-General in respect of the Supply by the amount of Cost Reduction.
- 5.3 The Grantee warrants and undertakes that at the time any Supply on which GST is imposed is made by it to the Director-General under this Agreement it is or will be registered under the GST Law. If the Director-General requests written evidence of registration, the Grantee will promptly produce evidence satisfactory to the Director-General.
- 5.4 The Grantee agrees and acknowledges that in the event it is not registered under the GST Law it will not under any circumstances be entitled to receive the increase in the Grant in accordance with cl.5.1 by any amount of GST liability.
- 5.6 If the amount of GST paid or payable by the Grantee on any Supply made under this Agreement differs from the amount of GST paid by the Director-General by reason of the Commissioner of Taxation lawfully adjusting the value of the Taxable Supply for the purpose of calculating the GST, then the amount of GST paid by the Director-General shall be adjusted by a further payment by the Director-General to the Grantee or the Grantee to the Director-General, as the case requires.
- 6. PROJECT VARIATIONS**
- 6.1 Any request for a variation to the agreed scope of the work, period of Project completion or conditions specified in this agreement must be endorsed and approved by the Director-General in writing prior to the variation works being undertaken or funding committed for the variation.

7. CONSULTATION & EVALUATION

- 7.1 The Grantee and the Director-General will at all times make available a representative to meet and hold discussions as often as deemed necessary by the MGP Management Team to discuss the ongoing satisfaction of the Conditions of the Grant, participate in an evaluation of the Project's progress and outcomes and to discuss initiatives which could be undertaken within the scope of this Agreement.
- 7.2 The Grantee should ensure the MGP Management Team have reasonable access to the Project site in order to monitor the Project progress.

8. WARRANTIES

8.1 Authority

- 8.1.2 The Grantee warrants that it is empowered and authorised to enter into this Agreement in relation to the warranties and agreements and undertakings set out in this clause and elsewhere in this Agreement.
- 8.1.3 The Grantee acknowledges and agrees that by receiving the Grant there is no guarantee that further grants to the Grantee for the Project, or for any other reason, will be available from the Director-General in the future, and that the Director-General is under no obligation to provide the Grantee generally with any further monies beyond those which have been granted under this Agreement.

8.2 Conflict of Interest

- 8.2.1 The Grantee warrants that, to the best of its knowledge, no Conflict of Interest exists or is likely to arise in the performance of the obligations under this Agreement, and warrants to notify the Director-General immediately in writing should any Conflict of Interest arise during the Term and the Director-General may exercise its rights of termination under this Agreement.
- 8.2.2 The Grantee agrees and acknowledges that in the interests of sound administration and fair dealing, it must deal with all Conflicts of Interest, whether real or perceived in a manner acceptable to the Director-General.
- 8.2.3 The Grantee agrees and warrants that once a Conflict of Interest arises whether real or perceived, it will ensure that the particular person involved from the Grantee, will not have any further involvement in the matter or decision to which the Conflict of Interest relates.

8.3 Corrupt and Unethical Conduct

- 8.3.1 The Grantee agrees and warrants that it must notify the Director-General immediately it becomes aware of any corrupt or unethical

conduct or possible corrupt or unethical conduct relating to the carrying out of the Project, and the Director-General may exercise its rights of termination under this Agreement.

- 8.4 The Grantee agrees and acknowledges that compliance with clause 8.0 of this agreement is an essential term.

9. INDEMNITY

- 9.1 The Grantee shall indemnify the Director-General on demand against any costs, demands, claims, liability, proceedings or loss including, but not limited to, actions in respect of injury to any person or damage to any property, and actions in respect of any infringement of any Intellectual Property Rights arising out of or in connection with the Grant or the Project or the Grantee's failure for any reason to act in accordance with the requirements of this Agreement.

- 9.2 The Grantee hereby agrees to release and discharge the Director-General from any such costs, demands, claims, liability or proceedings or loss described in subclause (1).

- 9.3 In this clause 9.0 the words "any person" includes the Grantee.

10. INSURANCE

- 10.1 The Grantee agrees to arrange and maintain with a reputable insurance firm during the Term the following insurance policies:-

- (a) workers compensation insurance in accordance with applicable legislation in respect of all employees of the Grantee;
- (b) a broad form public liability insurance policy of not less than the amount of \$10,000,000 in respect of each and every occurrence for any one period of cover; and
- (c) a professional indemnity insurance policy in the amount of \$10,000,000 in respect of each and every occurrence for any one period of cover.

- 10.2 The Grantee will provide to the Director-General satisfactory evidence of the insurance policies referred to in clause 10.1 within one week of the date of execution of this Agreement and at any time during the Term upon request by the Director-General.

- 10.3 The Grantee agrees and warrants that it will ensure all third parties involved in the carrying out of the Project are also covered by the above mentioned insurance policies, or by insurance policies equivalent to those set out above at

clause 10.1 which, in the case of clause 10.1(b) and (c), extend coverage to the Director-General, for such time as they carry out that Project.

11. PUBLICATIONS MARKETING, PROMOTION AND PUBLIC COMMENT

- 11.1 A sign identifying the project as part of the MGP (including logo(s)) shall be placed on a prominent street frontage or other visible parts of the site during the construction period of the Project.
- 11.2 An opening ceremony for the Project should, as a matter of protocol, include an invitation to the Minister for Planning & Infrastructure and / or nominees.
- 11.3 Construction information signage or plaque attached to the completed Project must make reference to the MGP. Where such signage or a plaque contains wording describing or providing information about the Project, the signage or plaque shall include the MGP logo together with the standard text of acknowledgement that the Project was jointly funded by the New South Wales Government under the MGP. Where the signage or plaque does not contain such wording it is sufficient to include the Metropolitan Greenspace Program logo.
- 11.4 All promotional material, including newsletters, public reports and press coverage associated with the Project shall make reference to the joint funding of the project by the State Government under the Metropolitan Greenspace Program. This will include use of the logos together with the standard text of acknowledgment to the effect that the project was jointly funded by the New South Wales Government under the MGP.
- 11.5 The Grantee agrees to consult with the MGP Management Team before any press announcements that relate to the major Project.
- 11.6 The Grantee acknowledges and agrees that it must not make any public statements or give undertakings which would commit the Director-General or the Government of New South Wales to a particular action or expenditure, without the prior written approval of the Director-General. This position should be made clear in any negotiations which the Grantee, its employees or representatives may undertake with any person, firm or other body, or a member of the public.

12. TERMINATION

- 12.1 The Director-General may terminate this Agreement in whole or in part without reason at any time during the Term by giving the Grantee 3 month's prior written notice. Termination pursuant to this clause will not expose the Director-General to any liability for any claim for damages whether direct, indirect, special or consequential by reason of such termination.
- 12.2 Without limiting the generality of clause 9.1 of this Agreement, the Director-General may terminate this Agreement, by giving one month's notice to the

Grantee if the Director-General considers that the Grantee and any representative has:

- (a) breached any material obligation under this Agreement and fails to correct or remedy such breach within 21 days of a notice being served by the Director-General requesting that the breach be rectified; or
- (b) failed to carry out the Project diligently and competently under the Agreement.

12.3 Upon termination pursuant to clauses 12.1 or 12.2 of this Agreement, the Grantee must:

- (a) prepare and deliver to the Director-General an audited statement of expenditure incurred by the Grantee for the Project together with a statement from an external firm of accountants appointed by the Grantee certifying that such expenditure is in accordance with the terms of this Agreement; and
- (b) prepare and deliver to the Director-General a report in respect of the Project in a form reasonably acceptable to the Director-General; and
- (c) return any unexpended amount of the Grant to the Director-General.

12.4 If, in the Director-General's reasonable opinion, the Grantee has acted negligently and/or without good faith and/or not in accordance with the terms of this Agreement in respect of the use of the Grant, the Director-General may in the notice of termination, require the Grantee to repay the Grant or such part of the Grant as is stated in the notice of termination within the time specified in the notice of termination.

12.5 The Grantee agrees and acknowledges that the sums referred to in cls. 12.3(c) and 12.4 shall be debts due and recoverable by the Director-General as against the Grantee.

13. ASSIGNMENT

13.1 It is agreed by the Parties that the rights and obligations of each Party under this Agreement are personal.

13.2 The Agreement shall not be assigned nor notated in whole or in part by the Grantee without the prior permission or approval and consent of the Director-General.

14. NOTICES

14.1 Any notice given under this Agreement:

- (a) must be in writing addressed to the intended recipient at the address shown below or the addressed last notified by the intended recipient to the sender:
 - (i) Director-General - Department of Planning & Infrastructure
c/o The Metropolitan Greenspace Management Team
 23-33 Bridge Street
 GPO Box 39
 Sydney NSW 2001

Attention: MGP Coordinator
Facsimile: 9228 2041
Telephone: 9228 6111
 - (ii) General Manager
Camden Council.....
PO Box 183, Camden NSW 2570
- (b) must be signed by a person duly authorised by the sender; and
- (c) will be taken to have been given or made:
 - (i) in the case of delivery in person or by post when delivered or received, or left at the above address; and
 - (ii) in the case of delivery by facsimile when a confirmation report is received on the facsimile machine showing confirmation of receipt;

BUT if delivery or receipt occurs on a day other than a business day at the place to which the communication is sent or is later than 4pm (local time) it will be taken to have been duly given or made at the commencement of business on the next day.

15. DISPUTE RESOLUTION

- 15.1 If any dispute or difference arises out of or in relation to this Agreement, the Parties agree that it will initially be resolved in a spirit of good faith and on a commercially realistic basis.
- 15.2 If the dispute or difference is not resolved by negotiation, then the dispute or difference shall be referred to mediation conducted by the Australian Commercial Disputes Centre, each Party bearing its own costs of the resolution.
- 15.3 The Grantee agrees to continue carrying out the Project while the dispute is being dealt with in accordance with this clause.
- 15.4 Nothing in this clause will preclude either Party from seeking urgent interlocutory relief.

16. MISCELLANEOUS**Negation of Employment, Agency and Partnership**

- 16.1 The Grantee will not represent itself, and will ensure that its employees and sub-contractors do not represent themselves, as being employees, agents, partners or representatives of the Director-General.
- 16.2 The Grantee and its employees and agents will not, by virtue of this Agreement, be, or for any purposes be, deemed to be a partner, employee, representative or agent of the Director-General.

No Waiver

- 16.3 No right under this Agreement shall be deemed to be waived except by notice in writing signed by each Party.
- 16.4 No waiver by the Director-General of one breach by the Grantee of any obligation or provision contained or implied in this Agreement shall operate as a waiver of another breach by the Grantee of the same or of any other obligation or provision contained or implied in this Agreement.

Entire Agreement

- 16.5 This Agreement (including the Attachments and Schedules) constitutes the entire Agreement between the Parties. Any prior arrangements, agreements, representations or undertakings are superseded. No notification of alteration of any clause of this Agreement will be valid except in writing signed by each Party.

Severability

- 16.6 If any provision of this Agreement is held invalid, unenforceable or illegal for any reason, this Agreement will remain otherwise in full force apart from such provision which shall be deemed to be deleted.

Governing Law

- 16.7 This Agreement will be governed and construed in all respects in accordance with the laws of the State of New South Wales and the Parties to this Agreement hereby submit to the non exclusive jurisdiction applicable to the courts of the State of New South Wales and the Commonwealth of Australia in respect of all matters arising under this Agreement or relating to this Agreement.

No Merger

- 16.8 The rights and obligations of the Parties will not merge on completion of any transaction under this Agreement. They will survive the execution and delivery of any assignment or other document entered into for the purpose of implementing any transaction.

Rights Cumulative

- 16.9 The rights and remedies provided under this Agreement are cumulative and not exclusive of any rights or remedies provided by law or any other such right or remedy.

THIS AGREEMENT is entered into in consideration of the benefits to be realised by the Grantee under this Agreement and the mutual promises between the Parties.

EXECUTED as a Deed

SIGNED
Director-General)
of the Department of)
Planning & Infrastructure or)
delegate)



.....
Date:

SIGNED
General Manager)
of Camden Council)
or delegate)

.....
Date:

ORD13

Attachment 1



ORDINARY COUNCIL

ORD14

NOTICE OF MOTION

SUBJECT: NOTICE OF MOTION - BUSINESS ALLIANCE / ECONOMIC DEVELOPMENT TASKFORCE

FROM: Cr Sidgreaves

TRIM #: 13/67994

"I, Councillor Peter Sidgreaves hereby give notice of my intention to move the following at the Council Meeting of 26 November 2013:

That:

- i. a report be submitted to Council by March 2014 on options for the creation of a Business Alliance / Economic Development Taskforce for the Camden Local Government Area;
- ii. this Business Alliance / Economic Development Taskforce have as a core goal assisting to achieve Council's Economic Development Strategy; and
- iii. Council consult with Narellan and Camden Chambers of Commerce and other stakeholders in formulating this partnership."

RECOMMENDED

That:

- i. a report be submitted to Council by March 2014 on options for the creation of a Business Alliance / Economic Development Taskforce for the Camden Local Government Area;
- ii. this Business Alliance / Economic Development Taskforce have as a core goal assisting to achieve Council's Economic Development Strategy; and
- iii. Council consult with Narellan and Camden Chambers of Commerce and other stakeholders in formulating this partnership.