



Camden Council

Business Paper

Ordinary Council Meeting
11 February 2020

Camden Council
Administration Centre
70 Central Avenue
Oran Park



COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
CRET	Camden Region Economic Taskforce
DA	Development Application
DCP	Development Control Plan
DPIE	Department of Planning, Industry & Environment
TfNSW	Transport for NSW
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
S10.7 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
S603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
S73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
VPA	Voluntary Planning Agreement

General Manager
Ron Moore

Mayor
Theresa Fedeli

Acting Director Customer and
Corporate Strategy
Samantha Sharkey

Director Sport
Community and Activation
Tina Chappell

Chief Financial Officer
Paul Rofe

Director Planning and Environment
Nicole Magurren

Director Community Assets
Sandra Kubecka

SEATING DIAGRAM

Camden Ordinary Council Meeting

Deputy Mayor
Rob Mills

Councillor
Peter Sidgreaves

Councillor
Lara Symkowiak

Councillor
Michael Morrison

Councillor
Eva Campbell

Councillor
Ashleigh Cagney

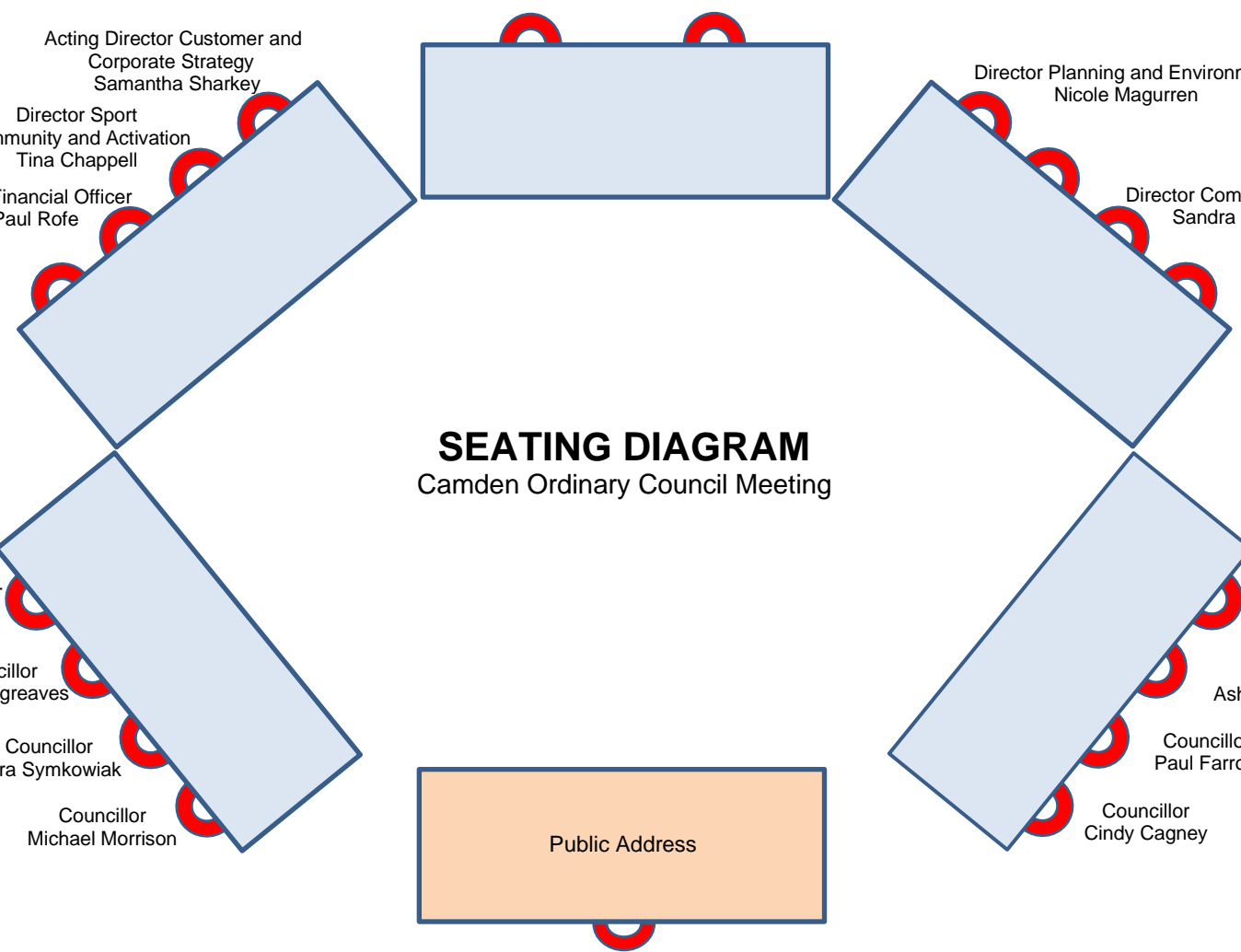
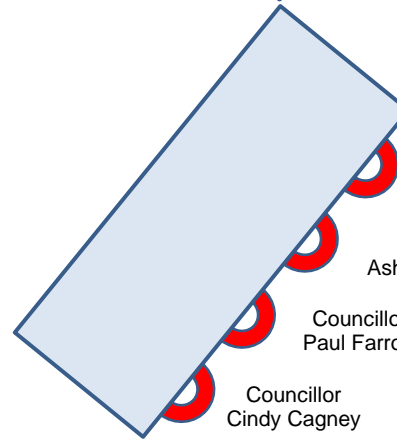
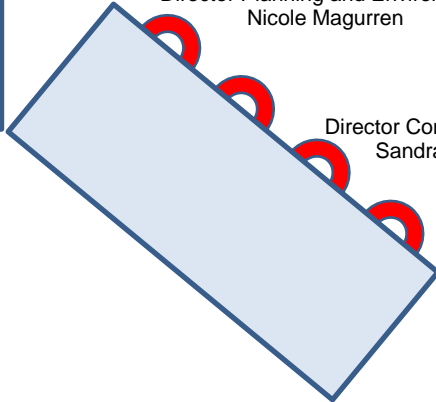
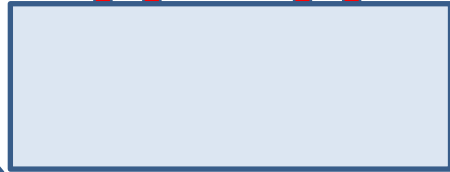
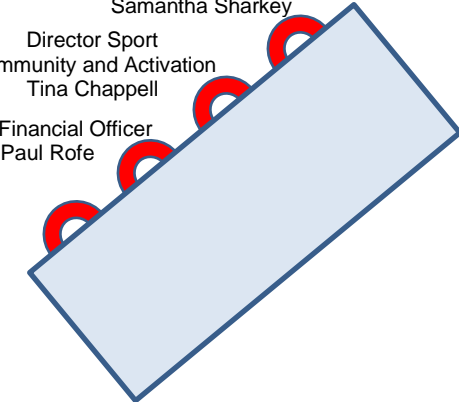
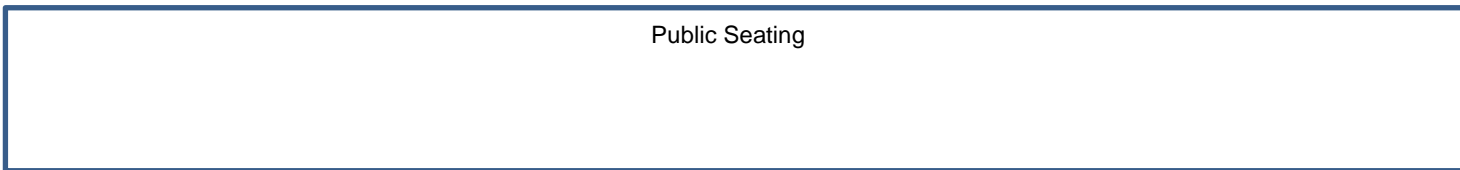
Councillor
Paul Farrow

Councillor
Cindy Cagney

Public Address

Public Seating

Media



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

PRAYER

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

Amen

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

Amen

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

Amen

AFFIRMATION

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

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

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

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

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

ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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

ORDINARY COUNCIL

SUBJECT: WEBCASTING OF COUNCIL MEETINGS

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

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

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

ORDINARY COUNCIL

SUBJECT: LEAVES OF ABSENCE

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

RECOMMENDED

That leaves 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 4.28-5.19).

Councillors should be familiar with the disclosure provisions contained in the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

RECOMMENDED

That the declarations be noted.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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

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

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

Where a member of the public raises a question during the Public Address session, a response will be provided where Councillors or staff have the necessary information at hand; if not, a reply will be provided at a later time. There is a limit of one question per speaker per meeting.

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

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

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

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

RECOMMENDED

That the public addresses be noted.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 10 December 2019.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 10 December 2019, copies of which have been circulated, be confirmed and adopted.

ORDINARY COUNCIL

Mayoral Minute

SUBJECT: MAYORAL MINUTE - AUSTRALIA DAY 2020

FROM: The Mayor

TRIM #: 20/24539

On Sunday 26 January, thousands of people from within the Camden community came together to enjoy Council's Australia Day festivities for 2020.

Australia Day is always about celebrating what's great about our nation and being Australian. While we love celebrating the iconic meat pie and backyard pool parties, we acknowledged something even more special this year.

As the bushfires have swept through communities near and far, we have seen volunteers, neighbours, friends, family and strangers right across the country leap to action. Our heroic firefighters have worked, and continue to work, incredibly hard to protect those people who need help.

It was an absolute honour to have the NSW RFS front and centre of this year's celebrations, as a thank you for their efforts. We were proud to:

- Unveil a brand-new Waste Truck, with a dedication to NSW RFS staff and volunteers. The images used were taken by local RFS volunteer and Camden Citizen of the Year for 2020, Brett Atkins;
- Have NSW RFS leading the show-stopping parade down Argyle Street;
- Have donations collected at the NSW RFS' stand;
- Host Camden RSL Club's sausage sizzle at the conclusion of the Australia Day Parade, where all the money collected was donated to NSW RFS; and
- Have a standing ovation at our Civic Ceremony, where more than 250 guests applauded in thanks.

The day was also an opportunity to recognise local citizens who have contributed to making Camden so great and to welcome new citizens to our country and community as part of our Australia Day Civic Ceremony. The winners for each award category were:

- Brett Atkins – Citizen of the Year;
- Rebecca Halcomb – Young Citizen of the Year;
- Gaylene Feld – Arts and Cultural Award;
- Lily Hreszczuk – Sports Achievement Award;
- Macarthur Lions Club – Community Group of the Year; and
- Turning Point – Community Group of the Year.

After the award ceremony, 50 members of our growing community officially became Australian citizens. It's always a privilege to see residents pledge their commitment to our great country and it's even more special on a day like Australia Day.

Our annual Street Party was also a huge success. Thousands of people enjoyed the fun activities and entertainment throughout the day, including:

- A thong throwing competition;
- Face painting;



-
- Eating competitions;
 - A cork hat making workshop;
 - A koala cupcake decorating station;
 - An Australian animal face mask decorating station;
 - Jumping castles; and
 - Entertainment and live music.

I'd also like to take this opportunity to acknowledge former Camden Woman of the Year and Convenor of the Camden-Wollondilly Domestic Violence Network, Tanya Whitehouse. Tanya received an Order of Australia medal in this year's Australia Day Honours for service to the community through welfare initiatives.

Lastly, I would like to thank the Australia Day Committee for all their hard work this year. I would also like to extend a big thank you to the Council staff, including the Communications and Events, Open Spaces, Civic Centre, City Presentation, Customer Service and Waste teams, for their efforts in the lead up to the event and on the day and afterwards. It's thanks to their hard work that the 2020 Australia Day event was a tremendous success.

RECOMMENDED

That Council:

- note the information;**
- write to Tanya Whitehouse OAM, to congratulate her on receiving an Order of Australia medal in this year's Australia Day Honours.**

ORDINARY COUNCIL

ORD01

SUBJECT: A SADDLE CLOSE CURRANS HILL PLANNING PROPOSAL
FROM: Director Planning and Environment
TRIM #: 19/380239

PROPERTY ADDRESS	A Saddle Close, Currans Hill Part Lot 627 DP 1163903
PROPONENT	Cardno Pty Ltd
OWNER	Landco (NSW) & Wolin Investments Pty Ltd

PURPOSE OF REPORT

This purpose of this report is to advise Council of a draft Planning Proposal at A Saddle Close, Currans Hill, and to recommend the draft Planning Proposal be forwarded to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination.

The draft Planning Proposal is provided as an **attachment** to this report.

BACKGROUND

In May 2019, a draft Planning Proposal was lodged by Cardno Pty Ltd on behalf of the landowner. The draft Planning Proposal sought to amend the Camden Local Environmental Plan 2010 (Camden LEP 2010) by rezoning a portion of the site from E4 Environmental Living (approximately 1.2ha) and E2 Environmental Conservation (approximately 0.1ha) to R1 General Residential and amending the minimum lot size from 1,500m² and 900m² to 450m².

On 20 August 2019, the Camden Local Planning Panel (Panel) reviewed the draft proposal and provided recommendations, which are discussed later in this report and are provided as an **attachment** to this report.

Following the Panel's review, the proponent lodged a revised draft Planning Proposal. The revised draft Planning Proposal seeks to retain the existing E2 Environmental Conservation and E4 Environmental Living zones and proposes a minimum lot size of 500m². The draft proposal could facilitate 17 residential lots (approximate) on the site.

Councillors were briefed on the initial draft Planning Proposal on 25 June 2019 and the revised proposal on 26 November 2019.

Locality

The site is located within the northern part of the Manooka Valley urban release area, which was rezoned for residential development in 2005, prior to the rezoning of the South West Growth Area (SWGA). The site forms part of a 34.1ha parcel of land bound by the established residential area of Currans Hill to the west, Turner Road Precinct to the north, and Badgally Hill to the east.

The site subject to the draft Planning Proposal is approximately 1.4ha in area and slopes slightly to the south west. The site is predominately cleared and has views to the Blue Mountains. A 60m wide Transgrid electrical transmission easement runs along the eastern boundary of the site.

The state heritage listed Sydney Water Upper Canal system traverses through the western part of the broader 34.1ha site. A water reservoir was recently constructed by Sydney Water on the site.

Figure 1 identifies the subject site shaded yellow, the site context, the location of the existing transmission easement and water reservoir.



Figure 1: Site locality and context

Development History

In November 2014, a Development Application (DA/2014/560/1) was approved for 8 Environmental Living residential lots on the draft Planning Proposal site. The approved lot sizes range from 995m² to 2,100m². The subdivision plan approved under this DA is provided in **Figure 2**.

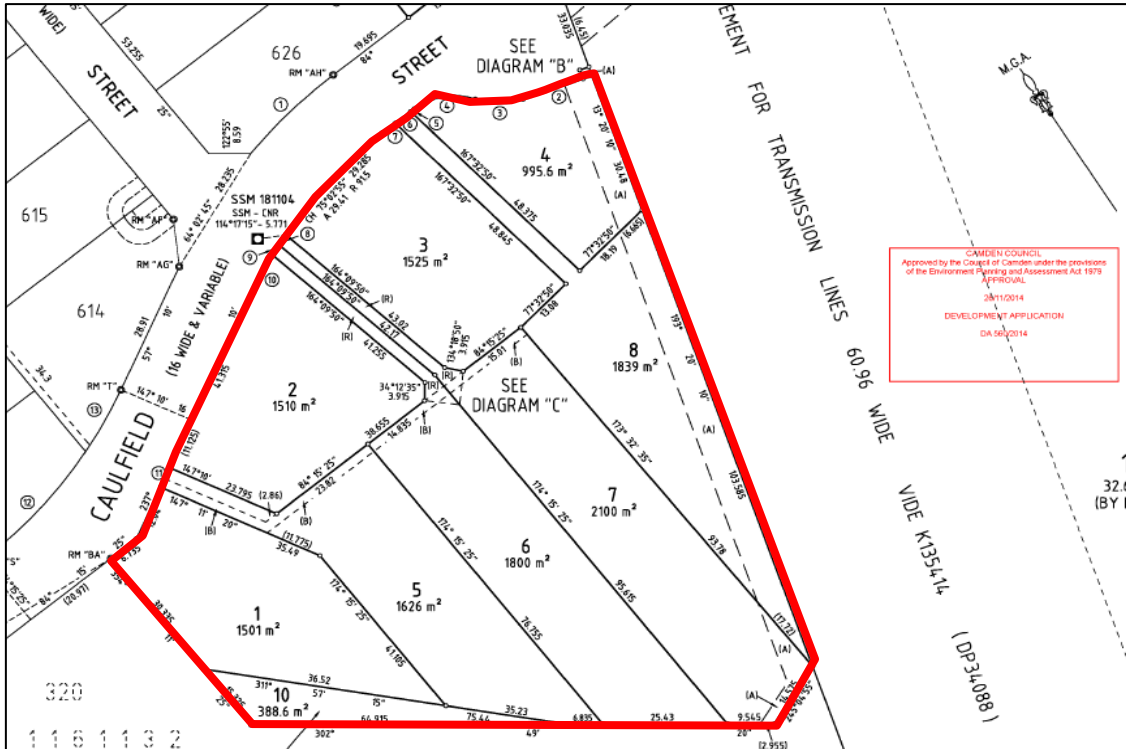


Figure 2: Approved subdivision plan under DA/2014/560/1

MAIN REPORT

Summary of Proposal

The draft Planning Proposal seeks to amend the minimum lot size applying to the site from 1,500m² and 900m² to 500m².



Figure 3: Draft Planning Proposal - Indicative subdivision plan

The indicative subdivision plan included in the draft Planning Proposal, as shown in **Figure 3**, demonstrates how 17 residential lots could be achieved on the site.

The proponent argues the indicative subdivision plan seeks to improve residential amenity on the site by orienting dwellings towards the adjoining open space. It also seeks to improve access by including a perimeter road around the site. The proposed perimeter road will reduce potential bushfire risks by separating the bushland and future residential dwellings. This approach is consistent with the NSW Rural Fire Service (RFS) Planning for Bushfire Protection Guideline 2019.

It is noted that the final subdivision layout will be subject to a future Development Application (DA), should the draft Planning Proposal be supported. The DA will need to satisfy the requirements of the Camden DCP 2019 and RFS Planning for Bushfire Protection Guideline 2019 in siting the proposed lots and the location of the perimeter road.

Zoning and Permissibility

The site is currently zoned E4 Environmental Living and a small portion is zoned E2 Environmental Conservation under the Camden LEP 2010, as shown in **Figure 4**. No changes are proposed to the current zoning of the site.

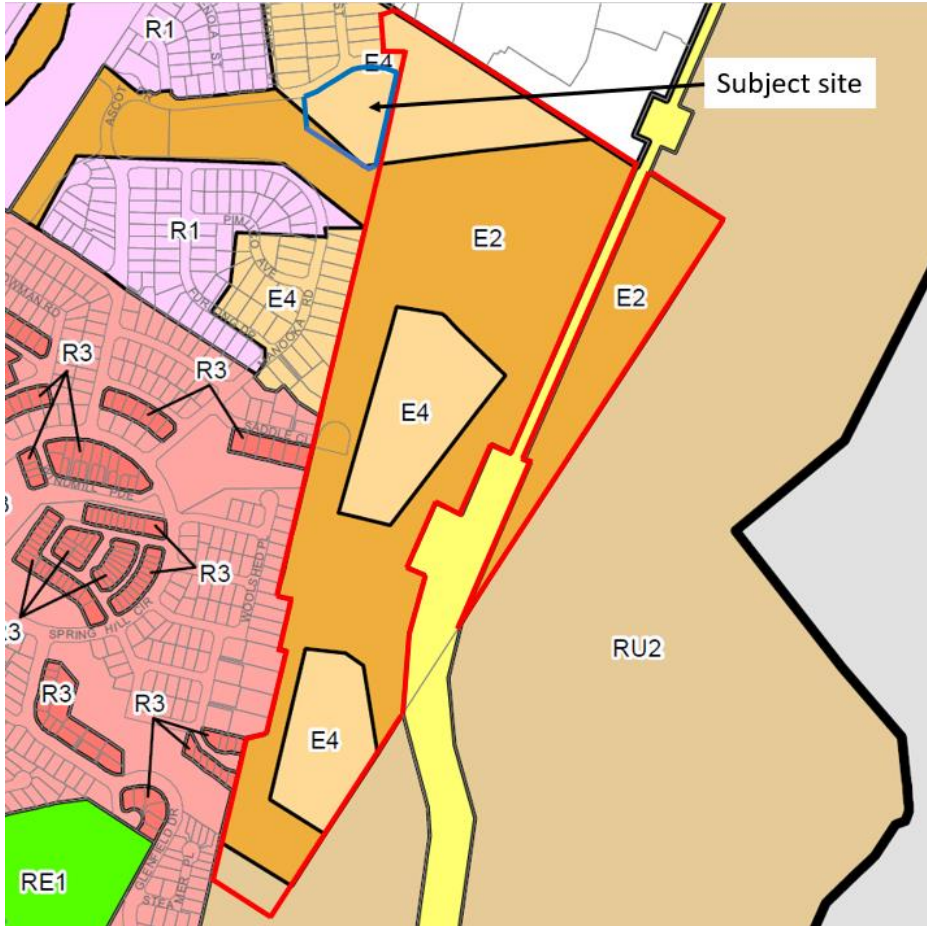


Figure 4: Current Zoning

The draft Planning Proposal seeks to amend the Camden LEP Lot Size (LSZ) Map from a minimum 1,500m² and 900m² to a minimum 500m².

Figures 5 and 6 show a comparison of the changes proposed for the LSZ maps.

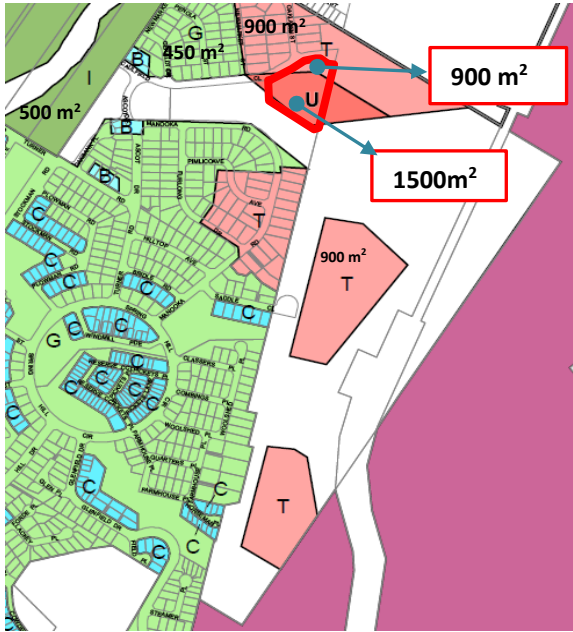


Figure 5: Current Minimum Lot Size

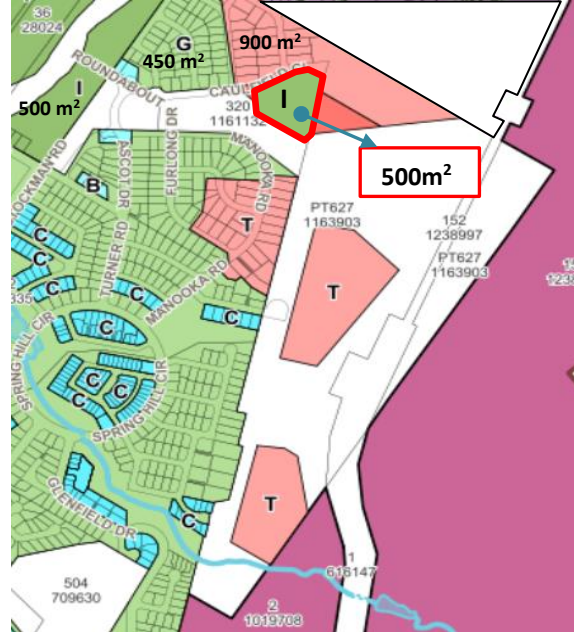


Figure 6: Proposed Minimum Lot Size

Specialist Studies

The following specialist studies have been submitted with the draft Planning Proposal and are provided as an **attachment** to this report.

- Traffic Impact Assessment, prepared by Cardno, dated 2 December 2019;
- Flora and Fauna Assessment, prepared by Cardno, dated 7 March 2019; and
- Bushfire Assessment, prepared by Travers Bushfire & Ecology, dated December 2019.

Additional supporting technical studies may be required post-Gateway, should the draft Planning Proposal be supported.

Key Issues

Traffic Impacts

The Traffic Impact Assessment submitted with the draft Planning Proposal concludes that the intersections of Currans Hill/Spring Hill Circle and Spring Hill Circle/Glenfield Drive can service the proposed additional residential lots without significant impacts on existing traffic amenity.

Officer Comment

The site is accessible from Narellan Road via Hartley Road or Tramway Drive. Additional access is also available from Camden Valley Way via Anderson Road through the Smeaton Grange industrial area.

The additional residential density arising from the Planning Proposal will not generate significant traffic impacts on the existing road network. The projected traffic volumes align with the recommended Road and Maritime Services (RMS) environmental threshold for local and collector roads. However, the intersection of Narellan and Hartley Road is operating at capacity and further traffic assessment may be required to consider the cumulative impacts.

Residential Character in Manooka Valley

The draft Planning Proposal could facilitate 17 residential lots (approximately) with a proposed minimum lot size of 500m² on land zoned E4 Environmental Living on the site.

Officer Comment

The proposed 500m² minimum lot size is consistent with the surrounding residential character of the area, which consists of residential lot sizes ranging from 387m² to 1,299m² on land to the north. Furthermore, other land zoned E4 Environmental Living in Manooka Valley has a minimum lot size ranging from 500m² to 900m².

Flora and Fauna and Riparian Assessment

The Flora, Fauna and Riparian Assessment submitted with the proposal indicates the land zoned E2 Environmental Conservation includes a 100m² area of Cumberland Plain Woodland (CPW) in moderate to good condition. The CPW on the site, as shown in **Figure 7**, has good connectivity with CPW in the adjoining Manooka Reserve.

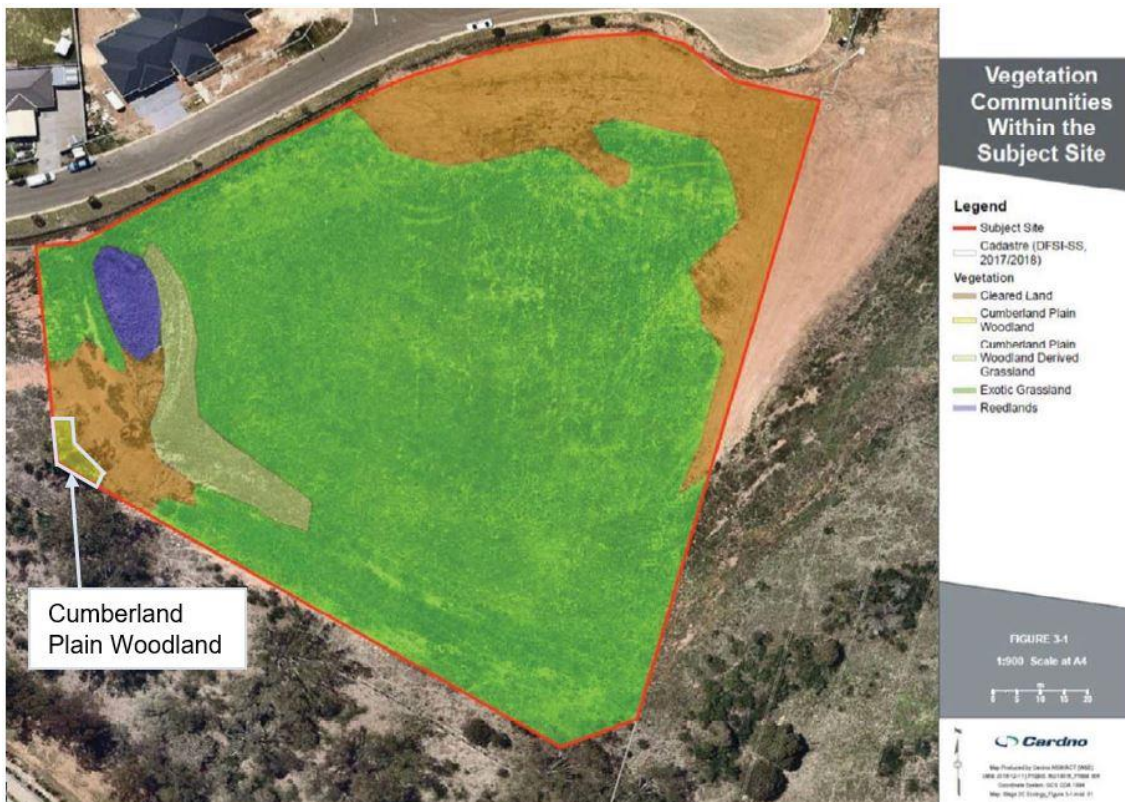


Figure 7: Vegetation communities within the site

Officer Comment

Retention of the E2 Environmental Conservation zone is supported. This zoning will preserve the CPW located on the site and its connection to the adjoining Manooka Reserve. Subject to the draft Planning Proposal being supported, formal consultation will be undertaken with the relevant agencies.



Bushfire Assessment

The Bushfire Protection Assessment found that bushfire can potentially affect the site from the vegetation associated with the riparian corridor in Manooka Reserve and on the subject site. The assessment concludes the bushfire risk posed to the draft proposal can be mitigated if appropriate bushfire protection measures (including Asset Protection Zones (APZs)) are put in place and managed in perpetuity. The assessment concludes that future development on the site can comply with the planning principles of the RFS's Planning for Bushfire Protection 2019 and relevant requirements.

Officer Comment

The revised indicative subdivision plan includes a perimeter road to separate the residential land from Manooka Reserve, and the road can form part of an APZ. This approach is consistent with the RFS Planning for Bushfire Protection Guideline 2019.

Subject to the draft Planning Proposal being supported, formal consultation will be undertaken with the relevant agencies.

Assessment against Key Strategic Documents

An assessment against the key strategic documents are provided as an **attachment** to this report and are summarised below.

Greater Sydney Region Plan

The Greater Sydney Region Plan (the Region Plan) was released by the Greater Sydney Commission (GSC) on 18 March 2018. The Region Plan has a vision and plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters.

The draft Planning Proposal is consistent with the relevant directions and objectives of the Region Plan including:

- Direction 4: Liveability – Housing the City; and
- Direction 6: Sustainability – A City in its landscape.

Western Sydney District Plan

On 18 March 2018, the Western Sydney District Plan (the District Plan) was released by the GSC. The District Plan guides the 20-year growth of the district to improve its social, economic and environmental assets.

The draft Planning Proposal is consistent with the relevant priorities and actions of the District Plan:

- Planning Priority W1: Planning for a city supported by infrastructure;
- Planning Priority W5: Providing housing supply, choice and affordability, with access to job and services; and
- Planning Priority W16: Protecting and enhancing scenic and cultural landscapes.

Draft Camden Local Strategic Planning Statement

The draft Local Strategic Planning Statement (draft LSPS) is a 20-year planning vision, and includes land use, transport and sustainability objectives to demonstrate how the Camden LGA will change to meet the community's needs over the next 20 years.

The draft Planning Proposal is consistent with the relevant Local Priorities and Actions of the draft LSPS and is consistent with the following Local Priorities:

- Liveability Priority L1: Providing housing choice and affordability for Camden's growing and changing population; and
- Sustainability Priority S4: Protecting and restoring environmentally sensitive land and enhancing biodiversity.

Community Strategic Plan

The Community Strategic Plan (CSP) seeks to actively manage Camden LGA's growth by retaining Camden's heritage sites, scenic vistas and cultural landscapes.

The draft Planning Proposal has been assessed against the relevant Directions and Strategies of the CSP and is consistent with the following Strategies:

- Strategy 1.1: Ensure provision of appropriate urban development for sustainable growth in the Camden LGA; and
- Strategic 1.1.2: Manage and plan for a balance between population growth, urban development and environmental protection.

Camden Local Planning Panel

On 20 August 2019, the Local Planning Panel inspected the site and considered the original draft Planning Proposal in a closed session. The Panel's recommendations were that the draft Planning Proposal should not proceed to Gateway Determination for the following reasons:

- It doesn't provide a diversity of lot sizes consistent with the planning of the surrounding area;
- The current zoning provides an appropriate transition to the immediately adjoining E2 zoned land containing Cumberland Plain Woodland; and
- The existing E2 Environmental Conservation zone should be retained, as CPW vegetation has been identified on the E2 zoned land.

A copy of meeting minutes is provided as an **attachment** to this report.

The draft Planning Proposal has been revised to respond to the Panel's advice by retaining the current E2 Environmental Conservation and E4 Environmental Living zoning and by increasing the proposed minimum lot size from 450m² to 500m².

Retention of the E2 zone will conserve the CPW on the site. It is considered the proposed perimeter road provides an appropriate transition from the residential lots to the surrounding bushland.

Initial Notification

An initial notification was carried out based on the original version of the draft Planning Proposal for a period of 14 days from 9 July to 23 July 2019.



Letters were sent to adjoining properties and notices were placed in the local newspaper and on Council's website. Nine submissions were received raising objections to the draft Planning Proposal. The issues raised in the submissions are summarised below:

- The proposed zoning change is inconsistent with the character of Manooka Valley;
- The proposed minimum lot size is inconsistent with surrounding residential dwellings;
- Concerns that the environmental value of the site will be degraded and disturbed as a result of proposed development; and
- Concerns regarding insufficient public infrastructure to support the proposed development and traffic impacts from the proposed development.

Officer Comment

The revised proposal seeks to retain the existing E2 Environmental Conservation and E4 Environmental Living zones which is consistent with the Manooka Valley planning principles set out in Camden DCP 2019.

The revised minimum lot size of 500m² is consistent with the established character of nearby residential neighbourhoods.

This traffic assessment concluded the proposal will not generate significant impacts on the existing road network, whilst noting the intersection of Narellan and Hartley Road is operating at capacity and further traffic assessment may be required to consider the cumulative impacts.

A formal public exhibition will occur subject to endorsement of the draft Planning Proposal and receipt of a favourable Gateway Determination. Submitters to the initial notification stage will be advised of any future public exhibition.

Assessment of Planning Merit

The draft Planning Proposal has been assessed against key strategic documents, including the Greater Sydney Region Plan, the Western City District Plan, Community Strategic Plan and draft Camden Local Strategic Planning Statement.

It is considered that the draft Planning Proposal demonstrates planning merit to proceed to Gateway Determination for the following reasons:

- The residential character of the E4 Environmental Living zone and surrounds has changed significantly since the South West Growth Area rezoning in 2007;
- The proposed minimum lot size of 500m² is consistent with the character of the surrounding area;
- The draft proposal complies with the planning principles for Manooka Valley outlined in the Camden DCP 2019;
- The draft proposal will facilitate additional dwellings in proximity to existing infrastructure and facilities; and
- The draft proposal is consistent with the Region and District Plans, in addition to local strategic plans and their relevant objectives.

The draft Planning Proposal responds to the Panel's recommendations in retaining the existing zoning to protect the CPW on the site and providing an appropriate transition from the proposed residential lots to the surrounding bushland.

Next steps

Subject to Council endorsement, the draft Planning Proposal will be submitted to DPIE for a Gateway Determination. If a favourable Gateway Determination is received, relevant agencies will be consulted and the draft Planning Proposal will be placed on public exhibition. A further report will be submitted to Council upon completion of the public exhibition if unresolved submissions are received.

FINANCIAL IMPLICATIONS

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

CONCLUSION

The draft Planning Proposal seeks to amend the Camden LEP by amending the minimum lot size from 1,500m² and 900m² to 500m² to facilitate the development of approximately 17 residential lots.

Council officers have assessed the draft Planning Proposal and consider the proposal demonstrates planning merit to proceed to Gateway Determination, as outlined in this report.

RECOMMENDED

That Council:

- i. endorse the draft Planning Proposal for land at A Saddle Close Currans Hill to be forwarded to the Department of Planning, Industry and Environment for Gateway Determination and advise that Council will be using its delegation pursuant to Section 2.4 of the Environmental Planning and Assessment Act 1979;**
- ii. subject to receiving a Gateway Determination from the Department of Planning, Industry and Environment proceed to public exhibition in accordance with the requirements of the Gateway Determination;**
- iii. subject to no unresolved submissions being received, forward the draft Planning Proposal for Part Lot 627 DP 1163903, A Saddle Close, Currans Hill to the Department of Planning, Industry and Environment for the plan to be made; or**
- iv. if unresolved submissions are received, consider a further report outlining the results of the public exhibition; or**
- v. should the draft Planning Proposal not receive a Gateway Determination, notify the proponent that the draft Planning Proposal will not proceed.**



ATTACHMENTS

1. Planning Proposal and Specialist Studies Saddle Close
2. Assessment Against Key Strategic Document- 11 Feb 2020
3. Draft Indicative Layout Plan
4. CLPP Closed Minutes 20 August 2019 Saddle Close

ORDINARY COUNCIL

ORD02

SUBJECT: ALAN BAKER ART GALLERY - APPOINTMENT OF DIRECTORS AND OTHER MATTERS

FROM: Director Customer & Corporate Strategy

TRIM #: 19/373743

PURPOSE OF REPORT

This report recommends that Council appoint directors to the board of the proposed Macaria Gallery Ltd and note other matters related to the establishment of the legal structure for the Alan Baker Art Gallery.

BACKGROUND

At its ordinary meeting of 28 February 2017, Council adopted a legal structure for the establishment of the Alan Baker Art Gallery.

At its ordinary meeting of 28 November 2017, Council was presented with a draft constitution for Macaria Gallery Ltd (the Company), the proposed corporate trustee of the proposed Alan Baker Art Gallery Trust, together with a draft deed to establish the Trust. At that meeting, Council resolved to:

- i. approve the proposed constitution, trust deed and lease;*
- ii. authorise the General Manager, or his delegate, to:*
 - a. submit the proposed constitution, trust deed and any related documentation to the Office of Local Government seeking the approval of the Minister for Local Government for the establishment of the legal structure under s 358 of the Local Government Act 1993;*
 - b. negotiate such amendments as are considered appropriate to finalise documentation and to obtain Ministerial approval;*
 - c. after Ministerial approval has been obtained, do all things necessary to incorporate the trustee corporation and establish the trust and the lease.*
- iii. receive further information confirming the completion of the above steps.*

While awaiting the approval from the Minister for Local Government and the establishment of the proposed legal structure, the Alan Baker Art Gallery commenced operating in the Macaria building in John Street, Camden from 1 March 2018. A collection of Alan Baker artworks was provided on loan from Mr Max Tegel and Mr Gary Baker (the donors). This arrangement continues to date pending the establishment of the proposed legal structure.

Final Ministerial approval for the legal structure and documentation was obtained on 28 February 2019, subject to minor amendments requested by the Minister. Since then, detailed negotiations on the implementation of the legal structure have taken place between Council officers and the donors and have now concluded. The implementation process has been reviewed and endorsed by both parties' solicitors.



A Councillor briefing was held on this matter on 4 February 2020.

MAIN REPORT

Ministerial approval and amendments

The Minister's approval imposed additional conditions, being:

- (1) preventing the company from forming or participating in the formation of a corporation, or acquiring a controlling interest in a corporation, and
- (2) requiring that the constitution and trust deed cannot be amended without the prior written consent of the Minister.

The additional conditions have been reflected in the amended trust deed and constitution. These documents are provided for information as attachments 1 and 2 to this report with the additional conditions highlighted in yellow (refer sections 10(1), (2) and (4) of the trust deed and sections 4.2 and 20 of the constitution).

Appointment of directors

To establish the Company, an initial board of directors will need to be appointed under the Company's constitution, and it is proposed to appoint the following:

- Three elected Councillors (which may include the Mayor)
- Mr Gary Baker (as Alan Baker's lineal descendant)
- Mr Max Tegel (as representative of the Tegel family).

Notes concerning directors

Since the Ministerial approval, it has become apparent that the constitution approved by the Minister would benefit from further minor but important changes. These amendments are supported by Council officers, the donors and the parties' lawyers.

Firstly, the constitution currently does not provide a process for when a Tegel or Baker director passes away and a new director is to be appointed in their place.

Secondly, the constitution, as originally drafted by the donors' solicitors, envisaged that a lineal descendant of Alan Baker and a lineal descendant of Max Tegel would be directors of the Company in addition to the Council nominated directors. However, upon review and in the absence of an available lineal descendant of Mr Max Tegel, it is proposed to include Mr Max Tegel himself on the board of the Company. It is therefore recommended to appoint Mr Max Tegel as a director at this time as well as Mr Gary Baker, the lineal descendant of Alan Baker.

The solicitors of both parties have endorsed the appointment of Mr Max Tegel as a director as outlined above.

It is recommended to amend the constitution to clarify these matters after the Company is incorporated. After incorporation, amendments to the constitution will require the Company to make a further application for Ministerial approval.

FINANCIAL IMPLICATIONS

Council will incur minimal costs associated with the maintenance of the legal structure for the Alan Baker Art Gallery which will be covered from existing budget allocations.

CONCLUSION

A legal structure for the Alan Baker Art Gallery has been previously approved by Council. Ministerial consent has been received subject to making amendments to the Company's constitution and the trust deed as noted in this report. Directors now need to be appointed and the incorporation process completed.

This report recommends Council note the Minister's approval of the legal structure for the Alan Baker Art Gallery and that 3 Councillors, Gary Baker and Max Tegel be appointed as directors to the Board.

RECOMMENDED

That Council:

- i. note that Ministerial approval to establish the legal structure for the Alan Baker Art Gallery has been received subject to the inclusion of additional conditions, as outlined in this report;**
- ii. nominate and appoint three Councillors as directors of the Company; and**
- iii. accept the application/request to become directors from Gary Baker and Max Tegel and appoint them as directors of the company, in addition to the directors in (ii) above.**

ATTACHMENTS

- 1. Trust Deed - Alan Baker Art Gallery Trust 29/01/2020**
- 2. Constitution - Macaria Gallery Ltd 29/01/2020**



ORDINARY COUNCIL

ORD03

SUBJECT: DELEGATIONS TO THE MAYOR - CHRISTMAS/NEW YEAR PERIOD
FROM: Director Customer & Corporate Strategy
TRIM #: 20/10661

PURPOSE OF REPORT

This report informs Council about the exercise of the delegation to the Mayor or Deputy Mayor (in the absence of the Mayor) over the Christmas/New Year period.

BACKGROUND

In order for urgent matters to be attended to during the Council recess over the Christmas/New Year period, the Council, at its meeting of 10 December 2019, delegated to the Mayor and Deputy Mayor (in the absence of the Mayor) the ability to approve urgent matters during that recess period as provided under sections 226 and 377 of the *Local Government Act 1993*.

A condition of the delegation was that Council be informed of any use of the delegation in a report to the 11 February 2020 Council meeting.

MAIN REPORT

During the recess period, the Mayor exercised the delegations granted on 10 December 2019 on one occasion as follows:

On 20 January 2019, the Mayor used her delegation to execute a Deed of Agreement for Council to accept \$200,000 in grant funding from the NSW State Government's "Waste Less Recycle More", Community Recycling Centres Grants Program.

The grant funding will support the construction of a Community Recycling Centre within Council's Operations Depot for the collection and disposal of hazardous waste such as paint, oil and batteries for residents in the Camden LGA.

Formal advice regarding Council being awarded the \$200,000 grant was only received on 20 December 2019, after Council's last meeting in 2019.

Accordingly, the use of the Mayor's delegation was necessary to ensure Council's acceptance of the grant was submitted by the due date of 24 January 2020.

FINANCIAL IMPLICATIONS

Other than the acceptance of the grant funding, there are no financial implications arising from this report.

CONCLUSION

The exercise of the Mayoral delegation enabled Council to accept \$200,000 in grant funding from the NSW State Government.

RECOMMENDED

That the use of the Mayoral Delegation as outlined in this report be noted.

ORDINARY COUNCIL

ORD04

SUBJECT: INVESTMENT MONIES - NOVEMBER 2019
FROM: Director Customer & Corporate Strategy
TRIM #: 20/21148

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 30 November 2019 is provided.

MAIN REPORT

The weighted average return on all investments was 2.37% p.a. for the month of November 2019. The industry benchmark for this period was 1.00% (Ausbond Bank Bill Index).

The Responsible Accounting Officer (the Chief Financial Officer) has 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.

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

RECOMMENDED

That Council:

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. note the list of investments for November 2019; and**
- iii. note the weighted average interest rate return of 2.37% p.a. for the month of November 2019.**

ATTACHMENTS

1. Investment Report - November 2019



ORDINARY COUNCIL

ORD05

SUBJECT: INVESTMENT MONIES - DECEMBER 2019
FROM: Director Customer & Corporate Strategy
TRIM #: 20/21150

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 December 2019 is provided.

MAIN REPORT

The weighted average return on all investments was 2.19% p.a. for the month of December 2019. The industry benchmark for this period was 0.85% (Ausbond Bank Bill Index).

The Responsible Accounting Officer (the Chief Financial Officer) has 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.

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

RECOMMENDED

That Council:

- i. **note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act 1993*, Regulations, and Council's Investment Policy;**
- ii. **note the list of investments for December 2019; and**
- iii. **note the weighted average interest rate return of 2.19% p.a. for the month of December 2019.**

ATTACHMENTS

1. Investment Report - December 2019

ORDINARY COUNCIL

ORD06

SUBJECT: AMENDED OUTDOOR DINING POLICY
FROM: Director Customer & Corporate Strategy
TRIM #: 19/392110

PURPOSE OF REPORT

The purpose of this report is for Council to consider minor changes to the current Outdoor Dining Policy.

BACKGROUND

Council adopted its first Outdoor Dining Policy (the Policy) in 2014, primarily due to changes in legislation which made outdoor dining an exempt development, which no longer required a development consent. Before the Outdoor Dining Policy Council administered approval for outdoor dining via development consents granted pursuant to the *Environmental Planning and Assessment Act 1979*.

The key objectives of the Policy are to:

- Provide clear guidelines with respect to Council's expectations in relation to outdoor dining;
- To set a high standard of accessibility and public safety for the community;
- To ensure that adequate and safe space is maintained for pedestrian access and circulation; and
- To ensure that outdoor dining areas are maintained in a clean and tidy manner.

As part of the normal review process for Council policies the Outdoor Dining Policy has been reviewed with some minor changes being recommended as discussed in this report.

A Councillor briefing on changes to the adopted policy was held on 26 November 2019.

MAIN REPORT

Following a review of the Policy there are two minor changes recommended as discussed at the Councillor briefing and shown in the table below:

Item	Change from Current Policy
Service of Alcohol in Alcohol Free Zones	Alcohol can be served within Alcohol Free Zones with specific approval, provided the area is delineated with barriers.
Administrative	Terminology amended for ease of interpretation.

A copy of the revised Policy and a version with tracked changes, highlighting the changes, are provided as **attachments 1 and 2** to this report.



Application Process

There are currently 18 businesses with outdoor dining in Camden (LGA). The outdoor dining is primarily in Argyle Street Camden.

The following is provided as an outline of the application process for an Outdoor Dining Approval:

1. Submit an Outdoor Dining Approval application form to Council. Where no concurrence from the RMS is required Council's customer service standard of 10 days would apply to the approval process.
2. Upon receipt of the approval, should the restaurant/café wish to serve alcohol, they will be required to apply to Liquor & Gaming NSW for an amendment to the Liquor Licence boundary to include the approved outdoor dining area. As part of that process a referral is made to Council to ensure the application to Liquor and Gaming is consistent with Council's operational approvals.

It should be noted that during the period of major works in Argyle Street and the Oxley Street carpark the Policy was not widely promoted. Those works are now completed.

Implementation of the Policy

It is recommended that as part of promoting the amended Policy, Council endorse a 12-month moratorium on all fees. In accordance with Council's adopted fees and charges the following fees apply:

- Application Fee - \$250 (valid for 7 years)
- Cost per year - \$55m2

A communications plan has been developed to inform business owners of their responsibility under the amended Policy. The communications plan includes advertising, face to face communication, written correspondence and factsheets on Council's website. Council Officers will also work with business owners to assist with the lay-out of their outdoor dining as part of the approval process.

It is recommended that the amended Outdoor Dining Policy be placed on public exhibition for a period of 28 days. During the exhibition period Council will consult with the affected businesses.

FINANCIAL IMPLICATIONS

The impact of a 12-month moratorium on fees is not material to Council's budget due to the limited number of businesses with outdoor dining.

CONCLUSION

This report recommends the amended Policy be placed on public exhibition to receive feedback from the community before the Policy is implemented, and that a 12-month moratorium on fees relating to the Outdoor Dining Policy be endorsed.

RECOMMENDED

That Council:

- i. place the amended Outdoor Dining Policy on public exhibition for 28 days;**
- ii. adopt the amended Outdoor Dining Policy as attached to this report, if no unresolved submissions are received;**
- iii. consider a further report on the matter, if any unresolved submissions are received during the public exhibition period;**
- iv. endorse a 12-month moratorium on fees relating to Outdoor Dining; and**
- v. receive a further report on the implementation of the Outdoor Dining Policy after the 12-month moratorium period.**

ATTACHMENTS

- 1. Outdoor Dining Policy - Clean Copy**
- 2. Outdoor Dining Policy - Tracked Changes**

ORDINARY COUNCIL

ORD07

SUBJECT: ACCEPTANCE OF GRANT FUNDING - COMMUNITIES ENVIRONMENT PROGRAM

FROM: Director Community Assets

TRIM #: 19/395538

PURPOSE OF REPORT

The purpose of this report is to seek Council's acceptance of grant funding from the Department of Industry, Science and Innovation's Communities Environment Program to install floating wetlands at Harrington Park Wetland, Harrington Park.

BACKGROUND

The Communities Environment Program was developed to support small scale, community-led environmental projects that address local environmental priorities.

Funded projects should deliver positive environmental and social outcomes, and give communities the resources, skills and knowledge to care for the environment. Funding of up to \$20,000 was made available, with applicants invited to apply by their local MP. Projects under this grant program must be completed by 31 December 2020.

MAIN REPORT

The Harrington Park Lake system (**Figure 1**) is an environmentally and socially important local waterway. However, its location in a developed catchment means that it receives high nutrient and pollutant loads and has experienced recent blue-green algal blooms.



Figure 1: Harrington Park Lake System

Council has been successful in receiving \$20,000 in grant funding under the Communities Environment Program to install floating wetlands within Harrington Park Wetland, Harrington Park (**Figure 2**).



Figure 2: Harrington Park Lake wetland

The floating wetland will improve water quality by removing nutrients from stormwater entering the Harrington Park Lake system and will be complemented with a community education program to reduce water pollution at the source.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report. Grant funds will cover the costs associated with the installation of the wetland. Funds required for project administration and community education is available from within the existing Council budget.

CONCLUSION

Council has been successful in securing \$20,000 in grant funding from the Australian Government's Communities Environment Program to install a floating wetland in Harrington Park Wetland, Harrington Park.

It is recommended that Council accept the grant funding and write to Dr Mike Frelander MP, Member for Macarthur to thank him for his support and write to the Hon. Sussan Ley, Minister for the Environment, thanking her for the funding.

RECOMMENDED

That Council:

- i. accept the grant funding of \$20,000 under the Communities Environment Program for the installation of floating wetlands at Harrington Park Wetland, Harrington Park;**
- ii. write to the Hon. Sussan Ley, Minister for the Environment, thanking her for the funding; and**
- iii. write to Dr Mike Frelander MP, Member for Macarthur thanking him for his support.**



ORDINARY COUNCIL

ORD08

SUBJECT: MINUTES OF THE 30 SEPTEMBER 2019 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING

FROM: General Manager

TRIM #: 20/3255

PURPOSE OF REPORT

The purpose of this report is to provide Council with the minutes of the 30 September 2019 Audit, Risk and Improvement Committee meeting.

BACKGROUND

Council endorsed the implementation of a Business Assurance and Risk Management framework in June 2014. This framework included the establishment of a Business Assurance and Risk Committee (renamed to Audit, Risk and Improvement Committee).

Council resolved to adopt the Committee's current Audit, Risk and Improvement Committee Charter on 9 April 2019. The Charter includes a requirement to report draft minutes to Councillors via the Councillor Update, and to subsequently report the final minutes to Council for noting after they have been approved at the next Audit, Risk and Improvement Committee meeting.

MAIN REPORT

The Audit, Risk and Improvement Committee met on 30 September 2019. This meeting was predominantly dedicated to the review of Council's financial statements and external audit results. The agenda discussed at the meeting included:

- Review of financial statements and external audit reports for the year ended 30 June 2019
- Other audit and risk related matters.

The draft minutes of the 30 September 2019 Committee meeting were circulated to Councillors as part of the Weekly Councillor Update on 25 October 2019 and subsequently approved at the 11 December 2019 Committee meeting. The approved minutes are provided as an **attachment** to this report.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.

CONCLUSION

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

RECOMMENDED

That Council note the Minutes of the Audit, Risk and Improvement Committee meeting of 30 September 2019.

ATTACHMENTS

1. Minutes of the 30 September 2019 Audit, Risk and Improvement Committee meeting